

ACT 38

H.B. NO. 510

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

“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.

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 appro-

apropriated or authorized from the sources of funding specified to the judiciary for the fiscal biennium beginning July 1, 2019, and ending June 30, 2021. The total expenditures and the number of permanent and temporary 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 2019-2020	M O F	FISCAL YEAR 2020-2021
The Judicial System						
1.	JUD101	- COURTS OF APPEAL			73.00 *	73.00 *
					1.00 #	1.00 #
	OPERATING		JUD	7,216,185	A	7,216,185 A
2.	JUD310	- FIRST JUDICIAL CIRCUIT			1,103.50 *	1,103.50 *
					58.58 #	58.58 #
	OPERATING		JUD	88,278,054	A	88,425,760 A
					41.00 *	41.00 *
			JUD	4,429,112	B	4,429,112 B
3.	JUD320	- SECOND JUDICIAL CIRCUIT			210.50 *	210.50 *
					1.68 #	1.68 #
	OPERATING		JUD	17,949,998	A	17,955,448 A
4.	JUD330	- THIRD JUDICIAL CIRCUIT			240.00 *	240.00 *
					5.68 #	5.68 #
	OPERATING		JUD	21,729,887	A	21,761,042 A
5.	JUD350	- FIFTH JUDICIAL CIRCUIT			103.00 *	103.00 *
					2.60 #	2.60 #
	OPERATING		JUD	8,455,480	A	8,447,902 A
6.	JUD501	- JUDICIAL SELECTION COMMISSION			1.00 *	1.00 *
	OPERATING		JUD	103,414	A	103,414 A
7.	JUD601	- ADMINISTRATION			226.00 *	226.00 *
					9.48 #	9.48 #
	OPERATING		JUD	28,086,186	A	27,587,239 A
					1.00 *	1.00 *
					9.00 #	9.00 #
			JUD	8,034,802	B	8,034,802 B
			JUD	343,261	W	343,261 W
	INVESTMENT CAPITAL		JUD	9,355,000	C	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 which 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 fund appropriation for administration (JUD601), the sum of \$500,000 or so much thereof as may be necessary for fiscal year 2019-2020 shall be expended for general civil legal services for indigent residents; provided further that general civil legal services to indigent residents shall be provided by legal service providers:

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

PART IV. CAPITAL IMPROVEMENT PROJECTS

SECTION 8. The sum of \$9,355,000 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; 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

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

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		850C	C

CAPITAL IMPROVEMENT PROJECTS					
ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O	FISCAL M YEAR O
				2019-2020 F	2020-2021 F
2.		HOAPILI HALE SECURITY IMPROVEMENTS, MAUI			
		DESIGN AND CONSTRUCTION FOR SECURITY-RELATED IMPROVEMENTS AT HOAPILI HALE, MAUI.			
		TOTAL FUNDING	JUD	3,510C	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	1,995C	C
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	3,000C	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 V of this Act; provided that the sum of the general obligation bonds so issued shall not exceed \$9,355,000.

PART VI. SPECIAL PROVISIONS

SECTION 10. Any law or any provision of this Act to the contrary notwithstanding, the appropriations made for capital improvement projects authorized in part II and listed in part V 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 2019-2020 and fiscal year 2020-2021 that are unencumbered as of June 30, 2022, shall lapse as of that date.

SECTION 11. 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 12. All unrequired balances in the general obligation bond fund, after the objectives of part II appropriations for capital improvements program purposes listed as projects in part IV of this Act have been met, shall be transferred to the judiciary project adjustment fund.

SECTION 13. 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 project adjustment fund; provided that supplemental allotments shall not be used to increase the scope of the project.

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

SECTION 15. 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 16. 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 any 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 17. 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 18. 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 19. This Act shall take effect on July 1, 2019.

(Approved June 7, 2019.)