

HAWAII

Proposed \$500,000 Vanpool Grant the Latest 'FrankenBill'

UPDATED. Supporters say it was necessary to tack the Honolulu grant onto what started out as a bicycle safety bill, but open-government advocates worry about transparency.

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A two-sentence state law to boost bicycle safety morphed this month to include a \$500,000 grant for Honolulu to help run a vanpool program on Oahu.

The evolution of [Senate Bill 128](#) provides the latest example of Hawaii lawmakers shortcutting the legislative process, spurring some would-be supporters of the proposal to come out against it.

“We are extremely unhappy that they continue to do the gut-and-replaces,” said Janet Mason of the League of Women Voters.

Cory Lum/Civil Beat



State lawmakers at the Capitol have been criticized for shortcutting the legislative process.

The nonprofit submitted comments opposing the bill ahead of Thursday's hearing before the Senate Ways and Means Committee.

“Acting in a less than open manner undermines citizen trust in government,” League of Women Voters President Ann Shaver wrote a letter Tuesday to Judiciary Chair Jill Tokuda. “The League of Women Voters is very disappointed and urges that the measure be deferred.”

Mason and other open-government advocates have for years harped on the practice of cutting out original language and pasting in something different that still falls under the bill's broad subject area, which in this case is "relating to motor vehicles."

The groups point at how it can limit public input and make it harder to keep track of what's actually in a bill as it moves forward.

In 2013, lawmakers took a bill aimed at registering people for a future Hawaiian government and added a section more than 7,000 words long to establish county geothermal permitting standards. It died near the end of the session amid a downpour of [public opposition](#).

“It’s not some nefarious idea to pull a fast one on the public.” — Sen. Clarence Nishihara

Common Cause Hawaii Executive Director Carmille Lim said at the time that the “attempt to bypass the public (and also perhaps legislators) is but one of several high-handed actions by various Senate

committees.”

Senate Bill 128 is similar. It isn't a traditional gut-and-replace because the original language was preserved. Instead, the Transportation Committee, chaired by Sen. Clarence Nishihara, just tacked on a new section — making it a “FrankenBill,” as Sen. Laura Thielen [has called such legislation](#).

Nishihara maintains that legislative deadlines forced lawmakers to use the bill as a vehicle to include the section about the vanpool grant.

Vanpooling is like carpooling, just in bigger vehicles and with regular service often managed by a private company. People meet in one spot, get picked up and are taken to a drop-off location. Programs vary, but generally include some type of cost-sharing mechanism, often through a monthly fee commuters pay.

The bill originally just contained language making it illegal for drivers to operate a vehicle within one meter of a moving bicycle.

“It’s not some nefarious idea to pull a fast one on the public,” Nishihara said. “It’s just the process involves deadlines and deadlines create conditions where sometimes you need to find ways to get to an important objective and it’s the only way.”

Sens. Michelle Kidani and Donovan Dela Cruz asked Nishihara to add the vanpool section after failing to secure money for the program last session.

They had looked for a short-form bill, a more transparent way of introducing a measure midway through the session, but couldn’t find one that would work in time to meet deadlines, Dela Cruz said.

Update Kidani, one of the original drivers when the program first started, said Thursday that if the city or state can provide subsidies again that the federal funds would become available and eventually Hawaii could rely just on federal money.

Subsidizing the program could cut the cost in half, she said, incentivizing more people to utilize it and take more cars off the road.

Kidani said they decided to pursue the money through Senate Bill 128 instead of the normal grants-in-aid process because it would put the funding out to bid rather than have to choose one company.

“It looks odd but that’s what happened to it,” Nishihara said.

He added that the bill still has at least one more hearing for the public to testify on the Senate side. And if it passes, the bill would cross over to the House, where there could be additional public hearings.

“It’s far from over,” Nishihara said.

One notable improvement in the handling of this FrankenBill — compared to others like it — was that a draft of the proposed change was posted on the Capitol website before the Transportation Committee heard the bill.

In the 2013 example, lawmakers added the county geothermal permitting standards to the Hawaiian registry bill without prior notice, leaving the public in the dark.

Vanpool Would Preserve Federal Funding

As for the vanpool program itself, there seems to be strong support.

Nishihara noted in his committee report on the bill that vanpools receive federal funding and providing a grant-in-aid to Honolulu to operate such a program would preserve federal funding and enhance the service to commuters.

Oahu once had a thriving vanpool program, [recognized as one of the nation's best](#), but state support dried up in 2011.

VPSI Inc., a national company that operated Vanpool Hawaii, is still providing the service on Oahu but under the name vRide, which offered testimony in support of the grant Feb. 17.

Lobbyists representing Enterprise Holdings, which includes several rental car companies, also support the \$500,000 grant, which would come from the state general fund.

“Vanpool programs promote an enhanced quality of life and help to reduce our state’s dependence on fossil fuels by reducing the number of vehicles on the road and alleviating traffic conditions,” Gary Slovin and Mihoko Ito told the Senate Transportation Committee in their written testimony on behalf of Enterprise.

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About the Author



CIVIL BEAT STAFF

Nathan Eagle [Twitter](#) [Email](#) [RSS](#)

Nathan Eagle is a reporter for Civil Beat. You can reach him by email at neagle@civilbeat.com or follow him on Twitter at [@nathaneagle](https://twitter.com/nathaneagle).

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Natalie Iwasa, Community Advocate

"... after failing to secure money for the program last session." The first question I have is, why did it fail last year? Question 2: If the senators wanted this program to continue, why didn't they just submit a bill this year? Isn't seven months enough to put together a new bill?

"It's just the process involves deadlines and deadlines create conditions... " We have deadlines for a reason. I must be missing something, because I don't understand why this was "the only way."

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