



## *The Judiciary, State of Hawaii*

### **Testimony to the House Committee on Finance**

Representative Sylvia Luke, Chair  
Representative Scott Y. Nishimoto, Vice Chair  
Representative Aaron Ling Johanson, Vice Chair

Wednesday, February 19, 2014, 3:00 p.m. (Agenda #3)  
State Capitol, Conference Room 325

by  
Tom Mick  
Policy and Planning Department Director

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**Bill No. and Title:** House Bill No. 1635, Relating to the Judiciary.

**Purpose:** Establishes a method for determining the salaries of the Administrative Director of the Courts and Deputy Administrative Director of the Courts.

### **Judiciary's Position:**

This measure is part of the Judiciary's 2014 Legislative Package and as such, we strongly support this bill.

This bill establishes a method for determining the salaries of the Administrative Director of the Courts (AD) and Deputy AD. As background, up until 2006, the Judicial Salary Commission, pursuant to Section 608-1.5, Hawaii Revised Statutes (HRS), determined the salaries for the Judiciary's appointed administrative officers; that is, the AD and Deputy AD. However, in November 2006, the voters ratified a Constitutional amendment<sup>1</sup> which, along with a companion bill<sup>2</sup> passed earlier by the Legislature, repealed Section 608-1.5 HRS and replaced it with a new Commission on Salaries (Commission) which encompassed the Executive, Legislative, and Judicial branches.

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<sup>1</sup> HB 1917 (2006)

<sup>2</sup> Act 299, SLH 2006 (HB 1918)



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In so doing, the Constitutional amendment and companion bill inadvertently<sup>3</sup> left out the Judiciary's AD and Deputy AD, thus leaving only these two positions without a mechanism to set their salaries.

HB1635 is intended to create such a mechanism by linking the AD's salary to the Executive Branch's Administrative Director of the State<sup>4</sup> (more commonly known as the Governor's Chief of Staff) and the Deputy AD to 95% of the AD's salary.<sup>5</sup> Executive Branch Tier 1 salaries, of which the Chief of Staff is part of, also include the Attorney General and the Director of Budget and Finance. These Executive Branch positions are most similar in scope and function to the Judiciary's administrative officers.

In summary, these two positions currently have no mechanism to determine their salaries. The Legislature intended them to be part of the Commission's recommendations so their salaries would not be a barrier to attracting and retaining well qualified individuals. However, without a mechanism to set their salaries, lack of fair compensation may become a prohibitive barrier to this purpose.

Thank you for the opportunity to provide testimony on this measure.

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<sup>3</sup> See Sen. Comm. on Ways and Means Stand. Com. Rep. No. 725 (SB 1526 2007/2008)

<sup>4</sup> Chief of Staff salary, as of 7/1/2014, will be \$143,028

<sup>5</sup> The 2004 Judicial Salary Commission, the last commission with the authority to determine the Deputy AD's salary, set it at 95% of the AD's salary. For info, 95% of the 7/1/2014 Chief of Staff salary is \$135,877