

ACT 61

H.B. NO. 300

A Bill for an Act Relating to the Judiciary.

Be It Enacted by the Legislature of the State of Hawaii:

PART I GENERAL PROVISIONS

SECTION 1. This Act shall be known and may be cited as the Judiciary Appropriations Act of 2011.

SECTION 2. Unless otherwise clear from the context, as used in this Act:

(a) "Program ID" means the unique identifier for the specific program, and consists of the abbreviation for the judiciary (JUD) followed by a designated number for the program.

(b) "Means of Financing," or "MOF," means the source from which funds are appropriated, or authorized, as the case may be, to be expended for the programs and projects specified in this Act. All appropriations are followed by letter symbols. The letter symbols, where used, shall have the following meanings:

- A General funds
- B Special funds
- C General obligation bond funds
- N Other federal funds
- W Revolving funds

(c) "Position ceiling" means the maximum number of permanent positions authorized for a particular program during a specified period or periods, as noted by an asterisk.

PART II PROGRAM APPROPRIATIONS

SECTION 3. The following sums, or so much thereof as may be sufficient to accomplish the purposes and programs designated herein, are appropriated or authorized from the sources of funding specified to the judiciary for the fiscal biennium beginning July 1, 2011, and ending June 30, 2013. The total expenditures and the number of permanent positions established in each fiscal year of the fiscal biennium shall not exceed the sums and the position ceilings indicated for each year, except as provided in this Act.

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL M	FISCAL M
				YEAR O	YEAR O
				2011-2012 F	2012-2013 F
The Judicial System					
1.	JUD101 - COURTS OF APPEAL				
	OPERATING		JUD	79.00 *	79.00 *
			JUD	6,835,851 A	6,835,851 A
				243,261 W	243,261 W
2.	JUD310 - FIRST JUDICIAL CIRCUIT				
	OPERATING		JUD	1,057.50 *	1,057.50 *
				71,483,812 A	71,483,812 A
				41.00 *	41.00 *
			JUD	4,002,620 B	4,002,620 B
3.	JUD320 - SECOND JUDICIAL CIRCUIT				
	OPERATING		JUD	205.00 *	205.00 *
				14,777,500 A	14,777,500 A
4.	JUD330 - THIRD JUDICIAL CIRCUIT				
	OPERATING		JUD	223.00 *	223.00 *
				17,416,310 A	17,416,310 A
5.	JUD350 - FIFTH JUDICIAL CIRCUIT				
	OPERATING		JUD	97.00 *	97.00 *
				6,709,385 A	6,709,385 A
6.	JUD501 - JUDICIAL SELECTION COMMISSION				
	OPERATING		JUD	1.00 *	1.00 *
				90,248 A	90,248 A
7.	JUD601 - ADMINISTRATION				
	OPERATING		JUD	213.00 *	213.00 *
				15,352,551 A	15,352,551 A
				1.00 *	1.00 *
			JUD	6,930,290 B	6,930,290 B
			JUD	100,000 W	100,000 W
	INVESTMENT CAPITAL		JUD	17,074,000 C	14,350,000 C

PART III PROGRAM PROVISIONS

SECTION 4. Provided that whenever the need arises, the chief justice, in administering an equitable and expeditious judicial process, is authorized to transfer sufficient funds and positions between programs for operating purposes; and provided further that no transfer shall be made to implement any collective bargaining contract signed after this legislature adjourns sine die.

SECTION 5. Provided that if the chief justice, or any agency, or any government unit secures federal funds or other property under any act of Congress, or any funds or other property from private organizations or individuals that are to be expended in connection with any program or works authorized by this Act, or otherwise, the chief justice, or the agency with the chief justice's approval, shall have the power to enter into the undertaking with the federal government, private organization, or individual.

SECTION 6. Provided that the judiciary is authorized to transfer savings from its general fund appropriation to the driver education special fund to accommodate any temporary cash flow deficits.

PART IV CAPITAL IMPROVEMENT PROJECTS

SECTION 7. The sum of \$31,424,000 appropriated or authorized in part II of this Act for capital improvement projects shall be expended by the judiciary for the projects listed below; provided that several related or similar projects may be combined into a single project, if a combination is advantageous or convenient for implementation; and provided further that the total cost of the projects thus combined shall not exceed the total of the sums specified for the projects separately. The amount after each cost element and the total funding for each project listed in this part is in thousands of dollars.

CAPITAL IMPROVEMENT PROJECTS

				APPROPRIATIONS (IN 000'S)	
ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	FISCAL M YEAR O 2011-2012 F	FISCAL M YEAR O 2012-2013 F
A. ECONOMIC DEVELOPMENT					
JUD601 - ADMINISTRATION					
1.		KAAHUMANU HALE ROOF AND LANAI UPGRADES AND IMPROVEMENTS, OAHU			
		PLANS, DESIGN, AND CONSTRUCTION FOR ROOF AND LANAI UPGRADES AND IMPROVEMENTS AT KAAHUMANU HALE, OAHU.			
		PLANS		80	
		DESIGN		360	
		CONSTRUCTION		4,205	
		TOTAL FUNDING JUD		4,645 C	C
2.		KONA JUDICIARY COMPLEX, HAWAII			
		LAND AND DESIGN FOR A NEW JUDICIARY COMPLEX AT KONA, HAWAII.			
		LAND		4,500	
		DESIGN			7,500
		TOTAL FUNDING JUD		4,500 C	7,500 C
3.		KAPUAIWA BUILDING WINDOW REPLACEMENT AND UPGRADE, OAHU			
		DESIGN AND CONSTRUCTION FOR REPLACEMENT AND UPGRADE OF WINDOWS AT KAPUAIWA BUILDING, OAHU.			
		DESIGN		185	
		CONSTRUCTION			1,850
		TOTAL FUNDING JUD		185 C	1,850 C
4.		KAUIKEAOULI HALE CELLBLOCK UPGRADE AND IMPROVEMENTS, OAHU			
		PLANS AND DESIGN FOR SECURITY-RELATED UPGRADE AND IMPROVEMENTS TO THE MAIN CELLBLOCK AND CUSTODY HOLDING AREAS AT KAUIKEAOULI HALE, OAHU.			
		PLANS		65	
		DESIGN		240	
		TOTAL FUNDING JUD		305 C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O	FISCAL M YEAR O
				2011-2012 F	2012-2013 F
5.		KAAHUMANU HALE FIRE ALARM SYSTEM UPGRADE AND IMPROVEMENTS, OAHU			
		PLANS AND DESIGN FOR FIRE ALARM SYSTEMS UPGRADE AND IMPROVEMENTS AT KAAHUMANU HALE, OAHU.			
		PLANS		7	
		DESIGN		140	
		TOTAL FUNDING	JUD	147 C	C
6.		KAAHUMANU HALE ELEVATOR SYSTEM UPGRADE AND MODERNIZATION, OAHU			
		PLANS AND DESIGN FOR UPGRADES AND MODERNIZATION TO THE ELEVATORS AT KAAHUMANU HALE, OAHU.			
		PLANS		22	
		DESIGN		270	
		TOTAL FUNDING	JUD	292 C	C
7.		LUMP SUM CIP FOR JUDICIARY FACILITIES, STATEWIDE			
		PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT FOR THE GENERAL ALTERATIONS, UPGRADES, AND IMPROVEMENTS TO JUDICIARY FACILITIES, STATEWIDE.			
		PLANS		250	250
		DESIGN		2,250	2,250
		CONSTRUCTION		2,250	2,250
		EQUIPMENT		250	250
		TOTAL FUNDING	JUD	5,000 C	5,000 C
8.		WAHIAWA COURT FACILITY, OAHU			
		PLANS AND DESIGN FOR A PERMANENT COURT FACILITY FOR WAHIAWA, OAHU.			
		PLANS		1	
		DESIGN		1,999	
		TOTAL FUNDING	JUD	2,000 C	C

PART V ISSUANCE OF BONDS

SECTION 8. General obligation bonds may be issued, as provided by law, to yield the amount that may be necessary to finance projects authorized in part II and listed in part IV of this Act; provided that the sum total of the general obligation bonds so issued shall not exceed \$31,424,000.

PART VI SPECIAL PROVISIONS

SECTION 9. Any law or any provision of this Act to the contrary notwithstanding, the appropriations made for capital improvement projects authorized in part II and listed in part IV of this Act shall not lapse at the end of the fiscal year for which the appropriations are made; provided that all appropriations made for fiscal year 2011-2012 and fiscal year 2012-2013 that are unencumbered as of June 30, 2014, shall lapse as of that date.

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SECTION 10. The judiciary is authorized to delegate to other state or county agencies the planning, acquisition of land, design, construction, and equipment of any capital improvement project when it is determined by the judiciary to be advantageous to do so.

SECTION 11. All unrequired balances in the general obligation bond fund, after the objectives of part II appropriations for capital improvements program purposes listed as projects in part IV of this Act have been met, shall be transferred to the judiciary project adjustment fund.

SECTION 12. If the amount allocated from the general obligation bond fund for a capital improvement project listed in part IV of this Act is insufficient, the chief justice may make supplemental allotments from the project adjustment fund; provided that supplemental allotments shall not be used to increase the scope of the project.

SECTION 13. Where it has been determined that changed conditions, such as reduction in the particular population being served, permit the reduction in the scope of a project listed in part IV of this Act, the chief justice may authorize such reduction of project scope.

SECTION 14. The chief justice shall determine when and the manner in which the authorized capital improvement projects shall be initiated. The chief justice shall notify the governor from time to time of the specific amounts required for the projects, and the governor shall provide for those amounts through the issuance of bonds authorized in part V of this Act.

SECTION 15. Any law or any provision of the law to the contrary notwithstanding, the chief justice may supplement funds for any cost element for a capital improvement project authorized under this Act by transferring such sums as may be needed from the funds appropriated for other cost elements of the same project by this Act or by any other prior or future Act that have not lapsed; provided that the total expenditure of funds for all cost elements for the project shall not exceed the total appropriation for that project.

PART VII MISCELLANEOUS PROVISIONS AND EFFECTIVE DATE

SECTION 16. If any portion of this Act or its application to any person or circumstances is held to be invalid for any reason, the remainder of this Act and any provision thereof shall not be affected. If any portion of a specific appropriation is held to be invalid for any reason, the remaining portion shall be independent of the invalid portion and shall be expended to fulfill the objective and intent of the appropriation to the extent possible.

SECTION 17. If any manifest clerical, typographical, or other mechanical error is found in this Act, the chief justice is authorized to correct the error. All changes made pursuant to this section shall be reported to the legislature at its next regular session.

SECTION 18. This Act shall take effect on July 1, 2011.

(Approved May 26, 2011.)