



EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

GOV. MSG. NO. 655

May 24, 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 24, 2006, the following bill was signed into law:

HB2423 HD1 SD1

A BILL FOR AN ACT RELATING TO  
THE STATE HIGHWAY FUND  
(ACT 125)

Sincerely,

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

LINDA LINGLE

HOUSE OF REPRESENTATIVES  
TWENTY-THIRD LEGISLATURE, 2006  
STATE OF HAWAII

H.B. NO. 2423  
H.D. 1  
S.D. 1

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# A BILL FOR AN ACT

RELATING TO THE STATE HIGHWAY FUND.

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

1           SECTION 1. The legislature finds that Act 178, Session  
2 Laws of Hawaii 2005, appropriated a total of \$10,000,000 for  
3 fiscal year 2005-2006 from the state highway fund to the city  
4 and county of Honolulu (\$4,000,000), the county of Hawaii  
5 (\$2,000,000), the county of Maui (\$2,000,000), and the county of  
6 Kauai (\$2,000,000), as subsidies for county road work. The  
7 legislature also finds that section 248-9, Hawaii Revised  
8 Statutes, authorizes the use of state highway fund moneys only  
9 for the state highway system. It does not authorize the use of  
10 such moneys for the road systems of the counties.

11           The purpose of this Act is to authorize the use of moneys  
12 from the state highway fund for the road systems of the counties  
13 for fiscal year 2005-2006.

14           SECTION 2. Section 248-9, Hawaii Revised Statutes, is  
15 amended to read as follows:

16           "**§248-9 State highway fund.** (a) Moneys in the state  
17 highway fund may be expended for the following purposes:



- 1 (1) To pay the costs of operation, maintenance, and repair  
2 of the state highway system, including without  
3 limitation, the cost of equipment and general  
4 administrative overhead;
- 5 (2) To pay the costs of acquisition (including real  
6 property and interests therein), planning, designing,  
7 construction and reconstruction of the state highway  
8 system, and bikeways, including, without limitation,  
9 the cost of equipment and general administrative  
10 overhead; [~~and~~]
- 11 (3) To reimburse the general fund for interest on and  
12 principal of general obligation bonds issued to  
13 finance highway projects where the bonds are  
14 designated to be reimbursable out of the state highway  
15 fund[-]; and
- 16 (4) To pay the costs of construction, maintenance, and  
17 repair of county roads; provided that none of the  
18 funds expended on a county road or program shall be  
19 federal funds when such expenditure would cause a  
20 violation of federal law or a federal grant agreement.
- 21 (b) At any time the director of transportation may  
22 transfer from the state highway fund all or any portion of



1 available moneys determined by the director of transportation to  
2 be in excess of one hundred thirty-five per cent of the  
3 requirements for the ensuing twelve months for the state highway  
4 fund as permitted by and in accordance with section 37-53. For  
5 purposes of the determination, the director of transportation  
6 shall take into consideration:

- 7 (1) The amount of federal funds and bond funds on deposit  
8 in, and budgeted to be expended from, the state  
9 highway fund during the period;
- 10 (2) Amounts on deposit in the state highway fund which are  
11 encumbered or otherwise obligated;
- 12 (3) Budgeted amounts payable from the state highway fund  
13 during the period;
- 14 (4) Revenues anticipated to be received by and  
15 expenditures to be made from the state highway fund  
16 during the period based on existing agreements and  
17 other information for the ensuing twelve months; and
- 18 (5) Any other factors as the director of transportation  
19 shall deem appropriate."

20 SECTION 3. It is the intent of this Act not to jeopardize  
21 the receipt of any federal aid nor to impair the obligation of  
22 the State or any agency thereof to the holders of any bond



1 issued by the State or any such agency, and to the extent, and  
2 only to the extent, necessary to effectuate this intent, the  
3 governor may modify the strict provisions of this Act, but shall  
4 promptly report any such modification with reasons therefor to  
5 the legislature at its next session thereafter for review by the  
6 legislature.

7 SECTION 4. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

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

APPROVED this 24 day of MAY, 2006

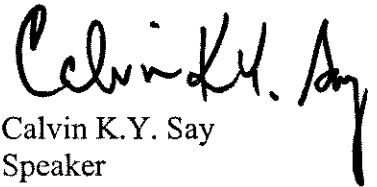


GOVERNOR OF THE STATE OF HAWAII

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 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

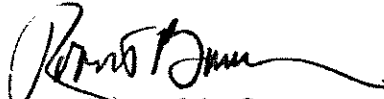


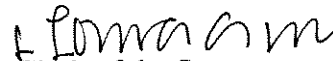
Patricia Mau-Shimizu  
Chief Clerk  
House of Representatives

**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