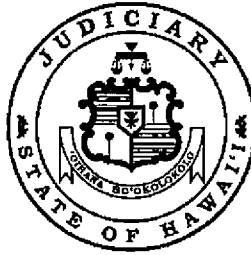


SB 2712



Testimony to the Twenty -Fourth State Legislature, 2008 Session
Senate Committee on Judiciary and Labor

The Honorable Brian T. Taniguchi, Chair
The Honorable Clayton Hee, Vice Chair

January 31, 2008
9:00 a.m.
State Capitol, Conference Room 016

by
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Administrative Director of the Courts

Bill No. and Title: Senate Bill No. 2712, Relating to the Judiciary.

Purpose: To provide supplemental operating and capital improvement appropriations for FY 2009.

Judiciary's Position:

The Judiciary strongly urges your support of Senate Bill 2712, which reflects the Judiciary's resource requirements for FY 2009. During the budget briefing to the members of the Senate Committee on Ways and Means on January 3, 2008, and the Senate Committee on Judiciary and Labor on January 11, 2008, we provided detailed information on our budget and the urgent nature of the requests. Consequently, our testimony today will address only a few highlights.

As you know, the basis for a supplemental budget differs markedly from a biennium budget. The biennial budget concept is based upon the premise that planning, evaluation, prioritization, and appropriate resource allocation were done in the previous year and that supplemental budget resources will be requested largely to address unforeseen developments, inadvertent oversights, and special circumstances. Supplemental budget requests meeting these guidelines and affecting all budget programs in the Judiciary include the following: (1) the 2007 Legislature passed a bill that significantly increased hourly fees for guardians ad litem and legal counsel but provided no funds in FY 2009 to pay for this rate hike; (2) the Commission on Salaries recommended a well deserved pay raise for justices and judges that was approved by the 2007 Legislature without any



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funds to pay for this increase; (3) the 2007 Legislature passed our budget bill with a provision requiring three of the four circuits to expend up to \$100,000 each for medically targeted substance abuse treatment services but again provided no funds; (4) the Department of Budget and Finance notified us of a significant increase in risk allocation fees for FYs 2008 and 2009 in January 2008, too late to be included in last year's budget request; and (5) a representative from the SCR 117 Task Force established by the 2006 Legislature to review services provided to forensic patients notified the Judiciary that the Task Force has requested a 100 percent increase in fees for court ordered psychiatric/psychological examinations of forensic patients.

In the First Circuit, other supplemental operating resources are being requested to address facility, safety, and security issues, that is, to replace and re-stretch carpeting in the Ka'ahumanu Hale (Circuit Court) and Kauikeaouli Hale (District Court) Buildings, replace rusted condenser water pipes at the cooling towers in the Kauikeaouli Hale Building, and replace eight metal detectors and two x-ray machines for which a service contract is no longer available and replacement parts are increasingly difficult to find. Also being requested are additional funds to cover increased costs for medical services at the Detention Home, provide two positions to facilitate operation of the Court Interpreter Program and handle the tremendous increase in interpreter requests, and pay for enhancements to 20 workstations to create a safer and more efficient work environment. Second Circuit requests include resources to expand Maui/Molokai Drug Court operations and service, and pay for lease, janitorial, and electricity costs to consolidate operations on Molokai into one location. Funds are needed in the Third Circuit for a District Family Court judge and staff in the Hamakua and North/South Kohala area, security services for South Kohala District Court, increased costs and clientele for adult sex offender treatment services, and two additional positions in the Kona area to improve services. Fifth Circuit is requesting funds for an additional accountant position to help handle an increased workload. Supplemental requests for Judiciary Administration programs include resources to continue to Phase III of the National Center for State Courts Drug Court evaluation, expand court interpreter services to all Judiciary civil and administrative proceedings, provide needed positions for human resource operations and the King Kamehameha V Judiciary History Center, increase the purchase of service funding base for the Center for Alternative Dispute Resolution, and fund a Future Vision Conference for the Judiciary.

The Judiciary's supplemental requests are consistent with the Judiciary's mission and respond to demands to: (1) provide essential services to and ensure the safety of children, other at-risk family members, and clients; (2) provide necessary treatment and evaluation services to offenders requiring the courts' assistance; and (3) ensure that our facilities are safe and secure for the public and our employees. In keeping with the biennial budget concept, and in recognition of the State's limited financial resources, the Judiciary has followed a conservative approach in developing its supplemental request. The Judiciary's general fund supplemental budget request for funding of approximately \$7.7 million for FY 2009 results in a total supplemental general



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fund budget just under \$152 million. This figure is more than \$2 million below the Judiciary's general fund appropriation ceiling based on the November 12, 2007 Council on Revenues' final estimate of state growth.

Capital Improvement Project (CIP) requirements continue to be a major item of concern, especially as our facilities get older and as the population, the needs of our clients, and the services provided by our court system expand. With the move of our First Circuit Family Court and Detention Home to Kapolei in 2010, CIP funds are needed to start the planning process for an administration building in Kapolei; to provide furniture, fixtures, and equipment for our new Kapolei Judiciary Complex; and to redevelop the soon to be vacated Family Court areas in the Ka'ahumanu Hale, Kauikeaouli Hale, and current Detention Home Buildings. In addition, the west Hawai'i community is extremely concerned about safety, security, space, parking, and accessibility conditions at Judiciary facilities in Kona; thus, CIP planning funds are being requested for a new Judiciary Complex, as well as construction funds for improvements to the present court facility in the Keākealani Building. Other CIP funds are needed for critical air conditioning and elevator repairs and upgrades at our over 20 year old court buildings on Maui and for repairs and improvements at other Judiciary facilities, statewide.

The Judiciary understands that the economy has somewhat slowed and is not as robust as in the past few years and that this, along with the desire to provide adequate public services to Hawaii's citizens, creates difficult resource allocation decisions as you attempt to balance significant competing initiatives with available general fund resources. With the size and cost of state government always a recurring issue, the Judiciary continues its efforts to reduce costs and increase efficiencies, presenting for your consideration requests that we believe provide the greatest opportunity to directly serve those seeking court assistance.

The proposed supplemental budget is the Judiciary's best estimate of the resources necessary to maintain the integrity of the courts and to fulfill our statutory, constitutional, and public service mandates. The Judiciary respectfully requests your support of Senate Bill No. 2712 which includes the Judiciary's supplemental budget request.

Thank you for the opportunity to testify on this measure.