

TO: Members of the Committee on Judiciary

FROM: Natalie Iwasa
808-395-3233

HEARING: 9:45 a.m. Tuesday, February 23, 2021

SUBJECT: SB 998 – HART Board Voting Rights – **AMENDMENT REQUESTED**

Aloha Chair Rhoads and Committee Members,

Thank you for allowing me the opportunity to provide testimony on SB 998, which would allow the four members appointed to the HART board by the President of the Senate and Speaker of the House of Representatives the right to vote.

I was recently appointed to the HART board by House Speaker Saiki. The following testimony is made in my individual capacity and not on behalf of the board or other board members.

The HART board's problems meeting quorum after Act 1 (2017) passed have been well documented. The Honolulu City Council attempted to solve the problem via a charter amendment, but voters did not support it. (In my opinion it failed, at least in part, because the Council wanted to add one more voting member who was Council appointed.)

This bill would address the issue of quorum by increasing the number of voting members from the current 8 to 12. I support the intent of solving the board's problems meeting quorum.

It should be noted that currently three legislative appointees have terms with no expiration date. Please amend this bill to include a time certain for the end of appointees' terms.



LATE

IN REPLY REFER TO:
HART-COR-00720

HONOLULU AUTHORITY for RAPID TRANSPORTATION

Lori M. K. Kahikina, P.E.
INTERIM EXECUTIVE DIRECTOR AND CEO

SENATE COMMITTEE ON JUDICIARY
February 23, 2021
TIME 9:45 a.m.
Via Video Conference, State Capitol

Rick Keene
DEPUTY EXECUTIVE DIRECTOR AND COO

BOARD OF DIRECTORS

Tobias Martyn
CHAIR

Hoyt H. Zia
VICE CHAIR

Chair Rhoads, Vice Chair Keohokalole, and Members of the Committee:

On behalf of its Board of Directors, **the Honolulu Authority for Rapid Transportation (HART) provides comments on SB998** Relating to the Honolulu Authority for Rapid Transit (HART).

Michele Chun Brunngraber
Kika G. Bukoski
Jade Butay
Jeffrey S. Cudiamat
Dean Hazama
Natalie Iwasa
Lynn McCrory
J. Roger Morton
Glenn M. Nohara
Joseph V. O'Donnell
Dean Uchida
Joseph P. Uno

The HART Board of Directors supports legislative measures that resolve the concerns the Board has had for purposes of quorum to do business and the number of members required to validate any act. House Bill 1288 and Senate Bills 998 and 1324 address the concerns related to HART Board quorum. The Board recognizes that those bills may be amended during the legislative process and that there may be other bills that address the issue.

The Honolulu Authority for Rapid Transportation (HART) has been established pursuant to Article XVII of the Revised Charter of the City and County of Honolulu 1973 (2017 Edition). RCH Section 17-102 provides that HART's Board of Directors be comprised of "ten members...nine voting members and one non-voting member."

During its Special Session of 2017, the Hawaii State Legislature passed SB 4, which was signed into law by Governor David Ige as Act 1 on September 5, 2017. Act 1 provides that "in any county with a population greater than five hundred thousand...the president of the senate and speaker of the house of representatives shall each appoint two non-voting, ex-officio members to the board of directors of the county's rapid transportation authority."

The Hawaii Revised Statutes §92-15 provides "...a majority of all the members to which the board or commission is entitled shall constitute a quorum to do business, and the concurrence of a majority of all the members to which the board or commission is entitled shall be necessary to make any action of the board or commission valid." The introduction of four non-voting members to the HART Board of Directors has resulted in a de facto quorum requirement of eight members in order to convene a meeting and a de facto requirement that eight out of nine voting members vote affirmatively to take any action.

As a result, the HART Board of Directors' ability to do business has been severely impacted since the passage of Act 1, as it has experienced challenges with achieving quorum and a voting majority in order to validate any act. Therefore, the HART Board of Directors supports legislative measures that resolve the concerns the Board has had for purposes of quorum to do business and the number of members required to validate any act. Mahalo for the opportunity to provide written testimony.