



GOV. MSG. NO. 927

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

June 12, 2007

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on June 12, 2007, the following bill was signed into law:

HB1212 HD2 SD2 CD1

A BILL FOR AN ACT RELATING TO THE
JUDICIARY.
(ACT 169)

Sincerely,

A handwritten signature in black ink, appearing to read "James R. Aiona, Jr.", written in a cursive style.

JAMES R. AIONA, JR.
Acting Governor

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 2007.

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

(a) "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.

(b) "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 Other federal funds
- W Revolving funds

1 (c) "Position ceiling" means the maximum number of
2 permanent positions authorized for a particular program during a
3 specified period or periods, as noted by an asterisk.

4 **PART II. PROGRAM APPROPRIATIONS**

5 SECTION 3. The following sums, or so much thereof as may
6 be sufficient to accomplish the purposes and programs designated
7 herein, are appropriated or authorized from the sources of
8 funding specified to the judiciary for the fiscal biennium
9 beginning July 1, 2007, and ending June 30, 2009. The total
10 expenditures and the number of permanent positions established
11 in each fiscal year of the fiscal biennium shall not exceed the
12 sums and the position ceilings indicated for each year, except
13 as provided in this Act.

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS			
				FISCAL YEAR 2007-2008	M O F	FISCAL YEAR 2008-2009	M O F
1		The Judicial System					
2	1.	JUD101 - COURTS OF APPEAL					
3				80.00*		80.00*	
4		OPERATING	JUD	6,946,406A		7,009,698A	
5			JUD	243,261W		243,261W	
6							
7	2.	JUD310 - FIRST JUDICIAL CIRCUIT					
8				1,069.50*		1,077.50*	
9		OPERATING	JUD	71,101,064A		69,804,878A	
10				40.00*		40.00*	
11			JUD	3,515,326B		3,515,326B	
12							
13	3.	JUD320 - SECOND JUDICIAL CIRCUIT					
14				215.00*		216.00*	
15		OPERATING	JUD	14,450,344A		14,601,905A	
16			JUD	10,168B		150B	
17							
18	4.	JUD330 - THIRD JUDICIAL CIRCUIT					
19				222.00*		222.00*	
20		OPERATING	JUD	17,494,185A		17,636,248A	
21							
22	5.	JUD350 - FIFTH JUDICIAL CIRCUIT					
23				98.00*		98.00*	
24		OPERATING	JUD	6,878,391A		6,898,490A	
25							
26	6.	JUD601 - ADMINISTRATION					
27				226.00*		226.00*	
28		OPERATING	JUD	22,541,795A		20,555,965A	
29				1.00*		1.00*	
30			JUD	6,207,227B		5,624,607B	
31			JUD	100,000W		100,000W	
32		INVESTMENT CAPITAL	JUD	27,250,000C		500,000C	

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, is authorized to transfer sufficient funds and
5 positions between programs for operating purposes; provided
6 further that no transfer shall be made to implement any
7 collective bargaining contract signed after this legislature
8 adjourns sine die.

9 SECTION 5. Provided that if the chief justice, or any
10 agency, or any government unit, secures federal funds or other
11 property under any act of Congress, or any funds or other
12 property from private organizations or individuals which are to
13 be expended in connection with any program or works authorized
14 by this Act, or otherwise, the chief justice, or the agency with
15 the chief justice's approval, shall have the power to enter into
16 the undertaking with the federal government, private
17 organization, or individual; provided further that while most
18 federal aid allocations are known and state matching funds are
19 provided in this Act, in instances where programs for which
20 federal-state cost sharing is not yet determined, the
21 availability of federal funds shall be construed as a
22 proportionate reduction of state costs whenever possible.

1 SECTION 6. Provided that the judiciary is authorized to
2 transfer savings from its general fund appropriation to the
3 driver education special fund to accommodate any temporary cash
4 flow deficits.

5 SECTION 7. Provided that of the general fund appropriation
6 for the first judicial circuit (JUD 310), the sum of \$199,883 or
7 so much thereof as may be necessary for fiscal year 2007-2008
8 and the sum of \$246,912 or so much thereof as may be necessary
9 for fiscal year 2008-2009 shall be used for the Interagency
10 Council on Intermediate Sanctions; provided further that the
11 funds shall not be expended for any other purpose; provided
12 further that the judiciary shall prepare a detailed report that
13 shall include, but not be limited to, the following information:

- 14 (1) A detailed breakdown of expenditures;
 - 15 (2) A detailed breakdown of treatment services provided;
 - 16 (3) Costs incurred and treatment outcomes;
 - 17 (4) Results of the evaluation performed;
 - 18 (5) An analysis of the effectiveness of the project;
- 19 and provided further that the report shall be submitted to the
20 legislature no later than twenty days prior to the convening of
21 the 2008 and 2009 regular sessions.

1 SECTION 8. Provided that of the general fund appropriation
2 for first judicial circuit (JUD 310), the sum of \$100,000 or so
3 much thereof as may be necessary for fiscal year 2007-2008 and
4 the sum of \$100,000 or so much thereof as may be necessary for
5 fiscal year 2008-2009 shall be expended for drug court; provided
6 further that the funds shall be used for medically targeted
7 substance abuse treatment for drug addicted offenders -
8 integrated approach supervised by physicians; and provided
9 further that a progress report shall be provided to the
10 legislature no later than thirty days prior to the convening of
11 the 2008 and 2009 regular sessions.

12 SECTION 9. Provided that of the general fund appropriation
13 for second judicial circuit (JUD 320), the sum of \$100,000 or so
14 much thereof as may be necessary for fiscal year 2007-2008 and
15 the sum of \$100,000 or so much thereof as may be necessary for
16 fiscal year 2008-2009 shall be expended for drug court; provided
17 further that the funds shall be used for medically targeted
18 substance abuse treatment for drug addicted offenders -
19 integrated approach supervised by physicians; and provided
20 further that a progress report shall be provided to the
21 legislature no later than thirty days prior to the convening of
22 the 2008 and 2009 regular sessions.

1 SECTION 10. Provided that of the general fund
2 appropriation for third judicial circuit (JUD 330), the sum of
3 \$100,000 or so much thereof as may be necessary for fiscal year
4 2007-2008 and the sum of \$100,000 or so much thereof as may be
5 necessary for fiscal year 2008-2009 shall be expended for drug
6 court; provided further that the funds shall be used for
7 medically targeted substance abuse treatment for drug addicted
8 offenders - integrated approach supervised by physicians; and
9 provided further that a progress report shall be provided to the
10 legislature no later than thirty days prior to the convening of
11 the 2008 and 2009 regular sessions.

12 SECTION 11. Provided that the judiciary shall submit a
13 report on all revenues and expenditures from the court
14 interpreting services revolving fund as of December 1; provided
15 further that the report shall be submitted to the legislature no
16 later than twenty days prior to the convening of the 2008 and
17 2009 regular sessions.

18 SECTION 12. Provided that of the general fund appropriation
19 for administration (JUD 601), the sum of \$100,000 or so much
20 thereof as may be necessary for fiscal year 2007-2008 and
21 \$100,000 or so much thereof as may be necessary for fiscal year
22 2008-2009 shall be used for service on a fee basis-interpreter

1 fees for the office of equality and access to the courts;
2 provided further that the funds shall not be expended for any
3 other purpose; provided further that any unexpended funds shall
4 lapse into the general fund; provided further that the judiciary
5 shall prepare a report that shall include but not be limited to
6 the following information:

7 (1) The status of the implementation of the court
8 interpreter program; and

9 (2) A detailed evaluation of the service provided and
10 the effectiveness of the program;

11 and provided further that the report shall be submitted to the
12 legislature no later than twenty days prior to the convening of
13 the 2008 and 2009 regular sessions.

14 SECTION 13. Provided that of the general fund appropriation
15 for administration (JUD 601), the sum of \$125,000 or so much
16 thereof as may be necessary for fiscal year 2007-2008 and the
17 sum of \$460,000 or so much thereof as may be necessary for
18 fiscal year 2008-2009 shall be used to fund the upgrading of the
19 fixed assets and payroll system; provided further that the funds
20 shall not be expended for any other purpose; and provided
21 further that any unexpended funds shall lapse into the general
22 fund.

1 SECTION 14. Provided that of the general fund appropriation
2 for administration (JUD 601), the sum of \$280,000 or so much
3 thereof as may be necessary for fiscal year 2007-2008 and the
4 sum of \$135,000 or so much thereof as may be necessary for
5 fiscal year 2008-2009 shall be used to fund the implementation
6 of the electronic leave system; provided further that the funds
7 shall not be expended for any other purpose; and provided
8 further that any unexpended funds shall lapse into the general
9 fund.

10 **PART IV. CAPITAL IMPROVEMENT PROJECTS**

11 SECTION 15. The sum of \$27,750,000 appropriated or
12 authorized in part II of this Act for capital improvement
13 projects shall be expended by the judiciary for the projects
14 listed below; provided that several related or similar projects
15 may be combined into a single project, if a combination is
16 advantageous or convenient for implementation; and provided
17 further that the total cost of the projects thus combined shall
18 not exceed the total of the sums specified for the projects
19 separately. The amount after each cost element and the total
20 funding for each project listed in this Part is in thousands of
21 dollars.

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)			
				FISCAL YEAR 2007-2008	M O F	FISCAL YEAR 2008-2009	M O F
1		The Judicial System					
2		JUD601 - ADMINISTRATION					
3							
4	1.	KAPOLEI JUDICIARY COMPLEX, OAHU					
5							
6		PLANS, LAND ACQUISITION, DESIGN,					
7		CONSTRUCTION, AND EQUIPMENT FOR THE NEW					
8		KAPOLEI JUDICIARY COMPLEX AT KAPOLEI,					
9		OAHU.					
10		PLANS			225		
11		LAND			25		
12		DESIGN			1,000		
13		CONSTRUCTION			23,900		
14		EQUIPMENT			50		
15		TOTAL FUNDING	JUD		25,200 C		C
16							
17	2.	LUMP SUM CIP FOR JUDICIARY					
18		FACILITIES, STATEWIDE					
19							
20		PLANS, DESIGN, CONSTRUCTION, AND					
21		EQUIPMENT FOR THE REMODELING AND					
22		UPGRADING OF JUDICIARY BUILDINGS,					
23		STATEWIDE.					
24		PLANS			100		1
25		DESIGN			300		1
26		CONSTRUCTION			1,000		497
27		EQUIPMENT			100		1
28		TOTAL FUNDING	JUD		1,500 C		500 C
29							
30	3.	DOMESTIC VIOLENCE CLEARINGHOUSE AND					
31		LEGAL HOTLINE, OAHU					
32							
33		LAND ACQUISITION TO PURCHASE OFFICE					
34		SPACE. THIS PROJECT QUALIFIES AS A GRANT,					
35		PURSUANT TO CHAPTER 42F, HRS.					
36		LAND			500		
37		TOTAL FUNDING	JUD		500 C		C
38							

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)			
				FISCAL YEAR 2007-2008	M O F	FISCAL YEAR 2008-2009	M O F
1	4.	VOLUNTEER LEGAL SERVICES HAWAII, OAHU					
2		DESIGN AND CONSTRUCTION FOR FACILITY					
3		IMPROVEMENTS. THIS PROJECT QUALIFIES AS					
4		A GRANT, PURSUANT TO CHAPTER 42F, HRS.					
5		DESIGN			10		
6		CONSTRUCTION			40		
7		TOTAL FUNDING	JUD		50 C		C
8							

1 **PART V. ISSUANCE OF BONDS**

2 SECTION 16. 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 IV of
 5 this Act; provided that the sum total of the general obligation
 6 bonds so issued shall not exceed \$27,750,000.

7 SECTION 17. Any law to the contrary notwithstanding, the
 8 appropriations under Act 1, First Special Session Laws of Hawaii
 9 2001, section 14 as amended and renumbered by Act 91, Session
 10 Laws of Hawaii 2002, section 4, in the amount indicated or the
 11 balances thereof, allotted, encumbered, or unrequired, is hereby
 12 lapsed:

13 <u>Item No.</u>	<u>Amount</u>	<u>(MOF)</u>
14 JUD601-11L	\$82,000	C

15 SECTION 18. Any law to the contrary notwithstanding, the
 16 appropriations under Act 110, Session Laws of Hawaii 2005,
 17 section 8 as amended and renumbered by Act 120, Session Laws of
 18 Hawaii 2006, section 4, in the amount indicated or the balances
 19 thereof, allotted, encumbered, or unrequired, is hereby lapsed:

20 <u>Item No.</u>	<u>Amount</u>	<u>(MOF)</u>
21 JUD 601-1	\$5,985,000	C

1 **PART VI. SPECIAL PROVISIONS**

2 SECTION 19. Any law or any provision of this Act to the
3 contrary notwithstanding, the appropriations made for capital
4 improvement projects authorized in Part II and listed in Part IV
5 of this Act shall not lapse at the end of the fiscal year for
6 which the appropriations are made; provided that all
7 appropriations made for fiscal year 2007-2008 and fiscal year
8 2008-2009 which are unencumbered as of June 30, 2010, shall
9 lapse as of that date.

10 SECTION 20. The judiciary is authorized to delegate to
11 other state or county agencies the planning, acquisition of
12 land, design, construction, and equipment of any capital
13 improvement project when it is determined by the judiciary to be
14 advantageous to do so.

15 SECTION 21. All unrequired balances in the general
16 obligation bond fund, after the objectives of Part II
17 appropriations for capital improvements program purposes listed
18 as projects in Part IV have been met, shall be transferred to
19 the judiciary project adjustment fund.

20 SECTION 22. If the amount allocated from the general
21 obligation bond fund for a capital improvement project listed in
22 Part IV of this Act is insufficient, the chief justice may make
23 supplemental allotments from the project adjustment fund;

1 provided that supplemental allotments shall not be used to
2 increase the scope of the project.

3 SECTION 23. Where it has been determined that changed
4 conditions, such as reduction in the particular population being
5 served, permit the reduction in the scope of a project listed in
6 Part IV, the chief justice may authorize such reduction of
7 project scope.

8 SECTION 24. The chief justice shall determine when and the
9 manner in which the authorized capital improvement projects
10 shall be initiated. The chief justice shall notify the governor
11 from time to time of the specific amounts required for the
12 projects, and the governor shall provide for those amounts
13 through the issuance of bonds authorized in Part V of this Act.

14 SECTION 25. Any law or any provision to the contrary
15 notwithstanding, the chief justice may supplement funds for any
16 cost element for a capital improvement project authorized under
17 this Act by transferring such sums as may be needed from the
18 funds appropriated for other cost elements of the same project
19 by this Act or by any other prior or future Act that has not
20 lapsed; provided that the total expenditure of funds for all
21 cost elements for the project shall not exceed the total
22 appropriation for that project.

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

2 SECTION 26. If any portion of this Act or its application
3 to any person or circumstances is held to be invalid for any
4 reason, the remainder of the Act and any provision thereof shall
5 not be affected. If any portion of a specific appropriation is
6 held to be invalid for any reason, the remaining portion shall
7 be independent of the invalid portion and shall be expended to
8 fulfill the objective and intent of the appropriation to the
9 greatest extent possible.

10 SECTION 27. If any manifest clerical, typographical, or
11 other mechanical error is found in this Act, the chief justice
12 is authorized to correct the error. All changes made pursuant
13 to this section shall be reported to the legislature at its next
14 regular session.

15 SECTION 28. This Act shall take effect on July 1, 2007.

APPROVED this 12 day of JUN , 2007



JAMES R. AIONA JR.

ACTING GOVERNOR OF THE STATE OF HAWAII