

JAN 18 2013

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 used
5 in this Act:

6 "Program ID" means the unique identifier for the specific
7 program, and consists of the abbreviation for the judiciary (JUD)
8 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. All
12 appropriations are followed by letter symbols. The letter symbols,
13 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 be
6 sufficient to accomplish the purposes and programs designated
7 herein, are appropriated or authorized from the sources of funding
8 specified to the judiciary for the fiscal biennium beginning July
9 1, 2013, and ending June 30, 2015. The total expenditures and the
10 number of permanent positions established in each fiscal year of
11 the fiscal biennium shall not exceed the sums and the position
12 ceilings indicated for each year, except as provided in this Act.



S.B. NO. 440

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	75,626,480	A	76,453,798	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 chief
3 justice, in administering an equitable and expeditious judicial
4 process, is authorized to transfer sufficient funds and positions
5 between programs for operating purposes; and 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, or 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 which 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, shall have the power to enter into the
15 undertaking with the federal government, private organization, or
16 individual.

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

21



1 **PART IV. CAPITAL IMPROVEMENT PROJECTS**

2 SECTION 7. The sum of \$133,525,000 appropriated or authorized
3 in part II of this Act for capital improvement projects shall be
4 expended by the judiciary for the projects listed below; provided
5 that several related or similar projects may be combined into a
6 single project, if a combination is advantageous or convenient for
7 implementation; and provided further that the total cost of the
8 projects thus combined shall not exceed the total of the sums
9 specified for the projects separately. The amount after each cost
10 element and the total funding for each project listed in this part
11 are in thousands of dollars.

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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		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	C	90,000 C
13							
14	2.	WAHIAWĀ COURT FACILITY, O'AHU.					
15							
16		DESIGN AND CONSTRUCTION FOR A					
17		NEW COURT FACILITY AT WAHIAWĀ,					
18		O'AHU.					
19		DESIGN			2,700		500
20		CONSTRUCTION					34,500
21		TOTAL FUNDING	JUD		2,700	C	35,000 C
22							
23	3.	KA'AHUMANU HALE INTERIOR SPACE					
24		UTILIZATION REDEVELOPMENT, O'AHU.					
25							
26		DESIGN FOR INTERIOR SPACE UTILIZATION					
27		AND RELATED FACILITY REDEVELOPMENT AT					
28		KA'AHUMANU HALE, O'AHU.					
29		DESIGN			2,800		
30		TOTAL FUNDING	JUD		2,800	C	0 C
31							
32							
33							
34							
35							
36							
37							



CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO. TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)			
			FISCAL YEAR	M O	FISCAL YEAR	M O
			2013-14	F	2014-15	F
1	4.	STATUS OFFENDER SHELTER AND				
2		JUVENILE SERVICES CENTER, O'AHU.				
3						
4		PLANS FOR STATUS OFFENDER SHELTER				
5		AND JUVENILE SERVICES CENTER, O'AHU.				
6		PLANS	250			
7		TOTAL FUNDING	250	C	0	C
8						
9	5.	HOAPILI HALE BUILDING EXTERIOR				
10		REMEDIAL IMPROVEMENTS, MAUI.				
11						
12		DESIGN AND CONSTRUCTION FOR				
13		EXTERIOR REMEDIAL IMPROVEMENTS AT				
14		HOAPILI HALE, MAUI.				
15		DESIGN	300		170	
16		CONSTRUCTION			1,630	
17		TOTAL FUNDING	300	C	1,800	C
18						
19	6.	HOAPILI HALE EXHAUST MONITORING AND				
20		VENTILATION SYSTEMS UPGRADE, MAUI.				
21						
22		DESIGN AND CONSTRUCTION FOR EXHAUST				
23		MONITORING AND VENTILATION SYSTEMS				
24		UPGRADE AT HOAPILI HALE, MAUI.				
25		DESIGN	75		50	
26		CONSTRUCTION			550	
27		TOTAL FUNDING	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 \$133,525,000.

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 which are unencumbered as of June 30, 2016, shall
15 lapse as of that date.

16 SECTION 10. The judiciary is authorized to delegate to
17 other state or county agencies the planning, acquisition of
18 land, design, construction, and equipment of any capital
19 improvement project when it is determined by the judiciary to be
20 advantageous to do 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 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.



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

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INTRODUCED BY:



By Request



S.B. NO. 440

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.

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

