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# 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				81.00*		81.00*	
4		OPERATING	JUD	6,978,847A		7,051,842A	
5			JUD	9,800B		600B	
6			JUD	243,261W		243,261W	
7							
8	2.	JUD310 - FIRST JUDICIAL CIRCUIT					
9				1,067.50*		1,075.50*	
10		OPERATING	JUD	72,053,048A		70,756,862A	
11				40.00*		40.00*	
12			JUD	3,548,326B		3,529,951B	
13							
14	3.	JUD320 - SECOND JUDICIAL CIRCUIT					
15				215.00*		216.00*	
16		OPERATING	JUD	14,530,824A		14,647,385A	
17			JUD	24,758B		2,645B	
18							
19	4.	JUD330 - THIRD JUDICIAL CIRCUIT					
20				222.00*		222.00*	
21		OPERATING	JUD	17,494,185A		17,636,248A	
22			JUD	233,000B		6,000B	
23							
24	5.	JUD350 - FIFTH JUDICIAL CIRCUIT					
25				98.00*		98.00*	
26		OPERATING	JUD	6,878,391A		6,898,490A	
27							
28	6.	JUD601 - ADMINISTRATION					
29				226.00*		226.00*	
30		OPERATING	JUD	20,442,361A		20,558,453A	
31				1.00*		1.00*	
32			JUD	5,933,087B		5,614,837B	
33			JUD	100,000W		100,000W	
34		INVESTMENT CAPITAL	JUD	7,985,000C		1,500,000C	



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; 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 \$568,198 or  
7 so much thereof as may be necessary for fiscal year 2007-2008  
8 and the sum of \$568,198 or so much thereof as may be necessary  
9 for fiscal year 2008-2009 shall be expended for purchase of  
10 services funding for domestic violence services.

11 SECTION 8. Provided that of the general fund appropriation  
12 for the first judicial circuit (JUD 310), the sum of \$25,000 or  
13 so much thereof as may be necessary for fiscal year 2007-2008  
14 and the sum of \$25,000 or so much thereof as may be necessary  
15 for fiscal year 2008-2009 shall be expended for the Hawaii  
16 family law clinic.

17 SECTION 9. Provided that of the general fund appropriation  
18 for the first judicial circuit (JUD 310), the sum of \$1,050,000  
19 or so much thereof as may be necessary for fiscal year 2007-2008  
20 and the sum of \$1,050,000 or so much thereof as may be necessary  
21 for fiscal year 2008-2009 shall be expended for indigent legal  
22 services for individuals and families.



1 SECTION 10. 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; provided  
4 further that the report shall be submitted to the legislature no  
5 later than twenty days prior to the convening of the 2008 and  
6 2009 regular sessions.

7 SECTION 11. Provided that of the general fund  
8 appropriation for administration (JUD 601), the sum of \$100,000  
9 or so much thereof as may be necessary for fiscal year 2007-2008  
10 and the same sum or so much thereof as may be necessary for  
11 fiscal year 2008-2009 shall be used for service on a fee basis-  
12 interpreter fees for the office of equality and access to the  
13 courts; provided further that the funds shall not be expended  
14 for any other purpose; provided further that any unexpended  
15 funds shall lapse into the general fund; provided further that  
16 the judiciary shall prepare a report that shall include but not  
17 be limited to 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 the  
21 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 12. Provided that of the general fund  
5 appropriation for administration (JUD 601), the sum of \$125,000  
6 or so much thereof as may be necessary for fiscal year 2007-2008  
7 and the sum of \$460,000 or so much thereof as may be necessary  
8 for fiscal year 2008-2009 shall be used to fund the upgrading of  
9 the fixed assets and payroll system; provided further that the  
10 funds 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 13. Provided that of the general fund  
14 appropriation for administration (JUD 601), the sum of \$280,000  
15 or so much thereof as may be necessary for fiscal year 2007-2008  
16 and the sum of \$135,000 or so much thereof as may be necessary  
17 for fiscal year 2008-2009 shall be used to fund the  
18 implementation of the electronic leave system; provided further  
19 that the funds shall not be expended for any other purpose; and  
20 provided further that any unexpended funds shall lapse into the  
21 general fund.



1 SECTION 14. Provided that of the general fund  
2 appropriation for administration (JUD 601), the sum of \$200,000  
3 or so much thereof as may be necessary for fiscal year 2007-2008  
4 and the sum of \$200,000 or so much thereof as may be necessary  
5 for fiscal year 2008-2009 shall be used for treatment services  
6 for child victims of intrafamilial sex abuse; provided further  
7 that the funds shall not be expended for any other purpose; and  
8 provided further that any unexpended funds shall lapse into the  
9 general fund.

10 PART IV. CAPITAL IMPROVEMENT PROJECTS

11 SECTION 15. The sum of \$9,485,000 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							
3		JUD601 - ADMINISTRATION					
4							
5	1.	KAPOLEI JUDICIARY COMPLEX, OAHU					
6							
7		PLANS, DESIGN, CONSTRUCTION, AND					
8		EQUIPMENT FOR A NEW JUDICIARY COMPLEX AT					
9		KAPOLEI, OAHU.					
10		PLANS			1		
11		DESIGN			1		
12		CONSTRUCTION			5,982		
13		EQUIPMENT			1		
14		TOTAL FUNDING	JUD		5,985 C		C
15							
16	2.	LUMP SUM CIP FOR JUDICIARY BUILDINGS,					
17		STATEWIDE					
18							
19		PLANS, DESIGN, CONSTRUCTION, AND					
20		EQUIPMENT FOR REMODELING AND UPGRADING					
21		JUDICIARY BUILDINGS, STATEWIDE.					
22		PLANS			100		100
23		DESIGN			300		300
24		CONSTRUCTION			1,000		1,000
25		EQUIPMENT			100		100
26		TOTAL FUNDING	JUD		1,500 C		1,500 C
27							
28	3.	DOMESTIC VIOLENCE CLEARINGHOUSE AND					
29		LEGAL HOTLINE, OAHU					
30							
31		LAND ACQUISITION TO PURCHASE OFFICE					
32		SPACE. THIS PROJECT QUALIFIES AS A GRANT,					
33		PURSUANT TO CHAPTER 42F, HRS.					
34		LAND			500		
35		TOTAL FUNDING	JUD		500 C		C



PART V. ISSUANCE OF BONDS

SECTION 16. 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 \$9,485,000.

SECTION 17. Any law to the contrary notwithstanding, the appropriations under Act 1, First Special Session Laws of Hawaii 2001, section 14 as amended and renumbered by Act 91, Session Laws of Hawaii 2002, 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>
JUD601-11L	\$82,000	C

SECTION 18. 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	\$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.



H.B. NO. 1212  
H.D. 2  
S.D. 2

**Report Title:**  
Judiciary

**Description:**  
Provides the judiciary budget for the 2007-2009 biennium. (SD2)

