

ACT 70

H.B. NO. 382

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 2023.

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
- 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 appropriated or authorized from the sources of funding specified to the judiciary for the fiscal biennium beginning July 1, 2023, and ending June 30, 2025. 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 2023-2024	FISCAL YEAR 2024-2025
				M O F	M O F
The Judicial System					
1.	JUD101	- COURTS OF APPEAL		82.00*	82.00*
				1.48#	1.48#
	OPERATING		JUD	8,649,904A	8,960,647A
2.	JUD310	- FIRST JUDICIAL CIRCUIT		1,107.50*	1,107.50*
				64.58#	64.58#
	OPERATING		JUD	93,530,037A	95,881,481A
				35.00*	35.00*
			JUD	4,177,883B	4,261,273B
3.	JUD320	- SECOND JUDICIAL CIRCUIT		210.50*	210.50*
				1.68#	1.68#
	OPERATING		JUD	19,398,739A	19,951,098A
4.	JUD330	- THIRD JUDICIAL CIRCUIT		242.00*	242.00*
				5.20#	5.20#
	OPERATING		JUD	23,437,911A	24,063,817A
5.	JUD350	- FIFTH JUDICIAL CIRCUIT		103.00*	103.00*
				2.60#	2.60#
	OPERATING		JUD	8,755,703A	9,004,124A
6.	JUD501	- JUDICIAL SELECTION COMMISSION		1.00*	1.00*
	OPERATING		JUD	110,099A	114,074A
7.	JUD601	- ADMINISTRATION		228.00*	228.00*
				8.48#	8.48#
	OPERATING		JUD	31,266,318A	31,040,535A
				1.00*	1.00*

PROGRAM APPROPRIATIONS					
ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL M YEAR O	FISCAL M YEAR O
				2023-2024 F	2024-2025 F
				9.00#	9.00#
			JUD	8,195,369B	8,241,219B
			JUD	343,261W	343,261W
		INVESTMENT CAPITAL	JUD	17,955,000C	C
			JUD	3,000,000A	A

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; and 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 government unit, secures federal funds or other property under any act of Congress, or any funds or other property from private organizations or individuals, to be expended in connection with any program or works authorized by this Act or otherwise, the chief justice, or the agency or government unit 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 \$333,333 or so much thereof as may be necessary for fiscal year 2023-2024 shall be expended for actuaries to determine cost-of-living adjustments for services on a fee basis costs that account for increase in inflation.

PART IV. CAPITAL IMPROVEMENT PROJECTS

SECTION 8. The sum of \$20,955,000 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 M YEAR O 2023-2024 F	FISCAL M YEAR O 2024-2025 F
A. ECONOMIC DEVELOPMENT					
JUD601 - ADMINISTRATION					
1.		ALIIOLANI HALE A/C REPLACEMENT, OAHU CONSTRUCTION AND EQUIPMENT FOR A/C SYSTEM REPLACEMENT AT ALIIOLANI HALE, OAHU.			
		TOTAL FUNDING	JUD	3,000C	C
2.		CHILDREN'S JUSTICE CENTER, OAHU PLANS, LAND, DESIGN, AND CONSTRUCTION FOR A NEW FACILITY FOR THE RELOCATION OF THE CHILDREN'S JUSTICE CENTER, OAHU; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	JUD	6,000C	C
3.		HOAPILI HALE REDIRECTION OF CONDENSATE, MAUI PLANS AND DESIGN FOR REDIRECTION OF CONDENSATE DISCHARGE AT HOAPILI HALE, MAUI.			
		TOTAL FUNDING	JUD	300C	C
4.		KAAHUMANU HALE ELEVATOR SYSTEMS UPGRADES AND MODERNIZATION, OAHU CONSTRUCTION FOR ELEVATOR SYSTEMS UPGRADES AND MODERNIZATION AT KAAHUMANU HALE, OAHU.			
		TOTAL FUNDING	JUD	4,505C	C
5.		KAUAI JUDICIARY COMPLEX REROOFING AND RELATED IMPROVEMENTS PHASE 3, KAUAI DESIGN AND CONSTRUCTION TO REROOF AND REPAIR LEAKS AND DAMAGES AT KAUAI JUDICIARY COMPLEX, KAUAI.			
		TOTAL FUNDING	JUD	4,150C	C
6.		LUMP SUM CIP FOR JUDICIARY FACILITIES, STATEWIDE PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT FOR GENERAL ALTERATIONS, UPGRADES AND IMPROVEMENTS TO JUDICIARY FACILITIES, STATEWIDE.			
		TOTAL FUNDING	JUD	3,000A	A

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 \$17,955,000.

PART VI. SPECIAL PROVISIONS

SECTION 10. Any provision of this Act to the contrary notwithstanding, all 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 is made; provided that the appropriations made to be expended in fiscal biennium 2023-2025 that are unencumbered as of June 30, 2026, shall lapse as of that date; provided further that:

- (1) Appropriations out of the general revenues of the State for fiscal year 2023-2024 and fiscal year 2024-2025 for capital improvement projects authorized in part II and listed in part IV of this Act that are not expended or encumbered by June 30, 2024, and June 30, 2025, respectively, shall lapse as of those dates; and
- (2) Appropriations for projects authorized in part II and listed in part IV of this Act where the appropriations have been deemed necessary to qualify for federal aid financing and reimbursement that are unencumbered as of June 30, 2030, 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 the 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 II and listed in part IV 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 of 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 17. (a) In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,063,767,367 or 10 per cent. In addition, the appropriations contained in this Act will cause the general fund expenditure ceiling for fiscal year 2023-2024 to be further exceeded by \$188,148,711 or 2 per cent. The combined total amount of general fund appropriations contained in only these two Acts will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,251,916,078 or 12 per cent.

(b) In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in this Act will cause the state general fund expenditure ceiling for fiscal year 2024-2025 to be exceeded by \$189,015,776 or 2 per cent.

(c) The reasons for exceeding the general fund expenditure ceiling are that:

- (1) The appropriations made in this Act are necessary to serve the public interest; and
- (2) The appropriations made in this Act meet the needs addressed by this Act.

SECTION 18. 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 this 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 19. 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 20. This Act shall take effect on July 1, 2023.

(Approved June 7, 2023.)

Note

1. Act 164.