



The Judiciary, State of Hawaii

Testimony to the Twenty-Fifth State Legislature, Regular Session of 2009

Senate Committee on Judiciary and Government Operations

The Honorable Brian T. Taniguchi, Chair

The Honorable Dwight Y. Takamine, Vice Chair

Monday, March 23, 2009, 9:30 a.m.

State Capitol, Conference Room 016

By

Thomas R. Keller

Administrative Director of the Courts

Bill No. and Title: House Bill No. 300, H. D. 1, Relating to the Judiciary.

Purpose: To provide biennium operating and capital improvement appropriations for FY 2010 and FY 2011.

Judiciary's Position:

While the Judiciary urges your support of House Bill No. 300, H. D. 1, which reflects the Judiciary's resource requirements for fiscal biennium 2010 and 2011, we are extremely concerned about the deletion of almost \$40 million and 114 permanent positions from its budget base and fear that these adjustments will disable the Judiciary's ability to perform its constitutional duties. Such cuts will not only be devastating to the Judiciary, the Third Branch of Government, but to the public as well, as public safety will be jeopardized and public services critically diminished. From a funding point of view, these cuts will place the Judiciary where it was over eight years ago prior to the establishment of all the specialty courts and some very successful Judiciary programs (i.e., drug courts, girls court, mental health court, Project HOPE, etc.). All court operations and programs statewide will be adversely affected as many services and programs provided by the Judiciary will need to be eliminated at worst or drastically reduced at best.

We therefore urge action to restore the 114 positions and the funding deleted by House Bill No. 300, H. D. 1, and go forward with the Judiciary's original request to fund judges' pay raises, electricity, and the Kapolei Judiciary Complex, matched with a reduction to offset these requests plus an additional 20% of discretionary costs (see attachment 1). During the informational



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budget briefings to the members of the Senate Committee on Ways and Means and the House Committee on Finance on January 6 and January 29, 2009, and the budget hearing before the House Committee on Finance on March 10, 2009, we provided detailed information on our budget request and proposed reductions. Consequently, our testimony today will primarily address the concerns generated by House Draft 1.

The Judiciary is keenly aware of the State's limited financial resources, its economic situation, and the projected budget deficit for the fiscal biennium. Therefore, our general fund biennium budget request was only for items mandated by law or absolutely necessary to maintain operations. Specifically, it was limited to funds to pay for the judges' salary increase recommended by the Commission on Salaries, to cover significantly increased costs for electricity, and to open the new detention home and courthouse in Kapolei. In total, the Judiciary's general fund budget request includes additional funding of approximately \$6.4 million in FY 2010 and \$9.2 million in FY 2011, and, when added to our current operating budget, is approximately \$4.4 million less than the Judiciary's biennium general fund appropriation ceiling in FY 2010, based on the November 19, 2008 final estimate of State growth for the upcoming 2-year period. Due to recent decreases in costs for electricity, these additional funding amounts are \$658,847 less than our biennium budget request for FY 2010 and \$901,891 less than our request for FY 2011 noted in our November 1, 2008 letter to Governor Lingle and in our testimony submitted to the legislature on December 31, 2008. The Judiciary has had much success in reducing electricity usage. Attachment 2 details our efforts and significant achievements in reducing energy consumption.

As mentioned above, we remain greatly concerned over the adjustments in House Bill No. 300, H. D. 1 which reduce the Judiciary's budget base by almost \$40 million and delete 114 permanently authorized positions (payroll costs associated with these positions total about \$4.5 million). The 114 positions proposed for reduction were based on our December 1, 2008 listing of vacancies provided to the Senate Committee on Ways and Means and the House Committee on Finance on December 31, 2008 with our written testimony. All 114 positions listed as vacant were proposed for elimination by House Bill 300, H. D. 1, regardless of length of time of the vacancy or need for the position. In fact, 70 (61.5%) of the positions shown on that listing were vacant less than six months and another 25 (22%) positions were less than one year old, neither of which seems at all extreme considering that the Judiciary had imposed hiring restrictions in September 2008 in response to the State's economic situation. Further, 14 of these 114 positions are now filled and another 7 are pending selection (that is, applicant lists have been provided to court programs, interviews may have been scheduled or conducted, and/or an applicant may have been selected but not yet notified or accepted the position). The Judiciary would have no alternative but to begin reduction in force (RIF) procedures if these filled positions are deleted. Besides the vacancies resulting from our hiring restrictions, it should also be noted that positions sometimes remain vacant for extended periods due to: (1) grievances/suits which do not allow us



to take any fill action until the matter is settled, (2) internal reorganizations which must be discussed with the union, and (3) difficulties in finding qualified applicants for certain positions, such as social workers dealing with sex offenders. The inability to fill these positions or difficulty in finding qualified applicants, however, by no means diminishes the need for these positions.

Also, with regard to position and related payroll reductions, it should be noted that the Judiciary's payroll appropriations have already been reduced to allow for "turnover savings," or "normal" personnel turnover actions; and thus, are already more than \$4 million less than required to fund our authorized permanent positions in FYs 2010 and 2011 (see * at the end of this testimony for a more detailed explanation of turnover savings). This reduction is in addition to the deletion of the 114 positions and the related \$4.5 million for salary costs mentioned above. In the past, the Judiciary has kept positions vacant in order to generate the "turnover savings" necessary to operate within its budget. From a financial standpoint, reducing our existing payroll appropriation is a double reduction for the same purpose; that is, attempting to again capture the "same" savings already built-in to our budget for position vacancies.

One other point with regard to the payroll reductions – the Chief Justice, similar to any other chief executive of a large organization, needs some discretion in the utilization of salary savings in order to efficiently and effectively carry out the mission of the Judiciary. Historically, the amount of reprogramming of vacancy savings by the Chief Justice has represented approximately just three percent of the Judiciary's budget, certainly not an unreasonable amount of fiscal discretion for the head of the Judicial branch of government. Such discretion is critical to the Judiciary when faced with unforeseen operational contingencies or unplanned requirements.

The Judiciary also has significant concerns about the methodology used to make the proposed funding reductions because, in many cases, they appear to represent double-counting and are so severe that they will result in the possible elimination of a program or reduce the program's operations to a minimal or almost non-existent level. Much of this has to do with the 25% or greater reduction made to current expenditures across the board for each program: \$133,000 for JUD101, \$6.1 million for JUD 310, \$1.4 million for JUD 320, \$2.1 million for JUD 330, \$699,000 for JUD 350, and \$1.3 million for JUD 601. For example, the proposed vacancy and line item reductions in the Public Affairs Office (PAO) and the Volunteers in Public Service Program (VIPS), coupled with the proposed reduction in current expenditures for JUD 601, would leave PAO without enough funds to pay for even one full-time employee and VIPS with just one employee but no operating funds. Another example includes monies reduced for guardian ad litem (GAL) services and Purchase of Service (POS) contracts. Because these type expenditures are included in current expenses, the 25% reduction in current expenditures, when added to the proposed 35% reductions in House Bill 300, HD 1, for both GAL and POS, result in



a 60% reduction for these type services. Such reductions would likely make it impossible to meet federally mandated requirements for GAL services, require the closure of some of the specialty courts, significantly reduce services provided by and for others, critically reduce or eliminate expenditures on domestic violence services, etc. Juror fees are also part of current expenditures and the 25% current expenditure reduction, along with the specifically identified proposed 40% reduction to juror fees, would result in a 65% reduction in the juror fee budget and make it impossible to do more than a few jury trials in a year. In criminal cases, this could result in constitutional speedy trial issues. In addition, because electricity is included in our budget for current expenditures, the 25% cut in this area further compounds the more than \$3 million deficit noted for electricity in our biennium budget request. One other point and example of possible double-counting - most of the funds to support the filled unbudgeted temporary positions come from vacant permanent positions so that elimination of both these categories (i.e., vacant positions and filled unbudgeted temporary positions) effectively cuts the same funds twice. In short, because there is no budget for "unbudgeted temporary positions", the adjustment in House Draft 1 eliminates funding that does not exist and just deepens cuts in other operating areas.

The proposed 25% reduction in current expenditures is also disturbing because, along with the 7% reduction experienced last year to our discretionary expenses, it will critically impact many areas necessary to keep our courts open and running smoothly. For example, the current expenditure category includes such items as air fare, rental cars, employee per diem, medical and hospital supplies, duplicating supplies, stationary and office supplies, janitorial supplies, court reporter fees, interpreter fees, bank service charges, janitorial services, refuse services, window cleaning services, grounds-keeping services, security services, insurance, workers' compensation payments, service and merit awards, data processing services, equipment, printing and binding, lease and rental costs, repair and maintenance, advertising, freight, delivery, and postage. Costs associated with court reporter and interpreter fees; duplicating, office, and janitorial supplies; janitorial, refuse, security, and grounds-keeping services; repair and maintenance; leases and rentals; and postage are generally unavoidable and not easily adjusted. Therefore, this significant funding reduction limits the funding available for some of the basic operating costs that keep our courts open. It should also be noted that whatever spending flexibility the courts have in their respective budgets is already very limited and will be completely eliminated by the proposed reductions in House Bill 300, HD 1. Therefore, the significant reduction to current expenditures places further constraints on the programs' ability to respond to unforeseen requirements such as those that have often resulted from necessary, emergency repairs on aging Judiciary buildings and equipment and those for unbudgeted vacation credit payouts. As in any government or business operation, it is imperative that a certain level of funding flexibility be maintained to facilitate efficiency and effectiveness.

Other proposed reductions in House Bill 300, H. D. 1 are just as troubling. For example, it proposes a \$970,000 reduction in funds for Hale Hoomalu (Detention Home) and Home Maluhia



(Juvenile Shelter), as well as reductions for 2 permanent position vacancies and 15 unbudgeted temporary filled positions together valued at almost \$800,000 (money that is partially provided from vacancy savings which we would no longer have because of the proposed reductions of all vacant positions). This total reduction of over \$1.7 million and 17 positions from a \$4.8 million, 94 position budget will have a disastrous effect on our ability to provide detention and shelter services to juveniles and result in a significant reduction in the number of juveniles that can be accommodated in these facilities. This could also seriously impact public safety because there would be no available secure facility for some dangerous, unadjudicated youthful offenders. Currently, the Judiciary is engaged in long over-due reform efforts through the Juvenile Detention Alternative Initiative funded by the Annie E. Casey Foundation. These reform efforts will be seriously hampered if the proposed reductions are effectuated. Moreover, to reduce funding to our Detention Home and Juvenile Shelter at this critical juncture, invites lawsuits and exposes children entrusted to our care to unsafe conditions (e.g., suicides, fights) and the state to the possibility of investigations and litigation by the Department of Justice and other entities.

Another example of a troubling reduction proposed by House Bill 300, H. D. 1, is a \$344,000 reduction to the Supreme Court Law Library (over 26% of its non-payroll costs) which will result in a significant decrease in our on-line subscriptions and hard copy resources, thereby adversely affecting the ability of the judges, Judiciary administration and programs, and especially pro se litigants, to do legal research. It will also result in a significant reduction of services to the public, denying access to justice when access is most needed, and lead to over \$100,000 in increased costs over the next two years due to loss of discounted agreements with publishers. This will further compound the effect relative to the reduction in funding available for on-line subscriptions and hard copy resources.

In addition to the budget base reductions, the Judiciary is very concerned that none of our general fund biennium budget requests were funded, except for a small amount for a security contract and 22 positions (without funds) for Kapolei. Not funding the judges pay increase nor our shortage for electricity will require the Judiciary to have to absorb these costs, which will be very difficult considering the nearly \$40 million reduction to our budget base. In addition, not funding most of our Kapolei Judiciary Complex requests would seem to be short-sighted, imprudent, and fiscally irresponsible.

As noted in our budget support package, the Judiciary will assume responsibility for the operation and maintenance of the Kapolei Judiciary Complex once the specified requirements for substantial completion have been met by the contractor, currently scheduled for late 2009. This means that the Judiciary will be responsible for utility costs, maintenance, and security for the new Complex from that date – while furniture, fixtures, and equipment are being installed, and before Judiciary staff are present in either the court building or the juvenile detention facility. Further, once the Department of Accounting and General Services finds the project to be



satisfactorily completed and in compliance with the terms of the contract, the Complex will be turned over to the State and the one-year warranty periods will begin running on the buildings' construction; all the equipment; and every mechanical, electrical, security, communications, low voltage, elevator, and fire extinguishing system. If any unsatisfactory condition or damage develops within the time of the contractor's warranty due to materials or workmanship that is deficient, inferior, or not in accordance with the contract, the contractor is obligated to make the repairs necessary, without any expense to the State. Beyond the one-year warranty period, the repairs would be at the State's expense. The minimal savings on utilities such as water and electricity gained by delaying the movement of Judiciary staff and juveniles in custody would not offset the potential cost of repair to equipment or the mechanical system beyond the warranty period. Further, if the movement of court staff and juveniles in the court's custody to the facilities at Kapolei is delayed, Family Court staff and functions will remain in the substandard facilities at Kaahumanu Hale and Alder Street with significant safety and security concerns. Other Judiciary personnel who were to move into Kaahumanu Hale upon the movement of Family Court to Kapolei would then remain in costly leased space in Honolulu. The dollar costs of delaying the move to Kapolei for one calendar year are over \$600,000. Additionally, whether the facilities are occupied or not at Kapolei, the Judiciary will incur electricity charges to maintain the mechanical, HVAC, security and telecommunications equipment; water and sewer charges for cooling equipment, fire suppression, and landscaping maintenance; security charges for securing the site and buildings; maintenance charges for the vacant buildings; and grounds-keeping charges for the site and parking areas. We believe it would be ill-advised to leave unopened or under-resourced a court facility that can provide much needed and much deferred services and safety for the entire community.

With regard to the Capital Improvements Project (CIP) budget included in House Bill 300, H. D. 1, we are pleased with the \$3,995,000 provided to upgrade the elevators at Kauikeaouli Hale, the \$550,000 to start the planning process for a new Kona Judiciary Complex, and \$5 million of the \$5.9 million requested in FY 2010 and \$10 million of the \$25 million requested in FY 2011 lump sum for remodeling and upgrading Judiciary facilities statewide. However, we are concerned with the lack of requested funding (\$230,000 in FY 2010 and \$3 million in FY 2011) to begin planning for an Administrative Building in Kapolei to support the Kapolei Court Complex. Without such a building, the Judiciary will have to incur significant costs to lease space in Kapolei for Family Court support staff. Also of concern is the denial of \$3.9 million in requested funding for Kaahumanu Hale roof and lanai deck repairs as the roof has begun to have small leaks and the lanai deck is beginning to buckle and crack and become a pedestrian hazard in places. Additional lump sum funding beyond the \$10 million provided in FY 2011 would allow further upgrades to the aged and deteriorating Judiciary facilities.

In summary, the significant magnitude of position and funding reductions proposed by House Bill 300, H. D. 1 would pose a serious dilemma for the Judiciary because we do not have control



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over the volume or type of matters presented to the courts for disposition nor can we adjust our workload. Our various Courts (Appellate, Circuit, Family, and District) are mandated by the Constitution and thus cannot be reduced to save or benefit other Judiciary programs. Significant reductions in court services to our citizenry and delays in justice will occur with the extent of reductions recommended in House Bill 300, H. D. 1. In other words, the Judiciary will have trouble performing its core mission as the Third Branch of Government; that is, to administer justice in an impartial, efficient, and accessible manner in accordance with the law, and to make justice available without undue cost, inconvenience, or delay. Thus, the Judiciary strongly opposes the reductions in positions and funding made to its biennium budget in House Bill No. 300, H. D. 1, and respectfully requests that consideration be given to restoring the positions and funding deleted by House Draft 1 and to going forward with the Judiciary's original proposal to fund electricity, judges pay raises, and Kapolei, matched with a reduction to offset these requests plus an additional 20% of discretionary expenses. The Judiciary also respectfully requests the restoration of CIP funding for an Administrative Building in Kapolei, repairs to Kaahumanu Hale, and an additional \$15 million in lump sum funding for FY 2011.

I hope that the information provided today will assist your committee in its deliberations relating to this bill. Thank you for the opportunity to provide testimony on this measure.

**"Turnover savings" are reflected as a negative lump-sum adjustment to each program's payroll budget because it is impossible to identify with any reasonable certainty, those specific position(s) which will be vacated during the course of an operating fiscal year. Including this negative adjustment in each program budget, therefore, provides an operating allocation of less than 100% of a program's salary requirements, in anticipation that position(s) will be vacated due to retirement, resignation, or other forms of separation from employment. Generally, programs have utilized a basic 5% rate for this negative adjustment, meaning that programs actually have only 95% of what they really need to pay for all authorized positions for the full 365 days of the fiscal year. In the interest of consistency, the Judiciary has applied the 5% "turnover savings" rate to large programs, with lesser amounts for smaller programs that will experience a proportionately lower percentage of employee "turnover" actions. All of our programs are closely monitored to ensure that sufficient payroll resources are available to provide for our actual requirements. The required payout of vacation credits is another factor that needs to be considered because the Judiciary does not budget for required vacation payments upon employee retirement or separation. The potential for a large vacation payout to a long-time Judiciary employee who chooses to retire makes close monitoring of vacancy rates and program salary requirements all the more important. In fact, in FY 2007, the Judiciary incurred almost \$1 million in unbudgeted vacation payouts.*

POTENTIAL BUDGET REDUCTIONS

FY 2010 - 2011

(Initial goal: FY10 \$8.290 million FY11 \$11.129 million to equal biennium budget request plus 20% of discretionary costs)

	<u>COA</u>	<u>First</u>	<u>Second</u>	<u>Third</u>	<u>Fifth</u>	<u>Admin</u>	<u>Total</u>	<u>FY 2010</u>	<u>FY 2011</u>
GAL - Budgeted Amt		3,693,000	801,261	1,030,930	93,800		5,618,991		
20% reduction		738,600	160,300	206,200	18,800			1,123,900	
25% reduction		923,300	200,300	257,700	23,500				1,404,800
POS - Budgeted Amt		7,736,765	2,171,774	2,201,696	675,952	624,650	13,410,837		
25% reduction		1,934,200	542,900	550,400	169,000			3,196,500	
31% reduction		2,398,400	673,200	682,500	209,600				3,963,700
Per Diem Judges - Budgeted Amt		1,019,240	179,888	151,098	57,143		1,407,369		
30% reduction		305,800	54,000	45,300	17,100			422,200	
40% reduction		407,700	72,000	60,400	22,900				563,000
Juror Fees - Budgeted Amt		1,074,000	254,000	225,100	80,400		1,633,500		
33% reduction		354,400	83,800	74,300	26,500			539,000	
40% reduction		418,800	101,600	90,000	32,200				642,600
Overtime - Budgeted Amt	300	961,246	15,050	30,100	33,844	156,999	1,197,539		
40% reduction	100	384,500	6,000	12,000	13,500	62,800		478,900	
50% reduction	100	480,600	7,500	15,000	16,900	78,500			598,600
Travel									
56% reduction	47,808	334,297	217,090	232,560	133,780	217,884	1,183,419		
	26,800	187,200	121,600	130,200	74,900	122,000		662,700	662,700
Temporary positions									
Filled Budgeted		1,045,612		26,700	53,352	93,223	1,218,887		
Filled Unbudgeted									
10% or designated reduction	17,516	1,740,614	31,591	171,191		192,183	2,153,095		
14% or designated reduction	17,516	174,100	31,600	17,100		19,200		259,516	343,716
	17,516	243,700	31,600	24,000		26,900			
Vacant Budgeted							275,232	275,232	275,232

POTENTIAL BUDGET REDUCTIONS

FY 2010 - 2011

(Initial goal: FY10 \$8,290 million FY11 \$11,129 million to equal biennium budget request plus 20% of discretionary costs)									
Permanent Position Vacancies	31,212	2,010,984	865,104	329,532	110,520	576,744	3,924,096		
10% reduction	201,100	86,500	33,000	11,100	57,700			389,400	
15% reduction	301,600	129,800	49,400	16,600	86,500				583,900
Other cur exp - identified by prog									
SC/JCA - various	241,000							241,000	
20% reduction	48,200							48,200	48,200
Law Library - Other, equipmt	1,292,143							1,292,143	
15% reduction	194,000							194,000	
20% reduction	258,000								258,000
OEAC - supplies, newsletter						125,675		125,675	
10% reduction						12,600		12,600	
15% reduction						18,900		18,900	18,900
History Center						28,392		28,392	
50% reduction						14,000		14,000	14,000
ITCD - service,maint. contracts						2,267,593		2,267,593	
05% reduction						113,400		113,400	
10% reduction						226,800		226,800	226,800
JERD						106,950		106,950	
Identified reduction						52,450		52,450	52,450
Additional reduction - First, Fifth									
6% reduction POS	464,200						40,600		504,800
10% reduction overtime	96,100						3,900		100,000
Operating Supplies	53,588	961,065	212,271	246,369	168,938	135,355	1,777,586		
15% reduction		144,200	31,800	37,000	25,300			238,300	
20% reduction		192,000	42,000	50,000	34,000				318,000
Repair and maintenance	72,108	2,115,164	267,791	107,612	280,676	944,521	3,787,872		
10% reduction		211,500	26,800	10,800	28,100			277,200	
20% reduction		423,000	53,600	21,000	56,100				553,700
TOTAL POTENTIAL REDUCTIONS	286,616	4,910,832	1,145,300	1,116,300	384,300	454,150		8,297,498	
TOTAL POTENTIAL REDUCTIONS	350,616	6,811,832	1,433,200	1,380,200	531,200	626,050		11,133,098	

INITIAL REDUCTION GOAL WAS \$8,290 MILLION FY 2010 AND \$11,129 MILLION FY 2011



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February 13, 2009

The Honorable Jon Riki Karamatsu
Chair, House Committee on Judiciary
The Twenty-Fifth State Legislature
415 South Beretania Street
Hawai'i State Capitol, Room 302
Honolulu, Hawai'i 96813

Re: Energy Conservation

Dear Representative Karamatsu:

During the hearing before your committee on February 12, 2009 relating to House Bill No. 298, Emergency Appropriation for Electricity Payments for Judiciary Facilities Statewide, a number of questions, concerns, and suggestions were raised regarding the Judiciary's energy conservation practices.

In actuality, the Judiciary has been in the forefront regarding energy conservation practices. In 2002, the Judiciary led the way in our state's conservation efforts through the use of Energy Savings Performance Contracting (ESPC). The Judiciary decided to initially focus on lighting upgrades at the following buildings, which comprise over 550,000 sq. ft. of space. (Air conditioning upgrades were handled later under separate contracts.)

Aliiolani Hale (Supreme Court Building) – Oahu
Kaahumanu Hale (Circuit Court Building) – Oahu
Kauikeaouli Hale (District Court Building) – Oahu
Hoapili Hale (District Courthouse) – Maui
Lahaina District Courthouse – Maui

In 2003, Johnson Controls was awarded an ESPC lighting retrofit contract to retrofit over 10,000 light fixtures in these five facilities. The ESPC involved the installation of various technologies and methods, including electronic ballasts, T8 and T5 lamps, de-lamping, LED exit signs and compact fluorescent lamps. Ultrasonic and passive infrared occupancy sensors also were installed to automatically shut off lights when rooms were vacant. In many instances, the light levels in spaces were

increased to provide a higher-quality work environment and the Illuminating Engineering Society (IES) recommendations were used as a guide. When completed in 2004, the Judiciary's ESPC generated an annual estimated energy savings of 2 million kilowatt hours, and a reduction of over 400 kilowatts in demand. This equated to an annual savings of over \$228,000 at that time. In addition to the positive environmental impacts, reduced maintenance, improved lighting, reduced consumption, and lower electric bills, the Judiciary's initial ESPC received over \$97,000 in HECO and MECO energy-efficiency rebates which were credited against electricity bills through the Energy Solutions for Business Rebate Program.

The Judiciary's energy efficiency efforts continued with chiller replacements and other air-conditioning improvements at Kaahumanu Hale and Kauikeaouli Hale. At Kaahumanu Hale, existing chillers were replaced with two 330-ton Carrier high-efficiency centrifugal chillers. Each chiller was equipped with a variable frequency drive (VFD) at the factory to maximize efficiency with variable cooling loads. Primary and secondary chilled water pumps and air-handling units were also equipped with VFD's. At Kauikeaouli Hale, existing chillers were replaced with three 250-ton Carrier high-efficiency centrifugal chillers. The lead chiller was equipped with a VFD. Premium efficiency motors were installed on chilled water pumps, condenser water pumps, cooling towers, and air-handling units. These air-conditioning improvements produced an additional 200 kW in demand savings and another one million kilowatt hours in annual energy savings. The projects also received an additional \$64,000 in rebates from the Energy Solutions for Business Program. In summary, the Judiciary saved over 3 million kilowatt hours, reduced demand by 600 kilowatts, and saved approximately \$342,000 on electric bills. Just as important, the Judiciary's ESPC also had a positive impact on our environment. The demand and energy savings realized from the Judiciary's projects resulted in the avoided consumption of over 5,600 barrels of oil or enough fuel to power 400 homes annually.

With regard to solar energy and the use of photovoltaic cells, we are certainly aware that the use of such cells would result in lower, long-term operating costs and in fact did consider this for the Kapolei Judiciary Complex. However, the very significant and initial high cost for these cells made them unaffordable. We even contacted the federal government and Hawaiian Electric Company to see if any grants were available for the purchase of photovoltaic cells, but none were for which we could qualify. Nevertheless, all our new buildings have been and are being built with energy conservation in mind, incorporating energy efficient materials and design. In fact, in 2007, the federal government singled out Chief Justice Ronald Moon and State Comptroller Russ Saito for their roles in cutting costs through energy-efficient building practices and products. Specifically recognized was the Abner Paki Hale Courthouse (Ko'olaupoko District Courthouse) in Kaneohe as an EPA Energy Star Award recipient for being energy efficient.

Currently, the Judiciary has implemented a number of energy conservation practices and procedures to reduce electrical costs, especially in light of the State's current budget condition. Included in these practices are such things as turning on the air conditioning later in the morning and off earlier in the afternoon/evening, shutting the air conditioning down on weekends as much as possible, increasing the default operating thermostat temperature where possible, reducing lighting in private offices if natural lighting provides sufficient lighting, and just reminding/encouraging employees to use their own initiatives to implement energy saving measures (e.g., remembering to power off computers at day end, ensure that all lights are turned off when they leave an area, etc.). Such actions have had an effect in reducing energy usage throughout the Judiciary, as shown in the attached document which shows a reduction in kilowatt hour usage in all major Judiciary facilities during the first six months of this fiscal year. It should also be noted that during this fiscal year, the Judiciary wrote both Hawaiian Electric Company and DAGS requesting their advice and assistance on energy conservation matters.

In summary, the Judiciary remains very active in promoting energy conservation throughout its facilities statewide and is always watchful of and remains open to any ideas which might further reduce such consumption.

If you have any questions or concerns or need additional information, please do not hesitate to call me at 539-4900.

Sincerely,



Thomas R. Keller
Administrative Director of the Courts

Attachment

- c: Chief Justice Ronald T. Y. Moon
The Honorable Donna Mercado Kim, Chair, Senate Committee on Ways and Means
The Honorable Brian T. Taniguchi, Chair, Senate Committee on Judiciary and
Government Operations
The Honorable Marcus R. Oshiro, Chair, House Committee on Finance

JUDICIARY ELECTRIC USAGE - MAJOR LOCATIONS STATEWIDE

<u>Location</u>	<u>Service Period</u>	<u>Service Days</u>	<u>KWH Used</u>	<u>KWH per day</u>
<u>Circuit Court Building</u>				
777 Punchbowl	6/24/08-7/24/08	30	296,400	9,880
777 Punchbowl	7/24/08-8/25/08	32	310,400	9,700
777 Punchbowl	8/25/08-9/24/08	30	294,000	9,800
777 Punchbowl	9/24/08-10/24/08	30	280,800	9,360
777 Punchbowl	10/24/08-11/22/08	29	251,600	8,676
777 Punchbowl	11/22/08-12/24/08	32	248,800	7,775
<u>District Court Building</u>				
1111 Alakea	6/25/08-7/25/08	30	440,000	14,667
1111 Alakea	7/25/08-8/26/08	32	452,000	14,125
1111 Alakea	8/26/08-9/25/08	30	439,000	14,633
1111 Alakea	9/25/08-10/27/08	32	462,000	14,438
1111 Alakea	10/27/08-11/24/08	28	368,000	13,143
1111 Alakea	11/24/08-12/26/08	32	435,000	13,594
<u>Kapualwa Building</u>				
465 South King	6/23/08-7/24/08	31	51,600	1,666
465 South King	7/24/08-8/22/08	29	49,520	1,708
465 South King	8/22/08-9/24/08	33	54,560	1,653
465 South King	9/24/08-10/24/08	30	49,840	1,661
465 South King	10/24/08-11/24/08	31	47,600	1,535
465 South King	11/24/08-12/23/08	29	43,760	1,509
465 South King	12/23/08-1/23/09	31	43,920	1,417
<u>Supreme Court Building</u>				
417 South King	6/23/08-7/24/08	31	121,440	3,917
417 South King	7/24/08-8/22/08	29	115,440	3,981
417 South King	8/22/08-9/24/08	33	128,640	3,898
417 South King	9/24/08-10/24/08	30	117,800	3,920
417 South King	10/24/08-11/24/08	31	107,760	3,476
417 South King	11/24/08-12/23/08	29	98,640	3,401
<u>Kaneohe Courthouse</u>				
Koolaupoko	6/12/08-7/14/08	32	36,720	1,148
Koolaupoko	7/14/08-8/12/08	29	36,480	1,258
Koolaupoko	8/12/08-9/12/08	31	36,960	1,192
Koolaupoko	9/12/08-10/14/08	32	38,160	1,193
Koolaupoko	10/14/08-11/13/08	30	31,920	1,064
Koolaupoko	11/13/08-12/11/08	28	28,400	943
Koolaupoko	12/11/08-1/13/09	33	26,200	764
<u>Pearl City Courthouse</u>				
Ewa	7/1/08-8/1/08	31	15,520	601
Ewa	7/1/08-8/1/08	31	8,044	195
Ewa	8/1/08-9/3/08	33	15,760	478
Ewa	8/1/08-9/3/08	33	6,055	184
Ewa	9/3/08-10/2/08	29	14,800	510
Ewa	9/3/08-10/2/08	29	5,695	196
Ewa	10/2/08-11/3/08	32	14,320	448
Ewa	10/2/08-11/3/08	32	5,955	186
Ewa	11/3/08-12/2/08	29	11,840	408
Ewa	11/3/08-12/2/08	29	4,661	162
Ewa	12/2/08-1/2/09	31	12,320	397
Ewa	12/2/08-1/2/09	31	4,932	159
Ewa	1/2/09-2/2/09	31	9,600	310
Ewa	1/2/09-2/2/09	31	4,822	156
<u>Wailuku, Maui Courthouse</u>				
Wells St	7/1/08-8/1/08	31	104,400	3,368
Wells St	08/1/08-09/2/08	32	102,000	3,188
Wells St	09/2/08-10/1/08	29	96,200	3,317
Wells St	10/1/08-10/31/08	30	94,200	3,140
Wells St	10/31/08-12/2/08	32	84,400	2,638
Wells St	12/2/08-1/2/09	31	86,200	2,781
<u>Hilo Courthouse</u>				
State Ofc. BLDG - Hilo	6/23/2008	32	85600	2,675
State Ofc. BLDG - Hilo	7/23/2008	30	87600	2,920
State Ofc. BLDG - Hilo	8/22/2008	30	85600	2,853
State Ofc. BLDG - Hilo	9/23/2008	32	88600	2,769
State Ofc. BLDG - Hilo	10/23/2008	30	88600	2,953
State Ofc. BLDG - Hilo	11/21/2008	29	78000	2,680
State Ofc. BLDG - Hilo	12/23/2008	32	81200	2,538
<u>Kaui Courthouse</u>				
Kaui Courthouse	7/14/2008	29	116,100	4,003
Kaui Courthouse	8/18/2008	31	124,800	4,026
Kaui Courthouse	9/12/2008	31	126,400	4,045
Kaui Courthouse	10/10/2008	28	106,800	3,782
Kaui Courthouse	11/12/2008	32	112,800	3,525
Kaui Courthouse	12/12/2008	31	106,800	3,445
Kaui Courthouse	1/16/2009	33	111,300	3,373

Hawaii
Immigrant
Justice Center

(Formerly known as Na Loio)
Serving Hawaii's Immigrant
Families and Children

LEGAL AID
SOCIETY OF HAWAII

VOLUNTEER LEGAL
SERVICES HAWAII



TESTIMONY IN SUPPORT OF
HB300 - RELATING TO THE JUDICIARY

Monday, March 23, 2009 at 9:30 a.m.

The Hawaii Immigrant Justice Center, the Legal Aid Society of Hawaii and Volunteer Legal Services Hawaii, together submits testimony in support of HB300 – Relating to the Judiciary and requests amendments.

In November 2007, the Access to Justice Hui released a report that included, “The 2007 Assessment of Civil Legal needs and Barriers of Low- and Moderate-Income People in Hawai‘i.” This Assessment found that one out of every five low- and moderate-income Hawai‘i residents were unable to receive needed legal assistance. The Assessment also found that the capacity of legal services providers was limited to helping only one in three Hawai‘i residents who needed assistance.

Collectively, the Hawaii Immigrant Justice Center, the Legal Aid Society of Hawaii and Volunteer Legal Services Hawaii helped **more than 34,000** impoverished residents on a State-wide basis receive protection from consumer fraud, access to public assistance; needed representation in family law cases; assistance to prevent homelessness, to eliminate legal barriers to employment, prevent child abuse and improve child outcomes; human trafficking and sexual assault; assistance with naturalization; and protection from domestic violence.

The legal services that our programs provide are without a home. Over the last ten years, the legislature has provided grants-in-aid to fund our programs through the Judiciary budget while we attempt to find the best home. While we continue to work on finding the best funding home for our programs, we request that our GIA requests be added to the budget as follows:

Hawaii Immigrant Justice Center	\$292,000
Legal Aid Society of Hawaii	\$720,000
Volunteer Legal Services Hawaii	\$400,000

As the economy worsens the need for legal services increases, the services provided by our three programs, among others, is critical to providing a safety net of legal services to ensure access to basic necessities. This is particularly true of domestic violence and mortgage assistance. Please help us continue to help our growing number of impoverished Hawai‘i residents.

Sincerely,

Robin Kobayashi
Executive Director
Hawaii Immigrant Justice Center
536-8826

Nalani Fujimori
Interim Executive Director
Legal Aid Society of Hawaii
527-8014

Moya Gray
Executive Director
Volunteer Legal Services Hawaii
528-7051



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Senator Dwight Y. Takamine, Vice Chair
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Alfred Herrera
The Children's Alliance of Hawaii
(808) 599-2955 x 215

Monday, March 23, 2009

Support of HB300 HD1, Relating to the Judiciary

The Children's Alliance of Hawaii is a non-profit organization dedicated to serving the needs of sexually abused children on Oahu and Kauai. Almost all of the 700 children and families we directly serve each year participate in, or are affected by the Hawaii Judicial System.

During these difficult times we are all cutting back and making changes to the way we live and operate. It is our hope that you will keep these children and families in mind, and their need for justice, as you take on the difficult task of balancing the Judiciary budget.

Since the beginning of 2009, not quite three months, there have been 127 newly alleged child sexual assault cases on the island of Oahu. The number of new cases is growing everyday. If there is some money available after the budget cuts are complete, we humbly ask that our Grant-in-Aid request be funded and placed in the Judiciary budget so that we may continue to help and heal this most vulnerable population.

Thank you for your efforts and for this opportunity to testify in support of HB300 HD1.