

---

---

# 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

A P P R O P R I A T I O N S

| ITEM NO. | PROG. ID | PROGRAM                                   | EXPENDING AGENCY | FISCAL YEAR 2013-14 | M O F | FISCAL YEAR 2014-15 | M O F |
|----------|----------|---|------------------|---------------------|-------|---------------------|-------|
| 1        |          | THE JUDICIAL SYSTEM                       |                  |                     |       |                     |       |
| 2        |          |   |                  |                     |       |                     |       |
| 3        |          | 1. JUD101 - COURTS OF APPEAL              |                  |                     |       |                     |       |
| 4        |          |   |                  | 72.00               | *     | 72.00               | *     |
| 5        |          | OPERATING                                 | JUD              | 6,155,459           | A     | 6,155,459           | A     |
| 6        |          |   |                  |                     |       |                     |       |
| 7        |          | 2. JUD310 - FIRST CIRCUIT                 |                  |                     |       |                     |       |
| 8        |          |   |                  | 1087.50             | *     | 1087.50             | *     |
| 9        |          | OPERATING                                 | JUD              | 75,733,714.40       | A     | 76,561,032.40       | A     |
| 10       |          |   |                  | 41.00               | *     | 41.00               | *     |
| 11       |          |   | JUD              | 4,002,620           | B     | 4,002,620           | B     |
| 12       |          |   |                  |                     |       |                     |       |
| 13       |          | 3. JUD320 - SECOND CIRCUIT                |                  |                     |       |                     |       |
| 14       |          |   |                  | 210.00              | *     | 210.00              | *     |
| 15       |          | OPERATING                                 | JUD              | 15,217,186          | A     | 15,197,083          | A     |
| 16       |          |   |                  |                     |       |                     |       |
| 17       |          | 4. JUD330 - THIRD CIRCUIT                 |                  |                     |       |                     |       |
| 18       |          |   |                  | 230.00              | *     | 230.00              | *     |
| 19       |          | OPERATING                                 | JUD              | 18,036,848          | A     | 18,026,596          | A     |
| 20       |          |   |                  |                     |       |                     |       |
| 21       |          | 5. JUD350 - FIFTH CIRCUIT                 |                  |                     |       |                     |       |
| 22       |          |   |                  | 100.00              | *     | 100.00              | *     |
| 23       |          | OPERATING                                 | JUD              | 6,930,141           | A     | 6,925,091           | A     |
| 24       |          |   |                  |                     |       |                     |       |
| 25       |          | 6. JUD501 - JUDICIAL SELECTION COMMISSION |                  |                     |       |                     |       |
| 26       |          |   |                  | 1.00                | *     | 1.00                | *     |
| 27       |          | OPERATING                                 | JUD              | 88,857              | A     | 88,857              | A     |
| 28       |          |   |                  |                     |       |                     |       |
| 29       |          | 7. JUD601 - ADMINISTRATION                |                  |                     |       |                     |       |
| 30       |          |   |                  | 230.00              | *     | 230.00              | *     |
| 31       |          | OPERATING                                 | JUD              | 23,245,971          | A     | 23,217,397          | A     |
| 32       |          |   |                  | 1.00                | *     | 1.00                | *     |
| 33       |          |   | JUD              | 7,930,290           | B     | 7,930,290           | B     |
| 34       |          |   | JUD              | 343,261             | W     | 343,261             | W     |
| 35       |          | INVESTMENT CAPITAL                        | JUD              | 6,125,000           | C     | 127,400,000         | C     |
| 36       |          |   |                  |                     |       |                     |       |



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, is authorized to transfer sufficient funds and  
5 positions between programs for operating purposes; and provided  
6 further that no transfer shall be made to implement any  
7 collective bargaining contract signed after this legislature  
8 adjourns sine die.

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

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



1                                   **PART IV. CAPITAL IMPROVEMENT PROJECTS**

2           SECTION 7. The sum of \$133,525,000 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. | PROJECT TITLE                         | EXPENDING AGENCY | APPROPRIATIONS (IN 000'S) |     |             |     |
|----------|---------------------|---------------------------------------|------------------|---------------------------|-----|-------------|-----|
|          |                     |                                       |                  | FISCAL YEAR               | M O | FISCAL YEAR | M O |
|          |                     |                                       |                  | 2013-14                   | F   | 2014-15     | F   |
| 1        |                     | THE JUDICIAL SYSTEM                   |                  |                           |     |             |     |
| 2        |                     |                                       |                  |                           |     |             |     |
| 3        |                     | JUD601 - ADMINISTRATION               |                  |                           |     |             |     |
| 4        |                     |                                       |                  |                           |     |             |     |
| 5        | 1.                  | KONA JUDICIARY COMPLEX, HAWAI'I.      |                  |                           |     |             |     |
| 6        |                     |                                       |                  |                           |     |             |     |
| 7        |                     | DESIGN AND CONSTRUCTION FOR A         |                  |                           |     |             |     |
| 8        |                     | NEW JUDICIARY COMPLEX AT KONA,        |                  |                           |     |             |     |
| 9        |                     | HAWAI'I.                              |                  |                           |     |             |     |
| 10       |                     | DESIGN                                |                  |                           |     | 1,000       |     |
| 11       |                     | CONSTRUCTION                          |                  |                           |     | 89,000      |     |
| 12       |                     | TOTAL FUNDING                         | JUD              |                           | 0   | 90,000      | C   |
| 13       |                     |                                       |                  |                           |     |             |     |
| 14       | 2.                  | KONA JUDICIARY COMPLEX, HAWAI'I.      |                  |                           |     |             |     |
| 15       |                     |                                       |                  |                           |     |             |     |
| 16       |                     | DESIGN AND CONSTRUCTION FOR A         |                  |                           |     |             |     |
| 17       |                     | NEW CORRECTIONAL FACILITY ADJACENT    |                  |                           |     |             |     |
| 18       |                     | TO THE NEW JUDICIARY COMPLEX AT KONA, |                  |                           |     |             |     |
| 19       |                     | HAWAI'I.                              |                  |                           |     |             |     |
| 20       |                     | DESIGN                                |                  |                           |     |             |     |
| 21       |                     | CONSTRUCTION                          |                  |                           |     |             |     |
| 22       |                     | TOTAL FUNDING                         | JUD              |                           |     |             |     |
| 23       |                     |                                       |                  |                           |     |             |     |
| 24       | 3.                  | WAHIAWĀ COURT FACILITY, O'AHU.        |                  |                           |     |             |     |
| 25       |                     |                                       |                  |                           |     |             |     |
| 26       |                     | DESIGN AND CONSTRUCTION FOR A         |                  |                           |     |             |     |
| 27       |                     | NEW COURT FACILITY AT WAHIAWĀ,        |                  |                           |     |             |     |
| 28       |                     | O'AHU.                                |                  |                           |     |             |     |
| 29       |                     | DESIGN                                |                  | 2,700                     |     | 500         |     |
| 30       |                     | CONSTRUCTION                          |                  |                           |     | 34,500      |     |
| 31       |                     | TOTAL FUNDING                         | JUD              | 2,700                     | C   | 35,000      | C   |



**CAPITAL IMPROVEMENT PROJECTS**

| ITEM NO. | CAPITAL PROJECT NO. | PROJECT TITLE   | EXPENDING AGENCY | APPROPRIATIONS (IN 000'S) |       |                     |         |
|----------|---------------------|---|------------------|---------------------------|-------|---------------------|---------|
|          |                     |   |                  | FISCAL YEAR 2013-14       | M O F | FISCAL YEAR 2014-15 | M O F   |
| 1        | 4.                  | KA'AHUMANU HALE INTERIOR SPACE UTILIZATION REDEVELOPMENT, O'AHU.                                      |                  |                           |       |                     |         |
| 2        |                     |   |                  |                           |       |                     |         |
| 3        |                     |   |                  |                           |       |                     |         |
| 4        |                     | DESIGN FOR INTERIOR SPACE UTILIZATION AND RELATED FACILITY REDEVELOPMENT AT KA'AHUMANU HALE, O'AHU.   |                  |                           |       |                     |         |
| 5        |                     |   |                  |                           |       |                     |         |
| 6        |                     | DESIGN  |                  | 2,800                     |       |                     |         |
| 7        |                     | TOTAL FUNDING   | JUD              | 2,800                     | C     |                     | 0 C     |
| 8        |                     |   |                  |                           |       |                     |         |
| 9        |                     |   |                  |                           |       |                     |         |
| 10       | 5.                  | STATUS OFFENDER SHELTER AND JUVENILE SERVICES CENTER, O'AHU.  |                  |                           |       |                     |         |
| 11       |                     |   |                  |                           |       |                     |         |
| 12       |                     |   |                  |                           |       |                     |         |
| 13       |                     | PLANS FOR STATUS OFFENDER SHELTER AND JUVENILE SERVICES CENTER, O'AHU.                                |                  |                           |       |                     |         |
| 14       |                     |   |                  |                           |       |                     |         |
| 15       |                     | PLANS   |                  | 250                       |       |                     |         |
| 16       |                     | TOTAL FUNDING   | JUD              | 250                       | C     |                     | 0 C     |
| 17       |                     |   |                  |                           |       |                     |         |
| 18       | 6.                  | HOAPILI HALE BUILDING EXTERIOR REMEDIAL IMPROVEMENTS, MAUI.   |                  |                           |       |                     |         |
| 19       |                     |   |                  |                           |       |                     |         |
| 20       |                     |   |                  |                           |       |                     |         |
| 21       |                     | DESIGN AND CONSTRUCTION FOR EXTERIOR REMEDIAL IMPROVEMENTS AT HOAPILI HALE, MAUI.                     |                  |                           |       |                     |         |
| 22       |                     |   |                  |                           |       |                     |         |
| 23       |                     | DESIGN  |                  | 300                       |       |                     | 170     |
| 24       |                     | CONSTRUCTION  |                  |                           |       |                     | 1,630   |
| 25       |                     | TOTAL FUNDING   | JUD              | 300                       | C     |                     | 1,800 C |
| 26       |                     |   |                  |                           |       |                     |         |
| 27       |                     |   |                  |                           |       |                     |         |
| 28       | 7.                  | HOAPILI HALE EXHAUST MONITORING AND VENTILATION SYSTEMS UPGRADE, MAUI.                                |                  |                           |       |                     |         |
| 29       |                     |   |                  |                           |       |                     |         |
| 30       |                     |   |                  |                           |       |                     |         |
| 31       |                     | DESIGN AND CONSTRUCTION FOR EXHAUST MONITORING AND VENTILATION SYSTEMS UPGRADE AT HOAPILI HALE, MAUI. |                  |                           |       |                     |         |
| 32       |                     |   |                  |                           |       |                     |         |
| 33       |                     | DESIGN  |                  | 75                        |       |                     | 50      |
| 34       |                     | CONSTRUCTION  |                  |                           |       |                     | 550     |
| 35       |                     | TOTAL FUNDING   | JUD              | 75                        | C     |                     | 600 C   |
| 36       |                     |   |                  |                           |       |                     |         |



**PART V. ISSUANCE OF BONDS**

SECTION 8. 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 \$133,525,000.

**PART VI. SPECIAL PROVISIONS**

SECTION 9. 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 2013-2014 and fiscal year 2014-2015 which are unencumbered as of June 30, 2016, shall lapse as of that date.

SECTION 10. The judiciary is authorized to 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 11. All unrequired balances in the general 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 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 such reduction of 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 is authorized to correct the error. All changes made pursuant  
20 to this section shall be reported to the legislature at its next  
21 regular session.

22 SECTION 18. 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 July 1, 2013, and ending June 30, 2015. Effective July 1, 2013. (HB197 HD1)

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

