
A BILL FOR AN ACT

RELATING TO THE JUDICIARY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 601, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§601- Access to justice trust fund. (a) There is
5 established the access to justice trust fund as a separate fund
6 of the judiciary. All funds contributed to the trust fund,
7 including income and capital gains earned therefrom, shall be
8 used exclusively for the purposes described in subsection (d).

9 (b) The trust fund shall be administered by a nonprofit
10 entity having a board of directors and qualifying under section
11 501(c)(3) of the Internal Revenue Code of 1986, as amended. The
12 administrative director of the courts, with the approval of the
13 chief justice and the associate justices of the supreme court,
14 shall select the entity, in accordance with this section, based
15 upon the proven record of accomplishment of the entity in
16 administering a similar trust fund. The administrative director
17 of the courts may in the administrative director's sole
18 discretion, with the approval of the chief justice and the



1 associate justices of the supreme court, rescind the selection
 2 of the entity. If the entity selected under this subsection is
 3 dissolved or the selection of the entity is rescinded, the
 4 administrative director of the courts shall, with the approval
 5 of the chief justice and the associate justices of the supreme
 6 court, select a successor entity to administer the trust fund.

7 (c) There shall be an endowment component of the trust
 8 fund, consisting of the principal of the trust fund. Interest
 9 generated from the investment of the trust fund shall be
 10 expended pursuant to subsection (d) or reinvested pursuant to
 11 subsection (e).

12 (d) The entity selected pursuant to subsection (b) shall
 13 be responsible for the expenditure of moneys from the trust fund
 14 for the purposes of funding legal services for the poor,
 15 indigent, and other vulnerable populations. The entity shall
 16 disburse funds in the manner described in subsection (e) to
 17 nonprofit legal services organizations to assist with legal
 18 service needs of the poor, indigent, and other vulnerable
 19 populations. Funds may also be expended to administer the trust
 20 fund, as approved by the administrative director of the courts.

21 (e) Any funds deposited into the trust fund shall be
 22 invested by the entity selected pursuant to subsection (b) in a



1 manner intended to maximize the rate of return on investment of
2 the trust fund consistent with the objective of preserving the
3 trust fund's principal. Interest and capital gains earned
4 therefrom that are not expended as authorized pursuant to
5 subsection (d) shall be reinvested.

6 (f) The administrative director of the courts shall,
7 subject to the direction of the chief justice, have oversight
8 authority over the fund and shall conduct an annual financial
9 audit of the fund; provided that the administrative director may
10 contract with a certified public accountancy firm for this
11 purpose. The findings and recommendations of the audit shall be
12 annually reported to the chief justice and the legislature.

13 (g) The trust fund may receive appropriations,
14 contributions, grants, endowments, or gifts in cash or otherwise
15 from any source, including the State, corporations or other
16 businesses, foundations, government, individuals, and other
17 interested parties.

18 (h) If the trust fund is terminated, the moneys remaining
19 in the trust fund shall revert back to the State and shall be
20 deemed to be trust moneys."

21 SECTION 2. Section 601-3, Hawaii Revised Statutes, is
22 amended by amending subsection (b) to read as follows:



- 1 "(b) The administrative director shall, subject to the
2 direction of the chief justice, perform the following functions:
- 3 (1) Examine the administrative methods of the courts and
4 make recommendations to the chief justice for their
5 improvement;
- 6 (2) Examine the state of the dockets of the courts, secure
7 information as to their needs of assistance, if any,
8 prepare statistical data and reports of the business
9 of the courts, and advise the chief justice to the end
10 that proper action may be taken;
- 11 (3) Examine the estimates of the courts for appropriations
12 and present to the chief justice the administrative
13 director's recommendations concerning them;
- 14 (4) Examine the statistical systems of the courts and make
15 recommendations to the chief justice for a uniform
16 system of judicial statistics;
- 17 (5) Collect, analyze, and report to the chief justice
18 statistical and other data concerning the business of
19 the courts;
- 20 (6) Assist the chief justice in the preparation of the
21 budget, the six-year program and financial plan, the



1 variance report, and any other reports requested by
2 the legislature;

3 (7) Carry out the duties and responsibilities assigned to
4 the administrative director regarding the access to
5 justice trust fund specified in section 601- ;

6 [~~7~~] (8) Carry out all duties and responsibilities that
7 are specified in title 7 as it pertains to employees
8 of the judiciary; and

9 [~~8~~] (9) Attend to such other matters as may be assigned
10 by the chief justice."

11 SECTION 3. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 4. This Act shall take effect on July 1, 2050.

14



Report Title:

Judiciary; Access to Justice Trust Fund

Description:

Establishes the access to justice trust fund under the judiciary as an endowment, to be administered by a nonprofit entity. Requires investment of the principal. Authorizes disbursement of interest earned to fund nonprofit legal service organizations to assist with the legal services needs of the poor, indigent, and other vulnerable populations. Effective 7/1/2050. (SD1)

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

