



EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

GOV. MSG. NO. **637**

May 17, 2006

The Honorable Robert Bunda, President
and Members of the Senate
Twenty-Third State Legislature
State Capitol, Room 003
Honolulu, Hawaii 96813

Dear Mr. President and Members of the Senate:

This is to inform you that on May 17, 2006, the following bill was signed into law:

HB2737 HD1 SD1

A BILL FOR AN ACT RELATING TO
THE HONOPOU DISTRICT OF THE
COUNTY OF MAUI.
(ACT 107)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

A BILL FOR AN ACT

RELATING TO THE HONOPOU DISTRICT OF THE COUNTY OF MAUI.

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

1 SECTION 1. The legislature finds that the safety of
2 residents of the Honopou district of the county of Maui may be
3 at risk because of the condition of Honopou road, which includes
4 Honopou bridge. Residents report that several years ago, a Maui
5 county fire department fire truck failed to respond to an
6 emergency call for assistance from a Honopou district resident
7 because the fire truck crew apparently had concerns about the
8 truck's ability to cross the Honopou bridge safely. As a result
9 of the Maui county fire department's failure to cross Honopou
10 bridge to provide the necessary fire-fighting assistance, the
11 home of the Honopou resident burned down.

12 Presumably because of Honopou bridge's five-ton rating, the
13 fire department feared for the safety of its firefighters in
14 crossing the bridge, although residents of the area report that
15 fully-loaded cement trucks, weighing approximately thirty-five
16 tons, cross Honopou bridge regularly without incident.

17 Although Honopou road, a dirt road, runs through state
18 land, a jurisdictional dispute exists over ownership of Honopou



1 road, which includes the Honopou bridge. Regarding ownership of
2 the road, the department of land and natural resources defers to
3 the department of transportation, which claims that the road and
4 bridge are the responsibility of the county of Maui.

5 The legislature further finds that the lack of established
6 jurisdictional responsibility has resulted in a corresponding
7 lack of maintenance of Honopou road, including Honopou bridge.
8 To avoid future threats to the safety and well-being of the
9 residents of the Honopou district of the county of Maui, the
10 matter of jurisdictional responsibility must be resolved, and
11 the Honopou bridge must be strengthened and maintained in a
12 manner that allows the Maui county fire department safe access
13 across the Honopou bridge to provide necessary public services
14 to the residents of the Honopou area.

15 The purpose of this Act is to protect the safety and well-
16 being of the residents of the Honopou district by:

- 17 (1) Requiring the department of the attorney general to
18 assist in resolving the jurisdictional dispute over
19 the Honopou road and Honopou bridge; and
20 (2) Determining the costs of bringing the Honopou bridge
21 up to standards that will allow access to Honopou
22 district residents by the Maui county fire department.



1 SECTION 2. The department of the attorney general shall
2 investigate and assist in the resolution of the issue of
3 ownership of Honopou road, including Honopou bridge, and submit
4 a report of its findings and recommendations, including any
5 legislation deemed necessary to clarify legal jurisdiction, to
6 the legislature no later than twenty days before the convening
7 of the regular session of 2007.

8 SECTION 3. The department of transportation shall review
9 the issues relating to the safety of Honopou bridge and submit a
10 report to the legislature, mayor of Maui, and county council of
11 Maui no later than twenty days before the convening of the
12 regular session of 2007. The report shall include the
13 department's findings and recommendations, including any
14 legislation deemed necessary, that will result in strengthening,
15 repairing, increasing the load limit, and improving Honopou
16 bridge to provide safe access to Honopou district by the Maui
17 county fire department. The department of transportation shall
18 include in its report the estimated cost of improvements to
19 Honopou bridge that are necessary to protect the safety and
20 well-being of residents of the Honopou district.

21 Upon the resolution of the issue of ownership of Honopou
22 road and Honopou bridge, the department of transportation shall



1 also forward its report to the entity identified with the
2 assistance of the attorney general as having jurisdiction over
3 Honopou road and Honopou bridge. The department of
4 transportation's report of its findings and recommendations
5 shall be transmitted to the appropriate government agency no
6 less than thirty days after the department's receipt of the
7 attorney general's report on the resolution of the
8 jurisdictional issue over which public agency has responsibility
9 for the Honopou road and Honopou bridge.

10 SECTION 4. This Act shall take effect upon its approval.

APPROVED this 17 day of MAY, 2006




GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAII

Date: April 11, 2006
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006.

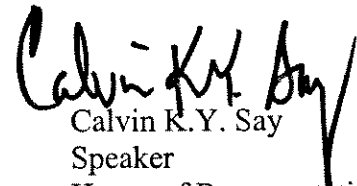

President of the Senate


Clerk of the Senate

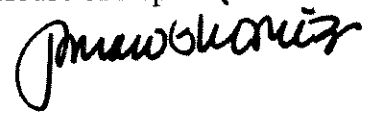
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 27, 2006
Honolulu, Hawaii

We hereby certify that the foregoing Bill on this day passed Final Reading in the House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006.



Calvin K.Y. Say
Speaker
House of Representatives



Patricia Mau-Shimizu
Chief Clerk
House of Representatives