

ACT 195

S.B. NO. 469

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. SHORT TITLE. This Act shall be known and may be cited as the Judiciary Appropriations Act of 2017.

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

“Means of financing” or “MOF” means the source from which funds are appropriated or authorized 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 federal funds
- P other federal funds
- W revolving funds

“Position ceiling” means the maximum number of permanent and temporary full-time equivalent positions authorized for a particular program during a specified period or periods, as denoted by an asterisk for permanent full-time equivalent positions and a pound sign for temporary full-time equivalent positions.

“Program ID” means the unique identifier for the specific program and consists of the abbreviation for the judiciary (JUD) followed by the organization number for the program.

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, 2017, and ending June 30, 2019. The total expenditures and the number of permanent and temporary full-time equivalent 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 otherwise provided in this Act or as provided by general law.

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2017-2018	FISCAL YEAR 2018-2019
The Judicial System					
1.	JUD101	COURTS OF APPEAL		73.00*	73.00*
	OPERATING		JUD	1.00# 6,926,345 A	1.00# 6,973,769 A
2.	JUD310	FIRST JUDICIAL CIRCUIT		1,085.50*	1,085.50*
	OPERATING		JUD	93.58# 84,618,183 A	93.58# 84,869,401 A
			JUD	41.00* 4,303,649 B	41.00* 4,303,649 B
3.	JUD320	SECOND JUDICIAL CIRCUIT		207.00*	207.00*
	OPERATING		JUD	1.68# 16,897,963 A	1.68# 16,937,804 A

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL M YEAR O 2017-2018 F	FISCAL M YEAR O 2018-2019 F
4.	JUD330	THIRD JUDICIAL CIRCUIT		228.00*	228.00*
		OPERATING	JUD	5.68# 19,970,037 A	5.68# 20,018,501 A
5.	JUD350	FIFTH JUDICIAL CIRCUIT		99.00*	99.00*
		OPERATING	JUD	2.60# 7,765,050 A	2.60# 7,782,815 A
6.	JUD501	JUDICIAL SELECTION COMMISSION		1.00*	1.00*
		OPERATING	JUD	98,790 A	98,790 A
7.	JUD601	ADMINISTRATION		227.00*	227.00*
		OPERATING	JUD	10.48# 26,762,596 A	10.48# 26,417,387 A
		INVESTMENT CAPITAL	JUD	1.00* 9.00# 7,993,737 B	1.00* 9.00# 7,993,737 B
			JUD	343,261 W	343,261 W
			JUD	7,750,000 C	1,600,000 C

PART III. PROGRAM APPROPRIATION PROVISIONS

SECTION 4. Provided that whenever the need arises, the chief justice, in administering an equitable and expeditious judicial process, may transfer sufficient funds and positions between programs for operating purposes; 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, 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, may enter into the undertaking with the federal government, private organization, or individual.

SECTION 6. Provided that the judiciary may transfer savings from its general fund appropriation to the driver education and training fund to accommodate any temporary cash flow deficits.

SECTION 7. Provided that the chief justice:

- (1) Shall expend the general funds transferred for fiscal year 2017-2018 and fiscal year 2018-2019 under section 21 of the General Appropriations Act of 2017 to the judiciary from the office of the public defender (BUF151) for the administration and operation of the community court outreach project during the applicable fiscal year, including payment of the personal services costs for the positions listed under paragraph (3);

- (2) Shall assign the transferred general funds to the budget program ID deemed appropriate by the chief justice; and
- (3) May establish one or more of the following permanent positions, which shall be additional to the position ceilings of part II, for the administration and operation of the community court outreach project:
 - (A) 1.00 permanent court coordinator; or
 - (B) 1.00 permanent social worker; and
- (4) The chief justice shall submit a report on the community court outreach project to the legislature no later than twenty days prior to the regular sessions of 2018 and 2019. Additionally, if requested by the public defender, the chief justice shall include in the report required under this paragraph the community court outreach project memoranda of agreement required in section 21 of the General Appropriations Act of 2017.

PART IV. CAPITAL IMPROVEMENT PROJECTS

SECTION 8. CAPITAL IMPROVEMENT PROJECTS AUTHORIZED. The sums of money appropriated or authorized in part II of this Act for capital improvements shall be expended for the projects listed below. Several related or similar projects may be combined into a single project if such combination is advantageous or convenient for implementation; provided 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 amount of total funding for each project in this part are listed in thousands of dollars.

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR 2017-2018 F	FISCAL M YEAR 2018-2019 F

A. ECONOMIC DEVELOPMENT

JUD601 - ADMINISTRATION

1.	EWA DISTRICT COURT MITIGATE WATER INTRUSION AND SETTLEMENT - PHASE 2, OAHU				
	DESIGN AND CONSTRUCTION TO MITIGATE WATER INTRUSION AND SETTLEMENT - PHASE 2, OAHU.				
	DESIGN			20	
	CONSTRUCTION			200	
	TOTAL FUNDING	JUD		220C	C
2.	EWA DISTRICT COURT ROOF FALL PROTECTION AND RE-ROOFING, OAHU				
	DESIGN AND CONSTRUCTION OF ROOF FALL PROTECTION AND RE-ROOFING, OAHU.				
	DESIGN			25	
	CONSTRUCTION			175	
	TOTAL FUNDING	JUD		200C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2017-2018 F	FISCAL M YEAR O 2018-2019 F
3.		HOAPILI HALE SECURITY IMPROVEMENTS PHASES 1, 2, AND 3, MAUI DESIGN AND CONSTRUCTION FOR SECURITY-RELATED IMPROVEMENTS AT HOAPILI HALE, MAUI.			
		DESIGN		100	150
		CONSTRUCTION		900	1,450
		TOTAL FUNDING	JUD	1,000C	1,600C
4.		KAAHUMANU HALE FIRE ALARM AND ELEVATOR SYSTEMS UPGRADE AND MODERNIZATION, OAHU PLANS AND DESIGN FOR FIRE ALARM AND ELEVATOR UPGRADE AND MODERNIZATION AT KAAHUMANU HALE, OAHU.			
		PLANS		253	
		DESIGN		1,012	
		TOTAL FUNDING	JUD	1,265C	C
5.		KAPUAIWA BUILDING SEPARATE STORM DRAIN AND SANITARY SEWER SYSTEMS, OAHU DESIGN AND CONSTRUCTION FOR THE STORM DRAINAGE AND BASEMENT LEVEL SANITARY SEWER LINES OF THE JUDICIARY'S KAPUAIWA BUILDING. THE KAPUAIWA BUILDING CURRENTLY COMBINES AND DISCHARGES INTO THE CITY AND COUNTY OF HONOLULU'S ("CITY") SANITARY SEWER COLLECTION SYSTEM. NOT ONLY IS THIS COMBINED DISCHARGE CONTRIBUTING TO THE RECENT FLOODING IN THE KAPUAIWA BASEMENT, BUT IT IS A VIOLATION OF CITY AND COUNTY OF HONOLULU ORDINANCE. THIS PROJECT WILL ADD A NEW SANITARY SEWER LIFT STATION, MODIFY THE EXISTING PUMP STATION TO SERVE THE STORM DRAINAGE, AND SEPARATE STORM WATER AND WASTEWATER DISCHARGE FLOWS.			
		DESIGN		125	
		CONSTRUCTION		550	
		TOTAL FUNDING	JUD	675C	C
6.		KAUAI JUDICIARY COMPLEX REROOF AND REPAIR LEAKS AND DAMAGES, KAUAI DESIGN AND CONSTRUCTION TO REROOF COURTHOUSE. REPAIR COOLING TOWER ROOF. INSTALL FALL PROTECTION SAFETY ANCHORS. INSTALL ROOF ACCESS HATCH AND LADDER. REPAIR AND REPAINT EXTERIOR FINISH SYSTEM AT EXTERIOR WALLS. RESEAL WINDOWS. REPLACE EXTERIOR DOORS. REPAIR WATER DAMAGES AT INTERIOR LOCATIONS. REPAIR OTHER INCIDENTAL DAMAGES.			
		DESIGN		390	
		CONSTRUCTION		1,000	
		TOTAL FUNDING	JUD	1,390C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2017-2018 F	FISCAL M YEAR O 2018-2019 F
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		50	
		DESIGN		300	
		CONSTRUCTION		2,625	
		EQUIPMENT		25	
		TOTAL FUNDING JUD		3,000C	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 \$9,350,000.

PART VI. SPECIAL PROVISIONS

SECTION 10. 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 2017-2018 and fiscal year 2018-2019 that are unencumbered as of June 30, 2020, shall lapse as of that date.

SECTION 11. The judiciary may 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 12. Where it has been determined that changed conditions, such as a 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 13. 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 14. Any law or any provision of this Act to the contrary notwithstanding, the chief justice may supplement funds for any cost element of a capital improvement project authorized under this Act by transferring such sums as may be necessary 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.

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PART VII. MISCELLANEOUS PROVISIONS AND EFFECTIVE DATE

SECTION 15. If any portion of this Act or its application to any person, entity, or circumstance is held to be invalid for any reason, the legislature declares that the remainder of the Act and each and every other provision thereof shall not be affected thereby. If any portion of a specific appropriation is held to be invalid for any reason, the remaining portion shall be expended to fulfill the objective of such appropriation to the extent possible.

SECTION 16. If manifest clerical, typographical, or other mechanical errors are found in this Act, the chief justice may correct such errors.

SECTION 17. This Act shall take effect on July 1, 2017.
(Approved July 11, 2017.)

Note

1. So in original.