

STAND. COM. REP. NO. **430**

Honolulu, Hawaii

FEB 17 2017

RE: S.B. No. 469
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 469 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 operating and capital improvement costs of the Judiciary
for the fiscal biennium beginning July 1, 2017, and ending June
30, 2019.

Your Committee received testimony in support of this measure
from the Judiciary, Mothers Against Drunk Driving Hawaii, the
Hawaii County Bar Association, the Hawaii State Bar Association,
Legal Aid Society of Hawaii, the Maui County Bar Association, Pua
Foundation, Volunteer Legal Services Hawaii, the West Hawaii Bar
Association, and eight individuals.

Your Committee finds that the Judiciary is in need of
additional judges and staff in the various circuits to meet the
rising demand for services. For example, the fifth circuit, on
the island of Kauai, has been operating with only one district
court judge and one district family court judge since 1984. Your
Committee also finds that certain specialty court programs are in
need of funding to replace expiring grant funding and that capital
improvement projects for the Judiciary's aging infrastructure need
to be addressed. However, your Committee notes that the Council
on Revenues has expressed concern that future general fund



revenues may be less than expected in light of recent economic forecasts.

Therefore, your Committee believes that it is fiscally prudent to: fund a portion of the Judiciary's request for additional judicial and staff positions, while authorizing the Chief Justice to determine which of those judicial and staff positions to establish with the funds; and not commit to funding in the 2018-2019 fiscal year for certain programs, with the understanding that funding for those programs in the second year of the biennium may be reassessed during the next legislative session, after the benefit of up-to-date economic forecasts of general fund revenues.

Your Committee has amended this measure by:

- (1) Amending the definition of "position ceiling" to include temporary full-time equivalent positions within the maximum number of positions authorized for a particular program;
- (2) Reducing the appropriations to JUD101, JUD310, JUD320, JUD330, JUD350, and JUD601 to reflect changing the appropriations for salary differentials for justices, judges, the Administrative Director, and the Deputy Administrative Director to the nominal amount of \$1 to facilitate further discussion;
- (3) Reducing the appropriations to JUD310, JUD320, and JUD350 to reflect eliminating the appropriations for the family court judge and staff for JUD310, the district court judge and staff for JUD320, and the family court judge and staff for JUD350, and increasing the appropriation to JUD601 in fiscal biennium 2017-2019 to provide the Chief Justice with an appropriation to fund a portion of the judicial and staff positions, according to priorities established by the Chief Justice;
- (4) Reducing the appropriation to JUD310 to reflect eliminating the fiscal year 2018-2019 funding for the driving while impaired court program, Hawaii zero to three program, and veteran treatment court;



- (5) Reducing the appropriation to JUD330 to reflect eliminating the fiscal year 2018-2019 funding for the veteran and drug courts; and
- (6) Eliminating the fiscal year 2018-2019 capital improvement project request for equipment for the new judiciary complex in Kona on the island of Hawaii.

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 S.B. No. 469, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 469, S.D. 1, and be referred to your Committee on Ways and Means.

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




GILBERT S.C. KEITH-AGARAN, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 469	Committee Referral: JDL, WAM	Date: 2/8/17		
<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
KEITH-AGARAN, Gilbert S.C. (C)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike				✓
KIM, Donna Mercado	✓			
THIELEN, Laura H.		✓		
TOTAL	3	1	0	1
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