
A BILL FOR AN ACT

RELATING TO THE JUDICIARY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 **PART I. GENERAL PROVISIONS**

2 SECTION 1. This Act shall be known and may be cited as the
3 Judiciary Appropriations Act of 2007.

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

6 (a) "Program ID" means the unique identifier for the
7 specific program and consists of the abbreviation for the
8 judiciary (JUD) followed by a designated number for the program.

9 (b) "Means of Financing", or "MOF", means the source from
10 which funds are appropriated, or authorized, as the case may be,
11 to be expended for the programs and projects specified in this
12 Act. All appropriations are followed by letter symbols. The
13 letter symbols, where used, shall have the following meanings:

- 14 A General funds
15 B Special funds
16 C General obligation bond funds
17 N Other federal funds
18 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	6,963,242A		7,010,148A	
5			JUD	243,261W		243,261W	
6							
7	2.	JUD310 - FIRST JUDICIAL CIRCUIT					
8				1,063.50*		1,063.50*	
9		OPERATING	JUD	70,586,248A		69,199,273A	
10			JUD	40.00*		40.00*	
11			JUD	3,515,326B		3,515,326B	
12							
13	3.	JUD320 - SECOND JUDICIAL CIRCUIT					
14				213.00*		214.00*	
15		OPERATING	JUD	14,507,290A		14,575,875A	
16							
17	4.	JUD330 - THIRD JUDICIAL CIRCUIT					
18				222.00*		222.00*	
19		OPERATING	JUD	17,737,049A		17,642,248A	
20							
21	5.	JUD350 - FIFTH JUDICIAL CIRCUIT					
22				98.00*		98.00*	
23		OPERATING	JUD	6,878,391A		6,898,490A	
24							
25	6.	JUD601 - ADMINISTRATION					
26				226.00*		226.00*	
27		OPERATING	JUD	20,742,990A		20,418,903A	
28			JUD	1.00*		1.00*	
29			JUD	5,554,237B		5,554,237B	
30			JUD	100,000W		100,000W	
31		INVESTMENT CAPITAL	JUD	2,520,000C		1,000,000C	

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; and 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; and provided further that while
18 most federal aid allocations are known and state matching funds
19 are 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 \$244,361 or
7 so much thereof as may be necessary for fiscal year 2007-2008
8 and the sum of \$247,437 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 breakout of expenditures;
- 15 (2) A detailed breakout of treatment services provided;
- 16 (3) Costs incurred and treatment outcomes;
- 17 (4) Results of the evaluation performed; and
- 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 administration (JUD 601) shall
2 submit a report on all revenues and expenditures from the court
3 interpreting services revolving fund as of December 1; and
4 provided further that the report shall be submitted to the
5 legislature no later than twenty days prior to the convening of
6 the 2008 and 2009 regular sessions.

7 SECTION 9. Provided that of the general fund appropriation
8 for administration (JUD 601), the sum of \$100,000 or so much
9 thereof as may be necessary for fiscal year 2007-2008 and the
10 same sum or so much thereof as may be necessary for fiscal year
11 2008-2009 shall be used for service on a fee basis- interpreter
12 fees for the office of equality and access to the courts;
13 provided further that the funds shall not be expended for any
14 other purpose; provided further that any unexpended funds shall
15 lapse into the general fund; provided further that the judiciary
16 shall prepare a report that shall include but not be limited to
17 the following information:

- 18 (1) The status of the implementation of the court
19 interpreter program;
- 20 (2) A detailed evaluation of the service provided and
21 the effectiveness of the program;

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

4 SECTION 10. Provided that of the general fund appropriation
5 for administration (JUD 601), the sum of \$125,000 or so much
6 thereof as may be necessary for fiscal year 2007-2008 and the
7 sum of \$460,000 or so much thereof as may be necessary for
8 fiscal year 2008-2009 shall be used to fund the upgrading of the
9 fixed assets and payroll system; provided further that the funds
10 shall not be expended for any other purpose; and provided
11 further that any unexpended funds shall lapse into the general
12 fund.

13 SECTION 11. Provided that of the general fund appropriation
14 for the administration (JUD 601), the sum of \$280,000 or so much
15 thereof as may be necessary for fiscal year 2007-2008 and the
16 sum of \$135,000 or so much thereof as may be necessary for
17 fiscal year 2008-2009 shall be used to fund the implementation
18 of the electronic leave system; provided further that the funds
19 shall not be expended for any other purpose; and provided
20 further that any unexpended funds shall lapse into the general
21 fund.

22 **PART IV. CAPITAL IMPROVEMENT PROJECTS**

1 SECTION 12. The sum of \$3,520,000 appropriated or
2 authorized in part II of this Act for capital improvement
3 projects shall be expended by the judiciary for the projects
4 listed below; provided that several related or similar projects
5 may be combined into a single project, if a combination is
6 advantageous or convenient for implementation; and provided
7 further that the total cost of the projects thus combined shall
8 not exceed the total of the sums specified for the projects
9 separately. The amount after each cost element and the total
10 funding for each project listed in this Part is in thousands of
11 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							
3		JUD601 - ADMINISTRATION					
4							
5	1.	KEALEALANI BUILDING COURT FACILITIES IMPROVEMENTS, HAWAII					
6							
7							
8		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR FACILITIES AT THE KEAKEALANI BUILDING IN KEALAKEKUA, HAWAII.					
9							
10							
11							
12		PLANS				5	
13		DESIGN				10	
14		CONSTRUCTION				1,000	
15		EQUIPMENT				5	
16		TOTAL FUNDING	JUD			1,020	C
17							
18	2.	STATUS OFFENDER SHELTER AND JUVENILE SERVICES CENTER, OAHU					
19							
20							
21		PLANS, LAND ACQUISITION, AND DESIGN FOR THE DEVELOPMENT OF A NEW STATUS OFFENDER SHELTER AND JUVENILE SERVICES CENTER FACILITY, OAHU.					
22							
23							
24							
25		PLANS					450
26		LAND					40
27		DESIGN					10
28		TOTAL FUNDING	JUD				500
29							C

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	3.	LUMP SUM CIP FOR JUDICIARY					
2		FACILITIES, STATEWIDE					
3							
4		PLANS, DESIGN, CONSTRUCTION, AND					
5		EQUIPMENT FOR THE REMODELING AND					
6		UPGRADING OF JUDICIARY BUILDINGS,					
7		STATEWIDE.					
8		PLANS			100		
9		DESIGN			300		
10		CONSTRUCTION			1,000	500	
11		EQUIPMENT			100		
12		TOTAL FUNDING	JUD		1,500 C	500 C	

PART V. ISSUANCE OF BONDS

SECTION 13. 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 \$3,520,000.

SECTION 14. Any law to the contrary notwithstanding, the appropriations under Act 110, Session Laws of Hawaii 2005, section 8 as amended and renumbered by Act 120, Session Laws of Hawaii 2006, section 4, in the amount indicated or the balances thereof, allotted, encumbered, or unrequired, is hereby lapsed:

<u>Item No.</u>	<u>Amount</u>	<u>(MOF)</u>
JUD 601-1	\$6,000,000	C

PART VI. SPECIAL PROVISIONS

SECTION 15. 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 IV 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 2007-2008 and fiscal year 2008-2009 which are unencumbered as of June 30, 2010, shall lapse as of that date.

1 SECTION 16. The judiciary is authorized to delegate to
2 other state or county agencies the planning, acquisition of
3 land, design, construction, and equipment of any capital
4 improvement project when it is determined by the judiciary to be
5 advantageous to do so.

6 SECTION 17. All unrequired balances in the general
7 obligation bond fund, after the objectives of part II
8 appropriations for capital improvements program purposes listed
9 as projects in part IV have been met, shall be transferred to
10 the judiciary project adjustment fund.

11 SECTION 18. If the amount allocated from the general
12 obligation bond fund for a capital improvement project listed in
13 part IV of this Act is insufficient, the chief justice may make
14 supplemental allotments from the project adjustment fund;
15 provided that supplemental allotments shall not be used to
16 increase the scope of the project.

17 SECTION 19. Where it has been determined that changed
18 conditions, such as reduction in the particular population being
19 served, permit the reduction in the scope of a project listed in
20 part IV, the chief justice may authorize such reduction of
21 project scope.

1 SECTION 20. The chief justice shall determine when and the
2 manner in which the authorized capital improvement projects
3 shall be initiated. The chief justice shall notify the governor
4 from time to time of the specific amounts required for the
5 projects, and the governor shall provide for those amounts
6 through the issuance of bonds authorized in part V of this Act.

7 SECTION 21. Any law or any provision to the contrary
8 notwithstanding, the chief justice may supplement funds for any
9 cost element for a capital improvement project authorized under
10 this Act by transferring such sums as may be needed from the
11 funds appropriated for other cost elements of the same project
12 by this Act or by any other prior or future Act that has not
13 lapsed, provided that the total expenditure of funds for all
14 cost elements for the project shall not exceed the total
15 appropriation for that project.

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

17 SECTION 22. If any portion of this Act or its application
18 to any person or circumstances is held to be invalid for any
19 reason, the remainder of the Act and any provision thereof shall
20 not be affected. If any portion of a specific appropriation is
21 held to be invalid for any reason, the remaining portion shall
22 be independent of the invalid portion and shall be expended to

1 fulfill the objective and intent of the appropriation to the
2 extent possible.

3 SECTION 23. If any manifest clerical, typographical, or
4 other mechanical error is found in this Act, the chief justice
5 is authorized to correct the error. All changes made pursuant
6 to this section shall be reported to the legislature at its next
7 session.

8 SECTION 24. This Act shall take effect on July 1, 2007.

Report Title:

Judiciary

Description:

Provides the judiciary budget for the 2007-2009 biennium.

(HB1212 HD2)