

ACT 133

H.B. NO. 197

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. This Act shall be known and may be cited as the Judiciary Appropriations Act of 2013.

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

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

“Means of Financing”, or “MOF”, means the source from which funds are appropriated, or authorized, as the case may be, to be expended for the pro-

grams 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
- W Revolving funds

“Position ceiling” means the maximum number of permanent positions authorized for a particular program during a specified period or periods, as noted by an asterisk.

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, 2013, and ending June 30, 2015. The total expenditures and the number of permanent 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 provided in this Act.

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2013-2014	FISCAL YEAR 2014-2015
The Judicial System					
1.	JUD101	COURTS OF APPEAL			
	OPERATING		JUD	71.00 * 6,155,459 A	71.00 * 6,155,459 A
2.	JUD310	FIRST JUDICIAL CIRCUIT			
	OPERATING		JUD	1,065.50 * 75,566,698 A	1,065.50 * 75,257,274 A
			JUD	41.00 * 4,002,620 B	41.00 * 4,002,620 B
3.	JUD320	SECOND JUDICIAL CIRCUIT			
	OPERATING		JUD	207.00 * 15,098,670 A	207.00 * 15,098,670 A
4.	JUD330	THIRD JUDICIAL CIRCUIT			
	OPERATING		JUD	227.00 * 17,958,784 A	227.00 * 17,958,784 A
5.	JUD350	FIFTH JUDICIAL CIRCUIT			
	OPERATING		JUD	99.00 * 6,894,905 A	99.00 * 6,894,905 A
6.	JUD501	JUDICIAL SELECTION COMMISSION			
	OPERATING		JUD	1.00 * 88,857 A	1.00 * 88,857 A
7.	JUD601	ADMINISTRATION			
	OPERATING		JUD	226.00 * 23,767,504 A	226.00 * 22,958,656 A
				1.00 *	1.00 *

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2013-2014	FISCAL YEAR 2014-2015
			JUD	7,930,290 B	7,930,290 B
			JUD	343,261 W	343,261 W
		INVESTMENT CAPITAL	JUD	3,425,000 C	11,400,000 C

PART III. PROGRAM 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 is authorized to transfer savings from its general fund appropriation to the driver education special fund to accommodate any temporary cash flow deficits.

PART IV. CAPITAL IMPROVEMENT PROJECTS

SECTION 7. The sum of \$14,825,000 appropriated or authorized in part II of this Act for capital improvement projects shall be expended by the judiciary for the projects listed below; provided that several related or similar projects may be combined into a single project, if a combination is advantageous or convenient for implementation; and provided further 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 total funding for each project listed in this part are in thousands of dollars.

CAPITAL IMPROVEMENT PROJECTS

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

A. ECONOMIC DEVELOPMENT

JUD601 - ADMINISTRATION

1. KONA JUDICIARY COMPLEX, HAWAII

CONSTRUCTION FOR A NEW JUDICIARY COMPLEX AT KONA, HAWAII.

CONSTRUCTION					9,000
TOTAL FUNDING	JUD			C	9,000 C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2013-2014 F	FISCAL M YEAR O 2014-2015 F
2.		KA'AHUMANU HALE INTERIOR SPACE UTILIZATION REDEVELOPMENT, O'AHU DESIGN FOR INTERIOR SPACE UTILIZATION AND RELATED FACILITY REDEVELOPMENT AT KA'AHUMANU HALE, OAHU.			
		DESIGN		2,800	
		TOTAL FUNDING	JUD	2,800C	C
3.		STATUS OFFENDER SHELTER AND JUVENILE SERVICES CENTER, O'AHU PLANS FOR A STATUS OFFENDER SHELTER AND JUVENILE SERVICES CENTER, OAHU.			
		PLANS		250	
		TOTAL FUNDING	JUD	250C	C
4.		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	300C	1,800C
5.		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	75C	600C

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 \$14,825,000.

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

SECTION 10. 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 11. All unrequired balances in the general obligation bond fund, after the objectives of part II appropriations for capital improvements program purposes listed as projects in part IV of this Act have been met, shall be transferred to the judiciary project adjustment fund.

SECTION 12. If the amount allocated from the general obligation bond fund for a capital improvement project listed in part IV of this Act is insufficient, the chief justice may make supplemental allotments from the project adjustment fund; provided that supplemental allotments shall not be used to increase the scope of the project.

SECTION 13. Where it has been determined that changed conditions, such as a reduction in the size of 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 the reduction of the project scope.

SECTION 14. 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 15. Any law or any provision of this Act to the contrary notwithstanding, the chief justice may supplement funds for any cost element for a capital improvement project authorized under this Act by transferring such sums as may be needed 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.

PART VII. MISCELLANEOUS PROVISIONS AND EFFECTIVE DATE

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

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

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

(Approved June 18, 2013.)