

**ACT 102**

H.B. NO. 2700

A Bill for an Act Relating to the Judiciary.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. This Act shall be known and may be cited as the Judiciary Supplemental Appropriations Act of 2008.

SECTION 2. Act 169, Session Laws of Hawaii 2007, is amended by amending part II to read as follows:

**“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 2007-2008	FISCAL YEAR 2008-2009
<b>The Judicial System</b>					
1.	JUD101 - COURTS OF APPEAL			80.00*	80.00*
	OPERATING		JUD	6,946,406A	<del>7,009,698A</del>
			JUD	243,261W	<u>7,089,632A</u> 243,261W
2.	JUD310 - FIRST JUDICIAL CIRCUIT			1,069.50*	1,077.50*
	OPERATING		JUD	71,101,064A	<del>69,804,878A</del>
			JUD	40.00*	<u>72,635,123A</u> 40.00*
			JUD	3,515,326B	3,515,326B
3.	JUD320 - SECOND JUDICIAL CIRCUIT			215.00*	<del>216.00*</del>
	OPERATING		JUD	14,450,344A	<u>220.00*</u> <del>14,601,905A</del>
			JUD	10,168B	<u>15,345,511A</u> 150B
4.	JUD330 - THIRD JUDICIAL CIRCUIT			222.00*	<del>222.00*</del>
	OPERATING		JUD	17,494,185A	<u>229.00*</u> <del>17,636,248A</del>
					<u>18,203,191A</u>
5.	JUD350 - FIFTH JUDICIAL CIRCUIT			98.00*	98.00*
	OPERATING		JUD	6,878,391A	<del>6,898,490A</del>
					<u>6,946,822A</u>
5.1.	<u>JUD501 - JUDICIAL SELECTION COMMISSION</u>				1.00*
	<u>OPERATING</u>		<u>JUD</u>	<u>A</u>	<u>94,283A</u>
6.	JUD601 - ADMINISTRATION			226.00*	<del>226.00*</del>
	OPERATING		JUD	22,541,795A	<u>227.00*</u> <del>20,555,965A</del>
			JUD	1.00*	<u>22,541,873A</u> 1.00*
			JUD	6,207,227B	<del>5,624,607B</del>
			JUD	100,000W	<u>5,677,607B</u> 100,000W
	INVESTMENT CAPITAL		JUD	27,250,000C	<del>500,000C</del> <u>14,260,000C</u>

SECTION 3. Part III, Act 169, Session Laws of Hawaii 2007, is amended:

(1) By adding a new section to read as follows:

“SECTION 6.1. Provided that of the general fund appropriation for the judicial circuits (JUD 310-JUD 350), the following sums or so much thereof as may be necessary for fiscal year 2008-2009 shall be expended specifically for guardians ad litem and court-appointed counsel as follows:

<u>Program I.D.</u>	<u>Amount</u>
<u>JUD 310</u>	<u>\$ 1,323,000</u>
<u>JUD 320</u>	<u>\$ 308,757</u>
<u>JUD 330</u>	<u>\$ 274,901</u>
<u>JUD 350</u>	<u>\$ 29,000;</u>

provided further that the funds shall not be expended for any other purpose; provided further that any unexpended funds shall lapse to the general fund; provided further that the judiciary shall prepare a detailed report that shall include but not be limited to:

- (1)<sup>1</sup> A detailed breakdown of expenditures;
- (2)<sup>1</sup> A detailed breakdown of the types and number of cases requiring guardians ad litem and court-appointed counsel; and
- (3)<sup>1</sup> An analysis of the average cost per type of case;

and provided further that the judiciary shall submit the report to the legislature no later than twenty days prior to the convening of the 2009 regular session.”

(2) By adding a new section to read as follows:

“SECTION 6.2. Provided that of the general fund appropriation for the judicial circuits (JUD 310-JUD 350), the following sums or so much thereof as may be necessary for fiscal year 2008-2009 shall be expended specifically for psychiatric and psychological examination fees as follows:

<u>Program I.D.</u>	<u>Amount</u>
<u>JUD 310</u>	<u>\$ 250,000</u>
<u>JUD 320</u>	<u>\$ 26,000</u>
<u>JUD 330</u>	<u>\$ 115,000</u>
<u>JUD 350</u>	<u>\$ 25,000;</u>

provided further that the funds shall not be expended for any other purpose; and provided further that any unexpended funds shall lapse to the general fund.”

(3) By adding a new section to read as follows:

“SECTION 8.1. Provided that of the general fund appropriation for first judicial circuit (JUD 310) the sum of \$150,000 or so much thereof as may be necessary for fiscal year 2008-2009 shall be used to expand existing domestic violence services contracts; provided further that the funds shall not be expended for any other purpose; provided further that any unexpended funds shall lapse to the general fund; and provided further that the judiciary shall submit an expenditure report to the legislature no later than twenty days prior to the convening of the 2009 regular session.”

(4) By adding a new section to read as follows:

“SECTION 8.2. Provided that of the general fund appropriation for first judicial circuit (JUD 310), the sum of \$250,000 or so much thereof as may be necessary for fiscal year 2008-2009 shall be expended to support the operations and expansion of the mental health court; and provided further that a progress report shall be submitted to the legislature no later than thirty days prior to the convening of the 2009 regular session.”

(5) By adding a new section to read as follows:

“SECTION 14.1. Provided that of the special fund appropriation for administration (JUD 601), the sum of \$53,000 may be expended from the judiciary computer system special fund for computer related expenses or equipment.”

(6) By adding a new section to read as follows:

“SECTION 14.2. Provided that of the general fund appropriation for administration (JUD 601), the sum of \$50,000 or so much thereof as may be necessary for fiscal year 2008-2009 shall be used for a study to determine the feasibility of expanding the services at the Kapolei judiciary complex at Kapolei to include circuit court services; provided further that these funds shall not be used for any other purpose;

provided further that any excess funds shall lapse to the general fund; and provided further that the judiciary shall submit a report to the legislature no later than twenty days prior to the convening of the 2009 regular session.”

SECTION 4. Act 169, Session Laws of Hawaii 2007, is amended by amending part IV to read as follows:

**“PART IV. CAPITAL IMPROVEMENT PROJECTS**

SECTION 15. The sum of [~~\$27,750,000~~] \$41,510,000 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 ID	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2007-2008	FISCAL YEAR 2008-2009
<b>The Judicial System</b>					
JUD601 - ADMINISTRATION					
1.		KAPOLEI JUDICIARY COMPLEX, OAHU PLANS, LAND ACQUISITION, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR THE NEW KAPOLEI JUDICIARY COMPLEX AT KAPOLEI, OAHU.			
		PLANS		225	
		LAND		25	
		DESIGN		1,000	
		CONSTRUCTION		23,900	
		EQUIPMENT		50	
		TOTAL FUNDING	JUD	25,200 C	C]
1.		<u>KAPOLEI JUDICIARY COMPLEX, OAHU</u> <u>PLANS, LAND ACQUISITION, DESIGN, CONSTRUCTION AND EQUIPMENT</u> <u>FOR THE NEW KAPOLEI JUDICIARY COMPLEX AT KAPOLEI, OAHU.</u>			
		PLANS		225	225
		LAND		25	
		DESIGN		1,000	
		CONSTRUCTION		23,900	
		EQUIPMENT		50	9,000
		TOTAL FUNDING	JUD	25,200 C	9,225 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	1,500 C	500C]

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT ID	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2007-2008	FISCAL YEAR 2008-2009
2.		<u>LUMP SUM CIP FOR JUDICIARY FACILITIES, STATEWIDE</u>			
		<u>PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR THE REMODELING AND UPGRADING OF JUDICIARY BUILDINGS, STATEWIDE.</u>			
				100	100
				300	300
				1,000	1,000
				100	100
		<u>TOTAL FUNDING</u>	<u>JUD</u>	1,500 C	1,500 C
3.		<u>DOMESTIC VIOLENCE CLEARINGHOUSE AND LEGAL HOTLINE, OAHU</u>			
		<u>LAND ACQUISITION TO PURCHASE OFFICE SPACE. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.</u>			
				500	
		<u>TOTAL FUNDING</u>	<u>JUD</u>	500 C	C
4.		<u>VOLUNTEER LEGAL SERVICES HAWAII, OAHU</u>			
		<u>DESIGN AND CONSTRUCTION FOR FACILITY IMPROVEMENTS. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.</u>			
				10	
				40	
		<u>TOTAL FUNDING</u>	<u>JUD</u>	50 C	C
4.01.		<u>KEAKEALANI BUILDING COURT FACILITIES IMPROVEMENTS, HAWAII</u>			
		<u>DESIGN, CONSTRUCTION, AND EQUIPMENT FOR FACILITIES IMPROVEMENTS AT THE KEAKEALANI BUILDING IN KEALAKEKUA, HAWAII.</u>			
					20
					975
					25
		<u>TOTAL FUNDING</u>	<u>JUD</u>	C	1,020 C
4.02.		<u>HOAPILI HALE AIR CONDITIONING EQUIPMENT REPLACEMENT, MAUI</u>			
		<u>DESIGN AND CONSTRUCTION FOR REPLACEMENT OF AIR CONDITIONING SYSTEM EQUIPMENT AT HOAPILI HALE, MAUI.</u>			
					100
					900
		<u>TOTAL FUNDING</u>	<u>JUD</u>	C	1,000 C
4.03.		<u>HOAPILI HALE ELEVATOR SYSTEM UPGRADE, MAUI</u>			
		<u>DESIGN AND CONSTRUCTION FOR UPGRADING OF ELEVATOR SYSTEM EQUIPMENT AT HOAPILI HALE, MAUI.</u>			
					65
					565
		<u>TOTAL FUNDING</u>	<u>JUD</u>	C	630 C
4.04.		<u>KA'AHUMANU HALE AND KAUKEAOULI HALE FACILITY REDEVELOPMENT</u>			
		<u>PLANNING, OAHU</u>			
		<u>PLANS FOR DEVELOPMENT OF PORTIONS OF KA'AHUMANU HALE AND KAUKEAOULI HALE TO BE VACATED UPON RELOCATION OF COURT FUNCTIONS TO KAPOLEI, OAHU.</u>			
					450
		<u>TOTAL FUNDING</u>	<u>JUD</u>	C	450 C
4.05.		<u>STATUS OFFENDER SHELTER AND JUVENILE SERVICES CENTER, OAHU</u>			
		<u>PLANS FOR THE DEVELOPMENT OF A NEW STATUS OFFENDER SHELTER AND JUVENILE SERVICES CENTER, OAHU.</u>			
					225
		<u>TOTAL FUNDING</u>	<u>JUD</u>	C	225 C

## CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT ID	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2007-2008	FISCAL YEAR 2008-2009
4.06.		<u>LAHAINA DISTRICT COURT AIR CONDITIONING EQUIPMENT REPLACEMENT, MAUI</u>			
		<u>DESIGN AND CONSTRUCTION FOR REPLACEMENT OF AIR CONDITIONING SYSTEM EQUIPMENT AT THE LAHAINA DISTRICT COURT FACILITY, MAUI</u>			
		<u>DESIGN</u>			<u>10</u>
		<u>CONSTRUCTION</u>			<u>50</u>
		<u>TOTAL FUNDING</u>	<u>JUD</u>	<u>C</u>	<u>60 C</u>
4.07.		<u>NORTH KOHALA DISTRICT COURT FACILITY ALTERATIONS AND IMPROVEMENTS, HAWAII</u>			
		<u>DESIGN AND CONSTRUCTION FOR FACILITY ALTERATIONS AND IMPROVEMENTS AT THE NORTH KOHALA DISTRICT COURT BUILDING IN KAPA'AU, HAWAII</u>			
		<u>DESIGN</u>			<u>40</u>
		<u>CONSTRUCTION</u>			<u>110</u>
		<u>TOTAL FUNDING</u>	<u>JUD</u>	<u>C</u>	<u>150 C</u>

SECTION 5. Act 169, Session Laws of Hawaii 2007, is amended by amending section 16 to read as follows:

“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.~~] \$41,510,000.”

SECTION 6. 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 7. 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 session.

SECTION 8. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 9. This Act shall take effect on July 1, 2008.

(Approved May 23, 2008.)

## Notes

1. Should be underscored.
2. So in original.