



GOV. MSG. NO. 682

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

July 7, 2010

The Honorable Colleen Hanabusa, President  
And Members of the Senate  
Twenty-Fifth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

Re: Senate Bill No. 2256 SD1 HD1 CD1

On July 6, 2010, Senate Bill No. 2256, entitled "A Bill for an Act Relating to the Department of Education" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

This bill authorizes the Department of Education to assess fees for parking on roadways and parking areas under its jurisdiction, and to adopt administrative rules relating to the assessment and collection of parking fees.

The intent of the bill is to create another source of revenue for the Department of Education. I remain concerned with the practice of continuing to operate government programs and services by burdening the public with higher fees during difficult economic times. Further, the exact fiscal impact on the public is unknown since the bill does not specify who will be assessed parking fees and the parameters and scope of fee assessment and collection.

I am also concerned that the deposit of parking fees into the Department of Education's Use of School Facilities special funds does not meet the criteria of Section 37-52.3, Hawaii Revised Statutes, which states that special and revolving funds should: 1) reflect a clear nexus between the benefits sought and charges made upon the users and beneficiaries of the program; 2) provide an appropriate means of financing for the program or activity; and 3) demonstrate the capacity to be financially self-sustaining.

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For the foregoing reasons, I allowed Senate Bill No. 2256 to become law as Act 190, effective July 6, 2010, without my signature.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle", written in a cursive style.

LINDA LINGLE

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## A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF EDUCATION.

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

1           SECTION 1. The legislature finds that authorizing the  
2 department of education to assess fees for parking in areas and  
3 facilities under its jurisdiction would provide the department  
4 with another source of revenue to address the budget reductions  
5 and restrictions affecting public education.

6           The purpose of this Act is to authorize the department of  
7 education to assess fees for parking on roadways and parking  
8 areas under its jurisdiction.

9           SECTION 2. Chapter 302A, Hawaii Revised Statutes, is  
10 amended by adding a new section to be appropriately designated  
11 and to read as follows:

12           "§302A-       Parking; control by department. (a) The  
13 department may adopt rules in accordance with chapter 91 to  
14 govern the traffic and parking conditions on roadways and other  
15 areas under the jurisdiction of the department.

16           (b) The department, in accordance with chapter 91, may:

17           (1) Assess fees for parking on roadways and in parking  
18           areas under the jurisdiction of the department; and



1        (2) Adopt rules relating to the assessment and collection  
2                    of fees for parking specified in this section.

3        (c) Fees collected under this section shall be deposited  
4 into the same fund into which fees and charges assessed and  
5 collected by the department for the use of school facilities  
6 under section 302A-1148 are deposited; provided that any parking  
7 fees assessed and collected by a school shall be deposited to  
8 the credit of the school's nonappropriated local school fund  
9 account.

10        (d) The department may contract with the department of  
11 accounting and general services or a private entity to implement  
12 this section."

13        SECTION 3. Section 302A-1148, Hawaii Revised Statutes, is  
14 amended to read as follows:

15        "[~~+~~§302A-1148[~~+~~] **Use of school facilities [for**  
16 **~~recreational and community purposes.~~]** and grounds. All public  
17 school buildings, facilities, and grounds shall be available for  
18 general recreational purposes, and for public and community use,  
19 whenever these activities do not interfere with the normal and  
20 usual activities of the school and its pupils. Any other law to  
21 the contrary notwithstanding, the department shall adopt rules  
22 under chapter 91 as are deemed necessary to carry out the

1 purposes of this section and may issue licenses, revocable  
2 permits, concessions, or rights of entry to school buildings and  
3 grounds for such periods of use as deemed appropriate by the  
4 department. All such dispositions, including those in excess of  
5 fourteen days, need not be approved by the board of land and  
6 natural resources; provided that approval by the board of land  
7 and natural resources shall be required when the dispositions  
8 are for periods in excess of a year. The department may assess  
9 and collect fees and charges from the users of school buildings,  
10 facilities, grounds, and equipment[-], which include fees and  
11 charges assessed and collected by the department for parking on  
12 roadways and in parking areas under the jurisdiction of the  
13 department, pursuant to section 302A- . The fees and charges  
14 shall be deposited into a separate fund and expended by the  
15 department under rules as may be adopted by the board[-];  
16 provided that any parking fees assessed and collected by a  
17 school shall be deposited to the credit of that school's  
18 nonappropriated local school fund account."

19 SECTION 4. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

21 SECTION 5. This Act shall take effect on July 1, 2010.

22 APPROVED this                      day of                      , 2010