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ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

WRITTEN ONLY
TESTIMONY BY RODERICK K. BECKER
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE HOUSE COMMITTEE ON FINANCE
ON
HOUSE BILL NO. 333, H.D. 1

February 26, 2019
11:00 a.m.
Room 308

RELATING TO THE STATE HIGHWAY ENFORCEMENT PROGRAM

House Bill (H.B.) No. 333, H.D. 1, establishes the State Highway Enforcement Program (SHEP) which adds an illegal parking surcharge of \$150 that will be distributed to the Department of Transportation (DOT) for administrative costs of the program and parking management-related improvements (20%), while the remaining balance shall be distributed to the respective police departments of the county from which the surcharge was collected (80%).

As a matter of general policy, the department does not support the creation of any special or revolving fund which does not meet the requirements of Sections 37-52.3 and 37-52.4, HRS, respectively. Special and revolving funds should: 1) serve a need as demonstrated by the purpose, scope of work and an explanation why the program cannot be implemented successfully under the general fund appropriation process; 2) reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries or a clear link between the program and the sources of revenue; 3) provide an appropriate means of financing for the program or activity; and

4) demonstrate the capacity to be financially self-sustaining. In regards to H.B. No. 333, H.D. 1, it is difficult to determine whether the proposed (special) fund would be self-sustaining.

Further, this bill does not provide a special fund appropriation to support the program as envisioned in the bill.

Thank you for your consideration of our comments.

TAX FOUNDATION OF HAWAII

126 Queen Street, Suite 304

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SUBJECT: MISCELLANEOUS, Parking Violation Surcharge

BILL NUMBER: HB 333, HD-1

INTRODUCED BY: House Committee on Transportation

EXECUTIVE SUMMARY: Establishes the State Highway Enforcement Program and related fund within the Department of Transportation. Establishes a parking violation surcharge to be imposed by courts in addition to other penalties and fines for parking violations on State highways.

SYNOPSIS: The bill's stated purpose is to establish the state highway enforcement program, which adds an illegal parking surcharge to existing penalties for violations of the statewide traffic code that involve stopping, standing, or parking on state highways. The surcharge shall be deposited into the state highway enforcement program fund. A percentage of the surcharge shall be distributed to the department of transportation for administrative costs of the program and parking management-related improvements, while the remaining balance shall be distributed to the respective police departments of the county from which the surcharge was collected and shall be used to enforce illegal parking laws and ordinances.

Adds two new sections to chapter 291C, HRS, to establish the state highway enforcement program and fund respectively.

Amends section 291C-111, HRS, to charge any violator \$150 in addition to any other penalty that may be imposed. The charge is to be deposited into the highway enforcement program fund.

EFFECTIVE DATE: July 1, 2019.

STAFF COMMENTS: In 2002, the Legislature set requirements for establishing and continuing special and revolving funds. Sections 37-52.3 and 37-52.4, HRS, now state that the criteria used to review special and revolving funds are the extent to which each fund:

- Serves a need, as demonstrated by the purpose of the program to be supported by the fund; the scope of the program, including financial information on fees to be charged, sources of projected revenue, and costs; and an explanation of why the program cannot be implemented successfully under the general fund appropriation process;
- Reflects a clear nexus between the benefits sought and charges made upon the program users or beneficiaries, or a clear link between the program and the sources of revenue—as opposed to serving primarily as a means to provide the program or users with an automatic means of support, removed from the normal budget and appropriation process;
- Provides an appropriate means of financing for the program or activity, that is used only when essential to the successful operation of the program or activity; and
- Demonstrates the capacity to be financially self-sustaining.

We are concerned that a new levy being directed to a new special fund violates the statutory criteria and subverts the appropriation process. The Department of Budget & Finance, in its testimony before House Judiciary, expressed similar concerns.

The bill relies upon earmarking civil fine moneys for its success. As with any earmarking of revenues, the legislature will be preapproving each of the programs fed by the fund into which the monies are diverted, expenses from the funds largely avoid legislative scrutiny, and the effectiveness of the programs funded becomes harder to ascertain. It is also difficult to determine whether the fund (or the departments involved) has too little or too much revenue.

Digested 2/25/2019

Douglas Meller
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Testimony Opposing HB 333, HD 1, Relating to the State Highway Enforcement Program

Submitted to House Committee on Finance
2 pm, February 26, 2019 Hearing in Conference Room 308

I oppose HB 333, HD 1. I don't think it should be state policy to harass locals and tourists who want to see Hawaii's scenic amenities and use Hawaii's beaches and trails. I think the Legislature and HDOT should respond to public demand and provide safe parking in appropriate places along state highways. Unfortunately, unlike nearly every other state, it currently is not our state's policy to provide pullouts and parking along state highways.

I fully understand the need to reasonably regulate public use of state highways. However, incremental proliferation and aggressive enforcement of NIMBY no-parking signs along rural state highways is NOT reasonable or necessary.

I am retired now, but while I worked for HDOT I proposed and drafted HDOT bills to protect HDOT and its contractors and agents (including county police) from liability when they summarily cleared obstructions from the highway right-of-way which affected traffic operations or compromised public safety. I still think such legislation would be good idea.

Thank you for the opportunity to present my concerns.

HB-333-HD-1

Submitted on: 2/24/2019 10:53:25 AM

Testimony for FIN on 2/26/2019 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Suzanne Skjold	Individual	Oppose	No

Comments:

Aloha,

I do understand the need for this enforcement and often see rental and local cars parked in very unsafe ways. However, I can not support this bill without addressing the need for more and better parking and a way to allow residents to access the areas of the island now overrun by tourists, particularly beaches and hiking trails.

I would support this enforcement of essential signs and areas that pose danger, but there are many, many areas where parking could be allowed but is not, and in addition, the Parks division now closes parking lots at any sign of possible concern. We had to illegally park recently because the State closed all the parking and access at Kaena Point one weekend. There was zero danger and many residents were there to hike but told they couldn't. Since we could not park in the safe parking lot, dozens of residents were forced to make dangerous U-turns in the middle of the road and then parked on the more dangerous side of the road. It was completely unnecessary and ticketing those cars is not the answer! This also regularly happens at Waimea Bay, when some agency close the lot "for safety" so everyone parks above the cliff, creating far more pedestrian danger and traffic jams. Again telling people they can not park at or see Waimea Bay is not the answer.

So if there is going to be enforcement , it should be limited only to ticketing actions that create real danger, and not used to limit access even further. There needs to be a real re-evaluation of access. Telling people they can't go see big waves, or hike, or enjoy the beach on weekends because the State and County continue to close or restrict parking is not a reasonable response to the problems. If there are too many people, look at the tourism policies instead of telling residents they can not enjoy the most beautiful areas of their home.

Thank you for ensuring this need to safety is not used in a way that takes even more access to recreation away from local families.

Suzanne Skjold

LATE

HB-333-HD-1

Submitted on: 2/25/2019 5:50:55 PM

Testimony for FIN on 2/26/2019 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Chipper Wichman	Individual	Support	No

Comments:

Members of the House Finance Committee:

I strongly support HB333 as an important new tool to help manage our roads and regain our communities that have been overrun by too many cars parked by visitors coming to enjoy our island. As the number of visitor arrivals increases year on year our parking problems have increased to the point that we now face a major crisis in communities like HÄ• 'ena, Kaua'i. Over the past year I have been part of a working group convened by Rep. Nakamura to address the complex issues related to parking congestion along the last two miles of Kuhio Highway as you approach HÄ• 'ena State Park – the western most end of the highway. In this capacity I am now chairing the Parking Enforcement Subcommittee of the Ad Hoc Working Group and convene weekly calls with our Kaua'i police department, State DOT, DLNR Division of Conservation Resource Enforcement, and the Mayor's office. We are collectively working to enact a new No Parking zone when the road reopens this summer and a consistent issue we are dealing with is the current lack of adequate officers to enforce parking regulations. HB333 would create a new revenue stream that could be shared by the State and Counties and allow them to effectively address this escalating problem – that is an exciting new breakthrough that could make a huge difference over the long term!

Please vote yes on Tuesday and help become part of the solution to an unintended problem of our booming visitor industry – that is too many cars parking where they do not belong!

Mahalo a nui loa!!!!

Chipper Wichman, HÄ• 'ena Resident and President of the National Tropical Botanical Garden

LATE

HB-333-HD-1

Submitted on: 2/25/2019 6:23:25 PM

Testimony for FIN on 2/26/2019 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
joel Guy	Individual	Support	No

Comments:

Aloha Chair Luke and the Committee members,

Thank you for hearing bill HB333. I strongly support HB 333 as it will help manage our roads and regain our communities that have been overrun by too many cars parked by visitors coming to enjoy our island. We have been working very hard to provide shuttles for residents and visitors on Kauai and this bill would be a valuable part in our success. As always, please email anytime with any questions,
Thank you, Joel Guy

LATE

HB-333-HD-1

Submitted on: 2/26/2019 8:37:16 AM

Testimony for FIN on 2/26/2019 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Carrice	Individual	Support	No

Comments:

HB 333 Testimony

Dear Members of the House Finance Committee:

I strongly support HB333 as a tool which will help to improve the safety of our roads on Kauai's north shore. In the last 5-10 years, excessive illegal parking along Ha'ena and Ke'e beach parks has encroached on the highway, making it difficult for vehicles to traverse and at times hindering emergency response. The community is very concerned that failing to address parking and visitor issues prior to the highway reopening would be a disaster. HB333 would help us to manage the issue of too many cars parked on and along our north shore highway. Over the past year I have been part of a working group convened by Rep. Nakamura to address the complex issues related to parking congestion along the last two miles of Kuhio Highway as you approach HÄ• 'ena State Park. Much thought has gone into the development of this bill by Rep. Nakamura and various State, County and community representatives. HB333 would also create a new revenue stream that could be shared by the State and Counties and allow them to effectively address this escalating problem - this could make all the difference in getting enforcement assistance from our County Police Department which has limited staffing resources.

Please support of HB333 to help solve Kauai's north shore parking issues. Thank you for your time.

Mahalo and aloha,

Carrice Gardner