

ACT 138

H.B. NO. 290

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
- W revolving 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.

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2015-2016	FISCAL YEAR 2016-2017
The Judicial System					
1.	JUD101 -	COURTS OF APPEAL			
	OPERATING		JUD	71.00* 6,563,752 A	71.00* 6,713,204 A
2.	JUD310 -	FIRST JUDICIAL CIRCUIT			
	OPERATING		JUD	1,077.50* 80,710,960 A	1,077.50* 82,178,576 A
			JUD	41.00* 4,144,799 B	41.00* 4,150,321 B
3.	JUD320 -	SECOND JUDICIAL CIRCUIT			
	OPERATING		JUD	207.00* 16,145,386 A	207.00* 16,414,724 A
4.	JUD330 -	THIRD JUDICIAL CIRCUIT			
	OPERATING		JUD	228.00* 19,145,986 A	228.00* 19,427,874 A
5.	JUD350 -	FIFTH JUDICIAL CIRCUIT			
	OPERATING		JUD	99.00* 7,379,519 A	99.00* 7,513,151 A

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL M YEAR O 2015-2016 F	FISCAL M YEAR O 2016-2017 F
6.	JUD501	JUDICIAL SELECTION COMMISSION			
	OPERATING		JUD	1.00* 93,418 A	1.00* 93,418 A
7.	JUD601	ADMINISTRATION			
	OPERATING		JUD	227.00* 26,028,018 A	227.00* 25,841,778 A
			JUD	1.00* 7,976,193 B	1.00* 7,989,841 B
	INVESTMENT CAPITAL		JUD	343,261 W 55,000,000 C	343,261 W 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, 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				APPROPRIATIONS (IN 000'S)	
ITEM NO.	CAPITAL PROJECT NO. TITLE		EXPENDING AGENCY	FISCAL M	FISCAL M
				YEAR O	YEAR O
				2015-2016 F	2016-2017 F
THE JUDICIAL SYSTEM					
JUD601 - ADMINISTRATION					
1.	KONA JUDICIARY COMPLEX, HAWAII				
	CONSTRUCTION FOR A NEW JUDICIARY COMPLEX AT KONA, HAWAII.				
		CONSTRUCTION		55,000	
		TOTAL FUNDING	JUD	55,000 C	C

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:

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

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:

<u>“ITEM NO.”</u>	<u>AMOUNT (MOF)</u>
8	\$1,700,000 C”

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:

<u>“ITEM NO.”</u>	<u>AMOUNT (MOF)</u>
2	\$2,800,000 C”

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 reduc-

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tion 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.
(Approved June 25, 2015.)