
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 2015.

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

6 (a) "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 (b) "Means of Financing," or "MOF," means the source from
10 which funds are appropriated, or authorized, as the case may be, to
11 be 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 (c) "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, 2015, and ending June 30, 2017. 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.



PROGRAM APPROPRIATIONS

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ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS			
				FISCAL YEAR 2015-16	M O F	FISCAL YEAR 2016-17	M O F
The Judicial System							
1.	JUD101	COURTS OF APPEAL					
	OPERATING		JUD	73.00*		73.00*	
				6,644,985A		6,853,202A	
2.	JUD310	FIRST CIRCUIT					
	OPERATING		JUD	1,078.50*		1,078.50*	
				80,833,928A		82,423,278A	
			JUD	41.00*		41.00*	
				4,144,799B		4,150,321B	
3.	JUD320	SECOND CIRCUIT					
	OPERATING		JUD	207.00*		207.00*	
				16,254,566A		16,519,724A	
4.	JUD330	THIRD CIRCUIT					
	OPERATING		JUD	228.00*		228.00*	
				19,145,986A		19,427,874A	
5.	JUD350	FIFTH CIRCUIT					
	OPERATING		JUD	102.00*		102.00*	
				7,515,683A		7,768,127A	
6.	JUD501	JUDICIAL SELECTION COMMISSION					
	OPERATING		JUD	1.00*		1.00*	
				93,418A		93,418A	
7.	JUD601	ADMINISTRATION					
	OPERATING		JUD	227.00*		227.00*	
				25,338,018A		25,841,778A	
			JUD	1.00*		1.00*	
			JUD	7,976,193B		7,989,841B	
			JUD	343,261W		343,261W	
	INVESTMENT CAPITAL		JUD	58,000,000C		3,000,000C	



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, may transfer sufficient funds and positions between
5 programs for operating purposes; provided further that no transfer
6 shall be made to implement any collective bargaining contract
7 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 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 federal
15 government, private organization, or individual.

16 SECTION 6. Provided that the judiciary may transfer savings
17 from its general fund appropriation to the driver education and
18 training fund to accommodate any temporary cash flow deficits.



1 PART IV. CAPITAL IMPROVEMENT PROJECTS

2 SECTION 7. The sums of money appropriated or authorized in
3 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.



CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)			
				FISCAL YEAR 2015-2016	M O F	FISCAL YEAR 2016-2017	M O F

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A. ECONOMIC DEVELOPMENT							
JUD601 - ADMINISTRATION							
1.	601	KONA JUDICIARY COMPLEX, HAWAII					
		CONSTRUCTION FOR A NEW JUDICIARY COMPLEX AT KONA, HAWAII.					
		CONSTRUCTION			55,000		
		TOTAL FUNDING	JUD		55,000 C		C
2.		LUMP SUM CIP FOR JUDICIARY FACILITIES, STATEWIDE					
		PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT FOR GENERAL ALTERATIONS, UPGRADES AND IMPROVEMENTS TO JUDICIARY FACILITIES, STATEWIDE.					
		PLANS			10		10
		DESIGN			75		75
		CONSTRUCTION			2,900		2,900
		EQUIPMENT			15		15
		TOTAL FUNDING	JUD		3,000 C		3,000 C



1 PART V. CAPITAL IMPROVEMENT PROGRAM PROVISIONS

2 SECTION 8. Any law to the contrary notwithstanding, the
3 appropriations under Act 133, Session Laws of Hawaii 2013,
4 section 7, in the amounts indicated or balances thereof,
5 unallotted, allotted, unencumbered, or unencumbered and
6 unrequired, are hereby lapsed:

7	<u>"ITEM NO.</u>	<u>AMOUNT (MOF)</u>
8	2	\$2,800,000 C"

9 SECTION 9. Any law to the contrary notwithstanding, the
10 appropriations under Act 61, Session Laws of Hawaii 2011,
11 section 7, as amended by Act 107, Session Laws of Hawaii 2012,
12 in the amounts indicated or balances thereof, unallotted,
13 allotted, unencumbered, or unencumbered and unrequired, are
14 hereby lapsed:

15	<u>"ITEM NO.</u>	<u>AMOUNT (MOF)</u>
16	8	\$1,700,000 C"

17 SECTION 10. Any law to the contrary notwithstanding, the
18 appropriations under Act 1, Special Session Laws of Hawaii 2001,
19 section 14, as amended by Act 91, Session Laws of Hawaii 2002,
20 section 14, in the amounts indicated or balances thereof,
21 unallotted, allotted, unencumbered, or unencumbered and
22 unrequired, are hereby lapsed:



1 "ITEM NO. AMOUNT (MOF)

2 5 \$130,000 C"

3 SECTION 11. (a) For the purpose of this section, the
4 "Kona judiciary complex project" means the project,
5 appropriations for which are provided under the following:

6 (1) Item 1 under JUD601 - administration in part IV of Act
7 133, Session Laws of Hawaii 2013, as amended by Act
8 127, Session Laws of Hawaii 2014 -- \$35,000,000 for
9 design and construction for fiscal year 2014-2015; and

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

13 (b) Notwithstanding any other law to the contrary,
14 including section 13 of this Act, if the entire appropriation
15 for the Kona judiciary complex project is not encumbered by June
16 30, 2016, the entire appropriation, including any previously
17 encumbered amount, shall lapse on that date.

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



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

6 **PART VI. ISSUANCE OF BONDS**

7 SECTION 12. General obligation bonds may be issued, as
8 provided by law, to yield the amount that may be necessary to
9 finance projects authorized in part II and listed in part IV of
10 this Act; provided that the sum total of the general obligation
11 bonds so issued shall not exceed \$55,000,000.

12 **PART VII. SPECIAL PROVISIONS**

13 SECTION 13. Any law or any provision of this Act to the
14 contrary notwithstanding, except section 11(b), the
15 appropriations made for capital improvement projects authorized
16 in part II and listed in part IV of this Act shall not lapse at
17 the end of the fiscal year for which the appropriations are
18 made; provided that all appropriations made for fiscal year
19 2015-2016 and fiscal year 2016-2017 that are unencumbered as of
20 June 30, 2018, shall lapse as of that date.

21 SECTION 14. The judiciary is authorized to delegate to
22 other state or county agencies the planning, acquisition of



1 land, design, construction, and equipment of any capital
2 improvement project when it is determined by the judiciary to be
3 advantageous to do so.

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

9 SECTION 16. If the amount allocated from the general
10 obligation bond fund for a capital improvement project listed in
11 part IV of this Act is insufficient, the chief justice may make
12 supplemental allotments from the project adjustment fund;
13 provided that supplemental allotments shall not be used to
14 increase the scope of the project.

15 SECTION 17. Where it has been determined that changed
16 conditions, such as a reduction in the particular population
17 being served, permit the reduction in the scope of a project
18 listed in part IV of this Act, the chief justice may authorize
19 the reduction of the project scope.

20 SECTION 18. The chief justice shall determine when and the
21 manner in which the authorized capital improvement projects
22 shall be initiated. The chief justice shall notify the governor



1 from time to time of the specific amounts required for the
2 projects, and the governor shall provide for those amounts
3 through the issuance of bonds authorized in part VI of this Act.

4 SECTION 19. Any provision of law to the contrary
5 notwithstanding, the chief justice may supplement funds for any
6 cost element for a capital improvement project authorized under
7 this Act by transferring such sums as may be needed from the
8 funds appropriated for other cost elements of the same project
9 by this Act or by any other prior or future Act that has not
10 lapsed; provided that the total expenditure of funds for all
11 cost elements for the project shall not exceed the total
12 appropriation for that project.

13 **PART VIII. MISCELLANEOUS PROVISIONS AND EFFECTIVE DATE**

14 SECTION 20. If any portion of this Act or its application
15 to any person or circumstances is held to be invalid for any
16 reason, the remainder of the Act and any provision thereof shall
17 not be affected. If any portion of a specific appropriation is
18 held to be invalid for any reason, the remaining portion shall
19 be independent of the invalid portion and shall be expended to
20 fulfill the objective and intent of the appropriation to the
21 extent possible.



1 SECTION 21. If any manifest clerical, typographical, or
2 other mechanical error is found in this Act, the chief justice
3 may correct the error. All changes made pursuant to this
4 section shall be reported to the legislature at its next regular
5 session.

6 SECTION 22. This Act shall take effect on July 1, 2015.

7



Report Title:

Judiciary Package; Budget; Appropriations

Description:

Appropriates funds for the judiciary for the fiscal biennium beginning 7/1/2015 and ending 6/30/2017. Effective 7/1/2015. (SD1)

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

