

ACT 123

S.B. NO. 1333

A Bill for an Act Relating to the Compensation of Officials in the Judicial Branch of State Government.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 601-3, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

“(a) The chief justice, with the approval of the supreme court, shall appoint an administrative director of the courts to assist the chief justice in directing the administration of the judiciary. The administrative director shall be a resident of the State for a continuous period of three years prior to the administrative director’s appointment, and shall be appointed without regard to chapter 76 and shall serve at the pleasure of the chief justice. The administrative director shall hold no other office or employment. Effective July 1, 2000, the salary of the administrative director shall be no greater than provided in section 26-54 and shall be determined by the chief justice based upon merit and other relevant factors. Effective July 1, 2004, and every eight years thereafter, the salary of the administrative director shall be as last determined by the judicial salary commission pursuant to section 608-1.5, unless disapproved by the legislature.”

2. By amending subsection (c) to read:

“(c) The administrative director shall, with the approval of the chief justice, appoint a deputy administrative director of the courts without regard to chapter 76 and such assistants as may be necessary. Such assistants shall be appointed without regard to chapter 76. Effective July 1, 2000, the salary of the deputy administrative director shall be no greater than provided in section 26-52(3) and shall be determined by the chief justice based upon merit and other relevant factors. Effective July 1, 2004, and every eight years thereafter, the salary of the deputy administrative director shall be as last determined by the judicial salary commission pursuant to section 608-1.5, unless disapproved by the legislature. The administrative director shall be provided with necessary office facilities.”

SECTION 2. Section 602-2, Hawaii Revised Statutes, is amended to read as follows:

“§602-2 Salary, supreme court justices. Effective July 1, 1999, the salary of the chief justice of the supreme court shall be \$105,206 a year and the salary of each associate justice of the supreme court shall be \$104,096 a year. Effective July 1, 2000, the salary of the chief justice of the supreme court shall be \$116,779 a year and the salary of each associate justice of the supreme court shall be \$115,547 a year. Effective July 1, 2004, and every eight years thereafter, the salary of the chief justice of the supreme court and the salary of each associate justice of the supreme court shall be as last determined by the judicial salary commission pursuant to section 608-1.5, unless disapproved by the legislature.”

SECTION 3. Section 602-52, Hawaii Revised Statutes, is amended to read as follows:

“§602-52 Salary. Effective July 1, 1999, the salary of the chief judge of the intermediate appellate court shall be \$101,321 a year and the salary of each associate judge shall be \$99,656 a year. Effective July 1, 2000, the salary of the chief judge of the intermediate appellate court shall be \$112,466 a year and the salary of each associate judge shall be \$110,618 a year. Effective July 1, 2004, and every eight years thereafter, the salary of the chief judge of the intermediate appellate court and the salary of each associate judge shall be as last determined by the judicial salary commission pursuant to section 608-1.5, unless disapproved by the legislature.”

SECTION 4. Section 603-5, Hawaii Revised Statutes, is amended to read as follows:

“§603-5 Salary of circuit court judges. Effective July 1, 1999, the salary of each circuit court judge of the various circuit courts of the State shall be \$96,326 a year. Effective July 1, 2000, the salary of each circuit court judge of the various circuit courts of the State shall be \$106,922 a year. Effective on July 1, 2004, and every eight years thereafter, the salary of a circuit court judge shall be as last determined by the judicial salary commission pursuant to section 608-1.5, unless disapproved by the legislature.”

SECTION 5. Section 604-2.5, Hawaii Revised Statutes, is amended to read as follows:

“§604-2.5 Salary of district judges. Effective July 1, 1999, the salary of each district court judge of the various district courts of the State shall be \$90,776 a year. Effective July 1, 2000, the salary of each district court judge of the various district courts of the State shall be \$100,761 a year. Effective on July 1, 2004, and every eight years thereafter, the salary of a district court judge shall be as last determined by the judicial salary commission pursuant to section 608-1.5, unless disapproved by the legislature.

Whenever the chief justice appoints a district court judge of any of the various district courts of the State to serve temporarily as a circuit court judge of any of the various circuit courts of the State, the judge shall receive per diem compensation for the days on which actual service is rendered based on the monthly rate of compensation paid to a circuit court judge. For the purpose of determining per diem compensation in this section, a month shall be deemed to consist of twenty-one days.”

SECTION 6. Section 608-1.5, Hawaii Revised Statutes, is amended to read as follows:

“§608-1.5 Judicial salary commission. (a) There shall be a judicial salary commission to review and [recommen] determine the salaries of justices and judges of all state courts and appointed judiciary administrative officers. The judicial salary commission shall be attached to the judicial council for administrative purposes. The commission shall be composed of five members[, two to be]. One member shall be appointed by the governor, [one by the president of the senate, one by the speaker of the house, and one by the chief justice. Members shall be appointed for terms of four years each.] two members shall be appointed by the president of the senate, and two members shall be appointed by the speaker of the house of representatives; and provided further that vacancies in these positions shall be filled in the same manner. Members shall not receive compensation for their services, but shall be reimbursed for traveling and other expenses incidental to the performance of commission duties. [For administrative purposes only, the commission shall be attached to the judicial council.

By October 15 of each year preceding a fiscal biennium, the commission shall submit its recommendations in a report to the legislature, with copies to be submitted to the governor and chief justice.] (b) The commission may seek assistance from any other agency in conducting its review and all agencies shall cooperate fully with the commission and provide any necessary information to the commission upon request. In determining the salaries of the justices and judges and appointed judiciary administrative officers, the commission may set different salaries for the chief justice of the supreme court, the associate justices of the supreme court, the chief judge of the intermediate appellate court, the associate judges of the intermediate appellate court, the judges of the circuit courts, and the judges of the district courts and different salaries or salary ranges for appointed administrative judiciary officers, with the salary for a particular position to be specified within the applicable range by the appointing official.

(c) The commission shall convene in the month of November 2003, and every eight years thereafter. Not later than the fortieth legislative day of the regular session of 2004, and every eight years thereafter, the commission shall submit a report of its findings and its salary recommendations to the legislature, through the chief justice. The commission’s salary recommendations may include incremental increases that take effect over the span of years occurring prior to the convening of the next salary commission. The recommended salaries submitted by the commission shall become effective July 1 of the next fiscal year unless the legislature disapproves the salary recommendations submitted by the commission through the adoption of a concurrent resolution, which shall be approved by a simple majority of each house of the legislature prior to adjournment sine die of the legislative session in which the recommended salaries are submitted; provided that pursuant to article VI, section 3 of the State Constitution, the salaries of justices and judges shall not be decreased during their respective terms of office. At the next regular legislative session, the salary amounts recommended by the commission, and not disapproved by the legislature, shall be submitted by the chief justice as part of the judiciary’s proposed budget pursuant to the budgetary procedures specified in chapter 37 and section 601-2(c). [Salary amounts in the budget as enacted shall take precedence over any inconsistent statutes.] If the salary amounts recommended by the commission are disapproved by the legislature, the commission shall reconvene in the month of November following the legislative disapproval to review the legislature’s reasons for disapproving its salary recommendation. The commission may submit a report of its findings and submit a new salary recommendation to the legislature of

the next regular session. The commission's reconvening following a legislative disapproval shall not toll the eight year cycle."

SECTION 7. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 8. This Act shall take effect upon its approval.

(Approved June 2, 2003.)