

ACT 169

H.B. NO. 1212

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

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

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, 2007, and ending June 30, 2009. The total expenditures and the number of permanent 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 2007-08	M O F	FISCAL YEAR 2008-09	M O F
The Judicial System							
1.	JUD101	COURTS OF APPEAL					
	OPERATING		JUD	80.00*		80.00*	
			JUD	6,946,406A		7,009,698A	
				243,261W		243,261W	
2.	JUD310	FIRST JUDICIAL CIRCUIT					
	OPERATING		JUD	1,069.50*		1,077.50*	
			JUD	71,101,064A		69,804,878A	
			JUD	40.00*		40.00*	
			JUD	3,515,326B		3,515,326B	
3.	JUD320	SECOND JUDICIAL CIRCUIT					
	OPERATING		JUD	215.00*		216.00*	
			JUD	14,450,344A		14,601,905A	
				10,168B		150B	
4.	JUD330	THIRD JUDICIAL CIRCUIT					
	OPERATING		JUD	222.00*		222.00*	
			JUD	17,494,185A		17,636,248A	
5.	JUD350	FIFTH JUDICIAL CIRCUIT					
	OPERATING		JUD	98.00*		98.00*	
			JUD	6,878,391A		6,898,490A	
6.	JUD601	ADMINISTRATION					
	OPERATING		JUD	226.00*		226.00*	
			JUD	22,541,795A		20,555,965A	
			JUD	1.00*		1.00*	
			JUD	6,207,227B		5,624,607B	
			JUD	100,000W		100,000W	
	INVESTMENT CAPITAL		JUD	27,250,000C		500,000C	

PART III. PROGRAM PROVISIONS

SECTION 4. Provided that whenever the need arises, the chief justice, in administering an equitable and expeditious judicial process, is authorized to transfer sufficient funds and positions between programs for operating purposes; 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 any government unit, secures federal funds or other property under any act of Congress, or any funds or other property from private organizations or individuals which are to be expended in connection with any program or works authorized by this Act, or otherwise, the chief justice, or the agency with the chief justice's approval, shall have the power to enter into the undertaking with the federal government, private organization, or individual; provided further that while most federal aid allocations are known and state matching funds are provided in this Act, in instances where programs for which federal-state cost sharing is not yet determined, the availability of federal funds shall be construed as a proportionate reduction of state costs whenever possible.

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

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

- (1) A detailed breakdown of expenditures;
- (2) A detailed breakdown of treatment services provided;
- (3) Costs incurred and treatment outcomes;
- (4) Results of the evaluation performed;
- (5) An analysis of the effectiveness of the project;

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

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

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

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

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

SECTION 12. Provided that of the general fund appropriation for administration (JUD 601), the sum of \$100,000 or so much thereof as may be necessary for fiscal year 2007-2008 and \$100,000 or so much thereof as may be necessary for

fiscal year 2008-2009 shall be used for service on a fee basis—interpreter fees for the office of equality and access to the courts; provided further that the funds shall not be expended for any other purpose; provided further that any unexpended funds shall lapse into the general fund; provided further that the judiciary shall prepare a report that shall include but not be limited to the following information:

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

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

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

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

PART IV. CAPITAL IMPROVEMENT PROJECTS

SECTION 15. The sum of \$27,750,000 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; and 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 is in thousands of dollars.

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's)			
				FISCAL YEAR 2007-08	M O F	FISCAL YEAR 2008-09	M O F

The Judicial System

JUD601 - ADMINISTRATION

1. KAPOLEI JUDICIARY COMPLEX, OAHU
PLANS, LAND ACQUISITION, DESIGN,
CONSTRUCTION, AND EQUIPMENT FOR THE NEW
KAPOLEI JUDICIARY COMPLEX AT KAPOLEI,
OAHU.
PLANS

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's)			
				FISCAL YEAR 2007-08	M O F	FISCAL YEAR 2008-09	M O F
		LAND		25			
		DESIGN		1,000			
		CONSTRUCTION		23,900			
		EQUIPMENT		50			
		TOTAL FUNDING	JUD	25,200C			C
2.		LUMP SUM CIP FOR JUDICIARY FACILITIES, STATEWIDE					
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR THE REMODELING AND UPGRADING OF JUDICIARY BUILDINGS, STATEWIDE.					
		PLANS		100			1
		DESIGN		300			1
		CONSTRUCTION		1,000			497
		EQUIPMENT		100			1
		TOTAL FUNDING	JUD	1,500C			500C
3.		DOMESTIC VIOLENCE CLEARINGHOUSE AND LEGAL HOTLINE, OAHU					
		LAND ACQUISITION TO PURCHASE OFFICE SPACE. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.					
		LAND		500			
		TOTAL FUNDING	JUD	500C			C
4.		VOLUNTEER LEGAL SERVICES HAWAII, OAHU					
		DESIGN AND CONSTRUCTION FOR FACILITY IMPROVEMENTS. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.					
		DESIGN		10			
		CONSTRUCTION		40			
		TOTAL FUNDING	JUD	50C			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 \$27,750,000.

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 (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 (MOF)</u>
JUD 601-1	\$5,985,000 C

PART VI. SPECIAL PROVISIONS

SECTION 19. 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.

SECTION 20. The judiciary is authorized to 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 21. 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 have been met, shall be transferred to the judiciary project adjustment fund.

SECTION 22. 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 23. Where it has been determined that changed conditions, such as reduction in the particular population being served, permit the reduction in the scope of a project listed in Part IV, the chief justice may authorize such reduction of project scope.

SECTION 24. 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 V of this Act.

SECTION 25. Any law or any provision to the contrary notwithstanding, the chief justice may supplement funds for any cost element for a capital improvement project authorized under this Act by transferring such 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 26. 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 the 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 greatest extent possible.

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

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

(Approved June 12, 2007.)