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# 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 2013.

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

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

9           "Means of Financing", or "MOF", means the source from which  
10 funds are appropriated, or authorized, as the case may be, to be  
11 expended for the programs and projects specified in this Act.

12 All appropriations are followed by letter symbols. The letter  
13 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 "Position ceiling" means the maximum number of permanent  
2 positions authorized for a particular program during a specified  
3 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, 2013, and ending June 30, 2015. 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	APPROPRIATIONS			
				FISCAL YEAR 2013-2014	M O F	FISCAL YEAR 2014-2015	M O F
1		The Judicial System					
2	1.	JUD101 - COURTS OF APPEAL					
3				71.00*		71.00*	
4		OPERATING	JUD	6,155,459A		6,155,459A	
5							
6	2.	JUD310 - FIRST CIRCUIT					
7				1,066.50*		1,066.50*	
8		OPERATING	JUD	75,213,242A		76,298,617A	
9				41.00*		41.00*	
10			JUD	4,002,620B		4,002,620B	
11							
12	3.	JUD320 - SECOND CIRCUIT					
13				209.00*		209.00*	
14		OPERATING	JUD	15,174,610A		15,161,244A	
15							
16	4.	JUD330 - THIRD CIRCUIT					
17				228.00*		228.00*	
18		OPERATING	JUD	18,014,284A		18,014,284A	
19							
20	5.	JUD350 - FIFTH CIRCUIT					
21				99.00*		99.00*	
22		OPERATING	JUD	6,894,905A		6,894,905A	
23							
24	6.	JUD501 - JUDICIAL SELECTION COMMISSION					
25				1.00*		1.00*	
26		OPERATING	JUD	88,857A		88,857A	
27							
28	7.	JUD601 - ADMINISTRATION					
29				227.00*		227.00*	
30		OPERATING	JUD	23,298,416A		23,282,956A	
31				1.00*		1.00*	
32			JUD	7,930,290B		7,930,290B	
33			JUD	343,261W		343,261W	
34		INVESTMENT CAPITAL	JUD	48,426,000C		47,401,000C	



1                                   **PART III. PROGRAM PROVISIONS**

2           SECTION 4. Provided that of the general fund appropriation  
3 for administration (JUD 601), the sum of \$75,000 or so much  
4 thereof as may be necessary for fiscal year 2013-2014 and the  
5 same sum or so much thereof as may be necessary for fiscal year  
6 2014-2015 shall be expended for one (1.00 FTE) deputy public  
7 defender position for the veterans treatment court; provided  
8 further that the funds shall not be expended for any other  
9 purpose; and provided further that any unexpended funds shall  
10 lapse to the credit of the general fund.

11           SECTION 5. Provided that of the general fund appropriation  
12 for administration (JUD 601), the sum of \$150,000 or so much  
13 thereof as may be necessary for fiscal year 2013-2014 and the  
14 same sum or so much thereof as may be necessary for fiscal year  
15 2014-2015 shall be expended for two (2.00 FTE) deputy  
16 prosecuting attorney positions for the veterans treatment court  
17 pursuant to an agreement between the judiciary and the office of  
18 the prosecuting attorney for the city and county of Honolulu;  
19 provided further that the funds shall not be expended for any  
20 other purpose; and provided further that any unexpended funds  
21 shall lapse to the credit of the general fund.

1 SECTION 6. Provided that whenever the need arises, the  
2 chief justice, in administering an equitable and expeditious  
3 judicial process, may transfer sufficient funds and positions  
4 between programs for operating purposes; provided further that  
5 no transfer shall be made to implement any collective bargaining  
6 contract signed after this legislature adjourns sine die.

7 SECTION 7. Provided that if the chief justice, or any  
8 agency, or any government unit secures federal funds or other  
9 property under any act of Congress, or any funds or other  
10 property from private organizations or individuals that are to  
11 be expended in connection with any program or works authorized  
12 by this Act, or otherwise, the chief justice, or the agency with  
13 the chief justice's approval, may enter into the undertaking  
14 with the federal government, private organization, or  
15 individual.

16 SECTION 8. Provided that the judiciary may transfer  
17 savings from its general fund appropriation to the driver  
18 education special fund to accommodate any temporary cash flow  
19 deficits.



**PART IV. CAPITAL IMPROVEMENT PROJECTS**

1                   **PART IV. CAPITAL IMPROVEMENT PROJECTS**  
2           SECTION 9. The sum of \$95,827,000 appropriated or  
3 authorized in part II of this Act for capital improvement  
4 projects shall be expended by the judiciary for the projects  
5 listed below; provided that several related or similar projects  
6 may be combined into a single project, if a combination is  
7 advantageous or convenient for implementation; and provided  
8 further that the total cost of the projects thus combined shall  
9 not exceed the total of the sums specified for the projects  
10 separately. The amount after each cost element and the total  
11 funding for each project listed in this part are in thousands of  
12 dollars.

13



CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)			
				FISCAL YEAR 2013-2014	M O F	FISCAL YEAR 2014-2015	M O F
1	JUD601	- ADMINISTRATION					
2							
3	1.	KONA JUDICIARY COMPLEX, HAWAI'I					
4		PLANS, DESIGN AND CONSTRUCTION FOR A					
5		NEW JUDICIARY COMPLEX AT KONA, HAWAII.					
6		PLANS		100			
7		DESIGN		100			
8		CONSTRUCTION		44,800		45,000	
9		TOTAL FUNDING	JUD	45,000	C	45,000	C
10							
11							
12	2.	WAHIAWA COURT FACILITY, OAHU					
13		DESIGN AND CONSTRUCTION FOR A NEW					
14		COURT FACILITY AT WAHIAWA, OAHU					
15		DESIGN		1			
16		CONSTRUCTION				1	
17		TOTAL FUNDING	JUD	1	C	1	C
18							
19							
20	3.	KA'AHUMANU HALE INTERIOR SPACE					
21		UTILIZATION REDEVELOPMENT, O'AHU					
22		DESIGN FOR INTERIOR SPACE UTILIZATION					
23		AND RELATED FACILITY REDEVELOPMENT AT					
24		KA'AHUMANU HALE, OAHU.					
25		DESIGN		2,800			
26		TOTAL FUNDING	JUD	2,800	C		C
27							
28							
29	4.	STATUS OFFENDER SHELTER AND JUVENILE					
30		SERVICES CENTER, O'AHU					
31		PLANS FOR A STATUS OFFENDER SHELTER					
32		AND JUVENILE SERVICES CENTER, OAHU.					
33		PLANS		250			
34		TOTAL FUNDING	JUD	250	C		C
35							
36							
37							



CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)			
				FISCAL YEAR 2013-2014	M O F	FISCAL YEAR 2014-2015	M O F

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5.		HOAPILI HALE BUILDING EXTERIOR REMEDIAL IMPROVEMENTS, MAUI					
		DESIGN AND CONSTRUCTION FOR EXTERIOR REMEDIAL IMPROVEMENTS AT HOAPILI HALE, MAUI.					
		DESIGN			300		170
		CONSTRUCTION					1,630
		TOTAL FUNDING	JUD		300 C		1,800 C
6.		HOAPILI HALE EXHAUST MONITORING AND VENTILATION SYSTEMS UPGRADE, MAUI					
		DESIGN AND CONSTRUCTION FOR EXHAUST MONITORING AND VENTILATION SYSTEMS UPGRADE AT HOAPILI HALE, MAUI.					
		DESIGN			75		50
		CONSTRUCTION					550
		TOTAL FUNDING	JUD		75 C		600 C





1                                   **PART V.   ISSUANCE OF BONDS**

2           SECTION 10.   General obligation bonds may be issued, as  
3 provided by law, to yield the amount that may be necessary to  
4 finance projects authorized in part II and listed in part IV of  
5 this Act; provided that the sum total of the general obligation  
6 bonds so issued shall not exceed \$95,827,000.

7                                   **PART VI.   SPECIAL PROVISIONS**

8           SECTION 11.   Any law or any provision of this Act to the  
9 contrary notwithstanding, the appropriations made for capital  
10 improvement projects authorized in part II and listed in part IV  
11 of this Act shall not lapse at the end of the fiscal year for  
12 which the appropriations are made; provided that all  
13 appropriations made for fiscal year 2013-2014 and fiscal year  
14 2014-2015 that are unencumbered as of June 30, 2016, shall lapse  
15 as of that date.

16          SECTION 12.   The judiciary may delegate to other state or  
17 county agencies the planning, acquisition of land, design,  
18 construction, and equipment of any capital improvement project  
19 when it is determined by the judiciary to be advantageous to do  
20 so.

21          SECTION 13.   All unrequired balances in the general  
22 obligation bond fund, after the objectives of part II



1 appropriations for capital improvements program purposes listed  
2 as projects in part IV of this Act have been met, shall be  
3 transferred to the judiciary project adjustment fund.

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

10 SECTION 15. Where it has been determined that changed  
11 conditions, such as a reduction in the particular population  
12 being served, permit the reduction in the scope of a project  
13 listed in part IV of this Act, the chief justice may authorize  
14 the reduction of the project scope.

15 SECTION 16. The chief justice shall determine when and the  
16 manner in which the authorized capital improvement projects  
17 shall be initiated. The chief justice shall notify the governor  
18 from time to time of the specific amounts required for the  
19 projects, and the governor shall provide for those amounts  
20 through the issuance of bonds authorized in part V of this Act.

21 SECTION 17. Any law or any provision of this Act to the  
22 contrary notwithstanding, the chief justice may supplement funds



1 for any cost element for a capital improvement project  
2 authorized under this Act by transferring such sums as may be  
3 needed from the funds appropriated for other cost elements of  
4 the same project by this Act or by any other prior or future Act  
5 that has not lapsed; provided that the total expenditure of  
6 funds for all cost elements for the project shall not exceed the  
7 total appropriation for that project.

8 **PART VII. MISCELLANEOUS PROVISIONS AND EFFECTIVE DATE**

9 SECTION 18. If any portion of this Act or its application  
10 to any person or circumstances is held to be invalid for any  
11 reason, the remainder of the Act and any provision thereof shall  
12 not be affected. If any portion of a specific appropriation is  
13 held to be invalid for any reason, the remaining portion shall  
14 be independent of the invalid portion and shall be expended to  
15 fulfill the objective and intent of the appropriation to the  
16 extent possible.

17 SECTION 19. If any manifest clerical, typographical, or  
18 other mechanical error is found in this Act, the chief justice  
19 may correct the error. All changes made pursuant to this  
20 section shall be reported to the legislature at its next regular  
21 session.

22 SECTION 20. This Act shall take effect on July 1, 2013.



**Report Title:**

Judiciary Package; Appropriations; Budget

**Description:**

Appropriates funds for the judiciary for the fiscal biennium beginning 7/1/2013, and ending 6/30/2015. Effective 7/1/2013.  
(HB197 HD2 SD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

