

STAND. COM. REP. NO. 638

Honolulu, Hawaii

MAR 04 2021

RE: S.B. No. 998
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 998 entitled:

"A BILL FOR AN ACT RELATING TO THE HONOLULU AUTHORITY FOR RAPID TRANSPORTATION,"

begs leave to report as follows:

The purpose and intent of this measure is to grant voting rights to the four members of the Board of Directors of the Honolulu Authority for Rapid Transportation appointed by the President of the Senate and Speaker of the House of Representatives.

Your Committee received comments on this measure from the Honolulu Authority for Rapid Transportation and one individual.

Your Committee finds that the Honolulu Authority for Rapid Transportation (HART) was established pursuant to article XVII of the Revised Charter of the City and County of Honolulu. Your Committee further finds that Act 1, First Special Session Laws of Hawaii 2017, added four non-voting, ex-officio members of the HART Board of Directors with two to be appointed by the President of the Senate and two to be appointed by the Speaker of the House of Representatives.

Your Committee additionally finds that the HART Board of Directors is subject to the requirements of section 92-15, Hawaii

Revised Statutes, which provides in part that unless otherwise specified, "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". Under section 92-15, Hawaii Revised Statutes, the introduction of four non-voting members to the HART Board of Directors has resulted in a de facto quorum requirement of eight and a de facto requirement that eight of nine voting members vote affirmatively to take any action. As a result, the HART Board of Directors' ability to conduct business has been severely impaired.

Your Committee has amended this measure by inserting an effective date of May 6, 2137, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 998, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 998, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,




KARL RHOADS, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i

**Record of Votes
 Committee on Judiciary
 JDC**

Bill / Resolution No.:* SB 998	Committee Referral: TRS, JDC	Date: 2/23/21		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
KEOHOKALOPE, Jarrett (VC)	✓			
ACASIO, Laura	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado		✓		
LEE, Chris	✓			
FEVELLA, Kurt	✓			
TOTAL	6	1	—	—
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align: center; margin-top: 10px;">  </div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes