



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Written Testimony Presented Before the
House Committee on Higher Education and the
House Committee on Judiciary
January 26, 2010, 2:00 p.m.

by

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HB 2051 RELATING TO THE UNIVERSITY OF HAWAII

Chairs Chang and Karamatsu, Vice Chairs Nakashima and Ito, and members of the House Committees on Higher Education and Judiciary:

Thank you for this opportunity to provide testimony in support of HB 2051 to allow the University of Hawai'i Board of Regents to establish fees for campus parking at an open meeting subject to the requirements of chapter 92, Hawai'i Revised Statutes (HRS) (the Sunshine Law), and exempt from the public notice, public hearing, and gubernatorial approval requirements of the chapter 91 rulemaking process.

This bill will enable the Board of Regents to establish University parking fees using the same process as currently applies to most other fees and charges imposed by the University, including tuition. Granting this authority to the Board of Regents will enable the University to more efficiently establish parking fees at appropriate levels to cover the costs of parking facilities and operations.

Currently, the Board of Regents has authority under section 304A-2006, HRS, to establish and amend fees or charges that generate receipts for deposit into University of Hawai'i special and revolving funds at a public meeting subject to the Sunshine Law and exempt from chapter 91. The Board of Regents also has authority under section 304A-403, HRS, to set resident tuition fees at an open public meeting subject to the Sunshine Law and exempt from the formal rulemaking process, provided that the open meeting is held during or prior to the semester preceding the semester to which the fees apply and that a copy of the schedule of fees is filed in the office of the Lieutenant Governor prior to taking effect.

Despite its broad authority to set other fees at an open meeting under chapter 92 and exempt from chapter 91, the Board of Regents is currently required by section 304A-2601, HRS, to set campus parking fees through formal rulemaking under chapter 91. This process is unnecessarily cumbersome and time-consuming, as it requires at least two meetings of the Board of Regents, at least one public hearing, and at least two submissions to the Governor's office before a parking fee amendment can take effect.

Specifically, the Board of Regents currently must complete at least the following steps to amend campus parking fees:

- Authorize the holding of a public hearing on proposed regulations, by action of the Board at a public meeting under the Sunshine Law;
- Submit the proposed regulations and supporting information to the Governor and obtain the Governor's approval for the holding of a public hearing;
- Hold a public hearing, on at least 30 days' notice, and receive public testimony on the proposed rule;
- Approve final regulations at another public meeting of the Board of Regents following the public hearing; and
- Submit the final regulations to the Governor with supporting information and obtain the Governor's approval.

Additional meetings and/or hearings may be required if the proposed rule is significantly modified during the review process. This process takes several months to complete, at best.

The Board of Regents' existing authority to set other University fees and charges at a public meeting under the Sunshine Law, and exempt from chapter 91, has been exercised responsibly and reasonably. The public has a full opportunity to testify on proposed changes in fees and charges, in writing or orally or both, and the Board considers all such testimony before acting. Thus, allowing the setting of parking fees at a chapter 92 public meeting, and exempt from chapter 91 rulemaking, will not meaningfully reduce the public's opportunity to participate in the process or affect the quality of the Board of Regents' decisionmaking. It will simply make the process more efficient and less time-consuming.

Thank you for the opportunity to testify in strong support of HB 2051.



UNIVERSITY OF HAWAII STUDENT CAUCUS (UHSC)
University of Hawai'i System
Resolution No. 09-002

IN OPPOSITION TO HOUSE BILL NO. 2051, WHICH WOULD ALLOW THE BOARD OF REGENTS TO ASSESS PARKING FEES WITHOUT PUBLIC NOTICE, PUBLIC HEARING AND GUBERNATORIAL APPROVAL

BE IT ENACTED BY THE STUDENT CAUCUS:

WHEREAS, the University of Hawai'i Student Caucus is the representative organization of the approximately 58,000 students enrolled at the University of Hawai'i system as chartered by the Board of Regents of the University of Hawai'i; and,

WHEREAS, according to our purpose to serve as a collective voice for all University of Hawai'i students, we are established to advocate for the interests and needs of students throughout the University of Hawai'i System; and,

WHEREAS, the University of Hawai'i Student Caucus (UHSC) shall provide a cohesive and unified voice before the Board of Regents, the University Administration, the Hawai'i State Legislature, and other policy making bodies; and,

WHEREAS, House Bill No. 2051 of the 2010 legislative session proposes exempting the Board of Regents from the public notice, public hearing, and gubernatorial approval requirements of chapter 91 when assessing parking fees on roadways and parking areas under the jurisdiction of the university, and instead would only require an open public meeting before the establishment of such fees as in chapter 92; and,

WHEREAS, many of the students in the University of Hawai'i system commute to school, and thus heavily rely on the availability of affordable parking spaces on or near campus; and,

WHEREAS, under chapter 91, students have been able to voice their opinions about proposed amendments to parking fees to the Board of Regents prior to the establishment of the fees, helping to keep parking affordable for students and fostering open communication between students at the BOR; and,

WHEREAS, with the proposed changes of HB2051, students' voices may not be heard in adequate time to prevent the establishment of parking fees that students cannot afford; and, therefore,

BE IT RESOLVED, that the Student Caucus opposes the passage of HB2051 in its current form, which exempts the Board of Regents from public notice and public hearings before the assessment of parking fees under chapter 91; and,

BE IT FURTHER RESOLVED, that the Student Caucus believes it is important for students to have the ability to voice their opinions about university fee assessments to the Board of Regents under the guidelines of chapter 91 before the establishment of new fees; and,

NOW, THEREFORE, BE IT FINALLY RESOLVED, that copies of this resolution shall be sent to:
House Bill No. 2051 introducers Jerry Chang, Cindy Evans, Faye Hanohano, Ken Ito, Mark Nakashima, Joseph Souki, Mark Takai, Clift Tsuji, Joe Bertram, Denny Coffman, Joey Manahan, Angus McKelvey, Blake Oshiro, and Roy Takumi; Governor Linda Lingle; State Senate President Colleen Hanabusa, Speaker of the House Calvin K.Y. Say, Chair of the State Senate Higher Education Committee Jill Tokuda, Chair of State Senate Economic Development and Technology Committee Carol Fukunaga, Chair of State House Finance Committee Marcus R. Oshiro, The Board of Regents of the University of Hawai'i; University of Hawai'i President M.R.C. Greenwood; The Honolulu Advertiser; The Honolulu Star-Bulletin; KITV; Hawaii News Now; KHON; The Honolulu Weekly; and the Ka Leo O Hawai'i.

Approved Saturday, January 23, 2010

Megan M.P. Chock
ASUH (Mānoa) Senator-at-Large
UHSC Chairperson of Budget and Facilities

Dear Chairpersons Chang and Karamatsu, Vice-chairpersons Nakashima and Ito, and members of the Committee on Higher Education and the Committee on Judiciary,

My name is Megan Chock, and I am a senior at the University of Hawaii at Manoa. I am also a member of the University of Hawaii Student Caucus (UHSC) and the Associated Students of the University of Hawaii (ASUH). As a student and a student representative, I would like to ask you to consider the implications that House Bill 2051 might have for students of the University of Hawaii System.

At our meeting on Saturday, January 23, 2010, UHSC passed Resolution 09-002, which is in opposition to HB2051. The primary reason of concern was that student representatives felt that by eliminating the requirements of chapter 91, students would not have enough opportunity to voice their opinions about future parking fees. At the University of Hawaii at Manoa in particular, the availability and affordability of parking has always been an issue; commuter students often arrive on campus hours before their first class (some of my friends come as early as 5:30 a.m.) and sleep in their cars to ensure they have a parking space in the parking structure. In addition, parking is a significant expense; those who cannot get a parking pass must pay \$5 a day or find limited on-street parking, which is often located a good distance from campus. At the Caucus meeting, other representatives from UH Hilo said that affordability is not an issue, but rather the over-issuance of parking passes; an excess of parking passes are issued, preventing students who have purchased passes from finding parking. The Caucus felt that many of these problems could persist in the future if students did not have the ability to share them at public hearings.

Although the Caucus as a whole decided that the continuance of the statutes of chapter 91 was the best way to ensure public hearings in which students' voices could be heard, the prevailing opinion was that the bigger issue would be preserving the opportunity for students to share their opinions. We understand that the process of approval under chapter 91 is often very protracted. If the issue is to circumvent some of the yellow tape surrounding the process so that changes can be implemented in a more timely manner, then please keep in mind the wishes of the students: to have the opportunity to provide testimony and opinions before future changes to parking fees are made. If the Board of Regents is to be exempted from chapter 91, please preserve the requirement to have a period or meeting in which student testimony will be considered before the establishment of such fees/

Thank you for your time in reading this testimony. If you have any questions, please feel free to contact me at mmpchock@hawaii.edu. I appreciate your efforts this legislative session and thank you for listening to me.

Yours truly,
Megan Chock