

Honolulu, Hawaii

MAR 23 2018

RE: H.B. No. 2175
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committees on Transportation and Energy and Public Safety, Intergovernmental, and Military Affairs, to which was referred H.B. No. 2175, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO METROPOLITAN PLANNING ORGANIZATIONS, "

beg leave to report as follows:

The purpose and intent of this measure is to require metropolitan planning organizations serving a certain metropolitan planning area to include on the policy board a member of the Senate and an alternate member of the Senate, to be appointed by the President of the Senate, as well as a member of the House of Representatives and an alternate member of the House of Representatives, to be appointed by the Speaker of the House of the Representatives.

Your Committees received testimony in support of this measure from the Department of Transportation. Your Committees received comments on this measure from the Department of the Attorney General and one individual.

Your Committees find that the population growth in Maui County means Maui County will soon be large enough to have a metropolitan planning organization. However the law on the metropolitan planning organization's policy board, as currently



written, could be overly restrictive, particularly if the organization chooses to have a smaller policy board.

Your Committees heard testimony expressing concerns that there might be a conflict between state and federal law if this measure passes. Your Committees note that the Federal Highway Administration has advised that allowing an individual who is not a resident of the metropolitan planning area to have voting power may be against federal law, and could result in loss of federal highway funding. As such, Oahu members of your Committees are concerned that the language in this measure could jeopardize federal funding. Furthermore, your Committees have concerns on the potential impact of this measure on the Oahu Metropolitan Planning Organization as it approaches its compliance review recertification.

Your Committees also heard concerns from the Department of the Attorney General that this measure could be challenged as a special law. In particular, the Department of the Attorney General had concerns about the applicability of this measure to a county that includes "three islands inhabited by permanent residents".

Accordingly, your Committees have amended this measure by:

- (1) Removing the language making this measure applicable to a county that includes "three islands inhabited by permanent residents";
- (2) Amending the policy board's membership to closely follow S.B. No. 2296, S.D. 1 (Regular Session of 2018), a substantially similar measure that was previously passed by the Senate, which requires that the membership include one Senate member and one member from the House of Representatives, both of whom must be residents of the applicable metropolitan planning area; and
- (3) Making a technical, nonsubstantive amendment for the purpose of clarity and consistency.

Your Committees find this measure is a work in progress and that if the issues raised during the public hearing on this measure are not resolved by the amendments made, your Committees

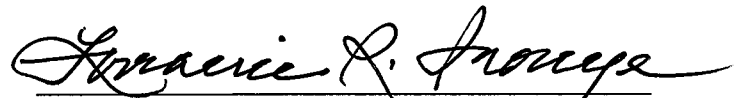


request that your Committee on Ways and Means explore these issues further.

As affirmed by the records of votes of the members of your Committees on Transportation and Energy and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2175, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2175, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committees on Transportation
and Energy and Public Safety,
Intergovernmental, and Military
Affairs,


CLARENCE K. NISHIHARA, Chair


LORRAINE R. INOUE, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Transportation and Energy
TRE

Bill / Resolution No.:* HB 2175 HD1	Committee Referral: TRE/PSM, WAM	Date: 03/22/2018		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
INOUE, Lorraine R. (C)	✓			
ESPERO, Will (VC)	✓			
ENGLISH, J. Kalani	✓			
HARIMOTO, Breene				✓
SHIMABUKURO, Maile S.L.	✓			
TOTAL	4			1
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature:				
Distribution: <div style="display: flex; justify-content: space-between; font-size: 0.8em; margin-top: 5px;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

*Only one measure per Record of Votes

The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Public Safety, Intergovernmental, and Military Affairs
PSM

Bill / Resolution No.:* HB 2175 HDI	Committee Referral: TRE/PSM, WAM	Date: 3/22/2018		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Pass, unamended 2312 </div> <div> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div> <input type="checkbox"/> Hold 2310 </div> <div> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)	✓			
WAKAI, Glenn (VC)	✓			
BAKER, Rosalyn H.				✓
IHARA, Jr., Les	✗	✓		✓
THIELEN, Laura H.				
TOTAL	2	1	0	2
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: _____				
Distribution: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

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