

STAND. COM. REP. NO.

3007

Honolulu, Hawaii

MAR 23 2012

RE: H.B. No. 1800  
H.D. 2  
S.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred  
H.B. No. 1800, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO THE JUDICIARY,"

begs leave to report as follows:

The purpose and intent of this measure is to appropriate  
funds through the supplemental appropriations bill for the  
operating and capital improvement costs for the Judiciary for  
fiscal year July 1, 2012, through June 30, 2013.

Your Committee received testimony in support of this measure  
from the Judiciary and the Domestic Violence Action Center.

The Judiciary recognizes that the State's economy is still in  
the initial stages of recovery and that it is necessary to  
replenish the State's rainy day and hurricane relief funds,  
restore funding to certain state core functions, and attend to  
numerous other situations resulting from the economic downturn.  
As such, the Judiciary attempted to strike a balance between  
significant additional operational program requirements and the  
limitations on general fund resources. Accordingly, the  
Judiciary's supplemental appropriations bill budget request for  
fiscal year 2012-2013 focuses on maintaining its existing  
infrastructure, providing limited resources to ensure the safety  
and security of juveniles held at the Hale Hoomalu Juvenile  
Detention Facility at Kapolei, and continuing certain essential  
services jeopardized due to recent budget cuts.



The economic downturn that resulted in the slowed rate of growth in general fund revenue collections for the current fiscal biennium caused the Judiciary to experience financial constraints. Specifically, between fiscal years 2009 and 2011, the Judiciary's budget base was reduced by 13.1 percent, or a total of \$19,000,000, and seventy-nine vacant positions, or four percent of its authorized permanent staff, were eliminated. As a result, the Judiciary took various cost cutting measures, including significantly reducing expenditures for electricity, purchase of service contracts, guardian ad litem and legal counsel services, per diem judges, overtime, repair and maintenance, travel, temporary hire positions, supplies, and other miscellaneous items. Additionally, during the twenty months that furloughs were in effect in the Judiciary, more than six hundred thousand staff hours were lost. The Judiciary is still feeling the impact of these budget and personnel reductions, which have resulted in the delay of some cases and hearings and the elimination or reduction of services.

Your Committee further finds that with regard to capital improvement projects, the Judiciary is mindful of the initiative to emphasize projects that stimulate the economy. The Judiciary has proposed several capital improvement projects that will help to stimulate the economy while addressing concerns regarding its facilities and components that are aging and deteriorating.

Accordingly, your Committee has amended this measure to restore the 2012-2013 fiscal year budget requests of the Judiciary, in part through amending various program appropriations of the Judiciary and capital improvement project appropriations of the Judiciary.

Specifically, your Committee has amended this measure by among other things:

- (1) Adding appropriations for eight permanent positions (two judges, four clerks, and two bailiff positions) and related funding of \$535,368 for the Family Court in the First Circuit;
- (2) Appropriating \$500,000 in general funds under JUD601 to be expended by the Judiciary for a statewide established methamphetamine prevention program for Hawaii teenagers;

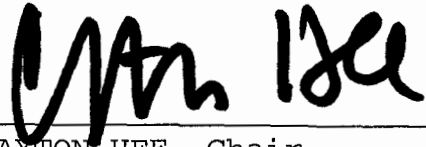


- (3) Reinstating budgetary requests made by the Judiciary to:
- (A) Add three juvenile detention worker positions and related funding of \$86,859 for the detention home in Kapolei;
  - (B) Add two community service sentencing program intake worker positions and related funding of \$62,824.50 for Maui;
  - (C) Appropriate \$186,000 to the Maui and Molokai Drug Court's in-custody substance abuse treatment program at the Maui Community Correctional Center;
  - (D) Increase the ceiling of the indigent legal assistance fund to \$1,900,000;
  - (E) Appropriate an additional \$540,000 in capital improvement funds for exterior improvements of Ali'iolani Hale; and
  - (F) Appropriate \$250,000 in capital improvement funds for an environmental analysis on the status offender shelter and juvenile services center site on Alder Street; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1800, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1800, H.D. 2, S.D. 1, and be referred to the Committee on Ways and Means.



Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor,



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CLAYTON HEE, Chair



The Senate  
 Twenty-Sixth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB1800, HD2	JDL, WAM	3/20/12		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	<b>5</b>			
Recommendation:				
<input checked="" type="checkbox"/> Adopted <span style="margin-left: 200px;"><input type="checkbox"/> Not Adopted</span>				
Chair's or Designee's Signature:				
<b>Distribution:</b> <span style="margin-left: 20px;">Original</span> <span style="margin-left: 80px;">Yellow</span> <span style="margin-left: 80px;">Pink</span> <span style="margin-left: 80px;">Goldenrod</span> <span style="margin-left: 20px;">File with Committee Report</span> <span style="margin-left: 80px;">Clerk's Office</span> <span style="margin-left: 80px;">Drafting Agency</span> <span style="margin-left: 80px;">Committee File Copy</span>				

\*Only one measure per Record of Votes