



HONOLULU AUTHORITY for RAPID TRANSPORTATION

## MINUTES

**Board of Directors Meeting  
Mission Memorial Annex Conference Room  
550 South King Street, Honolulu, Hawaii  
Thursday, February 28, 2013, 9:00 AM**

PRESENT:	Carrie Okinaga Glenn Okimoto Don Horner Robert "Bobby" Bunda	Damien Kim Michael Formby William "Buzz" Hong
ALSO IN ATTENDANCE: (Sign-in Sheet and Staff)	Daniel Grabauskas Gary Takeuchi Lorenzo Garrido Joyce Oliveira Diane Arakaki	Andrea Tantoco Jeanne Mariani-Belding Cindy Matsushita
EXCUSED:	Keslie Hui Ivan Lui-Kwan	George Atta

I. Call to Order by Chair

Ms. Okinaga called the meeting to order at 9:51 a.m.

II. Public Testimony on All Agenda Items

Ms. Okinaga called for public testimony. There was none.

III. Approval of Minutes of the January 24, 2013 Board of Directors Meeting

Ms. Okinaga called for the approval of the minutes of the January 24, 2013 Board of Directors meeting. There being no objections, the minutes were unanimously approved.

IV. Committee Reports

A. Report on the February 7, 2013 Joint Meeting of the Finance and Project Oversight Committee

Finance Committee Chair Don Horner reported that the minutes would reflect the activities of the joint Finance and Project Oversight Committee.

B. Report on the February 28, 2013 Transit Oriented Development Committee Meeting

Transit Oriented Development Committee Chair William “Buzz” Hong reported that the Robertson Property Group and the Hawaii Community Development Authority gave presentations to the committee. He also reported that he had submitted individual testimony to encourage further discussion on Senate Bill 215, SD1 related to economic development and a public-private partnership authority. Lastly, he reported that a handout of a presentation on the TOD Project Stakeholders Group had been provided to committee members.

Ms. Okinaga thanked Mr. Hong for submitting legislative testimony.

V. Presentation on Fiscal Year 2014 Capital Budget – Design

Executive Director and CEO Dan Grabauskas introduced HART Deputy Director of Engineering In-Tae Lee and HART Director of Engineering and Construction Lorenzo Garrido, who would be giving a PowerPoint presentation on the Fiscal Year 2014 Capital Budget on Design. A copy of the presentation is attached hereto as Attachment A. Mr. Garrido introduced Mr. Lee, who provided a brief explanation of his background as a professional and civil engineer with 28 years of experience in highway and transit projects, both in the public and private sectors.

Mr. Lee began his presentation by outlining the activities performed in the design phase, which includes reviewing baseline documents, interface management, and contract administration on final design contracts. He also reported on the breakdown of design-related duties amongst HART, InfraConsult and the General Engineering Consultant.

Mr. Lee reported that the FY2014 Capital budget for design totals \$68.5 million. The budget request for the Program Management Consultant, InfraConsult, is \$10.4 million. Support for the Hawaii Department of Transportation (HDOT) is \$7.9 million, as a good portion of the guideway will run through HDOT property.

The budgeted amount for the final design consultants is \$39.8 million. Mr. Lee reported that these are multi-year contracts that will continue through FY2016 - 2017, but the contracts are appropriated in FY2014. Ms. Okinaga asked how much would be spent in FY2014. Mr. Lee said that approximately 90% will be spent for design in FY2014 –

2015. Mr. Grabauskas explained that the Board must first authorize the contract amounts before contracts can be awarded.

Mr. Horner reminded the Board that the Capital Budget was discussed in the Board and the Finance Committee. Core Systems contractor Ansaldo Honolulu JV would make a presentation on March 7, 2013, in accordance with the budget proviso that it provide assurances of its financial capacity. Mr. Grabauskas clarified that the final design consultant contracts being referred to by Mr. Lee do not involve Ansaldo. Mr. Horner said that the Ansaldo proviso pertained to the entire budget, and that he was finalizing questions for Ansaldo. Ms. Okinaga said that the Ansaldo presentation would be made to a joint meeting of the Finance and Project Oversight Committees, which comprise the same members as the full Board.

Board member Robert "Bobby" Bunda asked about the material costs, and Mr. Grabauskas said they are estimated budget amounts. Mr. Horner added that material contracts to date were 60% below budget. Mr. Grabauskas said that staff would report regularly to the Board regarding budget status.

Ms. Okinaga asked if the contracts were on a time and materials basis, and Mr. Lee confirmed that they were lump sum contracts. Ms. Okinaga asked if the budget presentation to the City Council would indicate that, and Mr. Horner said that the Board would work cooperatively with the administration and Council on the budget.

Mr. Lee continued by detailing the \$200,000 budget request for on-call hazardous materials removal related to design activities.

Mr. Lee reported that \$10 million is being requested for utility work to be performed by private utility owners. He said that the majority of the budget would be for Hawaiian Electric Company to relocate a major electrical line along Dillingham Boulevard. He said that this was a multi-year contract.

Lastly, Mr. Lee reported that \$56,000 is being requested for quality audits to be performed at the locations where work is being performed. Ms. Okinaga asked how many people were on the quality assurance team, and Mr. Garrido indicated that HART had a Director of Quality Assurance, and that there were two support staff. Mr. Grabauskas confirmed that this staffing level was typical of a capital budget of this size.

#### VI. Balanced Scorecard Quarterly Update

Mr. Grabauskas introduced the new Project Controls Manager David Sagherian, who would be providing the quarterly update on the Balanced Scorecard, a copy of which is attached hereto as Attachment B. Mr. Sagherian gave a brief background on his extensive experience in design and construction projects that include hospitals, schools, high-rises, wastewater treatment systems, and transit projects.

Mr. Grabauskas pointed out that the Balanced Scorecard now includes an orange category to indicate items that require monitoring and attention. He stated that Mr. Sagherian has been charged with the task of translating the project data into information that is useful for the Board, the public and HART's federal and state partners.

Mr. Okimoto asked about the status of the General Excise Tax (GET) revenues. Mr. Grabauskas indicated that last two reports from the Department of Taxation (DoTax) were low, so DoTax is reexamining the figures, which should be higher.

Mr. Sagherian reported that there were two upgrades and two downgrades in the current version of the Balanced Scorecard. Two upgrades related to the Full Funding Grant Agreement execution. The two downgrades related to the GET revenues and agreements between HART and that State Department of Transportation (HDOT). Mr. Grabauskas stated that HART would meet with HDOT regarding the agreements.

Board member Michael Formby asked if agreements with the University of Hawaii were also being tracked on the Balanced Scorecard. Mr. Grabauskas stated that they were not, but could be added.

Mr. Horner asked about the metrics for agency culture. Mr. Grabauskas said that the Balanced Scorecard is in the same form as last quarter, and that he would be working with Mr. Sagherian to characterize the information in a clearer fashion. Mr. Horner suggested individual meetings between Board members and Mr. Sagherian to that end. Ms. Okinaga said that there have been struggles to simplify the information for Board level review. Mr. Grabauskas stated that the Balanced Scorecard and Monthly Progress Reports are hybridized from reports for the Project Management Oversight Consultant and the Federal Transit Administration, which tend to be too technical for easy public consumption.

Ms. Okinaga asked about the status for the platform gates and fare collection metrics. Mr. Grabauskas stated those metrics will develop as the project moves forward. Mr. Horner suggested looking at bus circulation around transit stations as well.

## VII. Board Positions on State Legislation

Mr. Grabauskas introduced the Director of Government Relations, Joyce Oliveira, who would provide an update on State legislation, for the Board's direction. Ms. Oliveira indicated that she had provided a list of measures and the corresponding legislation that was relevant to HART. There were 23 measures being tracked, four of which were being presented for the Board's consideration. A copy of these documents is attached hereto as Attachment C. Ms. Oliveira reported that the four measures related to the Oahu Metropolitan Planning Organization (Oahu MPO) and the GET surcharge.

The Oahu MPO measures, HB 689 and SB 479, seek to add the HART Executive Director to the Oahu MPO Policy Committee, as required by MAP-21. Mr. Horner

moved to recommend support of these measures, and Mr. Formby seconded the motion, which passed unanimously.

Ms. Oliveira then introduced HB 364 and SB 571, which seek to amend the amount retained by DoTax in its administration of the GET county surcharge. Mr. Horner moved to recommend support the measures, and Mr. Hong seconded the motion. All being in favor, the motion passed unanimously, with Mr. Okimoto voting with reservations.

Mr. Horner commended Mr. Grabauskas in his work with the Legislature, and recommended that members accompany him to hearings on these measures. Ms. Okinaga recognized Mr. Bunda for his efforts with the Legislature on HART's behalf. Mr. Grabauskas thanked Mr. Bunda for lending his expertise in the legislative process. Ms. Oliveira noted that Mr. Okimoto had also been helpful to HART.

#### VIII. Areas of Responsibility for the Committees of the HART Board

Ms. Okinaga said that the chart distributed to the Board and attached hereto as Attachment D reflected new members' desires for membership on various committees. In addition, the Audit/Legal Matters Committee would now be the Government Affairs/Audit/Legal Matters Committee, with Mr. Bunda serving as vice chair. The Areas of Responsibility for the HART Board had been accordingly revised to reflect this change, as would the Board rules.

Board member Damien Kim moved for approval of these changes, and Mr. Horner seconded the motion. All being in favor, the motion carried.

#### IX. Executive Director and CEO's Report

Mr. Grabauskas welcomed Deputy Executive Director Brennon Morioka to the project. Mr. Hong said he had worked very well with Mr. Morioka when he was with HDOT.

Mr. Grabauskas reported that staff was monitoring the effects of sequestration on 5309 New Starts money, but that there was nothing specific to report at this time. He said that FFGA contracts had historically always been upheld, although the sequester might reduce the size of yearly allocations. Mr. Horner said that while there was no present need for cash, any reduction in the yearly allocation would impact debt service.

Mr. Grabauskas said that he continued to interact with legislators. The Speaker of the House of Representatives has noted his long-standing support for rail transit.

Mr. Grabauskas reported that he had presented to the National Association of Industrial Operators of Properties that morning, and that approximately 140 people attended. He has also met with other groups such as Citizens for a Fair ADA Ride.

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He also reported that HART continued its partnership with the Department of Planning and Permitting, which held the TOD workshop the previous week for their Ala Moana plan.

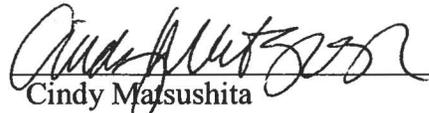
X. Executive Session

There was no need for executive session.

XI. Adjournment

There being no further business, Ms. Okinaga adjourned the meeting at 10:54 a.m.

Respectfully Submitted,

  
Cindy Matsushita  
Board Administrator

Approved:

  
Carrie Okinaga  
Board Chair

MAR 21 2013

Date

## ATTACHMENT A

# Honolulu Authority for Rapid Transportation

## Design & Engineering

# Design & Engineering

## What we do?

- **Update/Maintain baseline documents**
- **Provide Engineering studies**
- **Provide Design Coordination**
- **Provide Interface Management**

# Design & Engineering

- **Administration of Final Design Contracts**
  - Manage scope, schedule, and budget
  - Submittal reviews for contract compliance
- **Oversight of Design-Build Contracts**
  - Technical Review of Request For Information & Request For Change
  - Submittal reviews for contract compliance

# Design & Engineering

**Who's providing the services?**

- **HART/InfraConsult**
  - *Final Design Contract Project Managers*
  - *Engineering Manager*
  - *Architectural Manager*
  - *Interface Manager*
- **General Engineering Consultant (PB)**
  - *Project office staff (technical experts)*
  - *Temporary staff and subconsultants as-needed*

# **FY 2014 CIP - Design Phase**

**Total Amount = \$68,416,500**

- Program Management Consultant**
- HDOT Support**
- Final Design Consultants**
- On-Call HazMat Removal Contractor**
- Utility Work by Private Utility Owners**
- Quality Audits**

# FY 2014 CIP - Design Phase

- **\$10,440,000 - Program Management Consultant (InfraConsult)**
  - **Staff integrated within HART Organization:**
    - **Engineering, Construction, Core Systems, Permitting, Planning, Right-of-Way, Public Involvement, Operations, Procurement, Project Controls, Quality, Safety, Administration Assistants, and subconsultants**

# FY 2014 CIP - Design Phase

- **\$7,909,000 for HDOT Support Consultants & HDOT Oversight**
  - **\$959,000 for HDOT Staff**
  - **\$6,750,000 for HDOT Coordination Consultants**
  - **\$200,000 for HDOT Traffic Management Consultant**

# FY 2014 CIP - Design Phase

- **\$39,810,900 for Final Design Consultants**
  - **\$19,428,900 for Dillingham & Kaka'ako Station Group**
  - **\$17,916,100 for Pearl Highlands Parking Structure/Bus Transit Center (including H2 Ramp)**
  - **\$2,465,900 for UH West O'ahu Park & Ride/Ho'opili Station Finishes**

# FY 2014 CIP - Design Phase

- **\$200,000 for On-Call HazMat Removal Contractors (CH2MHill)**
  - **Design related activities:**
    - **Geotechnical borings**
    - **Potholings**
    - **Phase II Environmental Site Assessment**
    - **Test and Method Shaft**

# FY 2014 CIP - Design Phase

- **\$10,000,000 for Utility Work by Private Utility Owners**
  - **Design related activities for:**
    - **AT&T, Chevron, Hawaiian Telecom, HECO, Oceanic Time Warner, Pacific Lightnet, Sandwich Isle, Gas Co, TW Telecom, and Tesoro**

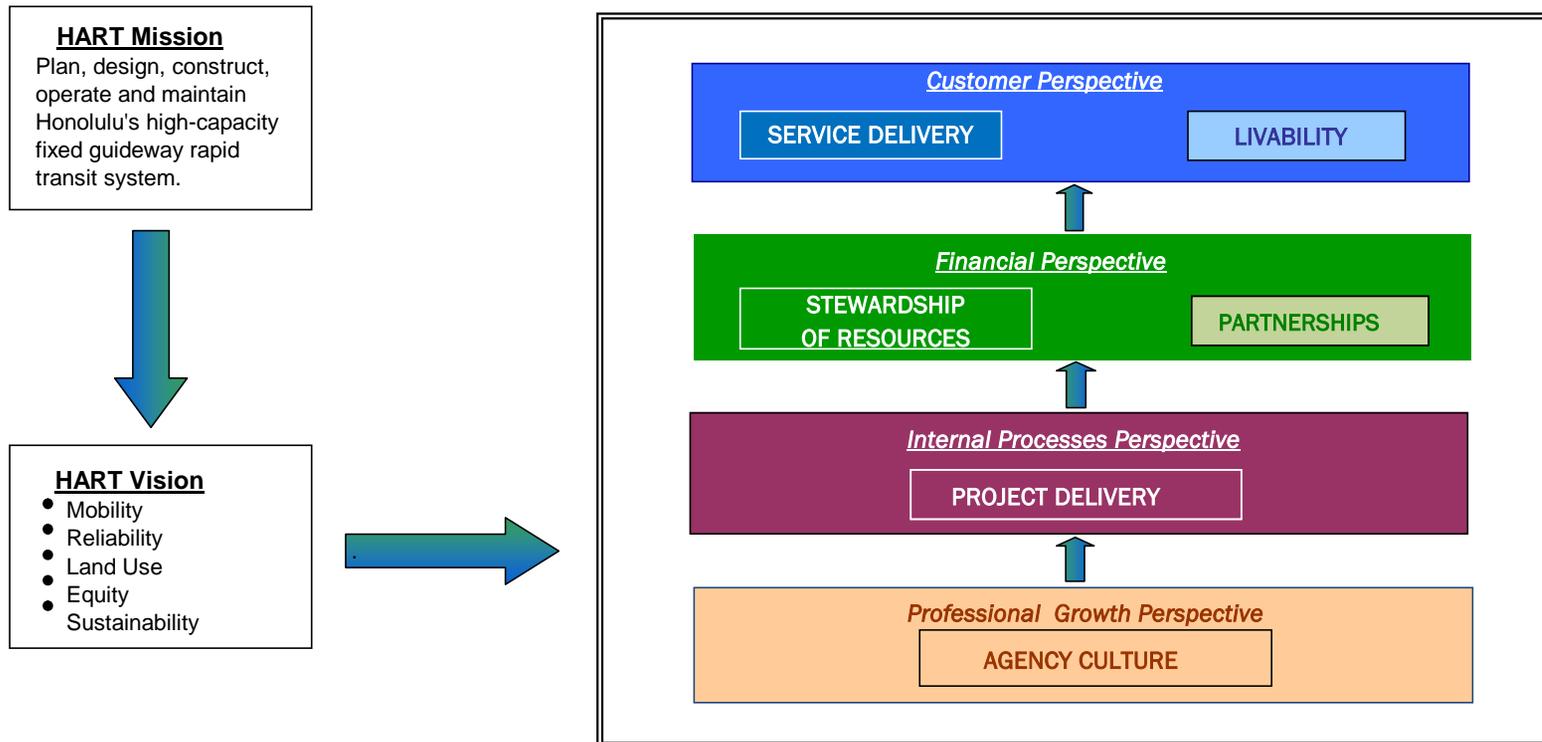
# FY 2014 CIP - Design Phase

- **\$56,600 for Quality Audits**

# Mahalo!

## ATTACHMENT B

## Business Strategy Map



Goal	Current Quarter (Q2 FY13)				Inception to Date				Comments and Legend		
	October, November, December 2012 ○				October 2009 - December 2012				● On track or ahead of plan.	● Immediate attention needed; Requires recovery/resolution.	○ No current target/activity to date; Action pending.
	Actual	Plan	Variance	Status	Actual	Plan	Variance	Status	● Monitoring; Requires special attention.	N/A Not Applicable.	TBD To be determined.
<b>SERVICE DELIVERY</b>											
Platform Gates				○				○	To be determined (TBD) in FY13.		
Fare Collection System				○				○	TBD in FY13.		
Bus-Rail Integration Plan				○				○	TBD in FY14.		
HART Operating Organization Plan				○				○	TBD in FY14.		
HART Service Policy/Standards				○				○	TBD in FY15.		
<b>LIVABILITY</b>											
HART Sustainability Policy				○				○	TBD in FY13.		
Transit-Oriented Development (TOD) Policy				○				○	# TOD Plans being developed with the Department of Planning and Permitting (DPP).		
<b>STEWARDSHIP OF RESOURCES</b>											
<b>Programmatic Agreement (PA) [Positive = # above or added to Plan; Negative = # remaining]</b>											
Traditional Cultural Property (TCP) Studies	0	0	-0-	●	3	4	(1)	●	# Guideway Sections with TCP studies completed vs. planned. Sections 1-3 completed - State Historic Preservation Division (SHPD) approved TCP studies; Section 4 studies underway, completion expected in 2013 (completion of the City Center TCP work is also a condition of the pending federal lawsuit).		
Section I (WOFH) Archaeological Inventory Survey (AIS)	0	0	-0-	●	92	92	-0-	●	# trenches completed vs. planned. Section I AIS completed - SHPD accepted AIS Report April 19, 2010.		
Section II (KHG) AIS	3	0	+3	●	37	31	+6	●	# trenches completed vs. planned. Section II AIS completed - SHPD accepted AIS Report on May 23, 2012.		
Section III (Airport) AIS	7	0	+7	●	29	40	(11)	●	# trenches completed vs. planned. Sections III and IV AIS work has been expedited since 8/24. All planned trenches were completed for Sections III and IV by 12/31/12. Additional trenches will be done in the first quarter of 2013 to support SHPD requests and AIS Reporting needs. AIS Report preparation for both Sections is underway with submittal to the State Historic Preservation Division (SHPD) planned for early 2013.		
Section IV (City Center) AIS	133	133	-0-	●	229	365	(136)	●			
Overall AIS Completion (#)	----	----	N/A	●	387	528	(141)	●			
Overall AIS Completion (%)	----	----	N/A	●	73%	----	N/A	●			
'Iwi kūpuna finds (bone fragments or full burials)/ Archaeological Finds	3	----	N/A	●	5	----	N/A	○	# 'Iwi kūpuna finds. A total of 5 finds have been identified through December 31, 2012. There are 4 finds of human skeletal fragments and 1 human burial in a flexed position. No determinations have been made on the status of any of these finds as burials by SHPD or OIBC at this time. Consultation is in progress with cultural and lineal descendants and these agencies.		
<b>Operating Budget [Negative = below Plan]</b>											
Operating Expenditures	3.7	5.3	(1.6)	●	7.7	21	(13.3)	●	\$M in Q1 FY13 Expenditures/Encumbrances vs. FY13 Operating Budget. For Current Quarter monitoring purposes: \$21M Total Budget/4 quarters = \$5.3M.		
Staffing Level	122	139	(17.0)	●	122	139	(17.0)	●	# Current HART Full-Time Equivalents (FTEs) vs. planned positions in the FY13 Operating Budget. 122 current FTEs		
<b>Capital Budget [Negative = below Plan]</b>											
Capital Expenditures/Encumbrances	\$47.7	----	----	●	\$96	\$492	N/A	●	\$M in Q1 FY13 Expenditures/Encumbrances in Current Quarter vs. Total FY13 Capital Budget of \$492M.		
<b>Revenues [Negative = below Plan]</b>											
Net GET Surcharge Receipts	\$42	\$51	(9)	●	\$554	\$583	(\$29)	●	\$M Net GET Surcharge Cash Receipts vs. projected FY10-13 cash revenue in FFGA Financial Plan (Table A-1). Receipt amounts exclude Starting Cash Balance of \$298M. Total Net GET Surcharge revenue forecast for FY 2010-2023 is \$3,291M; Received since inception of the surcharge on 1/1/07 is \$932.3M. Project Inception-To-Date receipts (since 10/2009) are \$554M. The planned GET revenue-to-date was \$583M (calculated by using half of FY2013 annual amount). Revenues for FY 2013 are \$27M for the first quarter and \$42M for the second quarter, approx 33 M below plan which is \$102M. The Hawaii Department Of Taxation has informed HART that the first quarter revenue payment is incorrect and is reviewing the matter and will advise HART of the revised figure after their internal review is completed.		
Federal Grant Funds (New Starts)	\$1.6	----	N/A	●	\$64	\$378	(\$314)	●	\$M FTA New Starts funds received (\$63.6M) vs. projected (\$378M in FYs 2010-2013 per Table A-1 of the FFGA Financial Plan). The first increment of \$5309 New Starts funding under the FFGA is \$255M.		
Federal Grant Funds	\$4	----	N/A	●	\$4	\$4	\$0	●	\$214M FTA funds = \$210M Section 5307 + \$4M ARRA.		
<b>PARTNERSHIPS</b>											
Stations with Approved Transit-Oriented Development Plans	0	2	N/A	●	0	21	N/A	●	City Department of Planning and Permitting (DPP) has responsibility for TOD plans for 19 of the 21 stations. A total of 13 stations have final draft TOD neighborhood plans at this time. Two additional stations are in HCDA and not part of the DPP planning.		

Goal	Current Quarter (Q2 FY13)				Inception to Date				Comments and Legend
	October, November, December 2012 ○				October 2009 - December 2012				
	Actual	Plan	Variance	Status	Actual	Plan	Variance	Status	
<b>PROJECT DELIVERY - OVERALL</b>									
<b>Project Budget</b>									
FFGA Baseline Project Budget	----	----	N/A	○	\$5,122	\$5,122		●	\$M FFGA Baseline Project Budget (including contingencies and FTA-eligible finance charges), in accordance with FTA New Starts project guidelines.
Committed (\$)	\$79	----	----	●	\$2,250	\$4,236	(1,986)	●	\$M Total Committed (awarded Contract Values + approved Change Orders) this quarter and to date vs. the current Total FTA Project Budget, excluding remaining contingencies and finance charges.
Committed (%)	2.1%	----	----	●	53.1%	----	N/A	●	% \$M Committed of the committed Baseline FFGA Project Budget.
Incurred (\$M)	\$85	----	----	●	\$594	\$4,236	(3,642)	●	\$M Incurred (Expenditures + approved Requests for Payment) this quarter and to date vs. the current Total FTA Project Budget, excluding remaining contingencies and finance charges.
Incurred (%)	2%	----	----	●	14%	----	----	●	% \$M Incurred (Expenditures + approved Requests for Payment) of the current Total FTA Project Budget, excluding remaining contingencies and finance charges.
Estimate at Completion (EAC)	----	----	----	●	\$5,122	\$5,122		●	\$M current vs. planned Estimate at Completion (EAC = contract values as budgeted or awarded + executed change orders + pending and potential changes).
<b>Project Progress [Positive = ahead of Late Plan; Negative = behind Late Plan]</b>									
Overall Project Progress	1.3%	1.5%	(0.2%)	●	10.6%	11.0%	(0.4%)	●	% Complete of Final Design and Construction contracts (FD, DBB-DBOM design levels of effort and DB, DBB, DBOM and E/E construction) actual vs. late plan.
Overall Design Progress	3.5%	4.3%	(0.8%)	●	37.6%	34.7%	+2.9%	●	% Complete of Final Design contracts & DB-DBOM design levels-of-effort actual vs. late plan. During the partial temporary suspension of work on ground-disturbing activities, HART is proceeding with final design and engineering activities on awarded contracts to position the project to continue construction once the suspension is lifted following AIS completion. <b>[State and Federal cases are limiting design progress]</b>
Overall Construction Progress	0.0%	1.2%	(1.2%)	●	5.9%	7.0%	(1.1%)	●	% Completion of Construction (DB, DBB, DBOM & E/E) contracts vs. planned. On 8/24, HART issued a partial temporary suspension of work for all ground-disturbing activities. HART is evaluating the cost (including equipment, overhead and personnel costs) and schedule impacts of the work suspension with Design-Build Contractor Kiewit Infrastructure West Co. (KIWC) to develop and implement mitigation strategies. KIWC has released field personnel and reassigned staff to other projects.
<b>Major Milestones [Negative = # days behind plan]</b>									
Entry into Final Design	----	----	N/A	●	Dec 29 '11	Oct 15 '11	(75)	●	Actual vs. planned date of FTA approval for HART to enter Final Design.
Letter of No Prejudice 2 (LONP2)	Feb 06 '12	Feb 06 '12	-0-	●	Feb 06 '12	Feb 06 '12	-0-	●	Actual vs. planned date of FTA Letter of No Prejudice #2 (LONP2) authorizing Final Design and Construction.
FFGA Letter of Request	Jun 29 '12	Jun 01 '12	(28)	●	Jun 29 '12	Jun 01 '12	(28)	●	Actual vs. planned date of HART letter to FTA requesting entry into a Full Funding Grant Agreement (FFGA)
Start of Congressional Review	Nov 19 '12	Aug 15 '12	(96)	●	Nov 19 '12	Aug 15 '12	(96)	●	Actual vs. planned start date of Congressional review of HART FFGA request. Does not affect completion date.
FFGA Approval	Dec 19 '12	Oct 07 '12	(73)	●	Dec 19 '12	Oct 07 '12	(73)	●	Actual vs. planned date of FTA letter to HART approving FFGA request. Does not affect completion date.
<b>Contingency</b>									
Cost Contingency	\$644	\$644	-0-	●	\$644	\$644	-0-	●	\$M Total Project Cost Contingency vs. the FFGA Baseline Total Project Contingency Budget. The current Total Available Budget Contingency is \$717.5M (including Pending and Known Change contingency).
Schedule Contingency	20	20	-0-	●	20	20	-0-	●	# Months Total Buffer Float used vs. planned in the Draft FFGA Risk and Contingency Management Plan [RCMP], June 2012 (Table 6-2).

Internal Processes Perspective

Goal	Current Quarter (Q2 FY13)				Inception to Date				Comments and Legend
	October, November, December 2012 ○				October 2009 - December 2012				
	Actual	Plan	Variance	Status	Actual	Plan	Variance	Status	
<b>PROJECT DELIVERY - SPECIFICS</b>									
<b>Contracting - Construction (DB, DBOM and Elevators/Escalators) [Negative = below plan/budget]</b>									
Contracts Awarded	0	0	N/A	●	4	4	0	●	# Contracts awarded vs. planned. Elevator/Escalator (E/E) contract award is expected in FY13.
Committed (Contract Values + Executed Changes)	----	----	N/A	○	94%	100%	(6%)	●	% \$M Committed (\$1,678 M) of baseline budget (\$1,771 M) not including contingencies. (Due to increased committed amount)
Contracts Completed	0	0	N/A	○	0	0	-0-	○	# Contracts completed vs. planned.
<b>Contracting - Construction (DBB) [Negative = below plan/budget]</b>									
Contracts Awarded	0	0	N/A	○	0	0	-0-	○	# Contracts awarded vs. planned. The first of 8 planned DBB construction contracts is scheduled to be awarded in Q4 FY13. (Re-packaged; reduce to 8 from 11.)
Committed (Contract Values + Executed Changes)	----	----	N/A	○	0%	0%	-0-	○	% \$M Committed (\$0 M) vs. baseline budget (\$1,237 M) not including contingencies.
Contracts Completed	0	0	N/A	○	0	0	-0-	○	# Contracts completed vs. planned.
<b>Contracting - Final Design Consultants [Negative = below plan/budget]</b>									
Contracts Awarded	2	2	-0-	●	6	6	-0-	●	# Contracts awarded vs. planned. Kamehameha Hwy Stations (FD-340) awarded to Anil Verma Assocs. 11/18; Airport Stations (FD-440) awarded to AECOM 11/7. (Re-packaged; reduce to 9 from 10.)
Committed (Contract Values + Executed Changes)	----	----	N/A	○	98%	100%	(2%)	●	% \$M Committed (\$118M) vs. baseline budget (\$164M) not including contingencies.
Contracts Completed	0	0	N/A	○	0	0	N/A	○	# Contracts completed vs. planned.
<b>Contracting - Other Consultants [Negative = below plan/budget]</b>									
Contracts Awarded	0	0	-0-	●	13	13	-0-	●	# Contracts for Consultant Services other than for final design, construction or insurance awarded this quarter and to date vs. planned, including: 6 for Construction Engineering and Inspection Services, 4 for Project Management (2 Program Management Oversight Consultant + 2 General Engineering Consultant), 4 for Specialty Consulting (Real Estate, Kako'o, Owner-Controlled Insurance Program [OCIP] and LEED MSF Commissioning Consultants), 4 for HDOT Consultant Services and 2 for On-Call for Construction and HazMat Removal consulting. The first CE&I contract will not be awarded until Sept 2013. (Re-packaged; reduce to 21 from 23.)
Committed (Contract Values + Executed Changes)	----	----	N/A	●	62%	100%	(38%)	●	% \$M Committed (\$344M) vs. baseline budget (\$571M).
Contracts Completed	0	0	-0-	●	2	2	-0-	●	# Contracts completed vs. planned. PMSC-1 and GEC-1 have been completed and are being closed out.
<b>Change Orders and Claims</b>									
Change Orders (#)	11	----	N/A	●	48	----	N/A	●	# Change Orders executed this quarter (9 Construction, 2 Final Design) [Previously released numbers have been corrected to reflect current status]
Change Orders (\$)	\$21.8	----	N/A	●	\$81.5	----	N/A	●	\$M Change Orders executed this quarter \$21.6M Construction, \$0.275M Final Design [Previously released numbers have been corrected to reflect current status]
Claims Filed	0	0	N/A	○	0	0	N/A	○	# Claims filed vs. anticipated.
Claims Resolved	0	0	N/A	○	0	0	N/A	○	# Claims resolved vs. filed.
<b>Utility &amp; HDOT Agreements [Negative = # remaining]</b>									
Utility Agreements	2	----	N/A	○	27	28	(1)	●	# Utility Agreements completed vs. required. The Interim Bridging Agreement for Airport was executed in October and the City Center draft is under HECO review. Completion of 45 agreements by the end of Q1 FY13 is planned.
HART-HDOT Agreements	----	----	N/A	○	2	8	(6)	●	# HDOT Agreements completed vs. required. Of the 4 Master Agreements required, 1 (WOFH) has been completed. Of the 4 Joint Use and Occupancy (JU&O) Agreements required, 1 (WOFH) has been completed. The KHG Master and JU&O Agreements remain to be executed, pending meeting with HDOT & HART Attorneys, and possible elevating subject matter between Mayor and Governor. [Previously released numbers have been corrected to reflect current status]

Internal Processes Perspective (Continued)

Goal	Current Quarter (Q2 FY13)				Inception to Date				Comments and Legend
	October, November, December 2012 ○				October 2009 - December 2012				
	Actual	Plan	Variance	Status	Actual	Plan	Variance	Status	
<b>Real Estate/Right-of-Way (ROW)</b> [Negative = # remaining]									
Full Acquisitions	2	0	+2	●	21	38	(17)	●	# Properties fully acquired ready for construction this quarter and to date vs. planned. Two properties were acquired in 2nd Qtr 2013.
Expenditures for Full Acquisitions	\$7	\$8	(\$1)	●	\$36	\$37	(\$1)	●	\$M in expenditures recorded for full acquisitions vs. planned in the FFGA Budget. Securing of right-of-way and all required permits continues during the partial temporary suspension of work on ground-disturbing activities.
Partial Acquisitions	0	0	0	●	7	133	(126)	●	# Properties partially acquired ready for construction this quarter and to date vs. planned.
<b>Safety</b> [lower Actual = favorable vs. Hawaii standard]									
Performance against Standard	0	0	0	●	0.2	4.3	----	●	Incidence rate of Recordable Injuries and Illnesses vs. the Hawaii 2010 Total Recordable Incidence Rate (TRIR). Federal regulations define the Incidence Rate as the # of recordable injuries and illnesses occurring amongst a given # of full-time workers (usually 100) over a given period of time (usually 1 year). A Recordable Incident is a work-related injury or illness that results in: death, loss of consciousness, days away from work, restricted work activity or job transfer, or medical treatment beyond first aid. (29 CFR 1904).
OSHA Recordable Injuries	0	0	0	●	4	0	----	●	# Occupational Safety and Health Agency (OSHA) Recordable Injuries to date.
OSHA Violations	0	0	0	●	0	0	----	●	# OSHA violations to date.
Safety Certification Checklists	----	----	N/A	○	----	----	----	○	# Safety Certification Checklists completed vs. planned.
<b>Quality Assurance (QA)</b>									
QA Audits	4	4	-0-	●	12	12	-0-	●	# QA Audits of HART, GEC, contractors and suppliers completed vs. planned.
Design NCRs	7	7	0	●	13	14	(1)	●	# Design Non-Conformance Reports (NCRs) closed vs. issued.
Construction NCRs	----	----	N/A	○	----	----	N/A	○	# Construction NCRs closed vs. issued.
<b>Economic Multipliers</b> [Negative = below plan]									
DBE/SBE Participation	1.46%	13.0%	-12%	●	1.46%	13.0%	-12%	●	Actual vs. target participation rate of Disadvantaged/Small Business Enterprises (DBE/SBE).
Direct Jobs Created	----	----	----	○	----	----	----	○	# Direct jobs created. Projections and criteria to be developed.
<b>Public Outreach</b>									
Neighborhood Board Meetings	10	----	N/A	●	718	----	N/A	●	# Neighborhood Board Meetings in which HART has participated to date.
Presentations/ Events	12	----	N/A	●	1,364	----	N/A	●	# Events in which HART has participated to date.
<b>AGENCY CULTURE</b>									
<b>Staff Training and Career Development Program</b>									
Training Opportunities				○				○	# Training opportunities provided to HART staff vs. planned. Annual Training Plan to be developed.
Employees Trained				○				○	# HART Employees (including PMSC) who have received professional training. Objective to be established.
<b>Internal Promotions</b>									
Internally-Filled Positions	0	0	-0-	●	2	0	+2	●	% of positions filled that have been filled internally. Objective to be established.
<b>PMSC/GEC Phase-Out</b>									
Positions Transitioned to HART	0	0	-0-	●	3	0	+3	●	# Positions transitioned from PMSC to HART vs. planned in the HART Business Plan. TBD.
<b>Employee Satisfaction</b>									
Surveys	0	0	N/A	○	0	0	N/A	○	# Employee surveys conducted to date vs. planned. Plan to be developed.

Internal Processes Perspective (Continued)

Professional Growth Perspective

## ATTACHMENT C

## STATUS SHEET ON MEASURES OF INTEREST TO HART

BILL	TITLE	INTRODUCER	COMMITTEE REFERRAL	STATUS
HB137	<u>RELATING TO PROCUREMENT.</u> Prohibits governmental procurement contracts of any amount that are exclusively for the services of engineers, architects, surveyors, or landscape architects, from requiring the contractor to indemnify the governmental body against liability not arising from the contractor's own negligence or fault.	McKelvey	FIN	On 2-13-13 FIN Committee deferred this measure.
HB324	<u>RELATING TO PROCUREMENT.</u> Requires solicitations for procurement of construction to require Offerors to list subcontractors if the value of the contract is in excess of \$500,000 and the work to be performed by the subcontractor is in excess of \$25,000. Allows substitution of contractors if 75% of savings resulting from the substitution are refunded to the purchasing agency.	Ing, Kobayashi	CPC, FIN	Measure not heard in committee.
<b>HB364 HD2</b>	<b><u>RELATING TO TRANSPORTATION.</u></b> Changes the State's automatic deduction of ten percent of the gross proceeds of a county's surcharge on state tax to a deduction of an unspecified amount to reimburse the state for costs associated with handling the assessments, collection, and disposition of the county surcharge on state tax. Effective July 1, 2050.	<b>Yamane</b>	<b>TRN, FIN</b>	<b>This measure will be presented to HART Board. On 02-14-13 passed second reading as amended in HD2.</b>
HB522	<u>RELATING TO AFFORDABLE HOUSING.</u> Defines "community land trust". Permits community land trusts to qualify for rental housing trust fund moneys, grants, and other state subsidies and funds. Appropriates funds to the rental housing trust fund for the development of affordable housing projects on state land within transit-oriented development zones and family-oriented support services near the affordable housing projects.	Jordan, Ito, Oshiro, Say, Yamashita	WAL, HSG, FIN	On 01-28-13 WAL Committee recommended that the measure be held.
HB555 HD1 (Companion Measure - SB707)	<u>RELATING TO ECONOMIC DEVELOPMENT.</u> Establishes the state Smart Growth public infrastructure policy. Requires state agencies involved in the planning, development, and financing of public infrastructure to consider Smart Growth criteria prior to approving or financing any public infrastructure projects. Requires the executive officers of each state agency involved in the planning, development, and financing of public infrastructure projects to attest that a project meets the Smart Growth criteria or prepare a statement of justification. Requires each state agency involved in the planning, development, and financing of public infrastructure to create a Smart Growth advisory committee. Precludes any private right of action. Takes effect on July 1, 2014.	Har, Cullen, Fale, Ichiyama, Ito, Oshiro, Takayama, Tsuji, Ward, Yamashita	EDB, FIN	On 2-12-13, EDB passed second reading as amended in HD1. On 02-25-13, FIN Committee deferred action.

HB689 HD1 (Companion Measure - SB479)	<u>RELATING TO THE METROPOLITAN PLANNING ORGANIZATION.</u> Adds the executive director of HART to the MPO policy committee.	Yamane, Aquino, Cullen	TRN	This measure will be presented to the HART Board. On 02-20-13 the measure passed, with amendments.
HB940 (Companion Measure - SB1171)	<u>RELATING TO THE REVIEW OF HISTORIC PRESERVATION PROJECTS.</u> Authorizes the phased review of projects by the Department of Land and Natural Resources' State Historic Preservation Division to ensure consistency between State and Federal Law.	Souki	TRN/WAL, JUD	Measure never heard in House TRN/WAL Committees.
HB1080 HD1	<u>RELATING TO BICYCLES.</u> Requires the Department of Transportation to identify, fund, and establish alternative bikeway projects when establishment of bikeways on new or reconstructed roads is not practicable. Requires annual reporting to the Legislature. Effective July 1, 2050.	Lowen, Awana, Belatti, Brower, Carroll, Evans, Hanohano, Ing, C. Lee, Mizuno, Morikawa, Nishimoto, Souki, Takumi, Rhoads	TRN, FIN	HART recommends monitor only. On 2-14-13 passed second reading as amended in HD1. On 02-25-13, FIN Committee reported out.
HB1374 HD1 (Companion Measure - SB1380)	<u>RELATING TO PROCUREMENT.</u> Allows past performance to be factored into future bid selection of a contractor including a review of delays, cost overruns, corrective actions, and responses to notices of deficiencies. Effective January 1, 2020	Johanson, Belatti, Brower, Cheape, Evans, Fale, Fukumoto, C. Lee, Luke, McKelvey, Mizuno, Morikawa, Nakashima, Nishimoto, Ohno, Onishi, Saiki, Souki, Takai, Thielen, Ward, Tsuji	EDB, FIN	HART recommends monitor only. On 2-14-13 passed second reading as amended in HD1. FIN Committee heard this measure on 02-25-13 and passed, unamended.
HB1391 (Companion Measure - SB351)	<u>RELATING TO COUNTY SURCHARGE ON STATE TAX.</u> Reduces the amount deducted from the county surcharge on state tax to reimburse the State for costs of assessment, collection, and disposition from 10% to 5%.	Har, Aquino, Choy, Cullen, Ichiyama, Jordon, Oshiro, Say, Yamane, Takayama	TRN, FIN	On 2-11-13 TRN Committee deferred the measure.
SB99	<u>RELATING TO AFFORDABLE HOUSING.</u> Defines "community land trust". Permits community land trusts to qualify for rental housing trust fund moneys, grants, and other state subsidies and funds. Appropriates funds to the rental housing trust fund for the development of affordable housing projects on state land within transit-oriented development zones and family-oriented support services near the affordable housing projects.	Chun Oakland, Galuteria, Ruderman, Gabbard, Green, Kahele, Shimabukuro L. Thielen, Wakai	EGH/HMS/WTL, WAM	Measure never scheduled for hearing.

SB215 SD1	<u>RELATING TO ECONOMIC DEVELOPMENT</u> Establishes the public-private partnership authority. Establishes a stadium facilities special fund. Requires the PPPA to initiate pilot projects. Appropriates an unspecified sum for the PPPA. Effective 07/01/2013.	Dela Cruz, Chun Oakland, Kidani, Solomon	EGH, WAM	HART recommends monitor. Measure re-referral back to EGH, EDU/WAM. The Committee on EDU/WAM will hold a public decision making hearing on 03-01-13.
SB234	<u>RELATING TO BURIAL SITES.</u> Establishes a task force to develop additional procedures and protocols in the event a lineal or cultural descendant of Native Hawaiian skeletal remains that are interred at a burial site cannot be established.	Galuteria, Baker, Kahele, Keith- Agaran, Kidani, Nishihara, Ruderman	THA/TEC, WAM	On 2-11-13 TEC and THA Committees deferred the measure.
SB275	<u>RELATING TO TRANSPORTATION FUNDING.</u> Discontinues the county surcharge on state tax for mass transit. Requires the city and county of Honolulu to return to the state all unexpended moneys distributed to it under Section 46-16.8, Hawaii Revised Statutes.	Slom	TIA, WAM	Measure never scheduled for hearing.
SB320	<u>RELATING TO NATIVE HAWAIIAN BURIALS.</u> Requires that iwi kupuna, or Native Hawaiian bones, in the possession of the State whose provenience is unknown, or for other special circumstance, be reinterred annually on the island of Kaho'olawe.	Galuteria, Kahele	THA, WAM	On 2-13-13 THA Committee deferred the measure.
SB351 (Companion Measure – HB1391)	<u>RELATING TO COUNTY BUDGETS.</u> Reduces county reimbursement to the State from gross proceeds of the County's surcharge on state tax from ten to five per cent.	Gabbard, Ruderman, Shimabukuro	PSM, WAM	Measure never scheduled for hearing.
SB479 SD2 (Companion Measure – HB689)	<u>RELATING TO THE MEMBERSHIP OF A METROPOLITAN PLANNING ORGANIZATION.</u> Updates the membership of the Oahu Metropolitan Planning Organization to comply with the Moving Ahead for Progress in the 21st Century Act, Public Law 112-141.	English	TIA, WAM	This measure will be presented to the HART Board. On 2-4-13 the measure passed, with amendments by TIA. On 02-21-13, WAM recommended this measure pass with amendments.
SB571 SD2	<u>RELATING TO COUNTY SURCHARGE ON STATE TAX.</u> Changes the State's automatic deduction of ten percent of the gross proceeds of a county's surcharge on state tax to a deduction of six percent to reimburse the State for costs associated with handling the assessments,	Kidani	TIA/PSM, WAM	This measure will be presented to the HART Board. TIA/PSM recommended this measure pass with

	collection, and disposition of the county surcharge on state tax. Allows the State by administrative rule to change the six percent to an amount not exceeding ten percent if the costs of assessment, collection, and disposition increase. Effective 7/1/2050.			amendments. On 2-21-13 WAM also passed, with amendments.
SB707 SD2 (Companion Measure – HB555)	<u>RELATING TO ECONOMIC DEVELOPMENT (Gutted &amp; replaced Smart Growth leg with PLDC language)</u> Repeals chapter 171C, HRS, relating to the PLDC. Deposits funds appropriated to the DLNR, pursuant to Act 55, Session Laws of Hawaii 2011, into the land conservation fund. Deposits proceeds in the stadium facilities special fund and the school facilities special fund into the general fund. Transfers PLDC employees and assets to the DLNR.	Dela Cruz, English, Solomon, Wakai	EGH/WTL, WAM	HART recommend monitor only. On 2-19-13 passed third reading as amended in SD2 and transmitted to House.
SB713	<u>RELATING TO THE OFFICE OF PLANNING.</u> Temporarily transfers the Office of Planning from the Department of Business, Economic Development, and Tourism to the Office of the Governor. Requires the Director of the Office of Planning to conduct an annual review of the Office of Planning. <u>Authorizes the Office of Planning to hire two temporary positions to be funded by the Honolulu Authority for Rapid Transportation, if funds are available.</u>	Dela Cruz	EGH, WAM	On 2-4-13 EGH Committee deferred the measure.
SB1171 (Companion Measure – HB940)	<u>RELATING TO THE REVIEW OF HISTORIC PRESERVATION PROJECTS.</u> Authorizes the phased review of projects by the Department of Land and Natural Resources' State Historic Preservation Division to ensure consistency between State and Federal Law.	Kim	Senate Referral: TEC/THA  House Referral: LAB/FIN	HART recommend monitor only. The TEC Committee will hold a public decision making on 02-28-13.
SB1304 SD1	<u>RELATING TO ECONOMIC DEVELOPMENT.</u> Authorizes the issuance of general obligation bonds and appropriates the funds to the City and County of Honolulu for sewer infrastructure improvements.	Dela Cruz, Chun Oakland, Espero, Kidani, Nishihara	EGH/ PSM, WAM	HART recommends monitor only. On 2-15-13 passed second reading as amended in SD1 and referred to WAM.
SB1380 (Companion Measure – HB1374)	<u>RELATING TO PROCUREMENT.</u> Allows past performance to be factored into future bid selection of a contractor including review of delays, cost overruns, and compliance with project requirements.	Kim	EGH, WAM	Measure never scheduled for hearing.



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## HB137



(?)

Measure Title: RELATING TO PROCUREMENT.

Report Title: Procurement Contracts; Liability

Description: Prohibits governmental procurement contracts of any amount that are exclusively for the services of engineers, architects, surveyors, or landscape architects, from requiring the contractor to indemnify the governmental body against liability not arising from the contractor's own negligence or fault.

Companion:

Package: None

Current Referral: FIN

Introducer(s): MCKELVEY

Sort by Date	Status	Text
1/17/2013	H	Pending introduction.
1/18/2013	H	Introduced and Passed First Reading
1/22/2013	H	Referred to FIN, referral sheet 2
2/11/2013	H	Bill scheduled to be heard by FIN on Wednesday, 02-13-13 2:00PM in House conference room 308.
2/13/2013	H	The committee(s) on FIN recommend(s) that the measure be deferred.

S = Senate | H = House | D = Data Systems | \$ = Appropriation measure | ConAm = Constitutional Amendment

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### Testimony

#### Filename

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### Hearing Notices

Comm	Room	Date/Time	Notice
FIN	308	2/13/2013 2:00 PM	<a href="#">View</a>

## HB137



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2010	Leadership	Leadership
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2006	Caucus Website Policy	Website Policy
2005	Majority Caucus Website	Majority Caucus Website
2004	Ad Hoc Committee	Majority Caucus Blog
2003	Minority Caucus Website	Minority Caucus Website
2002	Daily Floor Actions	Minority Caucus Blog
2001	Paperless Initiative	Attendance Sheet
2000	Webcasts - Pilot Project	Journal
1999		Members of the House 1959-2009

### House

Year	House
2011	Committees
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2009	Members
2008	Rules
2007	Administrative and Financial Manual
2006	Website Policy
2005	Majority Caucus Website
2004	Majority Caucus Blog
2003	Minority Caucus Website
2002	Minority Caucus Blog
2001	Attendance Sheet
2000	Journal
1999	Members of the House 1959-2009

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Hawaii Government Services  
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 Office of the Ombudsman  
 Office of Information Practices  
 Office of Hawaiian Affairs  
 City and County of Honolulu  
 County of Maui  
 County of Kauai  
 County of Hawaii  
 U.S. Representative Colleen Hanabusa  
 Governor Neil Abercrombie  
 Capitol TV  
 'Olelo Community Television  
 Akaku: Maui Community Television  
 Ho'ike: Kaua'i Community Television  
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## HB324 (?)

**Measure Title:** RELATING TO PROCUREMENT.  
**Report Title:** Procurement; Construction; Subcontractors; Substitution; Savings  
**Description:** Requires solicitations for procurement of construction to require offerors to list subcontractors if the value of the contract is in excess of \$500,000 and the work to be performed by the subcontractor is in excess of \$25,000. Allows substitution of subcontractors if 75% of savings resulting from the substitution are refunded to the purchasing agency.  
**Companion:**  
**Package:** None  
**Current Referral:** CPC, FIN  
**Introducer(s):** ING, Kobayashi

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**Testimony**  
 No testimony available

**Hearing Notices**  
 No hearings scheduled

Sort by Date	Status	Text
1/18/2013	H	Pending introduction.
1/22/2013	H	Introduced and Passed First Reading
1/22/2013	H	Referred to CPC, FIN, referral sheet 3

S = Senate | H = House | D = Data Systems | \$ = Appropriation measure | ConAm = Constitutional Amendment  
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## HB324



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2009	Members	Members	2009	2009	Legislative Reference Bureau
2008	Rules	Rules	2008		Public Access Room
2007	Administrative and Financial Manual	Administrative and Financial Manual	2007		Hawaii State Ethics Commission
2006	Caucus Website Policy	Website Policy	2006		Office of the Auditor
2005	Majority Caucus Website	Majority Caucus Website			Office of the Ombudsman
2004	Ad Hoc Committee	Majority Caucus Blog			Office of Information Practices
2003	Minority Caucus Website	Minority Caucus Website			Office of Hawaiian Affairs
2002	Daily Floor Actions	Minority Caucus Blog			City and County of Honolulu
2001	Paperless Initiative	Attendance Sheet			County of Maui
2000	Webcasts - Pilot Project	Journal			County of Kauai
1999		Members of the House 1959-2009			County of Hawaii
		Webcasts			U.S. Representative Colleen Hanabusa
					Governor Neil Abercrombie
					Capitol TV
					'Olelo Community Television
					Akaku: Maui Community Television
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## HB522 (?)

**Measure Title:** RELATING TO AFFORDABLE HOUSING.  
**Report Title:** Affordable Housing; Community Land Trusts; Rental Housing Trust Fund; Appropriation (\$)  
**Description:** Defines "community land trust". Permits community land trusts to qualify for rental housing trust fund moneys, grants, and other state subsidies and funds. Appropriates funds to the rental housing trust fund for the development of affordable housing projects on state land within transit-oriented development zones and family-oriented support services near the affordable housing projects.  
**Companion:**  
**Package:** Housing and Homeless  
**Current Referral:** WAL, HSG, FIN  
**Introducer(s):** JORDAN, ITO, OSHIRO, SAY, YAMASHITA

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Measure	Category	
<a href="#">HB522</a>	Bills	

### Testimony

**Filename**  
[HB522\\_TESTIMONY\\_WAL\\_01-28-13](#)

### Hearing Notices

Comm	Room	Date/Time	Notice
WAL	325	1/28/2013 9:00 AM	<a href="#">View</a>

Sort by Date	Status	Text
1/18/2013	H	Pending introduction.
1/22/2013	H	Introduced and Passed First Reading
1/22/2013	H	Referred to WAL, HSG, FIN, referral sheet 3
1/25/2013	H	Bill scheduled to be heard by WAL on Monday, 01-28-13 9:00AM in House conference room 325.
1/28/2013	H	The committees on WAL recommend that the measure be HELD. The votes were as follows: 9 Ayes: Representative(s) Evans, Lowen, Coffman, Cullen, Hanohano, Kawakami, C. Lee, Fale, Thielen; Ayes with reservations: none; Noes: none; and Excused: none.

S = Senate | H = House | D = Data Systems | \$ = Appropriation measure | ConAm = Constitutional Amendment  
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## HB522



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2004	Ad Hoc Committee	Majority Caucus Blog			Office of Information Practices
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					Akaku: Maui Community Television
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 Senate: 11:30am | House: 12:00pm

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## HB555 HD1



**Measure Title:** RELATING TO ECONOMIC DEVELOPMENT.

**Report Title:** Public Infrastructure; Smart Growth

**Description:** Establishes the state smart growth public infrastructure policy. Requires state agencies involved in the planning, development, and financing of public infrastructure to consider smart growth criteria prior to approving or financing any public infrastructure projects. Requires the chief executive officers of each state agency involved in the planning, development, and financing of public infrastructure projects to attest that a project meets the smart growth criteria or prepare a statement of justification. Requires each state agency involved in the planning, development, and financing of public infrastructure to create a smart growth advisory committee. Precludes any private right of action. Effective July 1, 2014. (HB555 HD1)

**Companion:**

**Package:** None

**Current Referral:** EDB, FIN

**Introducer(s):** HAR, CULLEN, FALE, ICHIYAMA, ITO, OSHIRO, SAY, TAKAYAMA, TSUJI, WARD, YAMASHITA

Sort by Date	Status	Text
1/18/2013	H	Pending introduction.
1/22/2013	H	Introduced and Passed First Reading
1/22/2013	H	Referred to EDB, FIN, referral sheet 3
1/31/2013	H	Bill scheduled to be heard by EDB on Tuesday, 02-05-13 9:00AM in House conference room 312.
2/5/2013	H	The committees on EDB recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 8 Ayes: Representative(s) Tsuji, Ward, Brower, Cachola, Choy, Ohno, Onishi, Takayama; Ayes with reservations: none; Noes: none; and 1 Excused: Representative(s) Tokioka.
2/12/2013	H	Reported from EDB (Stand. Com. Rep. No. 279) as amended in HD 1, recommending passage on Second Reading and referral to FIN.
2/12/2013	H	Passed Second Reading as amended in HD 1 and referred to the committee(s) on FIN with Representative(s) Hanohano voting aye with reservations; Representative(s) Thielen voting no (1) and Representative(s) Belatti, Cachola, Coffman, Takal excused (4).
2/22/2013	H	Bill scheduled to be heard by FIN on Monday, 02-25-13 3:30PM in House conference room 308.
2/25/2013	H	The committee(s) on FIN recommend(s) that the measure be deferred.

S = Senate | H = House | D = Data Systems | \$ = Appropriation measure | ConAm = Constitutional Amendment

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## HB555 HD1



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Testimony

Filename
<a href="#">HB555_TESTIMONY_EDB_02-05-13</a>
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Hearing Notices

Comm	Room	Date/Time	Notice
EDB	312	2/05/2013 9:00 AM	<a href="#">View</a>
FIN	308	2/25/2013 3:30 PM	<a href="#">View</a>

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2010	Leadership	Leadership	2010	2010	Hawaii State Judiciary
2009	Members	Members	2009	2009	Legislative Reference Bureau
2008	Rules	Rules	2008		Public Access Room
2007	Administrative and Financial Manual	Administrative and Financial Manual	2007		Hawaii State Ethics Commission
2006	Caucus Website Policy	Website Policy	2006		Office of the Auditor
2005	Majority Caucus Website	Majority Caucus Website			Office of the Ombudsman
2004	Ad Hoc Committee	Majority Caucus Blog			Office of Information Practices
2003	Minority Caucus Website	Minority Caucus Website			Office of Hawaiian Affairs
2002	Daily Floor Actions	Minority Caucus Blog			City and County of Honolulu
2001	Paperless Initiative	Attendance Sheet			County of Maui
2000	Webcasts - Pilot Project	Journal			County of Kauai
1999		Members of the House 1959-2009			County of Hawaii
		Webcasts			U.S. Representative Colleen Hanabusa
					Governor Neil Abercrombie
					Capitol TV
					'Olelo Community Television



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 Senate: 11:30am | House: 12:00pm

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## HB940 (?)

**Measure Title:** RELATING TO THE REVIEW OF HISTORIC PRESERVATION PROJECTS.  
**Report Title:** Historic Preservation Project Reviews  
**Description:** Authorizes the phased review of projects by the Department of Land and Natural Resources' State Historic Preservation Division to ensure consistency between state and federal law.  
**Companion:** [SB1171](#)  
**Package:** Gov  
**Current Referral:** TRN/WAL, JUD  
**Introducer(s):** SOUKI (Introduced by request of another party)

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**Testimony**  
 No testimony available

**Hearing Notices**  
 No hearings scheduled

Sort by Date	Status	Text
1/22/2013	H	Pending introduction.
1/24/2013	H	Introduced and Passed First Reading
1/24/2013	H	Referred to TRN/WAL, JUD, referral sheet 5

S = Senate | H = House | D = Data Systems | \$ = Appropriation measure | ConAm = Constitutional Amendment  
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## HB940



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2008	Rules	Rules	2008		Public Access Room
2007	Administrative and Financial Manual	Administrative and Financial Manual	2007		Hawaii State Ethics Commission
2006	Caucus Website Policy	Website Policy	2006		Office of the Auditor
2005	Majority Caucus Website	Majority Caucus Website			Office of the Ombudsman
2004	Ad Hoc Committee	Majority Caucus Blog			Office of Information Practices
2003	Minority Caucus Website	Minority Caucus Website			Office of Hawaiian Affairs
2002	Daily Floor Actions	Minority Caucus Blog			City and County of Honolulu
2001	Paperless Initiative	Attendance Sheet			County of Maui
2000	Webcasts - Pilot Project	Journal			County of Kauai
1999		Members of the House 1959-2009			County of Hawaii
		Webcasts			U.S. Representative Colleen Hanabusa
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					Akaku: Maui Community Television
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					Na Leo O Hawai'i: Big Island Community Television
					National Conference of State Legislatures
					Council of State Governments
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 Senate: 11:30am | House: 12:00pm

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## HB1080 HD1 (2)

**Measure Title:** RELATING TO BICYCLES.  
**Report Title:** Bikeway Projects; Annual Reporting  
**Description:** Requires the Department of Transportation to identify, fund, and establish alternative bikeway projects when establishment of bikeways on new or reconstructed roads is not practicable. Requires annual reporting to the Legislature. Effective July 1, 2050. (HB1080 HD1)  
**Companion:**  
**Package:** None  
**Current Referral:** TRN, FIN  
**Introducer(s):** LOWEN, AWANA, BELATTI, BROWER, CARROLL, EVANS, HANOHANO, ING, C. LEE, MIZUNO, MORIKAWA, NISHIMOTO, SOUKI, TAKUMI, Rhoads

<a href="#">Sort by Date</a>	Status	Text
1/23/2013	H	Pending introduction.
1/24/2013	H	Introduced and Passed First Reading
1/28/2013	H	Referred to TRN, FIN, referral sheet 6
2/8/2013	H	Bill scheduled to be heard by TRN on Monday, 02-11-13 10:00AM in House conference room 309.
2/11/2013	H	The committees on TRN recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 9 Ayes: Representative(s) Yamane, Ichiyama, Aquino, Hashem, Ing, Nakashima, Takumi, Yamashita, Fukumoto; Ayes with reservations: none; Noes: none; and Excused: none.
2/14/2013	H	Reported from TRN (Stand. Com. Rep. No. 431) as amended in HD 1, recommending passage on Second Reading and referral to FIN.
2/14/2013	H	Passed Second Reading as amended in HD 1 and referred to the committee(s) on FIN with none voting aye with reservations; none voting no (0) and Har, Tokioka excused (2).
2/22/2013	H	Bill scheduled to be heard by FIN on Monday, 02-25-13 3:30PM in House conference room 308.
2/25/2013	H	The committees on FIN recommend that the measure be PASSED, UNAMENDED. The votes were as follows: 17 Ayes: Representative(s) Luke, Nishimoto, Johanson, Cullen, Hashem, Ing, Jordan, Kobayashi, Lowen, Morikawa, Onishi, Takayama, Tokioka, Woodson, Yamashita, Fukumoto, Ward; Ayes with reservations: none; Noes: none; and Excused: none.

S = Senate | H = House | D = Data Systems | \$ = Appropriation measure | ConAm = Constitutional Amendment  
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## HB1080 HD1



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2008	Rules
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2006	Caucus Website Policy
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1999	

### House

Year	House
2011	Committees
2010	Leadership
2009	Members
2008	Rules
2007	Administrative and Financial Manual
2006	Website Policy
2005	Majority Caucus Website
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- Office of Information Practices
- Office of Hawaiian Affairs
- City and County of Honolulu
- County of Maui
- County of Kauai
- County of Hawaii
- U.S. Representative Colleen Hanabusa
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### Testimony

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TRN	309	2/11/2013 10:00 AM	<a href="#">View</a>
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 Senate: 11:30am | House: 12:00pm

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## HB1374 HD1 (2)

**Measure Title:** RELATING TO PROCUREMENT.  
**Report Title:** Procurement; Past Performance; Criteria  
**Description:** Allows past performance to be factored into future bid selection of a contractor including a review of delays, cost overruns, corrective actions, and responses to notices of deficiencies. Effective January 1, 2020. (HB1374 HD1)  
**Companion:**  
**Package:** None  
**Current Referral:** EDB, FIN  
**Introducer(s):** JOHANSON, BELATTI, BROWER, CHEAPE, EVANS, FALE, FUKUMOTO, C. LEE, LUKE, MCKELVEY, MIZUNO, MORIKAWA, NAKASHIMA, NISHIMOTO, OHNO, ONISHI, SAIKI, SOUKI, TAKAI, THIELEN, WARD, Tsuji

<a href="#">Sort by</a>	<a href="#">Date</a>	Status	Text
1/24/2013	H	Introduced and Passed First Reading	
1/28/2013	H	Referred to EDB, FIN, referral sheet 7	
2/5/2013	H	Bill scheduled to be heard by EDB on Friday, 02-08-13 9:00AM in House conference room 312.	
2/8/2013	H	The committees on EDB recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 7 Ayes: Representative(s) Tsuji, Ward, Brower, Choy, Ohno, Takayama; Ayes with reservations: Representative(s) Onishi; Noes: none; and 2 Excused: Representative(s) Cachola, Tokioka.	
2/14/2013	H	Reported from EDB (Stand. Com. Rep. No. 417) as amended in HD 1, recommending passage on Second Reading and referral to FIN.	
2/14/2013	H	Passed Second Reading as amended in HD 1 and referred to the committee(s) on FIN with Representative(s) Hanohano voting aye with reservations; none voting no (0) and Representative(s) Har, Tokioka excused (2).	
2/22/2013	H	Bill scheduled to be heard by FIN on Monday, 02-25-13 1:30PM in House conference room 308.	
2/25/2013	H	The committees on FIN recommend that the measure be PASSED, UNAMENDED. The votes were as follows: 17 Ayes: Representative(s) Luke, Nishimoto, Johanson, Cullen, Hashem, Ing, Jordan, Kobayashi, Lowen, Morikawa, Onishi, Takayama, Tokioka, Woodson, Yamashita, Fukumoto, Ward; Ayes with reservations: none; Noes: none; and Excused: none.	

S = Senate | H = House | D = Data Systems | \$ = Appropriation measure | ConAm = Constitutional Amendment

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## HB1374 HD1



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## HB1391 (?)

**Measure Title:** RELATING TO THE COUNTY SURCHARGE ON STATE TAX.  
**Report Title:** County Surcharge on State Tax; Reimbursement  
**Description:** Reduces the amount deducted from the county surcharge on state tax to reimburse the State for costs of assessment, collection, and disposition from 10% to 5%.  
**Companion:**  
**Package:** None  
**Current Referral:** TRN, FIN  
**Introducer(s):** HAR, AQUINO, CHOY, CULLEN, ICHiyAMA, JORDAN, OSHIRO, SAY, YAMANE, Takayama

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Hearing Notices			
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TRN	309	2/11/2013 10:00 AM	<a href="#">View</a>

Sort by Date	Status	Text
1/24/2013	H	Introduced and Passed First Reading
1/28/2013	H	Referred to FIN, referral sheet 7
1/30/2013	H	Re-referred to TRN, FIN, referral sheet 9
2/8/2013	H	Bill scheduled to be heard by TRN on Monday, 02-11-13 10:00AM in House conference room 309.
2/11/2013	H	The committee(s) on TRN recommend(s) that the measure be deferred.

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## HB1391



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2008	Rules	Rules	2008		Public Access Room
2007	Administrative and Financial Manual	Administrative and Financial Manual	2007		Hawaii State Ethics Commission
2006	Caucus Website Policy	Website Policy	2006		Office of the Auditor
2005	Majority Caucus Website	Majority Caucus Website			Office of the Ombudsman
2004	Ad Hoc Committee	Majority Caucus Blog			Office of Information Practices
2003	Minority Caucus Website	Minority Caucus Website			Office of Hawaiian Affairs
2002	Daily Floor Actions	Minority Caucus Blog			City and County of Honolulu
2001	Paperless Initiative	Attendance Sheet			County of Maui
2000	Webcasts - Pilot Project	Journal			County of Kauai
1999		Members of the House 1959-2009			County of Hawaii
		Webcasts			U.S. Representative Colleen Hanabusa
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					Akaku: Maui Community Television
					Ho'ike: Kaua'i Community Television
					Na Leo O Hawai'i: Big Island Community Television
					National Conference of State Legislatures
					Council of State Governments
					Council of State Governments-West
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 Senate: 11:30am | House: 12:00pm

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## SB215 SD1



**Measure Title:** RELATING TO ECONOMIC DEVELOPMENT.  
**Report Title:** DBEDT; Public-Private Partnership Authority; Pilot Project; Appropriation (\$)  
**Description:** Establishes the public-private partnership authority. Establishes a stadium facilities special fund. Requires the PPPA to initiate pilot projects. Appropriates an unspecified sum for the PPPA. Effective 07/01/2013. (SD1)  
**Companion:** [HB553](#)  
**Package:** None  
**Current Referral:** EGH, EDU/HRE/WAM  
**Introducer(s):** DELA CRUZ, CHUN OAKLAND, KIDANI, Solomon

Sort by Date	Status	Text
1/18/2013	S	Introduced.
1/18/2013	S	Passed First Reading.
1/22/2013	S	Referred to EGH, WAM.
2/8/2013	S	The committee(s) on EGH has scheduled a public hearing on 02-13-13 3:15PM in conference room 016.
2/13/2013	S	The committee(s) on EGH recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in EGH were as follows: 3 Aye(s): Senator(s) Dela Cruz, Baker, Wakai; Aye(s) with reservations: none ; 2 No(es): Senator(s) Slom, L. Thielen; and 2 Excused: Senator(s) Chun Oakland, English.
2/15/2013	S	Reported from EGH (Stand. Com. Rep. No. 434) with recommendation of passage on Second Reading, as amended (SD 1) and referral to WAM.
2/15/2013	S	Report adopted; Passed Second Reading, as amended (SD 1) and referred to WAM. Noes, 2 (Senator(s) Ihara, L. Thielen).
2/20/2013	S	Re-Referred to EGH, EDU/HRE/WAM.
2/26/2013	S	The committee(s) on EDU/HRE/WAM will hold a public decision making on 03-01-13 9:00AM in conference room 211.

S = Senate | H = House | D = Data Systems | \$ = Appropriation measure | ConAm = Constitutional Amendment  
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## SB215 SD1



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<p><b>Archives</b></p> <ul style="list-style-type: none"> <li>2011</li> <li>2010</li> <li>2009</li> <li>2008</li> <li>2007</li> <li>2006</li> <li>2005</li> <li>2004</li> <li>2003</li> <li>2002</li> <li>2001</li> <li>2000</li> <li>1999</li> </ul>	<p><b>Senate</b></p> <ul style="list-style-type: none"> <li>Committees</li> <li>Leadership</li> <li>Members</li> <li>Rules</li> <li>Administrative and Financial Manual</li> <li>Caucus Website Policy</li> <li>Majority Caucus Website</li> <li>Ad Hoc Committee</li> <li>Minority Caucus Website</li> <li>Daily Floor Actions</li> <li>Paperless Initiative</li> <li>Webcasts - Pilot Project</li> </ul>	<p><b>House</b></p> <ul style="list-style-type: none"> <li>Committees</li> <li>Leadership</li> <li>Members</li> <li>Rules</li> <li>Administrative and Financial Manual</li> <li>Website Policy</li> <li>Majority Caucus Website</li> <li>Majority Caucus Blog</li> <li>Minority Caucus Website</li> <li>Minority Caucus Blog</li> <li>Attendance Sheet</li> <li>Journal</li> <li>Members of the House 1959-2009</li> <li>Webcasts</li> </ul>	<p><b>Special Studies</b></p> <ul style="list-style-type: none"> <li>2011</li> <li>2010</li> <li>2009</li> <li>2008</li> <li>2007</li> <li>2006</li> </ul>	<p><b>Legislative Information</b></p> <ul style="list-style-type: none"> <li>2011</li> <li>2010</li> <li>2009</li> </ul>	<p><b>Links</b></p> <ul style="list-style-type: none"> <li>Hawaii Government Services</li> <li>Hawaii State Judiciary</li> <li>Legislative Reference Bureau</li> <li>Public Access Room</li> <li>Hawaii State Ethics Commission</li> <li>Office of the Auditor</li> <li>Office of the Ombudsman</li> <li>Office of Information Practices</li> <li>Office of Hawaiian Affairs</li> <li>City and County of Honolulu</li> <li>County of Maui</li> <li>County of Kauai</li> <li>County of Hawaii</li> <li>U.S. Representative Colleen Hanabusa</li> <li>Governor Neil Abercrombie</li> <li>Capitol TV</li> <li>'Olelo Community Television</li> <li>Akaku: Maui Community Television</li> <li>Ho'ike: Kaua'i Community Television</li> <li>Na Leo O Hawai'i: Big Island Community Television</li> <li>National Conference of State Legislatures</li> </ul>
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Hearing Notices

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EGH	016	2/13/2013 3:15 PM	<a href="#">View</a>
EDU/HRE/WAM	211	3/01/2013 9:00 AM	<a href="#">View</a>



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 Senate: 11:30am | House: 12:00pm

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## SB99



**Measure Title:** RELATING TO AFFORDABLE HOUSING.  
**Report Title:** Affordable Housing; Community Land Trusts; Rental Housing Trust Fund; Appropriation (\$)  
**Description:** Defines "community land trust". Permits community land trusts to qualify for rental housing trust fund moneys, grants, and other state subsidies and funds. Appropriates funds to the rental housing trust fund for the development of affordable housing projects on state land within transit-oriented development zones and family-oriented support services near the affordable housing projects.  
**Companion:** [HB522](#)  
**Package:** Housing and Homeless  
**Current Referral:** EGH/HMS/WTL, WAM  
**Introducer(s):** CHUN OAKLAND, GALUTERIA, RUDERMAN, Gabbard, Green, Kahele, Shimabukuro, L. Thielen, Wakai

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**Testimony**  
 No testimony available

**Hearing Notices**  
 No hearings scheduled

Sort by Date	Status	Text
1/17/2013	S	Introduced.
1/17/2013	S	Passed First Reading.
1/17/2013	S	Referred to EGH/HMS/WTL, WAM.

S = Senate | H = House | D = Data Systems | \$ = Appropriation measure | ConAm = Constitutional Amendment  
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## SB99



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2008	Rules	Rules	2008		Public Access Room
2007	Administrative and Financial Manual	Administrative and Financial Manual	2007		Hawaii State Ethics Commission
2006	Caucus Website Policy	Website Policy	2006		Office of the Auditor
2005	Majority Caucus Website	Majority Caucus Website			Office of the Ombudsman
2004	Ad Hoc Committee	Majority Caucus Blog			Office of Information Practices
2003	Minority Caucus Website	Minority Caucus Website			Office of Hawaiian Affairs
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2001	Paperless Initiative	Attendance Sheet			County of Maui
2000	Webcasts - Pilot Project	Journal			County of Kauai
1999		Members of the House 1959-2009			County of Hawaii
		Webcasts			U.S. Representative Colleen Hanabusa
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## SB234 (?)

**Measure Title:** RELATING TO BURIAL SITES.  
**Report Title:** Burial Site; Native Hawaiian Skeletal Remains; Task Force  
**Description:** Establishes a task force to develop additional procedures and protocols in the event a lineal or cultural descendant of Native Hawaiian skeletal remains that are interred at a burial site cannot be established.  
**Companion:**  
**Package:** None  
**Current Referral:** THA/TEC, WAM  
**Introducer(s):** GALUTERIA, Baker, Kahele, Keith-Agaran, Kidani, Nishihara, Ruderman

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Testimony

Filename
<a href="#">SB234_TESTIMONY_THA-TEC_02-11-13</a>

Hearing Notices

Comm	Room	Date/Time	Notice
THA/TEC	224	2/11/2013 2:45 PM	<a href="#">View</a>

Sort by Date	Status	Text
1/18/2013	S	Introduced.
1/18/2013	S	Passed First Reading.
1/22/2013	S	Referred to THA/TEC, WAM.
2/7/2013	S	The committee(s) on THA/TEC has scheduled a public hearing on 02-11-13 2:45PM in conference room 224.
2/11/2013	S	The committee on THA deferred the measure.
2/11/2013	S	The committee on TEC deferred the measure.

S = Senate | H = House | D = Data Systems | \$ = Appropriation measure | ConAm = Constitutional Amendment  
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## SB234



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2008	Rules	Rules	2008		Public Access Room
2007	Administrative and Financial Manual	Administrative and Financial Manual	2007		Hawaii State Ethics Commission
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					Akaku: Maui Community Television
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## SB275 (?)

**Measure Title:** RELATING TO TRANSPORTATION FUNDING.  
**Report Title:** Transportation Funding; Taxation; County Surcharge  
**Description:** Discontinues the county surcharge on state tax for mass transit. Requires the city and county of Honolulu to return to the state all unexpended moneys distributed to it under section 46-16.8, Hawaii Revised Statutes.  
**Companion:**  
**Package:** None  
**Current Referral:** TIA, WAM  
**Introducer(s):** SLOM

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**Testimony**  
 No testimony available

**Hearing Notices**  
 No hearings scheduled

Sort by Date	Status	Text
1/18/2013	S	Introduced.
1/18/2013	S	Passed First Reading.
1/22/2013	S	Referred to TIA, WAM.

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2007	Administrative and Financial Manual	Administrative and Financial Manual	2007		Hawaii State Ethics Commission
2006	Caucus Website Policy	Website Policy	2006		Office of the Auditor
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 Senate: 11:30am | House: 12:00pm

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## SB320



**Measure Title:** RELATING TO NATIVE HAWAIIAN BURIALS.  
**Report Title:** Reinterment; Native Hawaiian Remains; Kaho'olawe  
**Description:** Requires that iwi kupuna, or Native Hawaiian bones, in the possession of the State whose provenience is unknown, or for other special circumstance, be reinterred annually on the island of Kaho'olawe.  
**Companion:**  
**Package:** None  
**Current Referral:** THA, WAM  
**Introducer(s):** GALUTERIA, Kahele

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Testimony	
Filename	
<a href="#">SB320_TESTIMONY_THA_02-13-13_LATE</a>	
<a href="#">SB320_TESTIMONY_THA_02-13-13</a>	

Hearing Notices			
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THA	224	2/13/2013 2:45 PM	<a href="#">View</a>

Sort by Date	Status	Text
1/18/2013	S	Introduced.
1/18/2013	S	Passed First Reading.
1/22/2013	S	Referred to THA, WAM.
2/7/2013	S	The committee(s) on THA has scheduled a public hearing on 02-13-13 2:45PM in conference room 224.
2/13/2013	S	The committee on THA deferred the measure.

S = Senate | H = House | D = Data Systems | \$ = Appropriation measure | ConAm = Constitutional Amendment  
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## SB320



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 Senate: 11:30am | House: 12:00pm

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## SB351



**Measure Title:** RELATING TO COUNTY BUDGETS.  
**Report Title:** County Budgets; Reimbursement  
**Description:** Reduces county reimbursement to the State from gross proceeds of the county's surcharge on state tax from ten to five per cent.  
**Companion:**  
**Package:** None  
**Current Referral:** PSM, WAM  
**Introducer(s):** GABBARD, Ruderman, Shimabukuro

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**Testimony**  
 No testimony available

**Hearing Notices**  
 No hearings scheduled

Sort by Date		Status Text
1/18/2013	S	Introduced.
1/18/2013	S	Passed First Reading.
1/22/2013	S	Referred to PSM, WAM.

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## SB351



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## SB707 SD2 (?)

Measure Title: RELATING TO ECONOMIC DEVELOPMENT.

Report Title: DLNR; PLDC; Repeal; Land Conservation Fund; Employees; Transfer (\$)

Description: Repeals chapter 171C, HRS, relating to the PLDC. Deposits funds appropriated to the DLNR, pursuant to Act 55, Session Laws of Hawaii 2011, into the land conservation fund. Deposits proceeds in the stadium facilities special fund and the school facilities special fund into the general fund. Transfers PLDC employees and assets to the DLNR. (SD2)

Companion: [HB555](#)

Package: None

Current Referral: EGH/WTL, WAM

Introducer(s): DELA CRUZ, English, Solomon, Wakai

<a href="#">Sort by Date</a>	Status	Text
1/18/2013	S	Introduced.
1/22/2013	S	Passed First Reading.
1/22/2013	S	Referred to EGH/WTL, WAM.
2/8/2013	S	The committee(s) on EGH/WTL has scheduled a public hearing on 02-11-13 3:00PM in conference room 016.
2/11/2013	S	The committee(s) on EGH recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in EGH were as follows: 5 Aye(s): Senator(s) Dela Cruz, Slom, Baker, English, L. Thielen; Aye(s) with reservations: none ; 0 No(es): none; and 2 Excused: Senator(s) Chun Oakland, Wakai.
2/11/2013	S	The committee(s) on WTL recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in WTL were as follows: 7 Aye(s): Senator(s) Solomon, Shimabukuro, Dela Cruz, Ihara, Ruderman, L. Thielen, Slom; Aye(s) with reservations: none ; 0 No(es): none; and 0 Excused: none.
2/12/2013	S	Reported from EGH/WTL (Stand. Com. Rep. No. 212) with recommendation of passage on Second Reading, as amended (SD 1) and referral to WAM.
2/12/2013	S	Report adopted; Passed Second Reading, as amended (SD 1) and referred to WAM.
2/12/2013	S	The committee(s) on WAM will hold a public decision making on 02-15-13 9:00AM in conference room 211.
2/15/2013	S	The committee(s) on WAM recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in WAM were as follows: 12 Aye(s): Senator(s) Ige, Kidani, Chun Oakland, Dela Cruz, English, Espero, Kahele, Keith-Agaran, Kouchi, Ruderman, L. Thielen, Slom; Aye(s) with reservations: none ; 0 No(es): none; and 1 Excused: Senator(s) Tokuda.
2/15/2013	S	Reported from WAM (Stand. Com. Rep. No. 453) with recommendation of passage on Third Reading, as amended (SD 2).
2/15/2013	S	48 Hrs. Notice 02-19-13.
2/19/2013	S	Report adopted; Passed Third Reading, as amended (SD 2). Ayes, 25; Aye(s) with reservations: none . Noes, 0 (none). Excused, 0 (none). Transmitted to House.
2/19/2013	H	Received from Senate (Sen. Com. No. 29) in amended form (SD 2).
2/20/2013	H	Pass First Reading

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## SB707 SD2



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### Testimony

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## SB713



**Measure Title:** RELATING TO THE OFFICE OF PLANNING.  
**Report Title:** Office of Planning; Office of the Governor; Appropriation (\$)

**Description:** Temporarily transfers the office of planning from the department of business, economic development, and tourism to the office of the governor. Requires the director of the office of planning to conduct an annual review of the office of planning. Authorizes the office of planning to hire two temporary positions to be funded by the Honolulu authority for rapid transportation, if funds are available.

**Companion:**  
**Package:** None  
**Current Referral:** EGH, WAM  
**Introducer(s):** DELA CRUZ, Solomon

Sort by Date	Status	Text
1/18/2013	S	Introduced.
1/22/2013	S	Passed First Reading.
1/22/2013	S	Referred to EGH, WAM.
1/29/2013	S	The committee(s) on EGH has scheduled a public hearing on 02-01-13 3:00PM in conference room 016.
2/1/2013	S	The committee(s) on EGH deferred the measure until 02-04-13 2:45PM in conference room 016.
2/4/2013	S	The committee on EGH deferred the measure.

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## SB713



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		Webcasts			U.S. Representative Colleen Hanabusa
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## SB1171



**Measure Title:** RELATING TO THE REVIEW OF HISTORIC PRESERVATION PROJECTS.  
**Report Title:** Historic Preservation Project Reviews  
**Description:** Authorizes the phased review of projects by the Department of Land and Natural Resources' State Historic Preservation Division to ensure consistency between state and federal law.  
**Companion:** [HB940](#)  
**Package:** Gov  
**Current Referral:** TEC/THA  
**Introducer(s):** KIM (Introduced by request of another party)

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### Testimony

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[SB1171\\_TESTIMONY\\_THA-TEC\\_02-11-13\\_LATE](#)

[SB1171\\_TESTIMONY\\_TEC-THA\\_02-11-13](#)

### Hearing Notices

Comm	Room	Date/Time	Notice
TEC/THA	224	2/11/2013 2:45 PM	<a href="#">View</a>
TEC/THA	224	2/13/2013 2:45 PM	<a href="#">View</a>
TEC/THA	414	2/28/2013 1:15 PM	<a href="#">View</a>

Sort by Date	Status	Text
1/24/2013	S	Introduced.
1/24/2013	S	Passed First Reading.
1/24/2013	S	Referred to TEC/THA.
2/7/2013	S	The committee(s) on TEC/THA has scheduled a public hearing on 02-11-13 2:45PM in conference room 224.
2/11/2013	S	The committee(s) on TEC/THA deferred the measure until 02-13-13 2:45PM in conference room 224.
2/13/2013	S	The committee on TEC deferred the measure.
2/13/2013	S	The committee on THA deferred the measure.
2/21/2013	S	The committee(s) on TEC will hold a public decision making on 02-28-13 1:15PM in conference room 414.

S = Senate | H = House | D = Data Systems | \$ = Appropriation measure | ConAm = Constitutional Amendment

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## SB1171



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Floor Session Convening Times for February 19, 2013:  
 Senate: 11:30am | House: 12:00pm

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## SB1380 (?)

**Measure Title:** RELATING TO PROCUREMENT.  
**Report Title:** Procurement; Past Performance; Criteria  
**Description:** Allows past performance to be factored into future bid selection of a contractor including a review of delays, cost overruns, and compliance with project requirements.  
**Companion:**  
**Package:** None  
**Current Referral:** EGH, WAM  
**Introducer(s):** KIM

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All Versions of this Measure	
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**Testimony**  
 No testimony available

**Hearing Notices**  
 No hearings scheduled

Sort by Date	Status	Text
1/24/2013	S	Introduced.
1/28/2013	S	Passed First Reading.
1/28/2013	S	Referred to EGH, WAM.

S = Senate | H = House | D = Data Systems | \$ = Appropriation measure | **ConAm** = Constitutional Amendment  
 Some of the above items require Adobe Acrobat Reader. Please visit [Adobe's download page](#) for detailed instructions.

## SB1380



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2009	Members	Members	2009	2009	Legislative Reference Bureau
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2007	Administrative and Financial Manual	Administrative and Financial Manual	2007		Hawaii State Ethics Commission
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2003	Minority Caucus Website	Minority Caucus Website			Office of Hawaiian Affairs
2002	Daily Floor Actions	Minority Caucus Blog			City and County of Honolulu
2001	Paperless Initiative	Attendance Sheet			County of Maui
2000	Webcasts - Pilot Project	Journal			County of Kauai
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**SUMMARY SHEET**

1. Purpose: HB689 HD1/SB479 SD2

HB689 HD1: RELATING TO THE METROPOLITAN PLANNING ORGANIZATION

Adds the executive director of HART to the MPO Policy Committee.

- Single referrals need to be heard by 02/28/2013

SB479 SD2: RELATING TO THE MEMBERSHIP OF A METROPOLITAN PLANNING ORGANIZATION

Updates the membership of the Oahu Metropolitan Planning Organization to comply with the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (Map-21), Public Law 112-141. One of the key modifications of the metropolitan planning process pursuant to MAP-21 is the requirement that within two years all MPOs include officials of public agencies that administer or operate public transportation systems.

- On 2/4/2013 measure passed with amendment in the Transportation Committee and is now pending before Ways and Means. Amendment clarified additional member shall be director of authority: "One member who shall be the director of the authority for rapid/mass transportation, or successor agency thereof, that operates public transportation on that island."

- SD2 makes technical, nonsubstantive amendments for clarity, consistency, and style. Awaiting posting of SD2.

2. Background

On July 6, 2012, President Obama signed into law P.L. 112-141, the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21). MAP-21 is the first new surface transportation authorization measure enacted since 2005 and aims to create a streamlined and performance-based surface transportation program and builds on many of the highway, transit, bike, and pedestrian programs and policies established in 1991.

3. Staff Recommendation

HART recommends support of the inclusion of the HART Executive Director as a member of the OMPO Policy Committee.

4. Financial/Budget/ Policy Impact

OMPO does not charge "membership dues" to participating agencies. OMPO is funded 80% by Federal planning dollars and 20% by local match. Approximately half of the local match comes from HDOT Highway Planning Office and the other half come from the City & County through DTS. According to the 10/23/2008 Comprehensive Agreement, "The State and the **City** (emphasis added) shall share equally in the local funding necessary or required to maintain a viable and certifiable ... Metropolitan Transportation Planning Process..."

**LOCAL MATCH REQUIREMENTS FOR THE LAST 2 YEARS/ESTIMATED NEED FOR FY2014**

	Total Match 20%	Match Split Two- Ways (10% DTS + 10% HDOT)	Match Split Two-Ways Then City Split Once More (10% HDOT + 5% DTS + 5% HART)
2012	\$244,500	\$122,250	\$122,250/\$61,125
2013	\$233,458	\$116,729	\$116,729/\$58,364.5
2014 (est.)	\$348,284	\$174,142	\$174,142/\$87,071

5. Other Agency Considerations

-

6. Legal Implications

HART membership on OMPO needed to comply with MAP-21 requirements.



IN REPLY REFER TO:

HONOLULU AUTHORITY for RAPID TRANSPORTATION

Daniel A. Grabauskas  
EXECUTIVE DIRECTOR AND CEO

BOARD OF DIRECTORS

DATE

Carrie K.S. Okinaga, Esq.  
CHAIR

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Damien T.K. Kim  
Glenn M. Okimoto, Ph.D.

The Honorable \_\_\_\_\_, Chair  
and Members  
Committee on \_\_\_\_\_  
State House of Representatives/State Senate  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair \_\_\_\_ and Members:

Subject: HB689 HD1/SB479 SD2, Relating to the Metropolitan Planning Organization  
Committee on \_\_\_\_\_  
DAY, DATE, TIME

The Honolulu Authority for Rapid Transportation (HART) supports House Bill 689 HD1/Senate Bill 479 SD2, as introduced.

The voters of the City and County of Honolulu approved a City Charter amendment in November 2010, establishing HART, a semi-autonomous agency of the City and County of Honolulu responsible for the planning, design, construction, and maintenance of Honolulu's fixed guideway rapid transit system.

On July 6, 2012, President Obama signed into law P.L. 112-141, the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21). One of the new provisions of MAP-21 is the following:

"Not later than 2 years after the date of enactment of MAP-21, each metropolitan planning organization that serves an area designated as a transportation management area shall consist of...officials of public agencies that administer or operate major modes of transportation in the metropolitan area, including representation by providers of public transportation."<sup>1</sup>

The addition of HART to the Oahu Metropolitan Planning Organization's policy committee ensures compliance with MAP-21 and would be consistent with HART's duty to plan, administer, and coordinate programs and projects of the fixed guideway system.

<sup>1</sup> MAP 21 § 1201

The Honorable \_\_\_\_\_, Chair  
and Members  
Committee on \_\_\_\_\_  
Page 2  
DATE

Thank you for this opportunity to provide written testimony.

Sincerely,

Daniel A. Grabauskas  
Executive Director and CEO

cc: HART Board of Directors  
Ms. Ember Shinn, Managing Director

DRAFT



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Floor Session Convene Times for February 28, 2013:  
 Senate: 11:30am | House: 12:00pm

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## HB689 (?)

**Measure Title:** RELATING TO THE METROPOLITAN PLANNING ORGANIZATION.  
**Report Title:** Metropolitan Planning Organization; Membership  
**Description:** Adds the executive director of HART to the MPO policy committee.  
**Companion:**  
**Package:** None  
**Current Referral:** TRN  
**Introducer(s):** YAMANE, AQUINO, CULLEN

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Hearing Notices			
Comm	Room	Date/Time	Notice
TRN	309	2/20/2013 11:00 AM	<a href="#">View</a>

Sort by Date	Status	Text
1/22/2013	H	Pending introduction.
1/24/2013	H	Introduced and Passed First Reading
1/24/2013	H	Referred to TRN, referral sheet 4
2/15/2013	H	Bill scheduled to be heard by TRN on Wednesday, 02-20-13 11:00AM in House conference room 309.
2/20/2013	H	The committees on TRN recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 6 Ayes: Representative(s) Yamane, Ichiyama, Aquino, Hashem, Ing, Yamashita; Ayes with reservations: none; Noes: none; and 3 Excused: Representative(s) Nakashima, Takumi, Fukumoto.

S = Senate | H = House | D = Data Systems | \$ = Appropriation measure | ConAm = Constitutional Amendment  
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## HB689



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## A BILL FOR AN ACT

RELATING TO THE METROPOLITAN PLANNING ORGANIZATION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 279E-3, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§279E-3 Metropolitan Planning Organization membership.**

4 The MPO shall consist of a policy committee and appropriate  
5 staff. The MPO policy committee shall consist of [~~thirteen~~]  
6 fourteen members. These members shall include:

7           (1) Five members of the legislative body of the  
8           appropriate county;

9           (2) Three members of the state senate:

10           (A) One of whom shall be chairperson of the senate  
11           committee with primary responsibility for  
12           transportation issues. In the event there is  
13           more than one chairperson of the senate committee  
14           with primary responsibility for transportation  
15           issues, the senate president shall identify the  
16           chairperson who shall serve on the MPO policy  
17           committee and who shall not be required to be a  
18           resident of the appropriate county; and



1 (B) Two of whom shall be residents of the appropriate  
2 county and shall be appointed by the senate  
3 president;

4 (3) Three members of the state house of representatives:

5 (A) One of whom shall be the chairperson of the  
6 committee of the house of representatives with  
7 primary responsibility for transportation issues;  
8 and

9 (B) Two of whom shall be residents of the appropriate  
10 county and shall be appointed by the speaker of  
11 the house;

12 (4) One member who shall be the director of  
13 transportation; ~~and~~

14 (5) One member who shall be the director of the  
15 appropriate county department assigned primary  
16 responsibility for transportation planning~~[-]~~; and

17 (6) One member who shall be the executive director of the  
18 Honolulu authority for rapid transportation, or any  
19 successor agency thereof that operates public  
20 transportation on Oahu.

21 Each member of the MPO policy committee who is a member of  
22 the state legislature or the legislative body of the county



1 shall serve for the same term as the term of office for which  
2 the member is elected. There shall be no remuneration for this  
3 service.

4 Vacancies in the MPO policy committee that occur shall be  
5 filled in the same manner in which the original member was  
6 appointed."

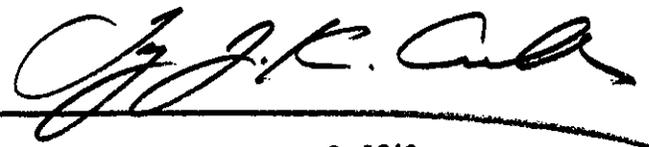
7 SECTION 2. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9 SECTION 3. This Act shall take effect upon its approval.

10

INTRODUCED BY:

JAN 22 2013



# H.B. NO. 689

**Report Title:**

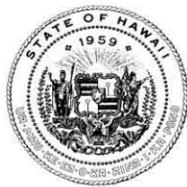
Metropolitan Planning Organization; Membership

**Description:**

Adds the executive director of HART to the MPO policy committee.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*





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

February 20, 2013  
11:00 a.m.  
State Capitol, Conference Room 309

**HB 689**  
**RELATING TO THE MEMBERSHIP OF A METROPOLITAN PLANNING**  
**ORGANIZATION**

House Committee on Transportation

---

The DOT **supports** H.B. 689 with additional comments to amend the bill.

This bill will amend the composition of the board of all Metropolitan Planning Organizations (MPO) within the state as required by Public Law 112-142, Moving Ahead for Progress in the 21st Century Act (MAP-21). If an MPO were formed on the neighbor islands, this bill would require that the executive director of the Honolulu Area Rapid Transit be a member of any such Metropolitan Planning Organization (MPO), which we believe is not the intended purpose of the bill.

To appropriately address the need for this new member on any MPOs the following change is strongly recommended on page 2.

- “6. One member who shall be the director of the authority for rapid/mass transportation, or successor agency thereof that operates public transportation on that island.”

Thank you for the opportunity to provide testimony.



**OFFICE OF THE MAYOR  
CITY AND COUNTY OF HONOLULU**

530 SOUTH KING STREET, ROOM 300 \* HONOLULU, HAWAII 96813  
PHONE: (808) 768-4141 \* FAX: (808) 768-4242 \* INTERNET: [www.honolulu.gov](http://www.honolulu.gov)



KIRK CALDWELL  
MAYOR

EMBER LEE SHINN  
MANAGING DIRECTOR DESIGNATE

GEORGETTE T. DEEMER  
DEPUTY MANAGING DIRECTOR

TESTIMONY OF KIRK CALDWELL, MAYOR  
CITY AND COUNTY OF HONOLULU  
BEFORE THE HOUSE  
COMMITTEE ON TRANSPORTATION  
Wednesday, February 20, 2013, 11:00 a.m., Conference Room 309

**HOUSE BILL 689, "RELATING TO THE METROPOLITAN PLANNING ORGANIZATION"**  
**POSITION: SUPPORT**

To: The Honorable Ryan I. Yamane, Chair  
and Members of the Committee on Transportation

The City & County of Honolulu **supports House Bill 689, "Relating to the Metropolitan Planning Organization"**.

The purpose of this bill is to add the Executive Director of the Honolulu Authority for Rapid Transit (HART) to the Oahu Metropolitan Planning Organization (OMPO) Policy Committee. The Policy Committee is the "heart" of the OMPO planning process. It determines the direction of the OMPO effort, considers and approves transportation planning issues, and makes the final approval for OMPO matters.

In the coming years, Honolulu's mass transit system will be an integral component of our county's transportation infrastructure. As such, the Executive Director of HART will have an important role in contributing to the planning and implementation of the OMPO's major programs, which include the Oahu Regional Transportation Plan (ORTP), Transportation Improvement Program (TIP), and Overall Work Program (OWP).

Mahalo for the opportunity to testify on this bill. Should you have any questions or concerns, please feel free to contact me at 768-4141.



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII 96813-3065

**BREENE HARIMOTO**  
Councilmember District VIII  
Chair, Committee on Transportation  
Telephone: (808) 768-5008  
Email: [bharimoto@honolulu.gov](mailto:bharimoto@honolulu.gov)

February 20, 2013

The Honorable Ryan I. Yamane, Chair  
The Honorable Linda Ichiyama, Vice Chair  
and Members of the House Committee on Transportation  
House of Representatives  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

Subject: **House Bill 689, Relating to the Metropolitan Planning Organization**

Dear Chair Yamane and Committee Members:

I offer my testimony in strong support of this measure. This would add the executive director of the Honolulu Authority for Rapid Transportation to the Metropolitan Planning Organization (MPO) policy committee.

Thank you again for allowing me the opportunity to testify. If you have any questions, please feel free to contact me at 768-5008.

Very truly yours,

A handwritten signature in cursive script that reads "Breene Harimoto".

Breene Harimoto  
Chair, Committee on Transportation  
Honolulu City Council

# Testimony in Support of HB689

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## House Committee on Transportation

February 20, 2013

By Brian Gibson

The Oahu Metropolitan Planning Organization (OahuMPO) is charged with executing a Continuous, Comprehensive, and Coordinated (3-C) transportation planning process for the island of Oahu (23 CFR 450.300). The proper execution of that 3-C process is an important part of the eligibility of local transportation projects for Federal funding. The US Department of Transportation Federal Highway Administration and Federal Transit Administration can withhold up to 20-percent of Federal funding if they believe the intent of the 3-C process is not being fulfilled. OahuMPO's designated planning area includes all of the island of Oahu, as approved by the Governor on October 29, 1992.

In July 2012, President Obama signed into law a new Federal surface transportation authorization act, *Moving Ahead for Progress in the Twenty-First Century* (MAP-21, P.L. 141-112). One of the new provisions of MAP-21 is the following:

*"...each metropolitan planning organization that serves an area designated as a transportation management area shall consist of...officials of public agencies that administer or operate major modes of transportation in the metropolitan area, including representation by providers of public transportation..."*

A transportation management area is defined as an urban area with a population of 200,000 or more (23 U.S.C. 134 and 23 CFR 450.300). OahuMPO is Federally recognized as serving a transportation management area.

The Honolulu Authority for Rapid Transportation (HART) was created after voters approved a City Charter amendment in November of 2010. It is a semi-autonomous agency responsible for constructing and operating the single largest public transportation project on Oahu.

It seems quite clear that in order for OahuMPO to properly execute a Comprehensive and Coordinated transportation planning process on Oahu, HART must be part of that process. In fact, MAP-21 appears to require HART representation within the MPO. Failure to include HART within the MPO may jeopardize Federal certification of OahuMPO and the Federal transportation funding upon which so many transportation projects depend.

Therefore, I strongly support HB689 and encourage its approval by the House.



Today is February 21, 2013  
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Floor Session Convening Times for February 28, 2013:  
 Senate: 11:30am | House: 12:00pm

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## SB479 SD1 (2)

**Measure Title:** RELATING TO THE MEMBERSHIP OF A METROPOLITAN PLANNING ORGANIZATION.  
**Report Title:** Statewide Transportation Planning; Oahu Metropolitan Planning Organization  
**Description:** Updates the membership of the Oahu Metropolitan Planning Organization policy committee to comply with the Moving Ahead for Progress in the 21st Century Act, Public Law 112-141. (SD1)  
**Companion:**  
**Package:** None  
**Current Referral:** TIA, WAM  
**Introducer(s):** ENGLISH

<a href="#">Sort by</a>	<a href="#">Date</a>	Status	Text
	1/18/2013	S	Introduced.
	1/22/2013	S	Passed First Reading.
	1/22/2013	S	Referred to TIA, WAM.
	1/30/2013	S	The committee(s) on TIA has scheduled a public hearing on 02-04-13 1:16PM in conference room 224.
	2/4/2013	S	The committee(s) on TIA recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in TIA were as follows: 5 Aye(s): Senator(s) English, Espero, Kahele, Keith-Agaran, Solomon; Aye(s) with reservations: none ; 0 No(es): none; and 4 Excused: Senator(s) Dela Cruz, Gabbard, Kouchi, Slom.
	2/6/2013	S	Reported from TIA (Stand. Com. Rep. No. 84) with recommendation of passage on Second Reading, as amended (SD 1) and referral to WAM.
	2/6/2013	S	Report adopted; Passed Second Reading, as amended (SD 1) and referred to WAM.
	2/19/2013	S	The committee(s) on WAM will hold a public decision making on 02-21-13 9:00AM in conference room 211.
	2/21/2013	S	The committee(s) on WAM recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in WAM were as follows: 12 Aye(s): Senator(s) Ige, Kidani, Chun Oakland, English, Espero, Kahele, Keith-Agaran, Kouchi, Ruderman, L. Thielen, Tokuda, Slom; Aye(s) with reservations: none ; 0 No(es): none; and 1 Excused: Senator(s) Dela Cruz.

**S** = Senate | **H** = House | **D** = Data Systems | **\$** = Appropriation measure | **ConAm** = Constitutional Amendment  
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## SB479 SD1



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Filename
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<a href="#">SB479 TESTIMONY TIA 02-04-13</a>
<a href="#">SB479 SD1 TESTIMONY WAM 02-21-13</a>

Comm	Room	Date/Time	Notice
TIA	224	2/04/2013 1:16 PM	<a href="#">View</a>
WAM	211	2/21/2013 9:00 AM	<a href="#">View</a>

Archives	Senate	House	Special Studies	Legislative Information	Links
2011	Committees	Committees	2011	2011	Hawaii Government Services
2010	Leadership	Leadership	2010	2010	Hawaii State Judiciary
2009	Members	Members	2009	2009	Legislative Reference Bureau
2008	Rules	Rules	2008		Public Access Room
2007	Administrative and Financial Manual	Administrative and Financial Manual	2007		Hawaii State Ethics Commission
2006	Caucus Website Policy	Website Policy	2006		Office of the Auditor
2005	Majority Caucus Website	Majority Caucus Website			Office of the Ombudsman
2004	Ad Hoc Committee	Majority Caucus Blog			Office of Information Practices
2003	Minority Caucus Website	Minority Caucus Website			Office of Hawaiian Affairs
2002	Daily Floor Actions	Minority Caucus Blog			City and County of Honolulu
2001	Paperless Initiative	Attendance Sheet			County of Maui
2000	Webcasts - Pilot Project	Journal			County of Kauai
1999		Members of the House 1959-2009			County of Hawaii
		Webcasts			U.S. Representative Colleen Hanabusa
					Governor Neil Abercrombie
					Capitol TV
					'Olelo Community Television
					Akaku: Maui Community Television
					Ho'ike: Kaula'i Community Television
					Na Leo O Hawai'i: Big Island Community Television

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# A BILL FOR AN ACT

RELATING TO THE MEMBERSHIP OF A METROPOLITAN PLANNING  
ORGANIZATION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 279E-3, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§279E-3 Metropolitan Planning Organization membership.**

4    (a) The MPO shall consist of a policy committee and appropriate  
5 staff. The MPO policy committee shall consist of [~~thirteen~~]  
6 fourteen members. These members shall include:

7           (1) Five members of the legislative body of the  
8           appropriate county;

9           (2) Three members of the state senate:

10           (A) One of whom shall be chairperson of the senate  
11           committee with primary responsibility for  
12           transportation issues. In the event there is  
13           more than one chairperson of the senate committee  
14           with primary responsibility for transportation  
15           issues, the senate president shall identify the  
16           chairperson who shall serve on the MPO policy



1 committee and who shall not be required to be a  
2 resident of the appropriate county; and

3 (B) Two of whom shall be residents of the appropriate  
4 county and shall be appointed by the senate  
5 president;

6 (3) Three members of the state house of representatives:

7 (A) One of whom shall be the chairperson of the  
8 committee of the house of representatives with  
9 primary responsibility for transportation issues;  
10 and

11 (B) Two of whom shall be residents of the appropriate  
12 county and shall be appointed by the speaker of  
13 the house;

14 (4) One member who shall be the director of  
15 transportation; [~~and~~]

16 (5) One member who shall be the director of the  
17 appropriate county department assigned primary  
18 responsibility for transportation planning [~~-~~]; and

19 (6) One member who shall be the director of the authority  
20 for rapid/mass transportation, or successor agency  
21 thereof, that operates public transportation on that  
22 island.



1        (b) Each member of the MPO policy committee who is a  
2 member of the state legislature or the legislative body of the  
3 county shall serve for the same term as the term of office for  
4 which the member is elected. There shall be no remuneration for  
5 this service.

6        (c) Vacancies in the MPO policy committee that occur shall  
7 be filled in the same manner in which the original member was  
8 appointed."

9        SECTION 2. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

11        SECTION 3. This Act shall take effect upon its approval.

12



**Report Title:**

Statewide Transportation Planning; Oahu Metropolitan Planning Organization

**Description:**

Updates the membership of the Oahu Metropolitan Planning Organization policy committee to comply with the Moving Ahead for Progress in the 21st Century Act, Public Law 112-141. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



JAN 18 2013

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# A BILL FOR AN ACT

RELATING TO THE MEMBERSHIP OF A METROPOLITAN PLANNING ORGANIZATION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. Section 279E-3, Hawaii Revised Statutes, is  
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5 staff. The MPO policy committee shall consist of [~~thirteen~~  
6 fourteen members. These members shall include:

7 (1) Five members of the legislative body of the  
8 appropriate county;

9 (2) Three members of the state senate:

10 (A) One of whom shall be chairperson of the senate  
11 committee with primary responsibility for  
12 transportation issues. In the event there is  
13 more than one chairperson of the senate committee  
14 with primary responsibility for transportation  
15 issues, the senate president shall identify the  
16 chairperson who shall serve on the MPO policy



1 committee and who shall not be required to be a  
2 resident of the appropriate county; and

3 (B) Two of whom shall be residents of the appropriate  
4 county and shall be appointed by the senate  
5 president;

6 (3) Three members of the state house of representatives:

7 (A) One of whom shall be the chairperson of the  
8 committee of the house of representatives with  
9 primary responsibility for transportation issues;  
10 and

11 (B) Two of whom shall be residents of the appropriate  
12 county and shall be appointed by the speaker of  
13 the house;

14 (4) One member who shall be the director of  
15 transportation; [~~and~~]

16 (5) One member who shall be the director of the  
17 appropriate county department assigned primary  
18 responsibility for transportation planning[~~-~~]; and

19 (6) One member who shall be the director of the Honolulu  
20 authority for rapid transportation, or any successor  
21 agency thereof that operates public transportation on  
22 Oahu.



# S.B. NO. 479

1        (b) Each member of the MPO policy committee who is a  
2 member of the state legislature or the legislative body of the  
3 county shall serve for the same term as the term of office for  
4 which the member is elected. There shall be no remuneration for  
5 this service.

6        (c) Vacancies in the MPO policy committee that occur shall  
7 be filled in the same manner in which the original member was  
8 appointed."

9        SECTION 2. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

11        SECTION 3. This Act shall take effect upon its approval.

12

INTRODUCED BY:



# S.B. NO. 479

**Report Title:**

Statewide Transportation Planning; Oahu Metropolitan Planning Organization

**Description:**

Updates the membership of the Oahu Metropolitan Planning Organization to comply with the Moving Ahead for Progress in the 21st Century Act, Public Law 112-141.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*





**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII 96813-3065

**BREENE HARIMOTO**  
Councilmember District VIII  
Chair, Committee on Transportation  
Telephone: (808) 768-5008  
Email: [bharimoto@honolulu.gov](mailto:bharimoto@honolulu.gov)

February 20, 2013

The Honorable David Ige, Chair  
The Honorable Michelle Kidani, Vice Chair  
and Members of the Senate Committee on Ways and Means  
Hawaii State Senate  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

Subject: **Senate Bill 479, SD1 Relating to a Membership of Metropolitan Planning Organization**

I offer my strong support for this measure as it would add the director of the Honolulu Authority for Rapid Transportation to the Metropolitan Planning Organization (MPO) policy committee.

Thank you again for allowing me the opportunity to testify. If you have any questions, please feel free to contact me at 768-5008.

Very truly yours,

A handwritten signature in black ink that reads "Breene Harimoto".

Breene Harimoto  
Chair, Committee on Transportation  
Honolulu City Council

# Testimony in Support of SB479

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## Senate Committee on Transportation and International Affairs February 4, 2013

By Brian Gibson

The Oahu Metropolitan Planning Organization (OahuMPO) is charged with executing a Continuous, Comprehensive, and Coordinated (3-C) transportation planning process for the island of Oahu (23 CFR 450.300). The proper execution of that 3-C process is an important part of the eligibility of local transportation projects for Federal funding. The US Department of Transportation Federal Highway Administration and Federal Transit Administration can withhold up to 20-percent of Federal funding if they believe the intent of the 3-C process is not being fulfilled. OahuMPO's designated planning area includes all of the island of Oahu, as approved by the Governor on October 29, 1992.

In July 2012, President Obama signed into law a new Federal surface transportation authorization act, *Moving Ahead for Progress in the Twenty-First Century* (MAP-21, P.L. 141-112). One of the new provisions of MAP-21 is the following:

*"...each metropolitan planning organization that serves an area designated as a transportation management area shall consist of...officials of public agencies that administer or operate major modes of transportation in the metropolitan area, including representation by providers of public transportation..."*

A transportation management area is defined as an urban area with a population of 200,000 or more (23 U.S.C. 134 and 23 CFR 450.300). OahuMPO is Federally recognized as serving a transportation management area.

The Honolulu Authority for Rapid Transportation (HART) was created after voters approved a City Charter amendment in November of 2010. It is a semi-autonomous agency responsible for constructing and operating the single largest public transportation project on Oahu.

It seems quite clear that in order for OahuMPO to properly execute a Comprehensive and Coordinated transportation planning process on Oahu, HART must be part of that process. In fact, MAP-21 appears to require HART representation within the MPO. Failure to include HART within the MPO may jeopardize Federal certification of OahuMPO and the Federal transportation funding upon which so many transportation projects depend.

Therefore, I strongly support SB479 and encourage its approval by the Senate.



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

February 4, 2013  
1:16 p.m.  
State Capitol, Conference Room 224

**S.B. 479**  
**RELATING TO THE MEMBERSHIP OF A METROPOLITAN PLANNING**  
**ORGANIZATION**

Senate Committee on Transportation and International Affairs

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The DOT supports SB 479 with reservations.

This bill will amend the composition of the board of all Metropolitan Planning Organizations (MPO) within the state as required by Public Law 112-142, Moving Ahead for Progress in the 21st Century Act (MAP-21). If an MPO were formed on the neighbor islands, this bill would require that the executive director of the Honolulu Area Rapid Transit be a member of any such Metropolitan Planning Organization (MPO), which we believe is not the intended purpose of the bill.

To appropriately address the need for this new member on any MPOs the following change is strongly recommended on page 2.

- "6. One member who shall be the director of the authority for rapid/mass transportation, or successor agency thereof that operates public transportation on that island."

Thank you for the opportunity to provide testimony.



OFFICE OF THE MAYOR  
CITY AND COUNTY OF HONOLULU

530 SOUTH KING STREET, ROOM 300 \* HONOLULU, HAWAII 96813  
PHONE: (808) 768-4141 \* FAX: (808) 768-4242 \* INTERNET: [www.honolulu.gov](http://www.honolulu.gov)



KIRK CALDWELL  
MAYOR

EMBER LEE SHINN  
MANAGING DIRECTOR DESIGNATE

GEORGETTE T. DEEMER  
DEPUTY MANAGING DIRECTOR

TESTIMONY OF KIRK CALDWELL, MAYOR  
CITY AND COUNTY OF HONOLULU  
BEFORE THE SENATE  
COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS  
Monday, February 4, 2013, 1:16 p.m., Conference Room 224

**SENATE BILL 479: RELATING TO THE MEMBERSHIP OF A METROPOLITAN ORGANIZATION**

**Position: Support**

To: The Honorable J. Kalani English, Chair  
And Members of the Committee on Transportation and International Affairs

The City & County of Honolulu supports Senate Bill 479, "Relating to the Membership of a Metropolitan Planning Organization".

The purpose of this bill is to add the Executive Director of the Honolulu Authority for Rapid Transit (HART) to the Oahu Metropolitan Planning Organization (OMPO) policy committee. The Policy Committee is the "heart" of the OMPO planning process. It determines the direction of the OMPO effort, considers and approves transportation planning issues, and makes the final approval for OMPO matters.

In the coming years, Honolulu's mass transit system will be an integral component of our county's transportation infrastructure. As such, the Executive Director of HART will have an important role in contributing to planning and implementation of the OMPO's major programs, which include the Oahu Regional Transportation Plan (ORTP), Transportation Improvement Program (TIP), and Overall Work Program (OWP).

Mahalo for this opportunity to testify on this bill. Should you have any questions or concerns, please feel free to contact me at 768-4141.

DEPARTMENT OF TRANSPORTATION SERVICES  
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR  
HONOLULU, HAWAII 96813  
Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

KIRK CALDWELL  
MAYOR



MICHAEL D. FORMBY  
DIRECTOR DESIGNATE

February 1, 2013

The Honorable J. Kalani English, Chair  
and Members  
Committee on Transportation  
and International Affairs  
State Senate  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair English and Committee Members:

Subject: Senate Bill 479, Relating to the Membership of a Metropolitan  
Planning Organization

The Department of Transportation Services (DTS) supports SB 479 as it brings membership on the Oahu Metropolitan Planning Organization (OahuMPO) into compliance with the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21), Public Law 112-141, by adding the Director of the Honolulu Authority for Rapid Transit (HART) to the OahuMPO policy committee.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael D. Formby".

Michael D. Formby  
Director Designate



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII 96813-3065

**BREENE HARIMOTO**  
Councilmember District VIII  
Chair, Committee on Transportation  
Telephone: (808) 768-5008  
Email: [bharimoto@honolulu.gov](mailto:bharimoto@honolulu.gov)

February 4, 2013

The Honorable J. Kalani English, Chair  
The Honorable Donovan M. Dela Cruz, Vice Chair  
and Members of the Senate Committee on Transportation and International Affairs  
Hawaii State Senate  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

Subject: Senate Bill 479, Relating to the Membership of a Metropolitan Planning Organization

I offer my testimony in strong support of this measure. This would add the director of the Honolulu Authority for Rapid Transportation to the Metropolitan Planning Organization (MPO) policy committee.

I ask this Committee to consider including the following language which is underlined below on page two, line 19 of the bill to read as follows:

"One member who shall be the executive director of the Honolulu authority for rapid transportation, or any successor agency thereof that operates public transportation on Oahu."

This language would more accurately reflect the title of the director for the Honolulu Authority for Rapid Transportation.

Thank you again for allowing me the opportunity to testify. If you have any questions, please feel free to contact me at 768-5008.

Very truly yours,

A handwritten signature in cursive script that reads "Breene Harimoto".

Breene Harimoto  
Chair, Committee on Transportation  
Honolulu City Council, and

Chair, OMPO Policy Committee

## SUMMARY SHEET

### 1. Purpose:

#### HB364 RELATING TO TRANSPORTATION.

Short form bill relating to transportation.

#### HB364 HD1 RELATING TO TRANSPORTATION.

Changes the State's automatic deduction of ten percent of the gross proceeds of a county's surcharge on state tax to a deduction of a reasonable amount to reimburse the state for costs associated with handling the assessments, collection, and disposition of the county surcharge on state tax. Effective July 1, 2013.

#### HB364 HD2 RELATING TO TRANSPORTATION.

Changes the State's automatic deduction of ten percent of the gross proceeds of a county's surcharge on a state tax to a deduction of an unspecified amount to reimburse the state for costs associated with handling the assessments, collection, and disposition of the county surcharge on state tax. Effective July 1, 2050.

### 2. Background

- Initially introduced as short-form bill.
- Short form bill was amended to provide contents in long form. Changes the State's automatic deduction of ten per cent of the gross proceeds of a county's surcharge on state tax to a deduction of a reasonable amount to reimburse the state for costs associated with handling the assessments, collection, and disposition of the county surcharge on state tax. On February 11, 2013, the House Transportation Committee passed this measure out with amendments.
- HD2 changes the effective date to Year 2050 and deletes the term "a reasonable amount", leaving blank the amount of the State's automatic deduction. The defective "effective date" will force this bill to be returned to the House following deliberations by the Senate, as well as conference committee.
- Since the 1/1/2007 effective date of Honolulu's GET surcharge, approximately \$1,082 million in GET surcharge has been collected by the State's Department of Taxation (DoTax). Of that amount, approximately \$974 million has been remitted to the City and \$108 million has been withheld by DoTax.
- DoTax's Fiscal Year 2012 operating cost was approximately \$18 million. Of the \$18 million, approximately \$5 million was incurred by DoTax's Tax Services and Processing program. In Fiscal Year 2012, DoTax had 373 budgeted positions, of which 122 positions were in Tax Services and Processing.

### 3. Staff Recommendation

Support intent of bill and Senate version (SB571 SD2). Any amount of additional surcharge that is available for use by the rail project would enhance HART's ability to avoid using 5307 funds or tap any line of credit to finance this project. Staff prefers to reimburse the State for actual costs incurred to assess, collect and disburse GET surcharge for rail project because the actual cost reimbursement method is more transparent and accountable to HART and taxpayers.

#### 4. Financial/Budget/Policy Impact

Positive; more dollars to HART for project.

#### 5. Other Agency Considerations

- Testimony from the mayor states:

“It is my understanding that during the past year, the Tax Department made adjustments for unexplained reasons. For example, in the first quarter of FY2013 (for the period July-September 2012), the Tax Department reduced the payment by nearly \$10 million because it claims a reporting error happened in the quarter ending December 2011. Yet, the City has yet to receive any information on what caused the alleged error and whether the problem has been corrected. In fact, the City receives no information to verify that the sums it receives are correct because the State does not report accurately on the total collections for GET on Oahu businesses.”

- The Mayor’s office strongly supports HB364, HD1. Testimony states:

“Currently, the enabling law which authorized the City to adopt a GET surcharge specifies that the 10% fee shall be used “to reimburse the State for the costs of assessment, collection, and disposition of the county surcharge on state tax incurred by the State the costs of assessment, collection, and disposition shall include any and all costs, direct or indirect, that are deemed necessary and proper to effectively administer this section...” (HRS Section 248-2.6(a) (c))(emphasis added).

In 2012, the fees collected (\$21.2 Million) amounted to nearly the entire budget to operate the State Tax Department (\$23.7 Million). The Legislature could not have intended to pay for nearly the entire operation of its Tax Department through the imposition of the 10% administrative fee taken off the top of the one-half percent GET surcharge. As such, the reduction of the 10% fee to 5% is a “reasonable amount”, which will facilitate a more proper use of taxpayer’s money, as the GET surcharge was originally intended.”

- Hawaii State Department of Taxation testimony comments that:

“Due to the nature of the county surcharge tax (a surcharge on the State’s general excise tax), the administration of the tax involves substantial resources of the entire Department, from customer service agents, auditors, collectors, accountants, and technical support staff and managers. Unlike other state taxes that apply uniformly to all counties, segregation and reporting of the surcharge for one county significantly adds complexity to the administration of the General Excise Tax for the Department. Needless to say, implementation of the surcharge required the Department to make a number of changes, including: conducting extensive public outreach to educate taxpayers about the surcharge, modification of the general excise and use tax forms, modification to the Department’s computer system, changes to tax return processing procedures, and the changes to the reporting of tax collections.”

#### 6. Legal Implications

Will depend upon ultimate form of bill. Reducing the State’s share of the surcharge monies does not in and of itself raise legal issues.



IN REPLY REFER TO:

HONOLULU AUTHORITY for RAPID TRANSPORTATION

Daniel A. Grabauskas  
EXECUTIVE DIRECTOR AND CEO

DATE

BOARD OF DIRECTORS

Carrie K.S. Okinaga, Esq.  
CHAIR

Ivan M. Lui-Kwan, Esq.  
VICE CHAIR

The Honorable \_\_\_\_\_, Chair  
and Members

Committee on \_\_\_\_\_  
State House of Representatives  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

George I. Atta, FAICP, LEED AP, CEI  
Robert Bunda  
Michael D. Formby  
William "Buzz" Hong  
Donald G. Horner  
Keslie W.K. Hui  
Damien T.K. Kim  
Glenn M. Okimoto, Ph.D.

Dear Chair \_\_\_\_\_ and Members:

Subject: HB364 HD2, Relating to Transportation  
Committee on \_\_\_\_\_  
DAY, DATE, TIME

The Honolulu Authority for Rapid Transportation (HART) supports the intent of House Bill 364 HD2. Reducing the ten percent amount currently deducted from HART's share of the county surcharge on the state General Excise tax ("county surcharge") would provide HART with more funding for the completion of the Honolulu Rail Transit Project. This will enhance HART's ability to avoid using funds from the Federal Transit Administration's Urbanized Area Formula Program (49 U.S.C. §5307) or tap into any line of credit to finance the project.

The intent of House Bill 364 HD2 is to change the State's automatic deduction of ten percent of the gross proceeds of a county's surcharge to the deduction of an unspecified amount to reimburse the state for costs associated with handling the assessment, collection, and disposition of the county surcharge. So long as the amount to be specified is less than the ten percent currently deducted, there will be additional county surcharge dollars available to build the rail project.

Thank you for this opportunity to provide written testimony.

Sincerely,

Daniel A. Grabauskas  
Executive Director and CEO

cc: HART Board of Directors  
Ms. Ember Shinn, Managing Director



Today is February 20, 2013  
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Floor Session Convened Times for February 20, 2013:  
 Senate: 11:30am | House: 12:00pm

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## HB364 HD2



Measure Title: RELATING TO TRANSPORTATION.

Report Title: County Surcharge on State Tax

Description: Changes the State's automatic deduction of ten per cent of the gross proceeds of a county's surcharge on state tax to a deduction of an unspecified amount to reimburse the state for costs associated with handling the assessments, collection, and disposition of the county surcharge on state tax. Effective July 1, 2050. (HB364 HD2)

Companion:

Package: None

Current Referral: TRN, FIN

Introducer(s): YAMANE

<a href="#">Sort by</a>	<a href="#">Date</a>	Status	Text
	1/18/2013	H	Pending introduction.
	1/22/2013	H	Introduced and Passed First Reading
	1/22/2013	H	Referred to TRN, referral sheet 3
	2/1/2013	H	Bill scheduled for decision making on Monday, 02-04-13 10:30AM in conference room 309.
	2/4/2013	H	The committee recommends that the measure pass with amendments, for recommitment for further consideration. The votes were as follows: 7 Ayes: Representative(s) Yamane, Ichiyama, Aquino, Hashem, Nakashima, Yamashita, Fukumoto; Ayes with reservations: none; Noes: none; and 2 Excused: Representative(s) Ing, Takumi.
	2/6/2013	H	Reported from TRN (Stand. Com. Rep. No. 162) as amended in HD 1.
	2/6/2013	H	Recommends recommittal to TRN.
	2/6/2013	H	Recommitted to TRN as amended in HD 1 with none voting no and Representative(s) Belatti, Cachola, Say, Souki excused.
	2/6/2013	H	Re-referred to TRN, FIN, referral sheet 17
	2/8/2013	H	Bill scheduled to be heard by TRN on Monday, 02-11-13 10:00AM in House conference room 309.
	2/11/2013	H	The committees on TRN recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 9 Ayes: Representative(s) Yamane, Ichiyama, Aquino, Hashem, Ing, Nakashima, Takumi, Yamashita, Fukumoto; Ayes with reservations: none; Noes: none; and Excused: none.
	2/14/2013	H	Reported from TRN (Stand. Com. Rep. No. 429) as amended in HD 2, recommending passage on Second Reading and referral to FIN.
	2/14/2013	H	Passed Second Reading as amended in HD2 and referred to the committee(s) on FIN with none voting aye with reservations; none voting no (0) and Har, Tokioka excused (2).

**S** = Senate | **H** = House | **D** = Data Systems | **\$** = Appropriation measure | **ConAm** = Constitutional Amendment

Some of the above items require Adobe Acrobat Reader. Please visit [Adobe's download page](#) for detailed instructions.

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Measure	Category	
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<a href="#">HB364 HD1 HSCR162</a>	Comm Reports	
<a href="#">HB364 HD2</a>	Bills	
<a href="#">HB364 HD1</a>	Bills	
<a href="#">HB364</a>	Bills	

### Testimony

Filename

[HB364 HD1 TESTIMONY TRN 02-11-13](#)

### Hearing Notices

Comm	Room	Date/Time	Notice
TRN	309	2/04/2013 10:30 AM	<a href="#">View</a>
TRN	309	2/11/2013 10:00 AM	<a href="#">View</a>

## HB364 HD2



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<a href="#">Office of Hawaiian Affairs</a>
<a href="#">City and County of Honolulu</a>

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# A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 248-2.6, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:  
3           "(a) If adopted by county ordinance, all county surcharges  
4 on state tax collected by the director of taxation shall be paid  
5 into the state treasury quarterly, within ten working days after  
6 collection, and shall be placed by the director of finance in  
7 special accounts. Out of the revenues generated by county  
8 surcharges on state tax paid into each respective state treasury  
9 special account, the director of finance shall deduct [~~ten per~~  
10 ~~cent~~] \_\_\_\_\_ of the gross proceeds of a respective county's  
11 surcharge on state tax to reimburse the State for the costs of  
12 assessment, collection, and disposition of the county surcharge  
13 on state tax incurred by the State. Amounts retained shall be  
14 general fund realizations of the State."

15           SECTION 2. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17           SECTION 3. This Act shall take effect on July 1, 2050.



**Report Title:**

County Surcharge on State Tax

**Description:**

Changes the State's automatic deduction of ten per cent of the gross proceeds of a county's surcharge on state tax to a deduction of an unspecified amount to reimburse the state for costs associated with handling the assessments, collection, and disposition of the county surcharge on state tax. Effective July 1, 2050. (HB364 HD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



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## A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 248-2.6, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3           "(a) If adopted by county ordinance, all county surcharges  
4 on state tax collected by the director of taxation shall be paid  
5 into the state treasury quarterly, within ten working days after  
6 collection, and shall be placed by the director of finance in  
7 special accounts. Out of the revenues generated by county  
8 surcharges on state tax paid into each respective state treasury  
9 special account, the director of finance shall deduct [~~ten per~~  
10 ~~cent~~] a reasonable amount of the gross proceeds of a respective  
11 county's surcharge on state tax to reimburse the State for the  
12 costs of assessment, collection, and disposition of the county  
13 surcharge on state tax incurred by the State. Amounts retained  
14 shall be general fund realizations of the State."

15           SECTION 2. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17           SECTION 3. This Act shall take effect on July 1, 2013.



**Report Title:**

County Surcharge on State Tax; Reasonable Amount

**Description:**

Changes the State's automatic deduction of ten per cent of the gross proceeds of a county's surcharge on state tax to a deduction of a reasonable amount to reimburse the state for costs associated with handling the assessments, collection, and disposition of the county surcharge on state tax. Effective July 1, 2013. (HB364 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



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# A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The purpose of this Act is to effectuate the  
2 title of this Act.

3           SECTION 2. The Hawaii Revised Statutes is amended to  
4 conform to the purpose of this Act.

5           SECTION 3. This Act shall take effect upon its approval.

6

INTRODUCED BY: \_\_\_\_\_



JAN 18 2013



# H.B. NO. 364

**Report Title:**

Short Form; Transportation

**Description:**

Short form bill relating to transportation.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



OFFICE OF THE MAYOR  
CITY AND COUNTY OF HONOLULU

530 SOUTH KING STREET, ROOM 300 \* HONOLULU, HAWAII 96813  
PHONE: (808) 768-4141 \* FAX: (808) 768-4242 \* INTERNET: [www.honolulu.gov](http://www.honolulu.gov)



KIRK CALDWELL  
MAYOR

EMBER LEE SHINN  
MANAGING DIRECTOR DESIGNATE

GEORGETTE T. DEEMER  
DEPUTY MANAGING DIRECTOR

TESTIMONY OF KIRK CALDWELL, MAYOR  
CITY AND COUNTY OF HONOLULU  
BEFORE THE HOUSE  
COMMITTEE ON TRANSPORTATION  
Monday February 11, 2013, 10:00 a.m., Conference Room 309

**HOUSE BILL 364 HD1: RELATING TO TRANSPORTATION**

**Position: In Support**

To: The Honorable Ryan I. Yamane, Chair  
and Members of the Committee on Transportation

The City & County of Honolulu strongly supports House Bill 364, HD1, "Relating to Transportation", which proposes to change the State's automatic deduction of ten per cent of the gross proceeds of a county's surcharge on state tax to a deduction of a reasonable amount to reimburse the state for costs associated with handling the assessments, collection, and disposition of the county surcharge on state tax.

In order to build rail better, the City needs to be able to rely on timely and accurate payments from the State for the one half percent general excise tax (GET) surcharge collected from businesses doing business in the City & County of Honolulu.

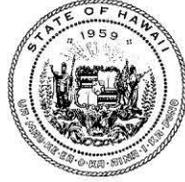
Currently, the enabling law which authorized the City to adopt a GET surcharge specifies that the 10% fee shall be used "to reimburse the State for the costs of assessment, collection, and disposition of the county surcharge on state tax incurred by the State ... the costs of assessment, collection, and disposition ... shall include any and all costs, direct or indirect, that are deemed **necessary and proper** to effectively administer this section..." (HRS Section 248-2.6(a)(c))(emphasis added).

In 2012, the fees collected (\$21.2 Million) amounted to nearly the entire budget to operate the State Tax Department (\$23.7 Million). The Legislature could not have intended to pay for nearly the entire operation of its Tax Department through the imposition of the 10% administrative fee taken off the top of the one-half percent GET surcharge. As such, the reduction of the 10% fee to 5% is a "reasonable amount", which will facilitate a more proper use of taxpayer's money, as the GET surcharge was originally intended.

Mahalo for the opportunity to testify on this bill. Should you have any questions or concerns, please feel free to contact me at 768-4141.

NEIL ABERCROMBIE  
GOVERNOR

SHAN TSUTSUI  
LT. GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF TAXATION**  
P.O. BOX 259  
HONOLULU, HAWAII 96809  
PHONE NO: (808) 587-1540  
FAX NO: (808) 587-1560

FREDERICK D. PABLO  
DIRECTOR OF TAXATION

JOSHUA WISCH  
DEPUTY DIRECTOR

To: The Honorable Ryan I. Yamane, Chair  
and Members of the House Committee on Transportation

Date: Monday, February 11, 2013

Time: 10:00 a.m.

Place: Conference Room 309, State Capitol

From: Frederick D. Pablo, Director  
Department of Taxation



Re: H.B. 364, H.D. 1 Relating to Transportation

The Department of Taxation (Department) defers to the Department of Budget and Finance on the merits of this measure. The Department offers the following comments for the committee's consideration.

H.B. 364, H.D. 1 amends the amount to be deducted from the revenues generated by county surcharges on state tax paid from ten percent to a reasonable amount of the gross proceeds to reimburse the State for the costs of assessment, collection, and disposition of the county surcharge on state tax incurred by the State. This measure lacks clarity to determine the amount to be deposited into the State's general fund.

Due to the nature of the county surcharge tax (a surcharge on the State's general excise tax), the administration of the tax involves substantial resources of the entire Department, from customer service agents, auditors, collectors, accountants, and technical support staff and managers. Unlike other state taxes that apply uniformly to all counties, segregation and reporting of the surcharge for one county significantly adds complexity to the administration of the General Excise Tax for the Department. Needless to say, implementation of the surcharge required the Department to make a number of changes, including: conducting extensive public outreach to educate taxpayers about the surcharge, modification of the general excise and use tax forms, modification to the Department's computer system, changes to tax return processing procedures, and the changes to the reporting of tax collections.

Thank you for the opportunity to provide comments.

## SUMMARY SHEET

### 1. Purpose:

#### SB571 RELATING TO COUNTY SURCHARGE ON STATE TAX.

Requires the Honolulu Authority for Rapid Transportation to collect the county surcharge on state tax established by the City and County of Honolulu pursuant to Section 46-16.8, Hawaii Revised Statutes.

Requires a county that establishes a county surcharge on state tax pursuant to Section 46-16.8, Hawaii Revised Statutes, to reimburse the state for costs incurred or expended to assist that county to plan for a rapid transit system.

- On 2/11/2013 the Committee on Transportation and International Affairs recommended the measure be passed, with amendments.

#### SB571 SD1 RELATING TO COUNTY SURCHARGE ON STATE TAX.

Changes the State's automatic deduction of ten percent of the gross proceeds of a county's surcharge on state tax to a deduction of six percent to reimburse the State for costs associated with handling the assessments, collection, and disposition of the county surcharge on state tax. Allows the State by administrative rule to change the six percent to an amount not exceeding ten percent if the costs of assessment, collection, and disposition increase. Effective 7/1/2050.

- On 2/12/2013 the measure was discussed in the Public Safety, Intergovernmental and Military Affairs Committee. Amendments to the measure include:

(1) Deleting the alternative for a county reimbursement for state costs for planning a locally preferred alternative to a mass transit project; (2) Deleting the provision that requires the Honolulu Authority for Rapid Transportation to collect the surcharge on state tax and reimburse the State for costs incurred or expended by the State to assist the City and County of Honolulu to plan for a rapid transit system; (3) Specifying that the State's automatic deduction of the gross proceeds of a county's surcharge on state tax shall be six percent, rather than ten percent; provided that if the costs of assessment, collection, and disposition of the county surcharge on state tax increase, the State is authorized to amend its deduction, by adoption of administrative rules, to a percentage no greater than ten percent; and (4) Inserting an effective date to July 1, 2050, to encourage further discussion.

#### SB571 SD2 RELATING TO COUNTY SURCHARGE ON STATE TAX.

- SD2 was amended to delete the "six percent" and leaving blank the State's automatic deduction and makes technical, nonsubstantive amendments for clarity, consistency, and style. Awaiting posting of SD2.

### 2. Background

- Since the 1/1/2007 effective date of Honolulu's GET surcharge, approximately \$1,082 million in GET surcharge has been collected by the State's Department of Taxation (DoTax). Of that amount, approximately \$974 million has been remitted to the City and \$108 million has been withheld by DoTax.

- DoTax's Fiscal Year 2012 operating cost was approximately \$18 million. Of the \$18 million, approximately \$5 million was incurred by DoTax's Tax Services and Processing program. In Fiscal Year 2012, DoTax had 373 budgeted positions, of which 122 positions were in Tax Services and Processing.

### 3. Staff Recommendation

HART staff recommends support of this measure.

- Any percent withholding lower than the current ten percent withholding, is better.
- Prefer reimbursing the State for actual costs incurred to assess, collect and disburse GET surcharge as it is more transparent and accountable to the taxpayers.
- Concern with the ability to increase the withholding amount to not greater than ten percent by adoption of administrative rules.

### 4. Financial/Budget/ Policy Impact

Decrease in withholding will result in additional funds for the project.

### 5. Other Agency Considerations

- The Department of Taxation recommends that if HART is granted the authority to collect the surcharge, that the enabling language be placed in a new chapter separate from Title 14.
- Testimony from the mayor supports the SD1 as proposed by Senator Kidani, which proposes to change the State's automatic deduction of 10% to a deduction of 6% to reimburse the State.

### 6. Legal Implications

Will depend upon ultimate form of bill. Reducing the State's share of the surcharge monies does not in and of itself raise legal issues.



IN REPLY REFER TO:

HONOLULU AUTHORITY for RAPID TRANSPORTATION

Daniel A. Grabauskas  
EXECUTIVE DIRECTOR AND CEO

DATE

BOARD OF DIRECTORS

The Honorable Senator \_\_\_\_\_, Chair  
and Members  
Committee on \_\_\_\_\_

Carrie K.S. Okinaga, Esq.  
CHAIR

Ivan M. Lui-Kwan, Esq.  
VICE CHAIR

State Senate  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

George I. Atta, FAICP, LEED AP, CEI  
Robert Bunda  
Michael D. Formby  
William "Buzz" Hong  
Donald G. Horner  
Keslie W.K. Hui  
Damien T.K. Kim  
Glenn M. Okimoto, Ph.D.

Dear Chair \_\_\_\_ and Members:

Subject: SB571 SD2, Relating to County Surcharge on State Tax  
Committee on \_\_\_\_\_  
DAY, DATE, TIME

The Honolulu Authority for Rapid Transportation (HART) supports the intent of Senate Bill 571 SD2. Reducing the ten percent amount currently deducted from HART's share of the county surcharge on the state General Excise tax ("county surcharge") would provide HART with more funding for the completion of the Honolulu Rail Transit Project. Any assurance of additional county surcharge dollars to be used to build the rail project will enhance HART's ability to avoid using funds from the Federal Transit Administration's Urbanized Area Formula Program (49 U.S.C. §5307) or tap into any line of credit to finance the project.

The intent of Senate Bill 571 SD2 is to change the State's automatic deduction of ten percent of the gross proceeds of a county's surcharge to an unspecified amount to reimburse the State for costs associated with handling the assessment, collection, and disposition of the county surcharge.

Thank you for this opportunity to provide written testimony.

Sincerely,

Daniel A. Grabauskas  
Executive Director and CEO

cc: HART Board of Directors



Today is February 21, 2013  
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Floor Session Convene Times for February 28, 2013:  
 Senate: 11:30am | House: 12:00pm

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## SB571 SD1



Measure Title: RELATING TO COUNTY SURCHARGE ON STATE TAX.

Report Title: County Surcharge on State Tax

Description: Changes the State's automatic deduction of ten per cent of the gross proceeds of a county's surcharge on state tax to a deduction of six per cent to reimburse the State for costs associated with handling the assessments, collection, and disposition of the county surcharge on state tax. Allows the State by administrative rule to change the six per cent to an amount not exceeding ten per cent if the costs of assessment, collection, and disposition increase. Effective 7/1/2050. (SD1)

Companion:

Package: None

Current Referral: TIA/PSM, WAM

Introducer(s): KIDANI (Introduced by request of another party)

<a href="#">Sort by Date</a>	Status	Text
1/18/2013	S	Introduced.
1/22/2013	S	Passed First Reading.
1/22/2013	S	Referred to TIA/PSM, WAM.
2/7/2013	S	The committee(s) on TIA/PSM has scheduled a public hearing on 02-11-13 1:17PM in conference room 224.
2/11/2013	S	The committee(s) on TIA recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in TIA were as follows: 8 Aye(s): Senator(s) English, Dela Cruz, Espero, Gabbard, Kahele, Keith-Agaran, Kouchi, Solomon; Aye(s) with reservations: none ; 0 No(es): none; and 1 Excused: Senator(s) Slom.
2/11/2013	S	The committee(s) on PSM deferred the measure until 02-12-13 2:45PM in conference room 224.
2/12/2013	S	The committee(s) on PSM recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in PSM were as follows: 3 Aye(s): Senator(s) Espero, Baker, Green; Aye(s) with reservations: none ; 0 No(es): none; and 2 Excused: Senator(s) Galuteria, Slom.
2/14/2013	S	Reported from TIA/PSM (Stand. Com. Rep. No. 278) with recommendation of passage on Second Reading, as amended (SD 1) and referral to WAM.
2/14/2013	S	Report adopted; Passed Second Reading, as amended (SD 1) and referred to WAM.
2/19/2013	S	The committee(s) on WAM will hold a public decision making on 02-21-13 9:00AM in conference room 211.
2/21/2013	S	The committee(s) on WAM recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in WAM were as follows: 13 Aye(s): Senator(s) Ige, Kidani, Chun Oakland, Dela Cruz, English, Espero, Kahele, Keith-Agaran, Kouchi, Ruderman, L. Thielen, Tokuda; Aye(s) with reservations: Senator(s) Slom ; 0 No(es): none; and 0 Excused: none.

S = Senate | H = House | D = Data Systems | \$ = Appropriation measure | ConAm = Constitutional Amendment

Some of the above items require Adobe Acrobat Reader. Please visit [Adobe's download page](#) for detailed instructions.

## SB571 SD1



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2008	Rules	Rules	2008		Public Access Room
2007	Administrative and Financial Manual	Administrative and Financial Manual	2007		Hawaii State Ethics Commission
2006	Caucus Website Policy	Website Policy	2006		Office of the Auditor
2005	Majority Caucus Website	Majority Caucus Website			Office of the Ombudsman
2004	Ad Hoc Committee	Majority Caucus Blog			Office of Information Practices
2003	Minority Caucus Website	Minority Caucus Website			Office of Hawaiian Affairs
2002	Daily Floor Actions	Minority Caucus Blog			City and County of Honolulu
2001	Paperless Initiative	Attendance Sheet			County of Maui
2000	Webcasts - Pilot Project	Journal			County of Kauai

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<a href="#">SB571</a>	Bills	

### Testimony

#### Filename

[SB571 TESTIMONY TIA-PSM 02-11-13](#)

[SB571 SD1 TESTIMONY WAM 02-21-13](#)

### Hearing Notices

Comm	Room	Date/Time	Notice
TIA/PSM	224	2/11/2013 1:17 PM	<a href="#">View</a>
TIA/PSM	224	2/12/2013 2:45 PM	<a href="#">View</a>
WAM	211	2/21/2013 9:00 AM	<a href="#">View</a>

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# A BILL FOR AN ACT

RELATING TO COUNTY SURCHARGE ON STATE TAX.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 248-2.6, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:  
3           "(a) If adopted by county ordinance, all county surcharges  
4 on state tax collected by the director of taxation shall be paid  
5 into the state treasury quarterly, within ten working days after  
6 collection, and shall be placed by the director of finance in  
7 special accounts. Out of the revenues generated by county  
8 surcharges on state tax paid into each respective state treasury  
9 special account, the director of finance shall deduct [~~ten~~] six  
10 per cent of the gross proceeds of a respective county's  
11 surcharge on state tax to reimburse the State for the costs of  
12 assessment, collection, and disposition of the county surcharge  
13 on state tax incurred by the State[-]; provided that if the  
14 costs of assessment, collection, and disposition of the county  
15 surcharge on state tax increase, the State is authorized to  
16 amend its deduction, by adoption of administrative rules, to a  
17 percentage no greater than ten per cent. Amounts retained shall  
18 be general fund realizations of the State."



1 SECTION 2. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 3. This Act shall take effect on July 1, 2050.

4



**Report Title:**

County Surcharge on State Tax

**Description:**

Changes the State's automatic deduction of ten per cent of the gross proceeds of a county's surcharge on state tax to a deduction of six per cent to reimburse the State for costs associated with handling the assessments, collection, and disposition of the county surcharge on state tax. Allows the State by administrative rule to change the six per cent to an amount not exceeding ten per cent if the costs of assessment, collection, and disposition increase. Effective 7/1/2050.

(SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



JAN 18 2013

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# A BILL FOR AN ACT

RELATING TO COUNTY SURCHARGE ON STATE TAX.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 46, Hawaii Revised Statutes, is amended  
2 by adding a new section to be appropriately designated and to  
3 read as follows:

4           "§46-       County reimbursement for state costs for planning  
5 of a locally preferred alternative for a mass transit project.

6           (a) In lieu of the administrative deduction by the State of ten  
7 per cent for administrative costs under section 248-2.6, a  
8 county that establishes a surcharge on state taxes pursuant to  
9 section 46-16.8 shall reimburse the State for any costs incurred  
10 or expended by the State to assist that county to plan for a  
11 rapid transit system as a locally preferred alternative for mass  
12 transit, including costs of transportation planning and historic  
13 preservation; provided that in those cases, the surcharge shall  
14 be considered as a reimbursement of costs to the State rather  
15 than as a surcharge.

16           (b) The State shall periodically collect from a county the  
17 costs under subsection (a)."

18



1 SECTION 2. Section 46-16.8, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3 "(b) A county electing to exercise the authority granted  
4 under this section shall notify the director of taxation within  
5 ten days after the county has adopted a surcharge on state tax  
6 ordinance and, beginning no earlier than January 1, 2007, the  
7 director of taxation shall levy, assess, collect, and otherwise  
8 administer the county surcharge on state tax[-], except that the  
9 Honolulu authority for rapid transportation shall collect the  
10 county surcharge on state tax and reimburse costs incurred or  
11 expended by the State to assist the city and county of Honolulu  
12 to plan for a rapid transit system."

13 SECTION 3. Section 237-8.6, Hawaii Revised Statutes, is  
14 amended by amending subsection (a) to read as follows:

15 "(a) The county surcharge on state tax, upon the adoption  
16 of county ordinances and in accordance with the requirements of  
17 section 46-16.8, shall be levied, assessed, and collected as  
18 provided in this section on all gross proceeds and gross income  
19 taxable under this chapter[-], except that the Honolulu  
20 authority for rapid transportation shall collect the county  
21 surcharge on state tax and reimburse costs incurred or expended  
22 by the State to assist the city and county of Honolulu to plan



1 for a rapid transit system. No county shall set the surcharge  
2 on state tax at a rate greater than one-half per cent of all  
3 gross proceeds and gross income taxable under this chapter. All  
4 provisions of this chapter shall apply to the county surcharge  
5 on state tax. With respect to the surcharge, the director of  
6 taxation shall have all the rights and powers provided under  
7 this chapter. In addition, the director of taxation shall have  
8 the exclusive rights and power to determine the county or  
9 counties in which a person is engaged in business and, in the  
10 case of a person engaged in business in more than one county,  
11 the director shall determine, through apportionment or other  
12 means, that portion of the surcharge on state tax attributable  
13 to business conducted in each county."

14 SECTION 4. Section 238-2.6, Hawaii Revised Statutes, is  
15 amended by amending subsection (a) to read as follows:

16 "(a) The county surcharge on state tax, upon the adoption  
17 of a county ordinance and in accordance with the requirements of  
18 section 46-16.8, shall be levied, assessed, and collected as  
19 provided in this section on the value of property and services  
20 taxable under this chapter [-], except that the Honolulu  
21 authority for rapid transportation shall collect the county  
22 surcharge on state tax and reimburse costs incurred or expended



1 by the State to assist the city and county of Honolulu to plan  
2 for a rapid transit system. No county shall set the surcharge  
3 on state tax at a rate greater than one-half per cent of the  
4 value of property taxable under this chapter. All provisions of  
5 this chapter shall apply to the county surcharge on state tax.  
6 With respect to the surcharge, the director shall have all the  
7 rights and powers provided under this chapter. In addition, the  
8 director of taxation shall have the exclusive rights and power  
9 to determine the county or counties in which a person imports or  
10 purchases tangible personal property and, in the case of a  
11 person importing or purchasing tangible property in more than  
12 one county, the director shall determine, through apportionment  
13 or other means, that portion of the surcharge on state tax  
14 attributable to the importation or purchase in each county."

15 SECTION 5. Section 248-2.6, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 **"[+]§248-2.6[+] County surcharge on state tax; disposition**  
18 **of proceeds.** (a) If adopted by county ordinance, all county  
19 surcharges on state tax collected by the director of taxation  
20 shall be paid into the state treasury quarterly, within ten  
21 working days after collection, and shall be placed by the  
22 director of finance in special accounts[~~—Out~~]; provided that a



1 county surcharge on state tax established by the city and county  
2 of Honolulu pursuant to section 46-16.8 shall be collected by  
3 the Honolulu authority for rapid transportation pursuant to  
4 section 46- . Except as provided in section 46- , of the  
5 revenues generated by county surcharges on state tax paid into  
6 each respective state treasury special account, the director of  
7 finance shall deduct ten per cent of the gross proceeds of a  
8 respective county's surcharge on state tax to reimburse the  
9 State for the costs of assessment, collection, and disposition  
10 of the county surcharge on state tax incurred by the State.  
11 Amounts retained shall be general fund realizations of the  
12 State.

13 (b) [~~The~~] Except with regard to the county surcharge on  
14 state tax established by the city and county of Honolulu  
15 pursuant to section 46-16.8, the amounts deducted for costs of  
16 assessment, collection, and disposition of county surcharges on  
17 state tax shall be withheld from payment to the counties by the  
18 State out of the county surcharges on state tax collected for  
19 the current calendar year.

20 (c) [~~For~~] Except with regard to the county surcharge on  
21 state tax established by the city and county of Honolulu  
22 pursuant to section 46-16.8, for the purpose of this section,



1 the costs of assessment, collection, and disposition of the  
2 county surcharges on state tax shall include any and all costs,  
3 direct or indirect, that are deemed necessary and proper to  
4 effectively administer this section and sections 237-8.6 and  
5 238-2.6.

6 (d) ~~[After]~~ Except with regard to the county surcharge on  
7 state tax established by the city and county of Honolulu  
8 pursuant to section 46-16.8, after the deduction and withholding  
9 of the costs under subsections (a) and (b), the director of  
10 finance shall pay the remaining balance on ~~[+]a[+]~~ quarterly  
11 basis to the director of finance of each county that has adopted  
12 a county surcharge on state tax under section 46-16.8. The  
13 quarterly payments shall be made after the county surcharges on  
14 state tax have been paid into the state treasury special  
15 accounts or after the disposition of any tax appeal, as the case  
16 may be. ~~[All]~~ Except with regard to the city and county of  
17 Honolulu, county surcharges on state tax collected shall be  
18 distributed by the director of finance to the county in which  
19 the county surcharge on state tax is generated and shall be a  
20 general fund realization of the county, to be used for the  
21 purposes specified in section 46-16.8 by each of the counties."



1 SECTION 6. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 7. This Act shall take effect upon its approval.

4

INTRODUCED BY: Michelle Leland (br)



**Report Title:**

County Surcharge on State Tax; Reimbursements to State; Rapid Transit

**Description:**

Requires the Honolulu authority for rapid transit to collect the county surcharge on state tax established by the city and county of Honolulu pursuant to section 46-16.8, Hawaii Revised Statutes. Requires a county that establishes a county surcharge on state tax pursuant to section 46-16.8, Hawaii Revised Statutes, to reimburse the state for costs incurred or expended to assist that county to plan for a rapid transit system.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



# Hawai'i Construction Alliance

P.O. Box 179441  
Honolulu, HI 96817  
(808) 348-8885

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February 20, 2013

The Honorable David Y. Ige, Chair  
Committee on Ways and Means  
Hawai'i State Senate  
415 South Beretania Street  
Honolulu, Hawai'i 96813

RE: Testimony supporting SB 571, relating to county surcharge on state tax.

Dear Chair Ige, Vice Chair Kidani, and members of the committee:

The Hawaii Construction Alliance supports SB 571, which would change the State's automatic deduction of ten per cent of the gross proceeds of a county's surcharge on state tax to a deduction of six per cent to reimburse the State for costs associated with handling the assessments, collection, and disposition of the county surcharge on state tax. The bill would also allow the State by administrative rule to change the six per cent to an amount not exceeding ten per cent if the costs of assessment, collection, and disposition increase.

The Hawai'i Construction Alliance is comprised of the Hawaii Regional Council of Carpenters; the Hawai'i Masons Union, Local 1 and Local 630; the Laborers' International Union of North America, Local 368; and the Operating Engineers, Local 3. Together, the four member unions of the Hawai'i Construction Alliance represent 15,000 working men and women in the four basic crafts of Hawai'i's construction industry.

The enabling law which authorized the City and County of Honolulu to adopt a GET surcharge allowed the State to be reimbursed for the costs of assessment, collection, and disposition, describing these as "any and all costs, direct or indirect, that are deemed necessary and proper to effectively administer" the surcharge.

If the "necessary and proper" costs of assessment, collection, and disposition are less than the 10% fee currently being assessed, it seems only fair that the remainder should be returned to the City and County of Honolulu so it can be used for its original purpose: building an effective mass transit system to serve the people of this island. Reducing the fees to a lower amount, as proposed by SB 571, will permit HART to build rail in a more expeditious, effective, and efficient way.

More expeditious, effective, and efficient rail construction will create more employment for our members, generate more robust economic activity along the route, and may allow for earlier delivery of a world-class transit system that future generations can be proud of.

Mahalo for the opportunity to testify on this matter.

Aloha,



Tyler Dos Santos-Tam  
Executive Director  
Hawai'i Construction Alliance  
execdir@hawaiiconstructionalliance.org

NEIL ABERCROMBIE  
GOVERNOR

SHAN TSUTSUI  
LT. GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF TAXATION**

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HONOLULU, HAWAII 96809  
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FREDERICK D. PABLO  
DIRECTOR OF TAXATION

JOSHUA WISCH  
DEPUTY DIRECTOR

To: The Honorable J. Kalani English, Chair  
and Members of the Senate Committee on Transportation and International Affairs

The Honorable Will Espero, Chair  
and Members of the Senate Committee on Public Safety, Intergovernmental and  
Military Affairs

Date: Monday, February 11, 2013  
Time: 1:17 p.m.  
Place: Conference Room 224, State Capitol

From: Frederick D. Pablo, Director  
Department of Taxation

Re: S.B. 571 Relating to County Surcharge Tax on State Tax

The Department of Taxation (Department) defers to the Department of Budget and Finance, City and County of Honolulu, and the Honolulu Authority for Rapid Transportation regarding the merits of S.B.571. The Department offers the following information and comments for the committee's consideration.

S.B. 571 requires the Honolulu Authority for Rapid Transportation to collect the county surcharge on state tax as established in sections 237-8.6 and 238-2.6, Hawaii Revised Statutes (HRS). The measure also converts the surcharge into a reimbursement for certain costs expended by the state in assisting the county with planning for a rapid transit system.

The Department notes the following concerns with S.B. 571 as written. First, the Department has jurisdiction over the administration of all tax matters under Title 14 of the Hawaii Revised Statutes. For clarity, the Department recommends that if HART is granted authority to collect the surcharge, that the enabling language be placed in a new chapter separate from Title 14.

Second, if HART is provided authority to collect the surcharge separately, the Department notes that taxpayers would need to complete, file and remit taxes to two separate agencies. Moreover, without proper education of the new process, the chance for reporting errors is likely.

Third, removing the authority for enforcement and collection of the county surcharge will require substantial modifications to the Department's computer, tax forms and instructions. Given the Department's current system, the Department will not be able to implement these changes upon approval as required the bill. Prior to implementation in 2007, the Department had approximately two years' notice to implement the changes.

The Department also notes that the time it implemented the surcharge, the Department had ten additional contractors to assist with the conversion of the computer software changes. At this time, the Department does not have those resources. Furthermore, the Department anticipates commencing the development of the Tax System Modernization (TSM) project before the end of the year. The TSM project is the Department's highest priority and will require all of our available staff resources. For these reasons, implementing the changes to remove the application of the surcharge from our current computer system and processes will be difficult at this time.

Thank you for the opportunity to provide comments.

OFFICE OF THE MAYOR  
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL  
MAYOR

EMBER LEE SHINN  
MANAGING DIRECTOR DESIGNATE

GEORGETTE T. DEEMER  
DEPUTY MANAGING DIRECTOR

TESTIMONY OF KIRK CALDWELL, MAYOR  
CITY AND COUNTY OF HONOLULU  
BEFORE THE SENATE  
COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS &  
COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS  
Monday, February 11, 2013, 1:17 p.m., Conference Room 224

**SENATE Bill 571 RELATING TO THE COUNTY SURCHARGE OF STATE TAX**

**Position: In Support**

To: The Honorable J. Kalani English, Chair  
and Members of the Committee on Transportation and International Affairs

The Honorable Will Espero, Chair  
and Members of the Committee on Public Safety, Intergovernmental & Military Affairs.

The City & County of Honolulu supports the SD1 as proposed by Senator Kidani to Chairs English and Espero regarding Senate Bill 571, "Relating to County Surcharge on State Tax".

Senate Bill 571 SD1 proposes to change to State's automatic deduction of 10% of the gross proceeds of a county's surcharge on state tax to a deduction of 6% to reimburse the State for costs associated with handling the assessments, collection, and disposition of the county surcharge on state tax. This proposal also allows the State by administrative rule to change the six per cent to an amount not exceeding 10% if the costs of assessment, collection, and disposition increase.

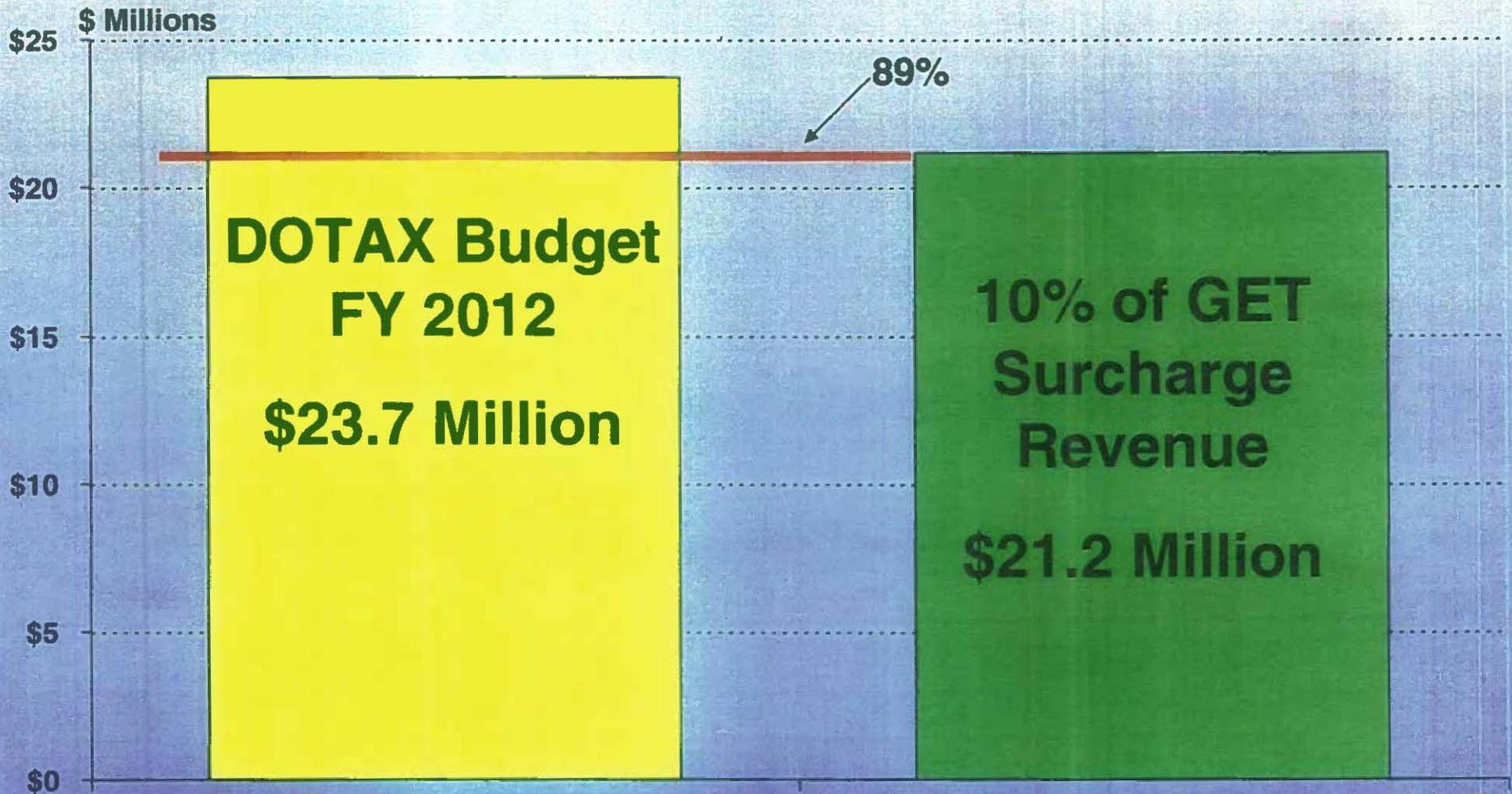
In order to build rail better, the City needs to be able to rely on timely and accurate payments from the State for the one half percent general excise tax (GET) surcharge collected from businesses doing business in the City & County of Honolulu.

The enabling law which authorized the City to adopt a GET surcharge specifies that the 10% fee shall be used "to reimburse the State for the costs of assessment, collection, and disposition of the county surcharge on state tax incurred by the State ... the costs of assessment, collection, and disposition ... shall include any and all costs, direct or indirect, that are deemed **necessary and proper** to effectively administer this section..." (HRS Section 248-2.6(a) (c))(emphasis added).

In 2012, the fees collected (\$21.2 Million) amounted to nearly the entire budget to operate the State Tax Department (\$23.7 Million). The Legislature could not have intended to pay for nearly the entire operation of its Tax Department through the imposition of the 10% administrative fee taken off the top of the one-half percent GET surcharge. As such, the amendments proposed by SB 571 SD1 facilitate a more proper use of taxpayers' money, as the GET surcharge was originally intended.

Mahalo for the opportunity to testify on bill. Should you have any questions or concerns, please feel free to contact me at 768-4141.

# City & County of Honolulu General Excise Tax Surcharge Pays for 89% of DOTAX Operations



# TAXBILLSERVICE

126 Queen Street, Suite 304

TAX FOUNDATION OF HAWAII

Honolulu, Hawaii 96813 Tel. 536-4587

SUBJECT: MISCELLANEOUS, County surcharge reimbursement

BILL NUMBER: SB 571

INTRODUCED BY: Kidani by request

BRIEF SUMMARY: Adds a new section to HRS chapter 46 to provide that in lieu of the administrative deduction by the state of 10% for administrative costs under HRS section 248-2.6, a county that establishes a surcharge on state taxes shall reimburse the state for any costs incurred or expended to assist that county to plan for a rapid transit system as a locally preferred alternative for mass transit including costs of transportation planning and historic preservation.

Makes conforming amendments to HRS sections 46-16.8, 237-8.6, 238-2.6 and 248-2.6.

EFFECTIVE DATE: Upon approval

STAFF COMMENTS: Act 247, SLH 2005, allowed the counties to adopt a county surcharge on the state general excise tax. However, only the city and county of Honolulu adopted the surcharge at the rate of 0.5%. Although the surcharge is a county imposition, it appeared that the legislature always intended that the surcharge was to be piggybacked onto the state's general excise tax rate of 4%. Perhaps believing the state should be reimbursed for the cost of collecting the surcharge, lawmakers specified that 10% of the surcharge collections be paid to the state to cover those costs.

While the proposed measure would provide that in lieu of the reimbursement of costs to administer the surcharge, the proposed measure requires the city and county of Honolulu to pay for any planning costs incurred by the state for the rapid transit system. While the measure does not clearly delineate what such costs specifically include, it is conceivable that the costs to be reimbursed under this proposed measure may exceed the amount of the allowable reimbursement allotment adopted by Act 247. On the other hand and, without knowing whether or not the state assisted in the planning of the transit system, one would have to ask what sort of assistance was provided by the state in planning the system?

Since the surcharge has been in place since 2006, consideration might be given to providing that the city reimburse the state for the actual cost of administering the 0.5% surcharge for the city and county of Honolulu. Such blanket earmarking of revenues for a program is inefficient and lacks accountability as the costs could be more or less than the amount earmarked. In other words, the 10% charge has no basis and was determined with no idea of the true cost of collecting the surcharge.

It should be noted that, as drafted and adopted by Act 247, the money does not go toward the department of taxation's budget, but accrues to the state general fund. Thus, there is no way of ascertaining the true cost of administering the surcharge as the amount taken by the state is buried in the state general fund and appropriations made to the department for its operations are not specifically designated for administering the surcharge. It would seem only fair that the amount retained by the state be a true reimbursement of the additional costs incurred in administering and collecting the surcharge and be appropriated to the department for that purpose.

Digested 2/8/13

## ATTACHMENT D



## COMMITTEE MEMBERSHIP

Committees	Chair	Vice Chair	Members
<b>Government Affairs/Audit / Legal Matters</b> <i>(5 members, 3 for quorum)</i>	Ivan Lui-Kwan	Bobby Bunda	Michael Formby Don Horner Carrie Okinaga
<b>Finance</b> <i>(8 members, 5 for quorum)</i>	Don Horner	Keslie Hui	George Atta Robert Bunda Michael Formby Ivan Lui-Kwan Glenn Okimoto Carrie Okinaga
<b>Human Resources</b> <i>(4 members, 3 for quorum)</i>	Keslie Hui	Robert Bunda	Damien Kim Carrie Okinaga
<b>Project Oversight</b> <i>(6 members, 4 for quorum)</i>	Damien Kim	William Hong	Michael Formby Don Horner Ivan Lui-Kwan Carrie Okinaga
<b>Transit Oriented Development</b> <i>(7 members, 4 for quorum)</i>	William Hong	Ivan Lui-Kwan	George Atta Robert Bunda Michael Formby Don Horner Keslie Hui

Full Board  
*10 members, 6 for quorum*