



GOV. MSG. NO. 1238

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

June 25, 2015

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Eighth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Eighth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Souki, and Members of the Legislature:

This is to inform you that on June 25, 2015, the following bill was signed into law:

HB290 HD2 SD1 CD1

RELATING TO THE JUDICIARY
ACT 138 (15)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

RECEIVED
SENATE
OFFICE OF THE PRESIDENT

'15 JUN 26 P1:38

RECEIVED
THE SENATE
CLERK'S OFFICE
STATE OF HAWAII

'15 JUN 26 P3:11

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



1 W revolving funds

2 (c) "Position ceiling" means the maximum number of permanent
3 positions authorized for a particular program during a specified
4 period or periods, as noted by an asterisk.

5 PART II. PROGRAM APPROPRIATIONS

6 SECTION 3. The following sums, or so much thereof as may be
7 sufficient to accomplish the purposes and programs designated
8 herein, are appropriated or authorized from the sources of funding
9 specified to the judiciary for the fiscal biennium beginning July
10 1, 2015, and ending June 30, 2017. The total expenditures and the
11 number of permanent positions established in each fiscal year of
12 the fiscal biennium shall not exceed the sums and the position
13 ceilings indicated for each year, except as provided in this Act.



PROGRAM APPROPRIATIONS

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	1.	JUD101 - COURTS OF APPEAL					
2				71.00*		71.00*	
3		OPERATING	JUD	6,563,752A		6,713,204A	
4							
5	2.	JUD310 - FIRST JUDICIAL CIRCUIT					
6				1,077.50*		1,077.50*	
7		OPERATING	JUD	80,710,960A		82,178,576A	
8				41.00*		41.00*	
9			JUD	4,144,799B		4,150,321B	
10							
11	3.	JUD320 - SECOND JUDICIAL CIRCUIT					
12				207.00*		207.00*	
13		OPERATING	JUD	16,145,386A		16,414,724A	
14							
15	4.	JUD330 - THIRD JUDICIAL CIRCUIT					
16				228.00*		228.00*	
17		OPERATING	JUD	19,145,986A		19,427,874A	
18							
19	5.	JUD350 - FIFTH JUDICIAL CIRCUIT					
20				99.00*		99.00*	
21		OPERATING	JUD	7,379,519A		7,513,151A	
22							
23	6.	JUD501 - JUDICIAL SELECTION COMMISSION					
24				1.00*		1.00*	
25		OPERATING	JUD	93,418A		93,418A	
26							
27	7.	JUD601 - ADMINISTRATION					
28				227.00*		227.00*	
29		OPERATING	JUD	26,028,018A		25,841,778A	
30				1.00*		1.00*	
31			JUD	7,976,193B		7,989,841B	
32			JUD	343,261W		343,261W	
33		INVESTMENT CAPITAL	JUD	55,000,000C			C

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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.

19 SECTION 7. Provided that of the general funds appropriated
20 for administration (JUD601), the sum of \$600,000 or so much thereof
21 as may be necessary for fiscal year 2015-2016 and the same sum or
22 so much thereof as may be necessary for fiscal year 2016-2017 shall
23 be expended for purchase of service contracts for civil legal



1 services; provided further that the administrative director of the
2 courts shall submit to the legislature by February 1, 2016, a
3 report listing the purchase of service contracts entered into from
4 July 1, 2015, to December 31, 2015, the purpose of the contracts,
5 and contract award amounts; and provided further that the
6 administrative director of the courts at least twenty days prior to
7 the convening of the regular sessions of 2016 and 2017, shall
8 submit to the legislature a report listing: the purchase of service
9 contracts entered into in the immediately preceding fiscal year;
10 the purpose of the contracts; the contract award amounts;
11 expenditures and encumbrances under the contracts; and program
12 measures achieved by the contractors.



1 PART IV. CAPITAL IMPROVEMENT PROJECTS

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



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

THE JUDICIAL SYSTEM
 JUD601 - ADMINISTRATION

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1.		KONA JUDICIARY COMPLEX, HAWAII					
		CONSTRUCTION FOR A NEW JUDICIARY COMPLEX AT KONA, HAWAII.					
		CONSTRUCTION			55,000		
		TOTAL FUNDING	JUD		55,000	C	



1 **PART V. ISSUANCE OF BONDS**

2 SECTION 9. 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 \$55,000,000.

7 **PART VI. SPECIAL PROVISIONS**

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

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

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

19 (b) Notwithstanding any other law to the contrary,
20 including section 14 of this Act, if the entire appropriation
21 for the Kona judiciary complex project is not encumbered by June

1 30, 2016, the entire appropriation, including any previously
2 encumbered amount, shall lapse on that date.

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

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

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

<u>"ITEM NO.</u>	<u>AMOUNT (MOF)</u>
11E	\$130,000 C"

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19
20 SECTION 12. Any law to the contrary notwithstanding, the
21 appropriations under Act 61, Session Laws of Hawaii 2011,
22 section 7, as amended by Act 107, Session Laws of Hawaii 2012,



1 section 3, in the amounts indicated or balances thereof,
2 unallotted, allotted, unencumbered, or encumbered and
3 unrequired, are hereby lapsed:

4	<u>"ITEM NO.</u>	<u>AMOUNT (MOF)</u>
5	8	\$1,700,000 C"

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

11	<u>"ITEM NO.</u>	<u>AMOUNT (MOF)</u>
12	2	\$2,800,000 C"

13 SECTION 14. Any law or any provision of this Act to the
14 contrary notwithstanding, except section 10(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 15. The judiciary may delegate to other state or
22 county agencies the planning, acquisition of land, design,

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

4 SECTION 16. All unrequired balances in the general
5 obligation bond fund, after the objectives of part II
6 appropriations for capital improvement 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 17. 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 judiciary project adjustment
13 fund; provided that supplemental allotments shall not be used to
14 increase the scope of the project.

15 SECTION 18. 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 19. 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 V of this Act.

4 SECTION 20. Any law or any provision of this Act to the
5 contrary notwithstanding, the chief justice may supplement funds
6 for any cost element for a capital improvement project
7 authorized under this Act by transferring sums as may be needed
8 from the funds appropriated for other cost elements of the same
9 project by this Act or by any other prior or future Act that has
10 not 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 VII. MISCELLANEOUS PROVISIONS AND EFFECTIVE DATE**

14 SECTION 21. 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 22. 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 23. This Act shall take effect on July 1, 2015.

APPROVED this 25 day of JUN, 2015



GOVERNOR OF THE STATE OF HAWAII

