

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

Tuesday, April 6, 2021
9:50 a.m.
State Capitol, Teleconference

H.B. 1059, SD 1
RELATING TO TRANSPORTATION

Senate Committee on Ways & Means and Judiciary

The Department of Transportation (DOT) **supports** H.B. 1059, proposed SD 1 as a housekeeping measure that repeals HRS §264-19, §266-2.3, and §266-22.

These sections are obsolete and unnecessary. In our annual legislative report pursuant to Act 370, Session Laws of Hawaii 1997, the DOT reported all improvement projects previously associated to this special fund have been completed. The special fund created under HRS §264-19 is no longer active.

HRS §266-2.3 should be repealed as authority of Kewalo Harbor was transferred to Hawaii Community Development Authority, and not the DOT.

The US Coast Guard (USCG) issued rules requiring tank vessels on which that are carrying petroleum oil as a primary cargo and non-tank vessels that are carrying petroleum oil as fuel or cargo to submit and have USCG approved vessel response plans (VRPs). The VRPs identifies non-government entities to address engine casualty, grounding, fire, or flooding. The VRP removed the USCG from firefighting responses and assigned responses to the vessel operator in accordance with their approved VRPs. Except for small vessels, all commercial vessels under the jurisdiction of the USCG have VRPs. The result was a diminished need for the Honolulu Harbor fireboat. Due to age of the Honolulu harbor fireboat, the Moku Ahi was taken out of service in March 2014 and sold on January 13, 2017. HRS §266-22 should be repealed as there is no fireboat.

Thank you for the opportunity to provide testimony to repeal these obsolete statutory provision



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SENATE COMMITTEE ON WAYS & MEANS
SENATE COMMITTEE ON JUDICIARY
Tuesday, April 6, 2021, 9:50 am, State Capitol Room 211
HB 1059, Proposed SD1
Relating to Transportation

TESTIMONY

Douglas Meller, Legislative Committee, League of Women Voters of Hawaii

Chair Dela Cruz, Chair Rhoads, and Committee Members:

The League of Women Voters of Hawaii opposes Part II of HB 1059, Proposed SD 1 because of several Constitutional concerns.

Article III, Section 14 of the Hawaii State Constitution provides that, "Each law shall embrace but one subject...." Because the subject of Part I of the Proposed SD1 has no rational connection to the subject of Part II of the Proposed SD1, we believe that HB 1059, Proposed SD1 has two subjects. Part I of the Proposed SD1 repeals obsolete statutory provisions. Part II of the Proposed SD1 allows legislative appointees on the HART Board of Directors to vote.

Article III, Section 15 of the Hawaii State Constitution provides that, "No bill shall become a law unless it shall pass three readings in each house on separate days." We interpret Article III, Section 15 to require three separate readings on the subject of Part II of the Proposed SD1 (and not just the bill number or bill title) in the State House. To date the subject of Part II of the Proposed SD1 has not had a single reading in the State House.

Lastly, Article VIII, Section 1 of the Hawaii State Constitution provides that, "Each political subdivision shall have and exercise such powers as shall be conferred under general laws." Because Part II of the Proposed SD1 can only apply to one board in one county, HB 1059, Proposed SD1 may be a "special law" rather than a "general law".

Thank you for the opportunity to submit testimony.

IRON WORKERS STABILIZATION FUND

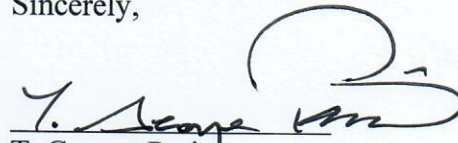
April 6, 2021 – 9:50 am
Senate – Ways and Means and Judiciary
Via Videoconference
State Capitol - 415 South Beretania Street

Re: HB1059 SD1 – Proposed – RELATING TO TRANSPORTATION

Aloha Chair Dela Cruz, Vice-Chair Keith Agaran, Chair Rhoads, Vice-Chair Keohokalole and members of the committees:

The Hawaii Iron Workers Stabilization Fund supports granting voting rights to members of the board of directors of the Honolulu Authority for Rapid Transportation appointed by the president of the senate or speaker of the house of representatives. We believe this will help to address the logistical concerns including lack of quorum that has held up HART board of directors from doing as good a job as it could. Empower all board members to have a vote.

Sincerely,


T. George Paris
Managing Director



**HAWAII BUILDING &
CONSTRUCTION** TRADES
COUNCIL

735 Bishop Street, Suite 412 * Honolulu, HI 96813
(808) 524-2249 * www.hbctc.org

April 5, 2021

Hawaii State Legislature
Senate Committee on Ways & Means and
Senate Committee on Judiciary
415 South Beretainia Street
Honolulu, Hawaii 96813

RE: HB 1059 Proposed SD1

Aloha Chairs Dela Cruz and Rhodes, and Members of the Committees,

The Hawaii Building & Construction Trades Council (HBCTC) would like to offer written testimony in **SUPPORT** of HB1059 proposed SD1 which would grant voting rights to members of the board of directors of HART appointed by the President of the Senate and Speaker of the House of Representatives.

HBCTC Affiliate's members are among the men and women that make up the workforce that are working on the Honolulu Rail Transit project. With the unprecedented health crisis that is affecting our economy, construction is the one industry that is keeping our economy going. We should find ways to help the HART Board and we feel that the proposed SD1 would be a step in the right direction.

For these reasons, the HBCTC **SUPPORTS** HB 1059 Proposed, SD1 and we hope for a favorable decision by your committies.

Mahalo Nui Loa,

Gino Soquena

Gino Soquena
Executive Director
Hawaii Building & Construction Trades Council



INTERNATIONAL ASSOCIATION OF BRIDGE, STRUCTURAL, ORNAMENTAL AND REINFORCING IRON WORKERS

Affiliated with A.F.L.-C.I.O.

LOCAL UNION NUMBER 625

94-497 UKEE STREET • WAIPAHU, HAWAII 96797

T.G. Paris
President Emeritus

April 5, 2021

To: *Committee of Ways and Means*
Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice-Chair


Committee of Judiciary
Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice-Chair

Good Morning Chairs and Vice-Chairs,

For the record, Joseph O'Donnell, Financial Secretary/Treasurer & Business Manager representing the Officer's and Members of Ironworkers Union Local 625. As a recent Senate Appointee to the HART Board by Senate President Kouchi, this testimony is made in my official capacity as Chief Executive Officer, on behalf of the Officer's and Members of Ironworkers Union Local 625 and not on behalf of the HART Board or other Board Members.

We speak in strong support of H.B. 1059 which would allow the Members appointed to the HART Board by the President of the Senate and Speaker of the House of Representatives the right to vote. Thank you for allowing the Ironworkers Union Local 625 the opportunity to testify in strong support of H.B. 1059.

Sincerely,


Joseph V. O'Donnell
Financial Secretary/Treasurer
& Business Manager



International Brotherhood of Electrical Workers

LOCAL UNION NO. 1186 • Affiliated with AFL-CIO

1935 HAU STREET, ROOM 401 • HONOLULU, HI 96819-5003
TELEPHONE (808) 847-5341 • FAX (808) 847-2224

LATE

TO: SENATE COMMITTEE ON WAYS AND MEANS
SENATE COMMITTEE ON JUDICIARY

Hearing on Tuesday, April 6, 2021 at 9:50a.m., in Room 211 & Videoconference

RE: TESTIMONY IN **SUPPORT** OF HB 1059 SD1 PROPOSED

Honorable Chairs Donovan M. Dela Cruz and Karl Rhoads, Vice Chairs Gilbert S.C. Keith-Agaran and Jarrett Keohokalole, and Members of the Committee on Ways and Means and Members of the Committee on Judiciary:

As the Business Manager/Financial Secretary of The International Brotherhood of Electrical Workers Local Union 1186 (IBEW 1186), I serve over 3,400 hard-working and dedicated members.

I have also had the honor and proudly served as a Board Member, and Chair, of the Board of Directors for the Honolulu Authority for Rapid Transportation (HART).

The Honolulu Rail Transit Project continues to be a critical project that provides hundreds of jobs now, with proposed transit-oriented development supporting economic growth and stability for our future. In addition, Rail will provide residents and visitors with an alternate form of reliable transportation.

During my tenure on the HART Board, many critical and timely decisions were periodically impeded by quorum requirements and the disparity between voting and non-voting members of the Board.

HB 1059 proposed SD1 grants voting rights to the appointees of the President of the Senate and Speaker of the House of Representatives of the State of Hawaii, and would greatly improve the efficiency of the HART Board and eliminate many of the delays that challenged the Board when quorums were not reached.

I thank you for the opportunity to testify in **SUPPORT** of this measure.

Sincerely,

Damien T.K. Kim
Business Manager/
Financial Secretary

HB-1059

Submitted on: 4/5/2021 9:46:22 AM

Testimony for WAM on 4/6/2021 9:50:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jeffrey Cudiamat	Individual	Support	No

Comments:

Aloha Chair and Members,

Thank you for the opportunity to provide testimony for HB 1059 related to allowing 4 members of the HART Board to be **voting** members. These four appointed positions by the President of the Senate and the Speaker of the House of Representatives have been non-voting members, and this situation has essentially led to quorum issues.

I support HB 1059 to allow legislative appointees to be voting members.

Note that my testimony is made in an individual capacity, and not on behalf of any board or other organization.

Mahalo,

Jeffrey Cudiamat

HB-1059

Submitted on: 4/5/2021 8:54:37 PM

Testimony for WAM on 4/6/2021 9:50:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Kevin Rathbun	Individual	Support	No

Comments:

I am submitting my testimony in strong support of HB 1059. It is imperative that the State appointed HART board members be empowered to have voting rights. The City HART board members have consistently demonstrated that they are incapable of managing the rail project in a fiscally responsible manner.

Mahalo,

Kevin Rathbun