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 2015.

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

(a) "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.

(b) "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 programs 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
(c) "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, 2015, and ending June 30, 2017. 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.
<table>
<thead>
<tr>
<th>NO.</th>
<th>ID</th>
<th>PROGRAM</th>
<th>AGENCY</th>
<th>EXPENDING</th>
<th>FISCAL M</th>
<th>FISCAL M</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2015-16 F</td>
<td>2016-17 F</td>
</tr>
<tr>
<td>1</td>
<td>JUD101</td>
<td>COURTS OF APPEAL</td>
<td></td>
<td></td>
<td>71.00*</td>
<td>71.00*</td>
</tr>
<tr>
<td>2</td>
<td></td>
<td>OPERATING</td>
<td>JUD</td>
<td>6,563,752A</td>
<td>6,713,204A</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>JUD310</td>
<td>FIRST JUDICIAL CIRCUIT</td>
<td></td>
<td></td>
<td>1,077.50*</td>
<td>1,077.50*</td>
</tr>
<tr>
<td>4</td>
<td></td>
<td>OPERATING</td>
<td>JUD</td>
<td>80,710,960A</td>
<td>82,178,576A</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td></td>
<td></td>
<td>JUD</td>
<td>4,144,799B</td>
<td>4,150,321B</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>JUD320</td>
<td>SECOND JUDICIAL CIRCUIT</td>
<td></td>
<td></td>
<td>207.00*</td>
<td>207.00*</td>
</tr>
<tr>
<td>7</td>
<td></td>
<td>OPERATING</td>
<td>JUD</td>
<td>16,145,386A</td>
<td>16,414,724A</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>JUD330</td>
<td>THIRD JUDICIAL CIRCUIT</td>
<td></td>
<td></td>
<td>228.00*</td>
<td>228.00*</td>
</tr>
<tr>
<td>9</td>
<td></td>
<td>OPERATING</td>
<td>JUD</td>
<td>19,145,986A</td>
<td>19,427,874A</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>JUD350</td>
<td>FIFTH JUDICIAL CIRCUIT</td>
<td></td>
<td></td>
<td>99.00*</td>
<td>99.00*</td>
</tr>
<tr>
<td>11</td>
<td></td>
<td>OPERATING</td>
<td>JUD</td>
<td>7,379,519A</td>
<td>7,513,151A</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>JUD501</td>
<td>JUDICIAL SELECTION COMMISSION</td>
<td></td>
<td></td>
<td>1.00*</td>
<td>1.00*</td>
</tr>
<tr>
<td>13</td>
<td></td>
<td>OPERATING</td>
<td>JUD</td>
<td>93,418A</td>
<td>93,418A</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>JUD601</td>
<td>ADMINISTRATION</td>
<td></td>
<td></td>
<td>227.00*</td>
<td>227.00*</td>
</tr>
<tr>
<td>15</td>
<td></td>
<td>OPERATING</td>
<td>JUD</td>
<td>26,028,018A</td>
<td>25,841,778A</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td></td>
<td></td>
<td>JUD</td>
<td>1.00*</td>
<td>1.00*</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td></td>
<td></td>
<td>JUD</td>
<td>7,976,193B</td>
<td>7,989,841B</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td></td>
<td>INVESTMENT CAPITAL</td>
<td>JUD</td>
<td>343,261W</td>
<td>343,261W</td>
<td>D</td>
</tr>
<tr>
<td>19</td>
<td></td>
<td></td>
<td>JUD</td>
<td>55,000,000C</td>
<td>55,000,000C</td>
<td></td>
</tr>
</tbody>
</table>
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, or 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 may transfer savings from its general fund appropriation to the driver education and training fund to accommodate any temporary cash flow deficits.

SECTION 7. Provided that of the general funds appropriated for administration (JUD601), the sum of $600,000 or so much thereof as may be necessary for fiscal year 2015-2016 and the same sum or so much thereof as may be necessary for fiscal year 2016-2017 shall be expended for purchase of service contracts for civil legal
services; provided further that the administrative director of the
courts shall submit to the legislature by February 1, 2016, a
report listing the purchase of service contracts entered into from
July 1, 2015, to December 31, 2015, the purpose of the contracts,
and contract award amounts; and provided further that the
administrative director of the courts at least twenty days prior to
the convening of the regular sessions of 2016 and 2017, shall
submit to the legislature a report listing: the purchase of service
contracts entered into in the immediately preceding fiscal year;
the purpose of the contracts; the contract award amounts;
expenditures and encumbrances under the contracts; and program
measures achieved by the contractors.
PART IV. CAPITAL IMPROVEMENT PROJECTS

SECTION 8. The sum of $55,000,000 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

<table>
<thead>
<tr>
<th>CAPITAL ITEM NO.</th>
<th>PROJECT NO.</th>
<th>TITLE</th>
<th>AGENCY</th>
<th>EXPENDING YEAR</th>
<th>FISCAL M</th>
<th>FISCAL M</th>
</tr>
</thead>
<tbody>
<tr>
<td>JUD601</td>
<td>1</td>
<td>KONA JUDICIARY COMPLEX, HAWAII</td>
<td>JUD</td>
<td>2015-2016 F</td>
<td>55,000 C</td>
<td>55,000 C</td>
</tr>
</tbody>
</table>

*Construction for a new judiciary complex at Kona, Hawaii.*
PART V. ISSUANCE OF BONDS

SECTION 9. 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 $55,000,000.

PART VI. SPECIAL PROVISIONS

SECTION 10. (a) For the purpose of this section, the "Kona judiciary complex project" means the project for which appropriations are provided under the following:

(1) Item 1 under JUD601 - administration in part IV of Act 133, Session Laws of Hawaii 2013, as amended by Act 127, Session Laws of Hawaii 2014 -- $35,000,000 for design and construction for fiscal year 2014-2015; and

(2) Item 1 under JUD601 - administration in part IV of this Act -- $55,000,000 for construction for fiscal year 2015-2016.

(b) Notwithstanding any other law to the contrary, including section 14 of this Act, if the entire appropriation for the Kona judiciary complex project is not encumbered by June
30, 2016, the entire appropriation, including any previously
encumbered amount, shall lapse on that date.

(c) To effectuate the intent of subsection (b), the
judiciary shall not expend any portion of the appropriation for
the Kona judiciary complex project until the entire
appropriation is encumbered.

(d) The chief justice shall submit a report to the
legislature on the status of the Kona judiciary complex project,
the effect of this section on the project, and any
recommendation to address any impact of this section. The
report shall be submitted by October 1, 2016.

SECTION 11. Any law to the contrary notwithstanding, the
appropriations under Act 1, Special Session Laws of Hawaii 2001,
section 14, as amended by Act 91, Session Laws of Hawaii 2002,
section 4, in the amounts indicated or balances thereof,
unallotted, allotted, unencumbered, or encumbered and
unrequired, are hereby lapsed:

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>AMOUNT (MOf)</th>
</tr>
</thead>
<tbody>
<tr>
<td>11E</td>
<td>$130,000 C</td>
</tr>
</tbody>
</table>

SECTION 12. Any law to the contrary notwithstanding, the
appropriations under Act 61, Session Laws of Hawaii 2011,
section 7, as amended by Act 107, Session Laws of Hawaii 2012,
section 3, in the amounts indicated or balances thereof,
unallotted, allotted, unencumbered, or encumbered and
unrequired, are hereby lapsed:

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>AMOUNT (MOF)</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>$1,700,000 C</td>
</tr>
</tbody>
</table>

SECTION 13. Any law to the contrary notwithstanding, the appropriations under Act 133, Session Laws of Hawaii 2013, section 7, in the amounts indicated or balances thereof, unallotted, allotted, unencumbered, or encumbered and unrequired, are hereby lapsed:

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>AMOUNT (MOF)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>$2,800,000 C</td>
</tr>
</tbody>
</table>

SECTION 14. Any law or any provision of this Act to the contrary notwithstanding, except section 10(b), 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 2015-2016 and fiscal year 2016-2017 that are unencumbered as of June 30, 2018, shall lapse as of that date.

SECTION 15. 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 16. All unrequired balances in the general
obligation bond fund, after the objectives of part II
appropriations for capital improvement program purposes listed
as projects in part IV of this Act have been met, shall be
transferred to the judiciary project adjustment fund.

SECTION 17. 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 judiciary project adjustment
fund; provided that supplemental allotments shall not be used to
increase the scope of the project.

SECTION 18. Where it has been determined that changed
conditions, such as a reduction in 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 19. 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 20. 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 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 21. 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 22. 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 23. This Act shall take effect on July 1, 2015.
Report Title:
Judiciary Package; Budget; Appropriations

Description:
Appropriates funds for the judiciary for the fiscal biennium beginning 7/1/15 and ending 6/30/17. Effective 7/1/15. (HB290 CD1)

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