

DAVID Y. IGE
GOVERNOR



CRAIG K. HIRAI
DIRECTOR

ROBERT YU
DEPUTY DIRECTOR

**STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE**

P.O. BOX 150

HONOLULU, HAWAII 96810-0150

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

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
SENATE BILL NO. 2235, S.D. 2

March 11, 2020

10:45 a.m.

Room 423

RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE

The Department of Budget and Finance offers comments on the creation of the State Drug and Alcohol Toxicology Testing Laboratory Special Fund (SDATTLSF).

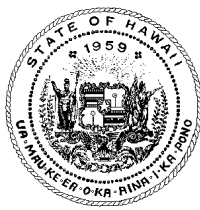
Senate Bill (S.B.) No. 2235, S.D. 2, establishes the SDATTLSF within the Department of Health to support an intoxicant testing laboratory intended for further research, development, and related technologies. The SDATTLSF would generate revenues through the deposit of fines collected from repeat offenders, habitual offenders, and offenders who operate a vehicle after their licenses 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. Regarding S.B. No. 2235, S.D. 2, it is difficult to determine whether the proposed special fund fulfills these requirements.

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
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NOLAN P. ESPINDA
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Maria C. Cook
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Shari L. Kimoto
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Renee R. Sonobe Hong
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON SENATE BILL 2235, SENATE DRAFT 2
RELATING TO THE USE OF INTOXICANTS
WHILE OPERATING A MOTOR VEHICLE.

by
Nolan P. Espinda, Director

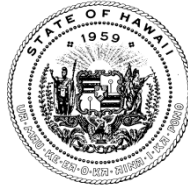
House Committee on Transportation
Representative Henry J.C. Aquino, Chair
Representative Troy N. Hashimoto, Vice Chair

Wednesday, March 11, 2020; 10:45 a.m.
State Capitol, Conference Room 423

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

The Department of Public Safety (PSD) supports Senate Bill (SB) 2235, Senate Draft (SD) 2, which proposes to deposit fines for repeat offenders, habitual offenders, and offenders who operate a vehicle after license and privilege have been suspended or revoked for operating a vehicle under the influence of an intoxicant into a state drug and alcohol toxicology testing laboratory special fund for the Department of Health toxicology lab.

Thank you for the opportunity to testify on this measure.



TESTIMONY BY:

JADE T. BUTAY
DIRECTOR

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

LATE

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

March 11, 2020
10:45 A.M.
State Capitol, Room 423

S.B. 2235, S.D. 2
RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE

House Committee on Transportation

The Department of Transportation (DOT) **supports** S.B. 2235, S.D. 2 which deposits fines for repeat offenders, habitual offenders, and offenders who operate a vehicle after license and privilege have been suspended or revoked for operating a vehicle under the influence of an intoxicant into a state drug and alcohol toxicology testing laboratory special fund.

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, except for 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.

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

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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

March 11, 2020

RE: S.B. 2235, S.D. 1; RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE.

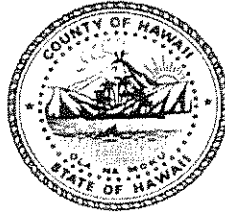
Chair Aquino, Vice Chair Hashimoto, and members of the House Committee on Transportation, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony in support of S.B. 2235, S.D. 2.

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 S.B. 2235, S.D. 2. Thank you for the opportunity to testify on this matter.

MITCHELL D. ROTH
PROSECUTING ATTORNEY

DALE A. ROSS
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PROSECUTING ATTORNEY



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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF SENATE BILL 2235, SD2 WITH AMENDMENTS

A BILL RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE

COMMITTEE ON TRANSPORTATION

Rep. Henry J.C. Aquino, Chair
Rep. Troy Hashimoto, Vice Chair

Wednesday, March 11, 2020, 10:45 a.m.
State Capitol, Conference Room 423

Honorable Chair Aquino, Honorable Vice Chair Hashimoto, and Members of the Committee on Transportation, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in support of Senate Bill No. 2235, SD2.

Senate Bill 2235, SD 2, establishes a special fund to be used towards the establishment and maintenance of a State drug and alcohol toxicology testing laboratory.

Highway safety in Hawai'i 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. The development of a State-run laboratory to conduct this necessary testing will eliminate the reliance on a private lab.

Court cases involving drunk or drugged driving can become extremely costly when the prosecution subpoenas 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

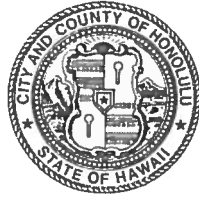
testing, post mortem drug testing, the testing of inmates and parolees, etc. Such test functions can further reduce costs for the State.

The Office of the Prosecuting Attorney of the County of Hawai'i 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.

The Office of the Prosecuting Attorney of the County of Hawai'i supports the passage of Senate Bill 2235, SD2, however that the funds be expended by the Department of Health, rather than the Department of Public Safety. Thank you for the opportunity to provide testimony.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
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KIRK CALDWELL
MAYOR

SUSAN BALLARD
CHIEF

JOHN D. MCCARTHY
CLYDE K. HO
DEPUTY CHIEFS

OUR REFERENCE CT-LC

March 11, 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: Senate Bill No. 2235, S.D. 2, 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 Senate Bill No. 2235, S.D. 2, 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 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 Senate Bill No. 2235, S.D. 2, 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

SB-2235-SD-2

Submitted on: 3/9/2020 3:01:55 PM

Testimony for TRN on 3/11/2020 10:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Chad Taniguchi	Hawaii Bicycling League	Support	No

Comments:

The Hawaii Bicycling League supports the special fund for a local testing laboratory for drugs and alcohol. As a member of the State Highway Safety Council and attendee at the statewide Traffic Commanders' meetings we hear of the added difficulty of enforcing and prosecuting cases when a local lab is not available. Violators who endanger the lives of innocent citizens should be held accountable when they violate the law.



Mothers Against Drunk Driving HAWAII
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Fax (808) 532-6004
hi.state@madd.org

March 11, 2020

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

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

Re: Senate Bill 2235 SD2 – 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 Senate Bill 2235 SD 2 – 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.

Senate Bill 2235 SD 2 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. It seems appropriate to use fines from those convicted of impaired driving related crimes to support the drug and alcohol toxicology laboratory.

MADD strongly encourages this committee to pass Senate Bill 2235 SD 2, relating to the use of intoxicants while operating a vehicle.

Thank you for this opportunity to testify.

SB-2235-SD-2

Submitted on: 3/11/2020 9:34:59 AM

Testimony for TRN on 3/11/2020 10:45:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Kari Benes	Strategic Highway Safety Plan	Support	No

Comments: