



*The Judiciary, State of Hawai'i*

**Testimony to the  
Senate Committee on Ways and Means**  
Senator Jill N. Tokuda, Chair  
Senator Donovan M. Dela Cruz, Vice Chair

Thursday, March 02, 2017, 10:00 a.m.  
State Capitol, Conference Room 211

by  
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**WRITTEN TESTIMONY ONLY**

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**Bill No. and Title:** Senate Bill No. 469, S.D. 1, Relating to the Judiciary.

**Purpose:** To provide biennium operating and capital improvement appropriations for FYs 2018 and 2019.

**Judiciary's Position:**

The Judiciary strongly urges your support of Senate Bill No. 469, S.D. 1, which reflects the Judiciary's resource requirements for FYs 2018 and 2019.

The Judiciary recognizes there are many competing priorities for funding, and that resources are limited. Accordingly, in our biennium budget request, the Judiciary has focused only on requirements related to past legislation and to its most pressing needs, primarily in the areas of essential staffing for court operations and client services. Specifically, with these factors in mind, the Judiciary is requesting 34 new permanent positions and additional funding of \$2.3 million for FY 2018, and 37 positions and \$3.2 million for FY 2019, some 1.4% and 2% more, respectively, than our current budget base of \$163 million.

The Judiciary is very grateful to the Senate Committee on Judiciary and Labor (JDL) for providing 23 new permanent positions (three of which are for late FY 2019) and funding of \$784K in FY 2018 and \$762K in FY 2019 for our biennium budget requests. These requests specifically relate to: (1) a no-cost conversion of seven temporary positions to permanent



positions for the Girls Court in the First Circuit and one such position conversion for the Courts of Appeal Fiscal Office; (2) three social worker positions to establish a Mental Health Unit in First Circuit and two social worker positions to work with mental health and conditional release clients in the Fifth Circuit; (3) three additional staff personnel for the Temporary Restraining Order Unit in the First Circuit; (4) three social worker positions for the Adult Client Services Branch in the Second Circuit; (5) one Staff Attorney position for the Intermediate Court of Appeals; (6) funding to upgrade the PeopleSoft Human Resource Management System; and (7) three facilities related positions in FY 2019 for the new Kona Judiciary Complex.

The Judiciary is also quite appreciative of JDL providing another six permanent positions and funding of \$617K for FY 2018 to sustain the Driving While Impaired Court and the Hawaii Zero to Three Program in the First Circuit, and sustain and expand the Veterans Treatment Court (VTC) in Third Circuit, as grant funding ends; and to support a purchase of service contract for temporary housing and residential substance abuse and mental health treatment for First Circuit VTC clients on probation. These six positions were also supported for FY 2019; however, the requested funding of \$769K was not supported in Senate Bill No. 469, S.D. 1. The related Standing Committee Report stated that in light of recent economic forecasts, it "...believes that it is fiscally prudent to...not commit to funding in the 2018-2019 fiscal year for certain programs, with the understanding that funding for these 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." While we understand the economic and revenue concerns, if the second year of funding is not provided either during this or the next legislative session, the Judiciary will have to consider discontinuing these programs.

The Judiciary's biennium budget request for FYs 2018 and 2019 includes requests for three judgeships and related staffing – funding for a District Family Court judge and staffing in First Circuit as the positions were previously provided by the 2007 Legislature, and funding and positions for a District Court judge in Second Circuit and a District Family Court judge in Fifth Circuit. JDL eliminated the appropriations for these judges and staff in each of the circuits, but provided \$316K in FY 2018 and \$632K in FY 2019 in general funds in the Administration Program for two of these three judgeships, stating in its Standing Committee Report that this was "...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." However, no position counts were provided which would make it very difficult to establish the judgeships in the Second and Fifth Circuits if they were the choice (First Circuit already has the positions counts from the 2007 legislative session). We also believe that it is necessary to stress that whichever judgeships the Chief Justice selects, the other judgeship not selected is just as important to and needed by the island and/or community in which it is located. In all three circuits/locations, workload has been increasing and the cases have become more complex and time consuming, especially as the number of self-represented litigants has been growing. Further, neither the Second Circuit



(Maui) nor the Fifth Circuit (Kauai) has had a new District judgeship position in more than 30 years, yet over this period of time, the population has more than doubled on Maui and increased by more than 70% on Kauai. In addition, it should be noted that First Circuit Family Court is located in Kapolei, one of the fastest growing areas on Oahu.

The Judiciary is also requesting \$355K in FY 2018 and \$717K in FY 2019 to cover the annual two percent salary increase for justices and judges set by the 2013 Commission on Salaries, and another \$6K in FY 2018 and \$12K in FY 2019 to adjust the salaries of the Administrative Director and Deputy Administrative Director of the Courts based on a bill passed by the 2014 legislature. JDL reduced the amounts of these requests to "...the nominal amount of \$1 to facilitate further discussion", per the Standing Committee Report for this bill.

With regard to Capital Improvement Project requirements, the Judiciary is again deeply appreciative of JDL's support and funding for all of the \$15.4 requested for FY 2018 and \$12 million of the \$18.8 million requested for FY 2019. These funds were specifically allocated to our requests to make improvements to the parking structure and enhance security at Hoapili Hale in Second Circuit; reroof and repair leaks and damages at Pu'u'honua Kaulike in the Fifth Circuit; provide for separate storm drain and sanitary systems for our Honolulu Kapuaiwa Building; to upgrade and modernize fire alarm systems and elevators at Ka'ahumanu Hale in First Circuit, both of which are more than 30 years old and which continue to malfunction with greater frequency; and provide lump sum funding to address both continuing and emergent building issues. Our only concern is the lack of \$6.75 million in funding for our FY 2019 furniture, fixtures, and equipment request for our new Kona Judiciary Complex. Without such funding, we will not be able to equip and timely move into our new courthouse and thereby provide the central, one-stop court services location that the people of West Hawaii deserve and are waiting for.

In summary, the Judiciary is extremely grateful for all the support provided by JDL, but also respectfully requests restoration of \$769K for FY 2019 for the various specialty court programs; eight positions for judges and staff as well as \$187K in FY 2018 and \$306K in FY 2019 for the third judge and staff; salary adjustment funding of \$361K in FY 2018 and \$729K in FY 2019 for the justices, judges, Administrative Director, and Deputy Administrative Director; and \$6.75 million in CIP funding for furniture, fixtures, and equipment for the new Kona Judiciary Complex. With these changes and the restoration of funding and positions, the Judiciary respectfully requests your support of Senate Bill No. 469, S.D. 1, the Judiciary's biennium budget request.

Thank you for the opportunity to testify on this measure.