

Honolulu, Hawaii

MAR 14 2016

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

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred S.B. No. 2102 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 for the operating costs of the Judiciary for fiscal year 2016-2017.

Your Committee received testimony in support from the Judiciary; Office of the Public Defender, State of Hawaii; Mothers Against Drunk Driving Hawaii; Hawaii State Bar Association, Hawaii Society of Addiction Medicine; Park and Kim; and six individuals.

#### OPERATING BUDGET

Your Committee has approved an increase of the Judiciary's operating budget as follows:

- (1) \$1,039,426 in general funds. The Judiciary had requested an increase of \$2,227,149 in general funds; and
- (2) 3.00 full-time equivalent permanent positions, with the possibility of up to an additional 4.00 more. The Judiciary had requested 24.00 full-time equivalent permanent positions.



With the adjustments contained in this measure, the total general fund appropriation for the Judiciary is \$159,222,151 for fiscal year 2016-2017. The total general fund full-time equivalent position count is 1,913.50.

#### Judgeship

Your Committee approves \$330,000 in general funds to establish one judgeship at the discretion of the Chief Justice pursuant to the proviso in section 4 of the measure.

The Judiciary's supplemental budget request included requests to fund a judge and support staff for three judgeships: a District Family Court Judge for the First Circuit; a District Court Judge for the Second Circuit; and a Family Court Judge for the Fifth Circuit. Rather than making a specific selection, your Committee chooses to confer upon the Chief Justice the authority to select one of the three judgeships to fund with the \$330,000 appropriation. Your Committee believes that the Chief Justice should identify the judgeship that is of highest priority and represents the greatest need so as to warrant the establishment of an additional court.

#### Civil Legal Services

Your Committee also approves \$600,000 in general funds in fiscal year 2016-2017 for purchase of service contracts for civil legal services.

Your Committee finds that the funding of civil legal services for indigent persons is imperative. Those who cannot afford private counsel deserve representation in civil court. Your Committee reiterates its support for funding legal services through purchase of service contracts instead of grants. This approach was implemented under Act 138, Session Laws of Hawaii 2015, in order to create competition among indigent legal service providers and give the Judiciary more discretion in procuring such services.

Your Committee notes that section 7 of Act 138, Session Laws of Hawaii 2015, is a proviso dedicating \$600,000 from the general fund appropriation in JUD601 for civil legal services in fiscal year 2015-2016 and the same sum for fiscal year 2016-2017. The budget worksheets for Act 138, however, add \$600,000 in general funds to JUD601 only for fiscal year 2015-2016. Thus, the



appropriation of \$600,000 for fiscal year 2016-2017 in this measure fulfills the intent of the proviso and saves the Judiciary from having to divert funds from its base budget for civil legal services.

#### Mental Health Court

Your Committee approves two (2.0 FTE) positions and \$109,426 in general funds for the Mental Health Court.

With respect to the Mental Health Court Program, your Committee agrees with the Judiciary's overall goals of bringing stability to partnerships with other applicable agencies, increasing client referrals and the population served, reducing recidivism and increasing public safety, and decreasing expenditures for incarceration in Hawaii's correctional facilities (\$140 daily cost) or hospitalization in the Hawaii State Hospital (\$765 daily cost). Efforts to attain the goals require additional staff and support for specialized supervision of felony offenders who suffer from serious mental illness.

While supporting the Mental Health Court, your Committee intends that the program's services should not duplicate those provided by the Department of Human Services, Department of Health, or any other state agency. It is your Committee's belief that the positions provided should in fact focus on enhancing information and referral services to these other agencies in an effort to maximize resources.

#### Kona Fiscal Office Position Conversion

Your Committee approves the conversion of one (1.0 FTE) temporary position to permanent for the Kona Fiscal Unit of the Third Circuit.

Your Committee recognizes the importance of clerical assistance within the Third Circuit and the important role of helping the Fiscal Unit keep current with its operations. The conversion of the temporary position will increase employment retention and alleviate the position from repeated vacancies.

#### CAPITAL BUDGET

At this time, your Committee has not approved any capital improvement funding requests for the Judiciary. Your Committee



intends to consider this matter further and take action during the conference committee deliberations on the measure.

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

Respectfully submitted on  
behalf of the members of the  
Committee on Ways and Means,



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JILL N. TOKUDA, Chair



The Senate  
 Twenty-Eighth Legislature  
 State of Hawai'i

Record of Votes  
 Committee on Ways and Means  
 WAM

Bill / Resolution No.:* <b>SB 2102</b>	Committee Referral: <b>WAM</b>	Date: <b>3/03/16</b>		
<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
TOKUDA, Jill N. (C)	/			
DELA CRUZ, Donovan M. (VC)	/			
CHUN OAKLAND, Suzanne	/			
ENGLISH, J. Kalani	.			/
GALUTERIA, Brickwood	.	/		/
HARIMOTO, Breene	/			
INOUYE, Lorraine R.	/			
RIVIERE, Gil	/			
TANIGUCHI, Brian T.	.			/
WAKAI, Glenn	/			
SLOM, Sam	/			
<b>TOTAL</b>	<b>9</b>			<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution:                      Original      Yellow      Pink      Goldenrod File with Committee Report      Clerk's Office      Drafting Agency      Committee File Copy				

\*Only one measure per Record of Votes