

8:39 AM JUN 18 2013



GOV. MSG. NO. 1233

8:39 AM JUN 18 2013 EXECUTIVE CHAMBERS  
HONOLULU

NEIL ABERCROMBIE  
GOVERNOR

June 18, 2013

The Honorable Donna Mercado Kim,  
President  
and Members of the Senate  
Twenty-Seventh State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813


The Honorable Joseph M. Souki,  
Speaker and Members of the  
House of Representatives  
Twenty-Seventh State Legislature  
State Capitol, Room 431  
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on June 18, 2013, the following bill was signed into law:

HB197 HD2 SD2 CD1

RELATING TO THE JUDICIARY  
**ACT 133 (13)**

Sincerely,  
  
NEIL ABERCROMBIE  
Governor, State of Hawaii

# 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     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 JUDICIAL CIRCUIT					
7				1,065.50*		1,065.50*	
8		OPERATING	JUD	75,566,698A		75,257,274A	
9				41.00*		41.00*	
10			JUD	4,002,620B		4,002,620B	
11							
12	3.	JUD320 - SECOND JUDICIAL CIRCUIT					
13				207.00*		207.00*	
14		OPERATING	JUD	15,098,670A		15,098,670A	
15							
16	4.	JUD330 - THIRD JUDICIAL CIRCUIT					
17				227.00*		227.00*	
18		OPERATING	JUD	17,958,784A		17,958,784A	
19							
20	5.	JUD350 - FIFTH JUDICIAL 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				226.00*		226.00*	
30		OPERATING	JUD	23,767,504A		22,958,656A	
31				1.00*		1.00*	
32			JUD	7,930,290B		7,930,290B	
33			JUD	343,261W		343,261W	
34		INVESTMENT CAPITAL	JUD	3,425,000C		11,400,000C	



1                                   PART III. PROGRAM PROVISIONS

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

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

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



1                   PART IV. CAPITAL IMPROVEMENT PROJECTS

2           SECTION 7. The sum of \$14,825,000 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.

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	A.	ECONOMIC DEVELOPMENT					
2		JUD601 - ADMINISTRATION					
3							
4	1.	KONA JUDICIARY COMPLEX, HAWAI'I					
5							
6		CONSTRUCTION FOR A NEW JUDICIARY					
7		COMPLEX AT KONA, HAWAII.					
8		CONSTRUCTION				9,000	
9		TOTAL FUNDING	JUD				9,000 C
10							
11	2.	KA'AHUMANU HALE INTERIOR SPACE					
12		UTILIZATION REDEVELOPMENT, O'AHU					
13							
14		DESIGN FOR INTERIOR SPACE UTILIZATION					
15		AND RELATED FACILITY REDEVELOPMENT AT					
16		KA'AHUMANU HALE, OAHU.					
17		DESIGN			2,800		
18		TOTAL FUNDING	JUD		2,800 C		C
19							
20	3.	STATUS OFFENDER SHELTER AND JUVENILE					
21		SERVICES CENTER, O'AHU					
22							
23		PLANS FOR A STATUS OFFENDER SHELTER					
24		AND JUVENILE SERVICES CENTER, OAHU.					
25		PLANS			250		
26		TOTAL FUNDING	JUD		250 C		C
27							
28	4.	HOAPILI HALE BUILDING EXTERIOR					
29		REMEDIAL IMPROVEMENTS, MAUI					
30							
31		DESIGN AND CONSTRUCTION FOR EXTERIOR					
32		REMEDIAL IMPROVEMENTS AT HOAPILI HALE,					
33		MAUI.					
34		DESIGN			300	170	
35		CONSTRUCTION				1,630	
36		TOTAL FUNDING	JUD		300 C	1,800 C	
37							
38	5.	HOAPILI HALE EXHAUST MONITORING AND					
39		VENTILATION SYSTEMS UPGRADE, MAUI					
40							
41		DESIGN AND CONSTRUCTION FOR EXHAUST					
42		MONITORING AND VENTILATION SYSTEMS					
43		UPGRADE AT HOAPILI HALE, MAUI.					
44		DESIGN			75	50	
45		CONSTRUCTION				550	



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		TOTAL FUNDING	JUD		75 C		600 C





1                   PART V.   ISSUANCE OF BONDS

2           SECTION 8.   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 \$14,825,000.

7                   PART VI.   SPECIAL PROVISIONS

8           SECTION 9.   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 10.   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 11.   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 12. 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 13. Where it has been determined that changed  
11 conditions, such as a reduction in the size of the particular  
12 population being served, permit the reduction in the scope of a  
13 project listed in part IV of this Act, the chief justice may  
14 authorize the reduction of the project scope.

15 SECTION 14. 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 15. 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 16. 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 17. 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.

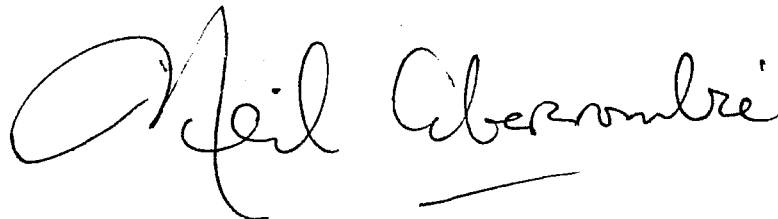
22 SECTION 18. This Act shall take effect on July 1, 2013.



H.B. NO. 197  
H.D. 2  
S.D. 2  
C.D. 1

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APPROVED this 18 day of JUN , 2013

A handwritten signature in black ink, reading "Neil Abernethy". The signature is written in a cursive style with a horizontal line under the name.

GOVERNOR OF THE STATE OF HAWAII