

OFFICE OF THE COUNTY CLERK
COUNTY OF KAUAI

NOTICE OF PUBLICATION AND NOTICE OF PUBLIC HEARING

Notice is hereby given that the Kaua'i County Council will hold a public hearing on Wednesday, September 25, 2024, at 8:30 a.m., or soon thereafter, at the Council Chambers, 4396 Rice Street, Room 201, Historic County Building, Līhu'e, on the following:

Bill No. 2931

A BILL FOR AN ORDINANCE TO ESTABLISH THE STATE HIGHWAY ENFORCEMENT PROGRAM SURCHARGE FUND FOR THE COUNTY OF KAUAI

This Bill proposes to amend Chapter 6, Kaua'i County Code 1987, as amended, by adding a new Article 16, to establish the "State Highway Enforcement Program Surcharge Fund" for the County of Kaua'i to provide for receipt and expenditure of these funds. Furthermore, Pursuant to Hawai'i Administrative Rules Section 19-152-1, funds deposited into this account shall be expended by the Kaua'i Police Department for the enforcement of laws and ordinances specifically pertaining to illegal parking on State highways. Funds collected shall not lapse at the close of the fiscal year.

Any person may testify at the public hearing, and at any Council and Committee Meeting (at which time any Bill may be amended). Meeting notices and full-text Bills are available at least six (6) days in advance at the Office of the County Clerk, Council Services Division and kauai.gov/Government/Council/Webcast-Meetings. Written testimony may be submitted via counciltestimony@kauai.gov, mail, or fax. For further information, please call (808) 241-4188.

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that the Kaua'i County Council passed on first reading and ordered to print Bill No. 2931 during the August 28, 2024 Council Meeting, by the following vote:

AYES:	Bulosan, Carvalho, Cowden, DeCosta, Kagawa, Kualī'i,	TOTAL – 7,
	Rapozo	
NOES:	None	TOTAL – 0,
EXCUSED & NOT VOTING:		TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Līhu'e, Hawai'i
August 28, 2024

/s/ Jade K. Fountain-Tanigawa
County Clerk, County of Kaua'i

NOTE: IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF THE COUNTY CLERK, COUNCIL SERVICES DIVISION AT (808) 241-4188 OR COKCOUNCIL@KAUAI.GOV AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST.

UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.

(One publication – The Garden Island – September 5, 2024)

ORDINANCE NO: _____

BILL NO: 2931

**A BILL FOR AN ORDINANCE TO ESTABLISH
THE STATE HIGHWAY ENFORCEMENT PROGRAM SURCHARGE FUND
FOR THE COUNTY OF KAUAI**

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII:

SECTION 1. Purpose. Pursuant to Act 250, Session Laws of Hawai'i 2019, the Hawai'i State Legislature established the State Highway Enforcement Program Surcharge Fund, which adds a surcharge for illegal parking to existing penalties for violations of the statewide traffic code that involve stopping, standing, or parking on state highways. Fifty per cent of the surcharge shall be deposited into the state highway fund, 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 laws and ordinances pertaining to illegal parking on state highways.

The purpose of this Ordinance is to establish a "State Highway Enforcement Program Surcharge Fund" for the County of Kaua'i to provide for receipt and expenditure of these funds. Furthermore, Pursuant to Hawai'i Administrative Rules Section 19-152-1, funds deposited into this account shall be expended by the Kaua'i Police Department for the enforcement of laws and ordinances specifically pertaining to illegal parking on state highways. Funds collected shall not lapse at the close of the fiscal year.

SECTION 2. Chapter 6, Kaua'i County Code 1987, as amended, is hereby amended by adding a new Article 16 to be appropriately designated and to read as follows:

"ARTICLE 16. State Highway Enforcement Program Surcharge Fund.

Section 6-16.1 Purpose.

There is established the "State Highway Enforcement Program Surcharge Fund," within the Fund 251 account, into which any fees paid and collected pursuant to Hawai'i Revised Statutes (HRS) Section 291C-111(c) shall be deposited. Funds deposited into this account are hereby deemed appropriated upon receipt and shall be expended pursuant to Hawai'i Administrative Rules Section 19-152-1, for the enforcement of laws and ordinances pertaining to illegal parking on state highways. The fees shall not be used for any other purpose and shall not be transferred to other accounts within the Kaua'i Police Department. The fees collected shall not lapse at the close of the fiscal year.

Section 6-16.2 Regulation of Expenditures.

(a) Funds deposited into this account are hereby deemed appropriated upon receipt and shall be used solely for the Kaua'i Police Department for the enforcement of laws and ordinances pertaining to illegal parking on state highways, pursuant to Hawai'i Administrative Rules Section 19-152-1.

(b) The fees shall not be used for any other purpose and shall not be transferred to other accounts within the Kaua'i Police Department.

(c) The fees collected shall not lapse at the close of the fiscal year."

SECTION 3. If any provision of this Ordinance or application thereof to any person, persons, or circumstances is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 4. Ordinance material to be repealed is bracketed. New Ordinance material is underscored. When revising, compiling, or printing this Ordinance for inclusion in the Kaua'i County Code 1987, as amended, the brackets, bracketed material, and underscoring shall not be included.

SECTION 5. This Ordinance, upon its approval, shall take effect retroactive to June 30, 2021.

Introduced by:



MEL RAPOZO
(By Request)

DATE OF INTRODUCTION:

August 28, 2024

Līhu'e, Kaua'i, Hawai'i

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CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2931, which was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on August 28, 2024, by the following vote:

FOR PASSAGE:	Bulosan, Carvalho, Cowden, DeCosta, Kagawa, Kualii, Rapozo	TOTAL – 7,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Lihu'e, Hawai'i
August 28, 2024



Jade K. Fountain-Tanigawa
County Clerk, County of Kaua'i