

Honolulu, Hawaii

March 24, 2016

RE: S.B. No. 2102  
S.D. 1  
H.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2102, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to appropriate supplemental funds for the operating costs of the Judiciary for fiscal year 2016-2017. Specifically, this measure appropriates funds for the Judiciary's operating budget including:

- (1) Funds for additional permanent full time positions and to establish one additional judgeship;
- (2) \$600,000 for the purchase of service contracts for civil legal services;
- (3) Two permanent full time positions and funds for the Mental Health Court; and
- (4) The conversion of one full time temporary position to permanent for the Kona Fiscal Unit of the Third Circuit.

The Judiciary, Office of the Public Defender, Legal Aid Society of Hawaii, Volunteer Legal Aid Services Hawaii, Hawaii State Bar Association, Mothers Against Drunk Driving Hawaii Chapter, Hawaii Society of Addiction Medicine, and Farrell &



Associates testified in support of this measure. Several concerned individuals provided comments.

Your Committee supports the Judiciary's supplemental budget request for 24 new permanent positions, \$2,200,000 in additional funding to support essential staffing needs for the courts and administrative operations, and the capital improvement program funding request totaling \$13,700,000 to address the Judiciary's infrastructure.

Your Committee has amended this measure by:

- (1) Restoring the Judiciary's initial request of \$2,227,149 in general funds, including 24 full-time equivalent permanent positions;
- (2) Including an appropriation of \$2,159,632 for purchase of service contracts for civil legal services for low and moderate income persons, and requiring the Judiciary to report to the Legislature on the Judiciary's purchases of the service contracts;
- (3) Deleting the requirement that the Judiciary establish only one of three potential judgeships with an appropriation of \$330,000;
- (4) Restoring the Judiciary's initial capital improvement project requests that total \$13,684,000; and
- (5) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As noted earlier, your Committee has included funds in the amount of \$2,159,632 for the Judiciary to contract with civil legal services providers to deliver civil legal services for low- and moderate-income individuals. The funding amount and selection of the Judiciary to administer legal service funding was recommended by a working group established by House Resolution No. 12, H.D.1, Regular Session of 2015. The working group, convened by the Hawaii Access to Justice Commission, determined that the Judiciary is the best agency to house the administration of legal services funding for low- and moderate- income individuals. The funding amount would restore civil legal services to prerecession levels. The legal services funding is in addition to the Judiciary's supplemental budget request and to the correction to the budget worksheets for civil legal services for indigent



persons that was incorporated into Act 138, Session Laws of Hawaii 2015. It is not your Committee's intent that the legal services funding be used to supplant the Judiciary's funding request.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2102, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2102, S.D. 1, H.D. 1, and be referred to your Committee on Finance.

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



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KARL RHOADS, Chair



