

ACT 139

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 2009.

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, 2009, and ending June 30, 2011. 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 YEAR 2009-2010	FISCAL YEAR 2010-2011
The Judicial System					
1.	JUD101	COURTS OF APPEAL			
	OPERATING		JUD	79.00 *	79.00 *
			JUD	7,263,297 A	7,260,041 A
				243,261 W	243,261 W
2.	JUD310	FIRST JUDICIAL CIRCUIT			
	OPERATING		JUD	1,057.50 *	1,057.50 *
			JUD	76,609,271 A	76,668,648 A
				40.00 *	40.00 *
			JUD	3,777,131 B	3,784,971 B

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL M YEAR O 2009-2010 F	FISCAL M YEAR O 2010-2011 F
3.	JUD320 - SECOND JUDICIAL CIRCUIT				
	OPERATING		JUD	205.00* 15,462,417 A	205.00* 15,460,014 A
4.	JUD330 - THIRD JUDICIAL CIRCUIT				
	OPERATING		JUD	223.00* 18,679,648 A	223.00* 18,676,725 A
5.	JUD350 - FIFTH JUDICIAL CIRCUIT				
	OPERATING		JUD	97.00* 7,246,822 A	97.00* 7,245,750 A
6.	JUD501 - JUDICIAL SELECTION COMMISSION				
	OPERATING		JUD	1.00* 99,292 A	1.00* 99,292 A
7.	JUD601 - ADMINISTRATION				
	OPERATING		JUD	213.00* 13,639,253 A	213.00* 13,589,530 A
			JUD	1.00* 8,396,900 B	1.00* 6,930,290 B
			JUD	100,000 W	100,000 W
	INVESTMENT CAPITAL		JUD	9,775,000 C	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 which 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; and provided further that while most federal aid allocations are known and state matching funds are provided in this Act, in instances where programs for which federal-state cost sharing is not yet determined, the availability of federal funds shall be construed as a proportionate reduction of state costs whenever possible.

SECTION 6. Provided that the Judiciary shall prepare a report that shall include but not be limited to the following information:

- (1) The amount collected for bench warrant assessments on traffic cases for the current fiscal year and the previous two fiscal years;
- (2) The number of warrants served for the current fiscal year and the previous two fiscal years;
- (3) The number of warrants outstanding for the current fiscal year and the previous two fiscal years;
- (4) The status of the eBench Warrant Pilot Program;

(5) Determination of success of the program and whether to continue the pilot program; and provided further that the department shall submit the report to the legislature no later than twenty days prior to the convening of the 2010 and 2011 regular sessions.

SECTION 7. Provided that any savings or unrequired balances arising as a result of labor cost reductions pursuant to a collective bargaining agreement from appropriated general funds shall lapse to the general fund.

PART IV. CAPITAL IMPROVEMENT PROJECTS

SECTION 8. The sum of \$9,775,000 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

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2009-2010 F	FISCAL M YEAR O 2010-2011 F
The Judicial System					
JUD601 - ADMINISTRATION					
1.		KAPOLEI JUDICIARY COMPLEX, OAHU			
		PLANS AND DESIGN FOR A NEW ADMINISTRATIVE SERVICES OFFICE BUILDING AT KAPOLEI, OAHU.			
		PLANS		225	
		DESIGN		5	
		TOTAL FUNDING	JUD	230 C	
2.		KAUIKEAOULI HALE ELEVATOR SYSTEMS UPGRADE AND MODERNIZATION, OAHU			
		DESIGN AND CONSTRUCTION FOR UPGRADE AND MODERNIZATION OF THE ELEVATORS AT KAUIKEAOULI HALE, OAHU.			
		DESIGN		245	
		CONSTRUCTION		3,750	
		TOTAL FUNDING	JUD	3,995 C	
3.		KONA JUDICIARY COMPLEX, HAWAII			
		PLANS AND LAND ACQUISITION FOR A NEW JUDICIARY COMPLEX FOR KONA, HAWAII.			
		PLANS		500	
		LAND		50	
		TOTAL FUNDING	JUD	550 C	

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O	FISCAL M YEAR O
				2009-2010 F	2010-2011 F
4.		LUMP SUM CIP FOR JUDICIARY FACILITIES, STATEWIDE			
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR THE REMODELING AND UPGRADING OF JUDICIARY BUILDINGS, STATEWIDE.			
		PLANS		250	
		DESIGN		2,250	
		CONSTRUCTION		2,250	
		EQUIPMENT		250	
		TOTAL FUNDING JUD		5,000 C	C

PART V. ISSUANCE OF BONDS

SECTION 9. 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 \$9,775,000.

SECTION 10. Any law to the contrary notwithstanding, the appropriations under Act 169, Session Laws of Hawaii 2007, section 15, as amended and renumbered by Act 102, Session Laws of Hawaii 2008, section 4, in the amounts indicated or balances thereof, unallotted, allotted, unencumbered, or encumbered and unrequired, are hereby lapsed:

<u>Item No.</u>	<u>Amount (MOF)</u>
JUD601-4	\$ 50,000 C
JUD601-4.01	1,020,000 C"

PART VI. SPECIAL PROVISIONS

SECTION 11. 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 2009-2010 and fiscal year 2010-2011, which are unencumbered as of June 30, 2012, shall lapse as of that date.

SECTION 12. The judiciary is authorized to delegate to other state or county agencies the planning, acquiring of land, designing, constructing, and equipping of any capital improvement project when it is determined by the judiciary to be advantageous to do so.

SECTION 13. 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 14. 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 15. 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 16. 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 17. Any law or any provision of 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 has 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 18. 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 the 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 19. 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 20. This Act shall take effect on July 1, 2009.

(Approved June 22, 2009.)