

---

---

# A BILL FOR AN ACT

RELATING TO THE JUDICIARY.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1                                   PART I.   GENERAL PROVISIONS

2           SECTION 1.   This Act shall be known and may be cited as the  
3   Judiciary Appropriations Act of 2007.

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

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

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

- 14           A    General funds  
15           B    Special funds  
16           C    General obligation bond funds  
17           N    Other federal funds  
18           W    Revolving funds



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

4 PART II. PROGRAM APPROPRIATIONS

5 SECTION 3. The following sums, or so much thereof as may  
 6 be sufficient to accomplish the purposes and programs designated  
 7 herein, are appropriated or authorized from the sources of  
 8 funding specified to the judiciary for the fiscal biennium  
 9 beginning July 1, 2007, and ending June 30, 2009. The total  
 10 expenditures and the number of permanent positions established  
 11 in each fiscal year of the fiscal biennium shall not exceed the  
 12 sums and the position ceilings indicated for each year, except  
 13 as provided in this Act.

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	A P P R O P R I A T I O N S			
				FISCAL YEAR 2007-08	M O F	FISCAL YEAR 2008-09	M O F
14		The Judiciary System					
15							
16	1.	JUD101 - COURTS OF APPEAL					
17				81.00	*	81.00	*
18		OPERATING	JUD	7,012,669	A	7,052,442	A
19			JUD	243,261	W	243,261	W
20							
21	2.	JUD310 - FIRST CIRCUIT					
22							
23				1077.50	*	1077.50	*



1	OPERATING	JUD	71,034,339	A	69,615,598	A
2			40.00	*	40.00	*
3		JUD	3,515,326	B	3,515,326	B
4						
5	3. JUD320 - SECOND CIRCUIT					
6			215.00	*	216.00	*
7	OPERATING	JUD	14,662,020	A	14,684,855	A
8						
9	4. JUD330 - THIRD CIRCUIT					
10			222.00	*	222.00	*
11	OPERATING	JUD	17,997,049	A	17,772,248	A
12						
13	5. JUD350 - FIFTH CIRCUIT					
14			98.00	*	98.00	*
15	OPERATING	JUD	6,878,391	A	6,898,490	A
16						
17	6. JUD601 - ADMINISTRATION					
18			226.00	*	226.00	*
19	OPERATING	JUD	20,754,890	A	20,419,053	A
20			1.00	*	1.00	*
21		JUD	5,554,237	B	5,554,237	B
22		JUD	100,000	W	100,000	W
23	INVESTMENT CAPITAL	JUD	2,520,000	C	3,000,000	C

24 PART III. PROGRAM PROVISIONS

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

31 SECTION 5. Provided that if the chief justice, or any  
 32 agency, or any government unit secures federal funds or other  
 33 property under any act of Congress, or any funds or other



1 property from private organizations or individuals which are to  
 2 be expended in connection with any program or works authorized  
 3 by this Act, or otherwise, the chief justice, or the agency with  
 4 the chief justice's approval, shall have the power to enter into  
 5 the undertaking with the federal government, private  
 6 organization, or individual; and provided further that while  
 7 most federal aid allocations are known and state matching funds  
 8 are provided in this Act, in instances where programs for which  
 9 federal-state cost sharing is not yet determined, the  
 10 availability of federal funds shall be construed as a  
 11 proportionate reduction of state costs whenever possible.

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

16 PART IV. CAPITAL IMPROVEMENT PROJECTS

17 SECTION 7. The sum of \$5,520,000 appropriated or  
 18 authorized in part II of this Act for capital improvement  
 19 projects shall be expended by the judiciary for the projects  
 20 listed below; provided that several related or similar projects  
 21 may be combined into a single project, if a combination is  
 22 advantageous or convenient for implementation; and provided



1 further that the total cost of the projects thus combined shall  
 2 not exceed the total of the sums specified for the projects  
 3 separately. The amount after each cost element and the total  
 4 funding for each project listed in this Part is in thousands of  
 5 dollars.

**CAPITAL IMPROVEMENT PROJECTS**

ITEM NO.	CAPITAL PROJECT NO. TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)				
			FISCAL YEAR 2007-08	M O F	FISCAL YEAR 2008-09	M O F	
6	THE JUDICIAL SYSTEM						
7							
8	JUD601 - ADMINISTRATION						
9							
10	1. KAPOLEI JUDICIARY COMPLEX, OAHU						
11							
12	PLANS, LAND, DESIGN, CONSTRUCTION,						
13	AND EQUIPMENT FOR THE KAPOLEI						
14	JUDICIARY COMPLEX, O'AHU.						
15	PLANS		0				
16	LAND		0				
17	DESIGN		0				
18	CONSTRUCTION		0				
19	EQUIPMENT		0				
20	TOTAL FUNDING	JUD	0	C		0	C
21							
22	2. KONA JUDICIARY COMPLEX, HAWAI'I						
23							
24	PLANS, LAND, AND DESIGN FOR A NEW						
25	JUDICIARY COMPLEX AT KONA, HAWAI'I						
26	PLANS					0	
27	LAND					0	
28	DESIGN					0	
29	TOTAL FUNDING	JUD	0	C		0	C
30							



1	3.	KEAKEALANI BUILDING (KONA) COURT						
2		FACILITIES IMPROVEMENTS, HAWAII						
3								
4		PLANS, DESIGN, CONSTRUCTION, AND						
5		EQUIPMENT FOR GENERAL IMPROVEMENTS						
6		TO JUDICIARY FACILITIES AT THE						
7		KEAKEALANI BUILDING IN KEALAKEKUA,						
8		HAWAI'I						
9		PLANS			5			
10		DESIGN			10			
11		CONSTRUCTION			1,000			
12		EQUIPMENT			5			
13		TOTAL FUNDING	JUD		1,020	C	0	C
14								
15	4.	STATUS OFFENDER SHELTER AND JUVENILE						
16		SERVICES CENTER, O'AHU						
17								
18		PLANS, LAND, AND DESIGN FOR THE						
19		DEVELOPMENT OF A NEW STATUS						
20		OFFENDER SHELTER AND JUVENILE						
21		SERVICES CENTER, O'AHU						
22		PLANS					450	
23		LAND					40	
24		DESIGN					10	
25		TOTAL FUNDING	JUD		0	C	500	C
26								
27	5.	LUMP SUM CIP - RENOVATIONS, REPAIRS,						
28		AND IMPROVEMENTS TO JUDICIARY FACILITIES,						
29		STATEWIDE						
30								
31		PLANS, DESIGN, CONSTRUCTION, AND						
32		EQUIPMENT FOR RENOVATIONS, REPAIRS,						
33		AND IMPROVEMENTS TO JUDICIARY						
34		FACILITIES.						
35		PLANS			100		250	
36		DESIGN			300		500	
37		CONSTRUCTION			1,000		1,500	
38		EQUIPMENT			100		250	
39		TOTAL FUNDING	JUD		1,500	C	2,500	C
40								



1 6. MASTER PLANNING FOR JUDICIARY  
2 FACILITIES, STATEWIDE

3  
4 PLANS, LAND, AND DESIGN FOR MASTER  
5 PLANNING FOR CAPITAL IMPROVEMENTS  
6 AND OTHER PHYSICAL FACILITIES-  
7 RELATED PROJECTS FOR THE JUDICIARY,  
8 STATEWIDE

9							
10	PLANS					0	
11	LAND					0	
12	DESIGN					0	
13	TOTAL FUNDING	JUD	0	C		0	C

14 PART V. ISSUANCE OF BONDS

15 SECTION 8. General obligation bonds may be issued, as  
16 provided by law, to yield the amount that may be necessary to  
17 finance projects authorized in part II and listed in part IV of  
18 this Act; provided that the sum total of the general obligation  
19 bonds so issued shall not exceed \$5,520,000.

20 PART VI. SPECIAL PROVISIONS

21 SECTION 9. Any law or any provision of this Act to the  
22 contrary notwithstanding, the appropriations made for capital  
23 improvement projects authorized in part II and listed in part IV  
24 of this Act shall not lapse at the end of the fiscal year for  
25 which the appropriations are made; provided that all  
26 appropriations made for fiscal year 2007-2008 and fiscal year  
27 2008-2009 which are unencumbered as of June 30, 2010, shall  
28 lapse as of that date.



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

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

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

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



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

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

16 PART VII. MISCELLANEOUS PROVISIONS AND EFFECTIVE DATE

17 SECTION 16. If any portion of this Act or its application  
 18 to any person or circumstances is held to be invalid for any  
 19 reason, the remainder of the Act and any provision thereof shall  
 20 not be affected. If any portion of a specific appropriation is  
 21 held to be invalid for any reason, the remaining portion shall  
 22 be independent of the invalid portion and shall be expended to



1 fulfill the objective and intent of the appropriation to the  
2 extent possible.

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

8 SECTION 18. This Act shall take effect on July 1, 2007.



**Report Title:**

Judiciary

**Description:**

Provides the judiciary budget for the 2007-2009 biennium.  
(HB1212 HD1)

