

JAN 18 2008

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# A BILL FOR AN ACT

RELATING TO THE JUDICIAL SELECTION COMMISSION.

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

**PART I. PURPOSE AND BACKGROUND**

1                                   **PART I. PURPOSE AND BACKGROUND**  
2           SECTION 1. This Act is recommended by the governor for  
3 immediate passage in accordance with article VII, section 9, of  
4 the Constitution of the State of Hawaii.

5           SECTION 2. The purpose of this Act is to appropriate funds  
6 for the operations of the judicial selection commission for  
7 fiscal years 2007-2008 and 2008-2009 consistent with its  
8 independent status as prescribed by article VI, section 4, of  
9 the Constitution of the State of Hawaii.

10           The judicial selection commission reviews and evaluates  
11 applicants for all judicial vacancies, selects the qualified  
12 nominees, and then forwards the names of the nominees to the  
13 appropriate appointing authority. The judicial selection  
14 commission is an independent constitutionally-created entity,  
15 and is attached to the judiciary branch for administrative  
16 support only pursuant to article VI, section 4, paragraph 7, of  
17 the state constitution.



1           While article VI, section 4, paragraph 6, of the state  
2 constitution requires that the legislature "shall provide for  
3 the staff and operating expenses of the judicial selection  
4 commission in a separate budget..." the judicial selection  
5 commission, in prior years, has not presented its own budget  
6 request to the legislature. Funding for the judicial selection  
7 commission's operations has been included as part of the  
8 judiciary's budget.

9           For example, for fiscal years 2007-2008 and 2008-2009, the  
10 judicial selection commission's operations were funded by the  
11 Judiciary Appropriations Act of 2007, Act 169, Session Laws of  
12 Hawaii 2007. As part of the appropriations made in section 3 of  
13 Act 169, in JUD601 - ADMINISTRATION, the judicial selection  
14 commission received a general fund appropriation of \$94,283 for  
15 fiscal year 2007-2008, and a general fund appropriation of  
16 \$94,283 for fiscal year 2008-2009.

17           The attorney general has advised the judicial selection  
18 commission that as article VI, section 4, of the state  
19 constitution literally provides, the judicial selection  
20 commission should prepare and submit its own budget request to  
21 the legislature so that the judicial selection commission's  
22 budget appropriations are independent of the judiciary's budget



1 appropriations. This Act appropriates funds for the judicial  
2 selection commission's operations for the period January 1, 2008  
3 to June 30, 2008, and for the fiscal year 2008-2009.

4 **PART II. GENERAL PROVISIONS**

5 SECTION 3. This Act shall be known and may be cited as the  
6 Judicial Selection Commission Supplemental Appropriations Act of  
7 2008.

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

10 (a) "Program ID" means the unique identifier for the  
11 specific program and consists of the abbreviation for the  
12 judicial selection commission ("JSC") followed by a designated  
13 number for the program.

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

19 A General funds

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



**PART III. PROGRAM APPROPRIATIONS**

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SECTION 5. 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 judicial selection commission 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	M O	FISCAL YEAR 2008-2009	M O
<b>The Judicial Selection Commission</b>							
1.	JSC100	- ADMINISTRATION					
	OPERATING		JSC	1.00* 47,142A		1.00* 94,283A	

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SECTION 6. Act 169, Session Laws of Hawaii 2007, is amended by amending part II to read as follows:

**"PART II. PROGRAM APPROPRIATIONS**

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SECTION 3. The following sums, or so much thereof as may be sufficient to accomplish the purposes and programs designated



1 herein, are appropriated or authorized from the sources of  
 2 funding specified to the judiciary for the fiscal biennium  
 3 beginning July 1, 2007, and ending June 30, 2009. The total  
 4 expenditures and the number of permanent positions established  
 5 in each fiscal year of the fiscal biennium shall not exceed the  
 6 sums and the position ceilings indicated for each year, except  
 7 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
The Judicial System							
1.	JUD101	COURTS OF APPEAL					
	OPERATING		JUD	80.00*		80.00*	
			JUD	6,946,406A		7,009,698A	
			JUD	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	
			JUD	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					
				[226.00*]		[226.00*]	



1			<u>225.00*</u>	<u>225.00*</u>
2	OPERATING	JUD	[ <del>22,541,795A</del> ]	[ <del>20,555,965A</del> ]
3			<u>22,494,653A</u>	<u>20,461,682A</u>
4			1.00*	1.00*
5		JUD	6,207,227B	5,624,607B
6		JUD	100,000W	100,000W
7	INVESTMENT CAPITAL	JUD	27,250,000C	500,000C"

9 **PART IV. MISCELLANEOUS PROVISIONS**

10 SECTION 7. If any portion of this Act or its application  
11 to any person or circumstances is held to be invalid for any  
12 reason, the remainder of the Act and any provision thereof shall  
13 not be affected. If any portion of a specific appropriation is  
14 held to be invalid for any reason, the remaining portion shall  
15 be independent of the invalid portion and shall be expended to  
16 fulfill the objective and intent of the appropriation to the  
17 greatest extent possible.

18 SECTION 8. If any manifest clerical, typographical, or  
19 other mechanical error is found in this Act, the chair of the  
20 judicial selection commission is authorized to correct the  
21 error. All changes made pursuant to this section shall be  
22 reported to the legislature at its next regular session.

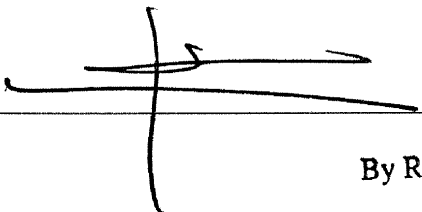
23 SECTION 9. Statutory material to be repealed is bracketed  
24 and stricken. New statutory material is underscored.



1 SECTION 10. This Act shall take effect upon its approval.

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INTRODUCED BY: \_\_\_\_\_

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By Request



**Report Title:**

Judiciary; Appropriations

**Description:**

Appropriates funds for the judicial selection commission.

