

DAVID Y. IGE
GOVERNOR



CRAIG K. HIRAI
DIRECTOR

ROBERT YU
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
P.O. BOX 150
HONOLULU, HAWAII 96810-0150

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

WRITTEN ONLY
TESTIMONY BY CRAIG K. HIRAI
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE HOUSE COMMITTEE ON TRANSPORTATION
ON
HOUSE BILL NO. 2003

January 31, 2020
10:00 a.m.
Room 423

RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE

The Department of Budget and Finance has concerns with the creation of the State Drug and Alcohol Toxicology Testing Laboratory Special Fund (SDATTLSF).

House Bill (H.B.) No. 2003 establishes the SDATTLSF within the Department of Public Safety to support an intoxicant testing laboratory intended for further research, development, and related technologies. The SDATTLSF would generate revenues through the deposit of fines collected from repeat offenders, habitual offenders, and offenders who operate a vehicle after the license and privilege have been suspended or revoked for operating a vehicle under the influence of an intoxicant. Other sources of revenues for the SDATTLSF would include legislative appropriations, grants and gifts, and any income and interest earnings. The bill does not contain an appropriation for the special fund.

As a matter of general policy, the department does not support the creation of any special fund which does not meet the requirements of Section 37-52.3, HRS.

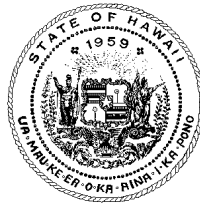
Special funds should: 1) serve a need as demonstrated by the purpose, scope of work

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. 2003, it is difficult to determine whether the proposed special fund fulfills these requirements.

Additionally, the creation of the SDATTLSF would result in a significant decline in the revenues collected from related vehicular infractions and deposited into the general fund.

Thank you for your consideration of our comments.

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY

919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

NOLAN P. ESPINDA
DIRECTOR

Maria C. Cook
Deputy Director
Administration

Shari L. Kimoto
Deputy Director
Corrections

Renee R. Sonobe Hong
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON HOUSE BILL 1879
RELATING TO PUBLIC SAFETY.

by
Nolan P. Espinda, Director

House Committee on Transportation
Representative Henry J.C. Aquino, Chair
Representative Troy N. Hashimoto, Vice Chair

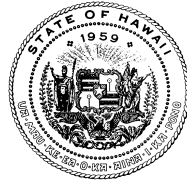
Friday, January 31, 2020; 10:00 a.m.
State Capitol, Conference Room 423

Chair Aquino, Vice Chair Hashimoto, and Members of the Committee:

The Department of Public Safety (PSD) offers comments on House Bill (HB) 2003, which establishes a state drug and alcohol toxicology testing laboratory special fund.

Section 1 on page 1, lines 13 – 15 proposes that moneys in the special fund shall be expended by the department of public safety to support a state drug and alcohol toxicology lab. PSD has been informed that this is to fund the Department of Health laboratory, which is separate and apart from our department. If in fact this measure is to fund the Department of Health state drug and alcohol toxicology laboratory, then PSD recommends that lines 13 – 15 be amended as follows: “Moneys in the special fund shall be expended by the department of health public safety to support the department of health state drug and alcohol toxicology laboratory.”

Thank you for the opportunity to testify on this measure.



LATE

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

Testimony in SUPPORT of HB2003
RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE.

REP. HENRY J.C. AQUINO, CHAIR
HOUSE COMMITTEE ON TRANSPORTATION

Hearing Date: January 31, 2020

Room Number: 423

1 **Fiscal Implications:** N/A.

2 **Department Testimony:** The Department of Health supports the intent of HB2003 and
3 recommends amendments.

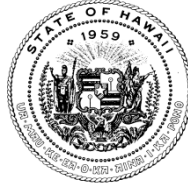
4 Presently, testing of blood and urine samples obtained for the purpose of cases involving the
5 operation of a motor vehicle while under the influence of an intoxicant is performed by private
6 laboratories, with the exception of alcohol blood testing within the City and County of Honolulu.
7 This drug and alcohol testing performed by private laboratories is costly.

8 Other states find that costs for drunk and drugged driving cases are greatly reduced when their
9 State-run laboratories perform the testing and confirmations, which will be used in court. Some
10 of these State-run laboratories perform other testing functions, such as work place drug testing;
11 post mortem drug testing; the testing of inmates and parolees; etc. Such test functions can
12 further reduce costs for the State.

13 DOH supports expanding the role of the State Laboratories Division the State's drug and alcohol
14 toxicology testing laboratory. To accomplish this, moneyhs would need to be appropriated to the
15 Department of Health, rather than the Department of Public Safety.

16 Thank you for the opportunity to testify.

17



TESTIMONY BY:

JADE T. BUTAY
DIRECTOR

Deputy Directors
LYNN A.S. ARAKI-REGAN
DEREK J. CHOW
ROSS M. HIGASHI
EDWIN H. SNIFFEN

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

January 31, 2020
10:00 A.M.
State Capitol, Room 423

H.B. 2003
RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE

House Committee on Transportation

The Department of Transportation (DOT) **supports** H.B. 2003 with amendments.

Highway safety in Hawaii is compromised by drunk and drugged drivers who continue to jeopardize the safety of all road users. The police continue their efforts to make our roads safer by arresting those individuals suspected of driving impaired. Bringing these cases to trial can be hampered by test results not being available for their respective hearings in time, as well as court costs being expensive.

Presently, testing of blood and urine samples obtained for the purpose of cases involving the operation of a motor vehicle while under the influence of an intoxicant is performed by private laboratories, with the exception of alcohol blood testing within the City and County of Honolulu. This drug and alcohol testing performed by private laboratories is costly.

Testing of blood for drugs is currently conducted by an out-of-state private laboratory, which takes time to perform. Occasions have occurred where the test results were not timely for trial, thereby cases were dismissed.

Court cases involving drunk or drugged driving can become extremely costly when the prosecution subpoena experts and lab personnel to testify in court, especially if these witnesses are from private laboratories located out of state.

Other states find that costs for drunk and drugged driving cases are greatly reduced when their State-run laboratories perform the testing and confirmations, which will be used in court. Some of these State-run laboratories perform other testing functions, such as work place drug testing; post mortem drug testing; the testing of inmates and parolees; etc. Such test functions can further reduce costs for the State.

DOT supports the establishment of a special fund to be used towards the establishment and maintenance of a State drug and alcohol toxicology testing laboratory. However,

we request that the funds be expended by the Department of Health, rather than the Department of Public Safety.

DOT is primarily concerned about improving highway safety and protecting the lives of our community members and visitors. Having a drug and alcohol toxicology testing laboratory within our State will provide law enforcement and adjudicators with the resources they need to protect our public from impaired drivers.

Thank you for the opportunity to provide testimony.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 547-7400 • FAX: (808) 547-7515

DWIGHT K. NADAMOTO
ACTING PROSECUTING ATTORNEY

LYNN B.K. COSTALES
ACTING FIRST DEPUTY
PROSECUTING ATTORNEY



THE HONORABLE HENRY J.C. AQUINO, CHAIR
HOUSE COMMITTEE ON TRANSPORTATION
Thirtieth State Legislature
Regular Session of 2020
State of Hawai`i

January 31, 2020

RE: H.B. 2003; RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE.

Chair Aquino, Vice Chair Hashimoto, and members of the House Committee on Transportation, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony in support of H.B. 2003.

The Department believes the State would benefit from having a state drug and alcohol toxicology testing laboratory—in terms of improved cost efficiency, more streamlined procedures, and perhaps even increased public safety—and supports the idea of using relevant fines to support such an endeavor.

For these reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu supports H.B. 2003. Thank you for the opportunity to testify on this matter.

HB-2003

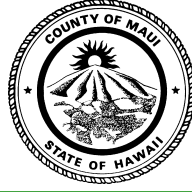
Submitted on: 1/30/2020 10:13:05 AM

Testimony for TRN on 1/31/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Justin F. Kollar	County of Kauai Office of the Prosecuting Attorney	Support	No

Comments:

MICHAEL P. VICTORINO
Mayor



DON S. GUZMAN
Prosecuting Attorney

ROBERT D. RIVERA
First Deputy Prosecuting Attorney

ANDREW H. MARTIN
Second Deputy Prosecuting Attorney

DEPARTMENT OF THE PROSECUTING ATTORNEY
COUNTY OF MAUI
150 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
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LATE

TESTIMONY
ON
H.B. 2003 - RELATING TO
THE USE OF INTOXICANTS
WHILE OPERATING A VEHICLE

January 30, 2020

The Honorable Henry J. C. Aquino
Chair
The Honorable Troy N. Hashimoto
Vice Chair
and Members of the Committee on Transportation

Chair Aquino, Vice Chair Hashimoto, and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui respectfully submits the following comments concerning H.B. 2003, Relating to the Use of Intoxicants While Operating a Vehicle. Specifically, we would like to express our strong support for H.B. 2003, which would establish a State drug and alcohol toxicology testing laboratory special fund, with one amendment.

Highway safety in Hawaii is compromised by intoxicated drivers who continue to jeopardize the safety of all road users. The police continue their efforts to make our roads safer by arresting those individuals suspected of driving impaired. However, bringing these cases to trial can be hampered by test results not being available for their respective hearings in time, as well as court costs being expensive.

Currently, testing of blood and urine samples obtained for the purpose of cases involving the operation of a motor vehicle while under the influence of an intoxicant is performed by private laboratories, with the exception of alcohol blood testing within the City and County of Honolulu. Drug and alcohol testing performed by private laboratories is costly.

Testing of blood for drugs is currently conducted by an out-of-state private laboratory, which takes time to perform. Occasions have occurred where the test results were not timely for trial, resulting in cases being dismissed.

Court cases involving intoxicated drivers can become extremely costly when the prosecution is required to subpoena experts and lab personnel to testify in court, especially if these witnesses are from private laboratories located out of state.

Other states find that costs for drunk and drugged driving cases are greatly reduced when their State-run laboratories perform the testing and confirmations, which will be used in court. Some of these State-run laboratories perform other testing functions, such as workplace drug testing; post-mortem drug testing; and the testing of inmates and parolees. These testing functions can further reduce costs for the State.

Our Department supports the establishment of a special fund to be used towards the establishment and maintenance of a State drug and alcohol toxicology testing laboratory. The only amendment we would suggest for this bill is to place the authority for expenditure of funds with the Department of Health rather than the Department of Public Safety.

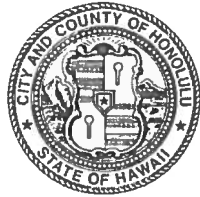
One of our Department's top priorities is highway safety. Establishing and maintaining a drug and alcohol toxicology testing laboratory within our State will provide law enforcement and adjudicators with the resources they need to protect our public from impaired drivers.

For these reasons, the Department of the Prosecuting Attorney, County of Maui strongly supports the passage of H.B. 2003. Please feel free to contact our office at (808) 270-7777 if you have any questions or inquiries.

Thank you very much for the opportunity to provide testimony on this bill.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honoluluupd.org



KIRK CALDWELL
MAYOR

SUSAN BALLARD
CHIEF

JOHN D. McCARTHY
CLYDE K. HO
DEPUTY CHIEFS

OUR REFERENCE CT-LC

January 31, 2020

The Honorable Henry J.C. Aquino, Chair
and Members
Committee on Transportation
House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room 423
Honolulu, Hawaii 96813

Dear Chair Aquino and Members:

SUBJECT: House Bill No. 2003, Relating to the Use of Intoxicants While Operating a Vehicle

I am Calvin Tong, Major of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports House Bill No. 2003, Relating to the Use of Intoxicants While Operating a Vehicle.

The HPD supports the establishment of a special fund that would assist with the creation of a state drug and alcohol toxicology testing laboratory. We believe that a locally based laboratory would eventually save time and money for the required testing of evidence in criminal cases.

The HPD urges you to support House Bill No. 2003, Relating to the Use of Intoxicants While Operating a Vehicle.

Thank you for the opportunity to testify.

APPROVED:

A handwritten signature in cursive script that reads "Susan Ballard".

Susan Ballard
Chief of Police

Sincerely,

A handwritten signature in cursive script that reads "Calvin Tong".

Calvin Tong, Major
Traffic Division



Mothers Against Drunk Driving HAWAII
745 Fort Street, Suite 303
Honolulu, HI 96813
Phone (808) 532-6232
Fax (808) 532-6004
hi.state@madd.org

January 31, 2002

To: Representative Henry J. C. Aquino, Chair, House Committee on Transportation; Representative Troy Hashimoto, Vice Chair; and members of the Committee

From: Arkie Koehl and Carol McNamee, Public Policy Committee - MADD Hawaii

Re: House Bill 2003 – Relating to the Use of Intoxicants While Operating a Vehicle

I am Carol McNamee, offering testimony on behalf of the Hawaii Chapter of Mothers Against Drunk Driving in strong support of House Bill 2003 – relating to the Use of Intoxicants While Operating a Vehicle.

Hawaii's annual fatality statistics reveal an increasing number of highway deaths connected to the presence of drugs. In 2017, the number exceeded alcohol-related fatalities. MADD therefore supports measures that give law enforcement the necessary tools to be able to arrest and convict impaired drivers – whatever their substance(s) of intoxication might be. Underground chemists are now able to synthesize new drugs at a rapid rate.

In order to reduce the tragic impaired driving crashes that plague our state, law enforcement must be able obtain the identification or confirmation of the suspected substance or substances that a driver may have consumed. For many years, blood samples have been sent to a mainland laboratory equipped to do the necessary toxicology testing. This has been a very expensive and lengthy method of obtaining needed information for OVUII trials. A funded drug lab in Hawaii is essential for giving law enforcement the necessary information needed to present to the Court and ultimately remove dangerous drivers from our roads.

House Bill 2003 establishes the sources of the needed Laboratory funding including the fines that OVUII offenders pay now and possible additional sources. MADD believes a funded drug and alcohol toxicology lab is essential to reducing death and injury on Hawaii roads. Continuing to use mainland laboratories is an expensive and unworkable answer.

MADD strongly encourages this committee to pass HB 2003, relating to the use of intoxicants while operating a vehicle.

Thank you for this opportunity to testify.



Peoples Advocacy For Trails Hawai'i

PO Box 62, Kailua-Kona, Hawai'i 96745
808 -326-7284 www.pathhawaii.org

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To safely connect
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Island with pathways
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Serving
the Island of Hawai'i
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Subject: Support HB2003
RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE
Hearing Time and Date: Friday, 01-31-20 10:00AM
Room: 423

Dear Chair Henry J.C. Aquino, Vice Chair Troy Hashimoto, and members of the House Committee on Transportation,

My name is Tina Clothier and I am the Strategic Projects Director for PATH~Peoples Advocacy for Trails Hawaii and a member of the Hawaii County Vision Zero Task Force. The Hawaii County Vision Zero Task Force has identified as a priority for 2020.

Recent analysis by FARS ranks Hawaii as the 5th worst in the nation for speed-related driving fatalities.¹ In addition, 2008-2017 FARS data reveals Hawaii as being above the national average for alcohol-impaired driving fatalities for the entire decade. We currently rank the 5th worst in the nation for the percentage of alcohol-impaired driving fatalities.² We applaud the legislature for the desire to reverse this trend and work towards eliminating deaths on our roadways.

HB2003 complements state and county vision zero efforts to eliminate traffic fatalities by 2030. This measure places emphasis on the two leading factors in roadway deaths in Hawaii, speed and impairment.

The Hawaii Vision Zero has a goal of ZERO traffic fatalities in Hawaii County by 2030. You can help us achieve our goal of reducing yearly fatalities, by supporting this measure.

The Hawaii County Vision Zero plan is being drafted and will be presented to Mayor Kim at the end of February.

Sincerely,

Tina Clothier
Strategic Projects Director

¹ https://icsw.nhtsa.gov/nhtsa/fars/speeding_data_visualization/

² <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812630>

HB-2003

Submitted on: 1/30/2020 7:46:29 AM

Testimony for TRN on 1/31/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
William Hankins	Individual	Support	No

Comments:

My name is Lt. William Hankins, and as the commander of the Maui Police Department Traffic Division, I am in full support of this bill with one exception. The Funds collected absolutley need to be spent by DEPARTMENT OF HEALTH, not Public Safety. The DOH is much more versed in what equipment and costs factors are needed to establish this much needed laboratory.

HB-2003

Submitted on: 1/29/2020 9:42:14 AM

Testimony for TRN on 1/31/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Victor K. Ramos	Individual	Support	No

Comments:

There is a significant need to build said laboratory in the State of Hawaii.