



The Judiciary, State of Hawai‘i

Testimony to the Thirtieth State Legislature, 2020 Session

House Committee on Finance
Representative Sylvia Luke, Chair
Representative Ty J. K. Cullen, Vice Chair

Friday, May 15, 2020, 9:00 a.m.
State Capitol, Auditorium

by
Tom Mick
Policy and Planning Department Director

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 3080, S.D. 3, Relating to the Judiciary.

Purpose: To provide supplemental operating and capital improvement appropriations for FY 2021.

Judiciary's Position:

The Judiciary strongly urges your support of Senate Bill No. 3080, S.D. 3.

When developing its budget request for this legislative session, the Judiciary was aware at that time that Hawai‘i’s economy, economic outlook, visitor arrivals, job counts, and construction activities were strong and that current state business sentiment was positive. However, since that time, Hawai‘i, along with the rest of the world, has faced the effects of COVID-19 on people and the economy. Specifically, the State of Hawai‘i is now facing a \$1 billion budget shortfall.

Originally, our general fund supplemental budget request for the Judiciary was very modest – just five requests for seven new permanent positions and \$1.23 million in funding for FY 2021, which is only 0.7 percent of the Judiciary’s current budget base. Three of these requests involved funding and two were for no-cost temporary to permanent position conversions. Funding was being requested for judicial salary increases recommended by the Commission on Salaries and approved by the Legislature, for a Second Circuit District Court judge and three supporting staff



positions, and for civil legal services. The temporary to permanent position conversions were for two Court Appointed Special Advocate social worker positions in the Second Circuit and for a Court Operations Specialist position in the Courts of Appeal.

The Judiciary is very grateful to the Senate Committees on Ways and Means (WAM) and Judiciary (JDC) for supporting all our general fund requests. However, subsequent to WAM's and JDC's support and the issuance of Senate Bill No. 3080, S.D.3, on March 11, 2020, the Council on Revenues lowered its FY 2021 forecast from 4.0% to 0.0% in expectation of an economic downturn due to the effects of COVID-19. And, as mentioned above, actions taken in response to COVID-19 and the closing or minimal operation of most non-essential businesses in Hawaii have resulted in an estimated \$1 billion State budget shortfall. Considering this situation, the Judiciary feels it is only prudent to withdraw all its new general fund requests for FY 2021.

The Judiciary is also deeply appreciative of WAM's support for four of our five Capital Improvement Project (CIP) requests - \$2.8 million for parking structure piping renovations at Hoapili Hale in Second Circuit, \$2.65 million to reroof and repair leaks and resulting damages at Pu'uhonua Kaulike in Fifth Circuit, \$3 million in lump sum monies for Judiciary facilities statewide, and \$1.543 million of the \$1.7 million requested to renovate the sheriff station and upgrade the security function at Ka'ahumanu Hale in First Circuit. WAM also added \$4 million in CIP planning and design funds for a new Judiciary Complex at Wahiawa Civic Center. We are also tremendously thankful that on May 13, in House Bill No. 2725, H.D. 1, S.D. 1, WAM provided \$76 million for planning, design, construction, and equipment for this Wahiawa project.

We nevertheless remain extremely concerned that pre-COVID-19, in Senate Draft 3 of this measure, only \$1,000 was approved of the \$17,550,000 requested for Ka'ahumanu Hale in First Circuit to address significant safety and reliability concerns with its fire alarm systems and elevators, both of which are more than 35 years old, are tied into each other, and which continue to malfunction with greater frequency. During 2019, 75 elevator trouble calls were made for the 9 elevators in Ka'ahumanu Hale with 13 being for people trapped in the elevators between floors. On one day, all four public elevators were down for half a day and one elevator is now completely out of service and has been for more than 5 months. Repairs are difficult and costly as replacement parts are no longer being made and must be cannibalized from out of service elevators elsewhere.

While we understand that the \$17 million required for this project is a large amount, we also believe that it is important to address this significant safety concern as soon as possible and respectfully request, at minimum, \$3.3 million to start by upgrading the fire alarms to address safety concerns and meet all codes and standards. The fire alarm portion of this project could be "shovel ready" to go within six to nine months of receiving the funding, assuming DAGS is not overwhelmed with other projects and would be able to be an active participant, and assuming the availability of a contractor to step up and start the project timely.



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In summary, the Judiciary is extremely grateful for the support provided by WAM and JDC for its supplemental budget requests, and respectfully requests your continued support.

Thank you for the opportunity to testify on this measure.

SB-3080-SD-3

Submitted on: 5/14/2020 1:31:16 PM

Testimony for FIN on 5/15/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kari Matadobra	Individual	Support	No

Comments:

I have been a volunteer at the Waikiki Aquarium for 8 years, and I know how important this aquarium is to our keiki and the community and tourists. I strongly support [SB 3080 SD4](#) as a line item under the **University of Hawaii** section for \$600,000 for Galleries floor and ceiling repair. Please, kokua, consider the future of the Waikiki Aquarium, which has been around for 116 years!!

DAVID Y. IGE
GOVERNOR



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May 15, 2020

The Honorable Sylvia Luke, Chair
Committee on Finance
Hawaii State Capitol
415 South Beretania Street, Room 306
Honolulu, Hawai'i 96813

Dear Chair Luke:

Thank you for the opportunity to comment on the prison release effort being overseen by the Hawai'i Supreme Court. At the very outset, our office had concerns about the impact of this effort on crime victims in our community, and believed it was necessary for all aspects of the criminal justice system to work together to ensure the safety of all members of our community – prison inmates as well as crime victims.

The Hawai'i Supreme Court appointed a Special Master to facilitate this process, and also issued orders that incorporated some but not all of the Special Master's recommendations. Presently, we have no cases of COVID-19 in our prison system, and yet more than 800 prisoners have been released since March 2, 2020. We are concerned that releases have been made over the objections of prosecutors and based on a presumption of release ordered by the Hawai'i Supreme Court. It appears we have had more than two dozen inmates who were released under this effort re-offend, including by committing violent offenses. In addition, we have heard from the service providers in our community working with domestic violence victims that there have been disturbing upticks in calls to helplines as well as intakes and referrals. They believe that abusers are being released, which is concerning on many fronts including because the current measures in place to address COVID-19 are putting many domestic violence victims in already dangerous situations.

Finally, we have reviewed recent CDC guidance that supports the effectiveness of efforts already underway in our jail system, which include hygiene protocols, screening, isolation and other proven methods. Decompression is not yet a proven strategy, especially in our situation, where we have no evidence that COVID-19 is present in our prison population.

Respectfully,

A handwritten signature in black ink, appearing to be "Clare E. Connors", written over a horizontal line.

Clare E. Connors
Attorney General