



GOV. MSG. NO. 653

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

July 6, 2010

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fifth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

I am transmitting herewith HB865 HD1 SD1 CD1, without my approval, and with the statement of objections relating to the measure.

HB865 HD1 SD1 CD1

A BILL FOR AN ACT
RELATING TO TRANSPORTATION.

Sincerely,



LINDA LINGLE

EXECUTIVE CHAMBERS

HONOLULU

July 6, 2010

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 865

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 865, entitled "A Bill for an Act Relating to Transportation."

The purpose of this bill is to establish a working group to determine the feasibility of transferring state highway maintenance functions to the county of Maui. The bill tasks the Director of Transportation and the Director of the Public Works Department of the County of Maui with responsibility for assembling and overseeing the work and specifies the type of findings and recommendations that shall be contained in the report.

This bill is objectionable because it requires the Department and the County of Maui to undertake this work within an unrealistic time frame without resources or staffing to handle the task.

The transfer of State highways to the counties has been an issue which has been examined and discussed for many years. The issues are serious enough that they cannot be adequately addressed within a period of less than six-months, which is all the time that is allowed under this bill.

Further, the bill fails to provide funding or staff positions to conduct the workload, meaning both the county and the State will need to divert resources from other high priority transportation and public works projects. Clearly to do an

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HOUSE BILL NO. 865
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adequate job will require travel, analysis, and extensive consultation with federal officials and the legal community. There are concerns that any contemplated transfer could impact the allocation of federal highway funds, which must be spent within the constraints imposed at the Federal level. Issues of liability and the transfer of responsibility for these highways would need to be thoroughly and effectively addressed.

This measure fails to understand the complexity of the task or the impacts that may be involved and will detract from higher priority duties both the county and the State must undertake.

For the foregoing reasons, I am returning House Bill No. 865 without my approval.

Respectfully,



LINDA LINGLE
Governor of Hawaii

VETO

HOUSE OF REPRESENTATIVES
TWENTY-FIFTH LEGISLATURE, 2009
STATE OF HAWAII

H.B. NO. 865
H.D. 1
S.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

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

1 SECTION 1. The legislature finds that the State's current
2 fiscal crisis necessitates the abolition of duplicative state
3 and county functions. The state department of transportation
4 and the county departments of public works share overlapping
5 maintenance functions for the maintenance of highways.

6 The purpose of this Act is to establish a working group to
7 determine the feasibility of transferring all applicable state
8 highway maintenance functions to counties with populations that,
9 according to the United States Census Bureau, had a population
10 between one hundred thousand and one-hundred thirty-five
11 thousand in the 2000 Census.

12 SECTION 2. (a) There is established a state and county
13 transportation working group, exempt from section 26-34, Hawaii
14 Revised Statutes, that shall conduct a study to determine the
15 feasibility of transferring all applicable state highway
16 maintenance functions to counties with populations that,
17 according to the United States Census Bureau, had a population



1 between one hundred thousand and one-hundred thirty-five
2 thousand in the 2000 Census.

3 (b) The state and county transportation working group
4 shall be composed of the director of transportation, or the
5 director's designee; directors of public works of counties that,
6 according to the United States Census Bureau, had a population
7 between one hundred thousand and one-hundred thirty-five
8 thousand in the 2000 Census, or the directors' designees; and
9 stakeholders that are mutually selected by the director of
10 transportation and the directors of public works. Members of
11 the state and county transportation working group shall serve
12 without compensation and shall not be reimbursed for any
13 expenses.

14 (c) The state and county transportation working group
15 shall submit a report to the legislature that contains the
16 findings and recommendations of the feasibility study, including
17 any problems, implementation plans, necessary legislation, and
18 any other relevant information or issues concerning the transfer
19 of all applicable state highway maintenance functions to
20 counties with populations that, according to the United States
21 Census Bureau, had a population between one hundred thousand and
22 one-hundred thirty-five thousand in the 2000 Census. The report



1 shall be submitted no later than twenty days prior to the
2 convening of the regular session of 2011.

3 (d) The state and county transportation working group
4 shall cease to exist upon the submission of its report to the
5 legislature.

6 SECTION 3. This Act shall take effect on July 1, 2010.

