
A BILL FOR AN ACT

RELATING TO PARKING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of this Act is to address state
2 parking facilities. Specifically, this Act:

3 (1) Requires parking fees for state officials and
4 employees in parking facilities within the
5 comptroller's jurisdiction to be adjusted annually
6 according to a collective bargaining wage adjustment
7 percentage;

8 (2) Repeals the cap on the allowable balance in the state
9 parking revolving fund; and

10 (3) Clarifies the scope of the comptroller's jurisdiction
11 over state parking facilities by deleting the
12 limitation on the comptroller's authority to parking
13 facilities on "state lands within the comptroller's
14 jurisdiction". This Act now gives the comptroller
15 authority over "parking facilities within the
16 comptroller's jurisdiction". By this amendment, the
17 legislature intends to leave itself the option of
18 placing under the comptroller's authority parking



1 facilities located on state lands outside the
2 comptroller's jurisdiction. For example, this Act
3 will give the legislature the discretion to place
4 under the comptroller's authority a parking facility
5 on state land controlled by the Hawaii community
6 development authority.

7 SECTION 2. Section 89-9, Hawaii Revised Statutes, is
8 amended by amending subsection (d) to read as follows:

9 "(d) Excluded from the subjects of negotiations are
10 matters of classification, reclassification, benefits of but not
11 contributions to the Hawaii employer-union health benefits trust
12 fund or a voluntary employees' beneficiary association trust[+],
13 recruitment[+], examination[+], initial pricing[+], parking
14 space fees in parking facilities within the comptroller's
15 jurisdiction, and retirement benefits except as provided in
16 section 88-8(h). The employer and the exclusive representative
17 shall not agree to any proposal that would be inconsistent with
18 the merit principle or the principle of equal pay for equal work
19 pursuant to section 76-1 or that would interfere with the rights
20 and obligations of a public employer to:

- 21 (1) Direct employees;



- 1 (2) Determine qualifications, standards for work, and the
2 nature and contents of examinations;
- 3 (3) Hire, promote, transfer, assign, and retain employees
4 in positions;
- 5 (4) Suspend, demote, discharge, or take other disciplinary
6 action against employees for proper cause;
- 7 (5) Relieve an employee from duties because of lack of
8 work or other legitimate reason;
- 9 (6) Maintain efficiency and productivity, including
10 maximizing the use of advanced technology, in
11 government operations;
- 12 (7) Determine methods, means, and personnel by which the
13 employer's operations are to be conducted; and
- 14 (8) Take such actions as may be necessary to carry out the
15 missions of the employer in cases of emergencies.

16 This subsection shall not be used to invalidate provisions
17 of collective bargaining agreements in effect on and after June
18 30, 2007, and shall not preclude negotiations over the
19 procedures and criteria on promotions, transfers, assignments,
20 demotions, layoffs, suspensions, terminations, discharges, or
21 other disciplinary actions as a permissive subject of bargaining
22 during collective bargaining negotiations or negotiations over a



1 memorandum of agreement, memorandum of understanding, or other
2 supplemental agreement.

3 Violations of the procedures and criteria so negotiated may
4 be subject to the grievance procedure in the collective
5 bargaining agreement."

6 SECTION 3. Section 107-11, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "**§107-11 Parking; control by comptroller.** (a) The
9 comptroller ~~[may]~~ shall assess and collect ~~[reasonable]~~ in
10 accordance with subsection (b) fees for parking [for] spaces
11 used by all government officials and employees[, install parking
12 meters,] in parking facilities within the comptroller's
13 jurisdiction and restrict and otherwise control parking ~~[on all~~
14 ~~state lands within the comptroller's jurisdiction.]~~ in such
15 facilities.

16 The comptroller also may install parking meters in parking
17 facilities within the comptroller's jurisdiction and assess and
18 collect charges for the parking of vehicles in the metered
19 spaces.

20 (b) (1) For the purpose of this subsection:

21 (A) "Included state non-university employee" means an
22 employee of state government other than the



1 University of Hawaii who is covered by collective
2 bargaining under chapter 89; and

3 (B) The "percentage of collective bargaining wage
4 adjustment" applicable on July 1 of a fiscal year
5 shall be determined as follows. The director of
6 human resources development, on behalf of the
7 comptroller, shall identify the position of the
8 included state non-university employee who is
9 entitled to the median wage on July 1, 2008, from
10 among all included state non-university
11 employees. On July 1 of each fiscal year
12 thereafter, the director of human resources
13 development, on behalf of the comptroller, shall:

14 (i) Determine the wage that a hypothetical
15 employee in the same position would be
16 entitled to on that July 1 after adjustment
17 for negotiated or arbitrated wage changes
18 and step movements, but assuming no change
19 in the years of service of the hypothetical
20 employee; and

21 (ii) Calculate the percentage adjustment from
22 July 1 of the previous fiscal year.



The calculated percentage shall be the "percentage of collective bargaining wage adjustment".

For the calculation of the "percentage of collective bargaining wage adjustment", the following shall not be deemed part of the wage of an included state non-university employee: employer retirement and health benefit contributions and overtime, emergency pay, standby pay, meal allowance, or other compensation beyond the normal monthly wage;

(2) Except as otherwise provided under paragraph (4), the fee for parking by a government official or employee in a particular non-metered space in a parking facility within the comptroller's jurisdiction that is in operation on June 30, 2008, shall be as follows:

(A) Commencing on July 1, 2008, and for the entire fiscal year 2008-2009, the fee shall be the amount assessed for the space by the comptroller on June 30, 2008; and

(B) Commencing on July 1 of each fiscal year thereafter, the fee for the space shall be



1 adjusted by the percentage of collective
2 bargaining wage adjustment;

3 (3) The initial fee for parking by a government official
4 or employee in a particular non-metered space in a
5 parking facility within the comptroller's jurisdiction
6 that was not in operation on June 30, 2008, shall be
7 established by the comptroller. On July 1 of the
8 second fiscal year following the commencement of
9 operation of the parking facility, the fee for the
10 space shall be adjusted by the percentage of
11 collective bargaining wage adjustment from July 1 of
12 the previous fiscal year. On July 1 of each fiscal
13 year thereafter, the fee for the space shall be
14 adjusted in the same manner; and

15 (4) The fee adjustment provision of this subsection shall
16 not apply to the parking fee charged an included state
17 non-university employee that is set by or calculated
18 under a collective bargaining agreement entered into
19 between a state employer and exclusive representative
20 before July 1, 2008. Until the first expiration date
21 of the collective bargaining agreement, the amount of
22 the fee charged for the parking space shall be



1 determined in accordance with the collective
2 bargaining agreement.

3 Thereafter, the amount of the parking space fee shall
4 be adjusted on July 1 of each fiscal year in
5 accordance with paragraph (2).

6 ~~[(b)]~~ (c) The comptroller may ~~[make such]~~ adopt any rules
7 ~~[as may be found]~~ necessary to carry out the objects and
8 provisions of this section relating to the assessment,
9 adjustment, and collection of parking fees and meter charges and
10 control and restriction of parking ~~[on all lands of the State~~
11 ~~which are]~~ facilities within the comptroller's jurisdiction.
12 The rules shall be adopted as provided in chapter 91.

13 ~~[(e)]~~ (d) Any person who violates any of the rules adopted
14 by the comptroller shall be fined not more than \$50 for each
15 violation; provided that a person violating any provision of
16 part III of chapter 291, or any rule adopted thereunder, shall
17 be guilty of a traffic infraction under chapter 291D and shall
18 be fined or otherwise penalized in accordance with part III of
19 chapter 291.

20 ~~[(d)]~~ (e) The comptroller is authorized to confer the
21 powers of police officers, including the power to serve and
22 execute warrants, arrest offenders, and serve notices and



1 orders, to employees of the department of accounting and general
2 services who are engaged as special officers to enforce this
3 section.

4 ~~[(e)]~~ (f) There is ~~hereby~~ created a fund to be known as
5 the "state parking revolving fund" ~~[which]~~ that shall be used to
6 carry out the purposes of this section. Such amounts shall be
7 expended by the comptroller from the fund, as may be necessary,
8 to defray the cost of paving parking areas, the purchase and
9 installation of parking meters and the operation thereof, and of
10 other parking facilities ~~[on state land]~~ within the
11 comptroller's jurisdiction. The state parking revolving fund
12 shall be used to conform with the special fund depository
13 requirements under section 39-62 for all revenues and user taxes
14 received as the result of the issuance of any state parking
15 facility undertaking or loan program revenue bonds.

16 ~~[(f)]~~ (g) All fees, charges, and other moneys collected
17 pursuant to this section~~[7]~~ and all revenues and user taxes
18 received pursuant to section 39-62 as the result of the issuance
19 of any state parking facility undertaking or loan program
20 revenue bonds shall be deposited in the state parking revolving
21 fund.



1 ~~[(g) All moneys in excess of \$500,000 remaining on balance~~
 2 ~~in the state parking revolving fund on June 30 of each fiscal~~
 3 ~~year shall lapse to the credit of the state general fund. On~~
 4 ~~July 1 of each year, the director of finance is authorized to~~
 5 ~~transfer any excess funds in the state parking revolving fund to~~
 6 ~~the state general fund.]"~~

7 SECTION 4. Statutory material to be repealed is bracketed
 8 and stricken. New statutory material is underscored.

9 SECTION 5. This Act shall take effect upon its approval;
 10 provided that the amendments made to section 89-9(d), Hawaii
 11 Revised Statutes, by this Act shall not be repealed when that
 12 section is repealed and reenacted on July 1, 2009, by section 8
 13 of Act 245, Session Laws of Hawaii 2005, as amended by section 2
 14 of Act 294, Session Laws of Hawaii 2007.

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INTRODUCED BY:

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 JAN 18 2008



Report Title:

Comptroller; State Parking

Description:

Clarifies that comptroller has authority over "parking facilities within the comptroller's jurisdiction". Repeals cap on allowable balance in the state parking revolving fund. Requires state officials' and employees' parking fees to be adjusted annually in accordance with collective bargaining wage adjustments.

