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# 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 2019.

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

"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

"Position ceiling" means the maximum number of permanent or temporary positions authorized for a particular program during a



1 specified period or periods, as noted by an asterisk or pound  
2 sign, respectively.

3 "Program ID" means the unique identifier for the specific  
4 program, and consists of the abbreviation for the judiciary  
5 (JUD) followed by a designated number for the program.

6 **PART II. PROGRAM APPROPRIATIONS**

7 SECTION 3. The following sums, or so much thereof as may  
8 be sufficient to accomplish the purposes and programs designated  
9 herein, are appropriated or authorized from the sources of  
10 funding specified to the judiciary for the fiscal biennium  
11 beginning July 1, 2019, and ending June 30, 2021. The total  
12 expenditures and the number of permanent and temporary positions  
13 established in each fiscal year of the fiscal biennium shall not  
14 exceed the sums and the position ceilings indicated for each  
15 year, except as provided in this Act.

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PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS			
				FISCAL YEAR 2019-2020	M O F	FISCAL YEAR 2020-2021	M O F
The Judicial System							
1	1.	JUD101 - COURTS OF APPEAL					
2				73.00*		73.00*	
3				1.00#		1.00#	
4		OPERATING	JUD	7,216,185A		7,216,185A	
5	2.	JUD310 - FIRST JUDICIAL CIRCUIT					
6				1,103.50*		1,103.50*	
7				58.58#		58.58#	
8		OPERATING	JUD	88,278,054A		88,425,760A	
9				41.00*		41.00*	
10			JUD	4,429,112B		4,429,112B	
11	3.	JUD320 - SECOND JUDICIAL CIRCUIT					
12				210.50*		210.50*	
13				1.68#		1.68#	
14		OPERATING	JUD	17,949,998A		17,955,448A	
15	4.	JUD330 - THIRD JUDICIAL CIRCUIT					
16				240.00*		240.00*	
17				5.68#		5.68#	
18		OPERATING	JUD	21,729,887A		21,761,042A	
19	5.	JUD350 - FIFTH JUDICIAL CIRCUIT					
20				103.00*		103.00*	
21				2.60#		2.60#	
22		OPERATING	JUD	8,455,480A		8,447,902A	
23	6.	JUD501 - JUDICIAL SELECTION COMMISSION					
24				1.00*		1.00*	
25		OPERATING	JUD	103,414A		103,414A	
26	7.	JUD601 - ADMINISTRATION					
27				226.00*		226.00*	
28				9.48#		9.48#	
29		OPERATING	JUD	28,086,186A		27,587,239A	
30				1.00*		1.00*	
31				9.00#		9.00#	
32			JUD	8,034,802B		8,034,802B	
33			JUD	343,261W		343,261W	
34		INVESTMENT CAPITAL	JUD	9,355,000C			C



1                                   **PART III. PROGRAM PROVISIONS**

2           SECTION 4. Provided that whenever the need arises, the  
3 chief justice, in administering an equitable and expeditious  
4 judicial process, may transfer sufficient funds and positions  
5 between programs for operating purposes; provided further that  
6 no transfer shall be made to implement any collective bargaining  
7 contract signed after this legislature adjourns sine die.

8           SECTION 5. Provided that if the chief justice, or any  
9 agency, or any government unit secures federal funds or other  
10 property under any act of Congress, or any funds or other  
11 property from private organizations or individuals which are to  
12 be expended in connection with any program or works authorized  
13 by this Act, or otherwise, the chief justice, or the agency with  
14 the chief justice's approval, may enter into the undertaking  
15 with the federal government, private organization, or  
16 individual.

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



1 SECTION 7. Provided that of the general fund appropriation  
2 for administration (JUD601), the sum of \$500,000 or so much  
3 thereof as may be necessary for fiscal year 2019-2020 shall be  
4 expended for general civil legal services for indigent  
5 residents; provided further that general civil legal services to  
6 indigent residents shall be provided by legal service providers:

- 7 (1) With clients whose income levels do not exceed 250 per  
8 cent of the applicable federal poverty level for  
9 Hawaii;
- 10 (2) With current and valid IRS 501(c)(3) status;
- 11 (3) That can demonstrate that it has in place and utilizes  
12 guidelines that effectively screen for income  
13 eligibility and type of cases accepted;
- 14 (4) Whose essential mission is the provision of general  
15 civil legal services and may not have as its central  
16 mission the provision of specialized types of legal  
17 services; and
- 18 (5) That complete the requisite detailed application  
19 requesting funding from the governmental entity or its  
20 designee responsible for the allocation of this  
21 funding.



1                   **PART IV. CAPITAL IMPROVEMENT PROJECTS**

2           SECTION 8. The sum of \$9,355,000 appropriated or

3 authorized in part II of this Act for capital improvement

4 projects shall be expended by the judiciary for the projects

5 listed below; provided that several related or similar projects

6 may be combined into a single project, if a combination is

7 advantageous or convenient for implementation; provided further

8 that the total cost of the projects thus combined shall not

9 exceed the total of the sums specified for the projects

10 separately. The amount after each cost element and the total

11 funding for each project listed in this part are in thousands of

12 dollars.

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**CAPITAL IMPROVEMENT PROJECTS**

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)			
				FISCAL YEAR 2019-2020	M O F	FISCAL YEAR 2020-2021	M O F

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A. ECONOMIC DEVELOPMENT  
 JUD601 - ADMINISTRATION

1.		HOAPILI HALE PARKING STRUCTURE SEWER, STORM DRAIN, AC AND FIRE SPRINKLER PIPING IMPROVEMENTS, MAUI					
		DESIGN AND CONSTRUCTION, IN PHASES AS FUNDS ALLOW, TO RENOVATE THE SANITARY (WASTE), STORM DRAIN, AC (CHILLED WATER), AND FIRE SUPPRESSION SYSTEMS IN THE PARKING STRUCTURE AT HOAPILI HALE, MAUI.					
		TOTAL FUNDING	JUD		850 C		C
2.		HOAPILI HALE SECURITY IMPROVEMENTS, MAUI					
		DESIGN AND CONSTRUCTION FOR SECURITY-RELATED IMPROVEMENTS AT HOAPILI HALE, MAUI.					
		TOTAL FUNDING	JUD		3,510 C		C
3.		KAAHUMANU HALE REPAIR BASEMENT LEAKS AND DAMAGES, OAHU					
		DESIGN AND CONSTRUCTION TO REPAIR LEAKS IN THE TELECOMMUNICATIONS ROOM AND THE EVIDENCE ROOM IN THE BASEMENT PARKING AREA AT KAAHUMANU HALE, OAHU.					
		TOTAL FUNDING	JUD		1,995 C		C



**CAPITAL IMPROVEMENT PROJECTS**

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)			
				FISCAL YEAR 2019-2020	M O F	FISCAL YEAR 2020-2021	M O F

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4.		LUMP SUM CIP FOR JUDICIARY FACILITIES, STATEWIDE					
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR IMPROVEMENTS INCLUDING DEFERRED REPAIRS AND MAINTENANCE, ALTERATIONS, UPGRADES AND RENOVATIONS TO JUDICIARY FACILITIES, STATEWIDE.					
		TOTAL FUNDING	JUD	3,000	C		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 V of  
5 this Act; provided that the sum of the general obligation bonds  
6 so issued shall not exceed \$9,355,000.

7                                   **PART VI.   SPECIAL PROVISIONS**

8           SECTION 10.   Any law or any provision of this Act to the  
9 contrary notwithstanding, the appropriations made for capital  
10 improvement projects authorized in part II and listed in part V  
11 of this Act shall not lapse at the end of the fiscal year for  
12 which the appropriations are made; provided that all  
13 appropriations made for fiscal year 2019-2020 and fiscal year  
14 2020-2021 that are unencumbered as of June 30, 2022, shall lapse  
15 as of that date.

16           SECTION 11.   The judiciary may delegate to other state or  
17 county agencies the planning, acquisition of land, design,  
18 construction, and equipment of any capital improvement project  
19 when it is determined by the judiciary to be advantageous to do  
20 so.



1 SECTION 12. All unrequired balances in the general  
2 obligation bond fund, after the objectives of part II  
3 appropriations for capital improvements program purposes listed  
4 as projects in part IV of this Act have been met, shall be  
5 transferred to the judiciary project adjustment fund.

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

12 SECTION 14. Where it has been determined that changed  
13 conditions, such as a reduction in the particular population  
14 being served, permit the reduction in the scope of a project  
15 listed in part IV of this Act, the chief justice may authorize  
16 this reduction of project scope.

17 SECTION 15. The chief justice shall determine when and the  
18 manner in which the authorized capital improvement projects  
19 shall be initiated. The chief justice shall notify the governor  
20 from time to time of the specific amounts required for the



1 projects, and the governor shall provide for those amounts  
2 through the issuance of bonds authorized in part V of this Act.

3 SECTION 16. Any law or any provision of this Act to the  
4 contrary notwithstanding, the chief justice may supplement funds  
5 for any cost element for a capital improvement project  
6 authorized under this Act by transferring any sums as may be  
7 needed from the funds appropriated for other cost elements of  
8 the same project by this Act or by any other prior or future Act  
9 that has not lapsed; provided that the total expenditure of  
10 funds for all cost elements for the project shall not exceed the  
11 total appropriation for that project.

12 **PART VII. MISCELLANEOUS PROVISIONS AND EFFECTIVE DATE**

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



1 SECTION 18. 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 19. This Act shall take effect on July 1, 2019.



**Report Title:**

Judiciary Package; Appropriations; Budget

**Description:**

Appropriates funds for the Judiciary for the fiscal biennium beginning 7/1/2019 and ending 6/30/2021. Effective 7/1/2019.  
(CD1)

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

