



GOV. MSG. NO. 1090

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

July 11, 2007

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

Dear Madam President and Members of the Senate:

Re: Senate Bill No. 138 SD1 HD1 CD1

On July 10, 2007, Senate Bill No. 138, entitled "A Bill for an Act Relating to Diamond Head State Monument" became law without my signature, pursuant to Section 16 of Article III of the Constitution of the State of Hawaii.

*This bill creates a sub-account of the State Parks Special Fund into which fifty-five percent (55%) of the proceeds of the admission fees for the Diamond Head State Monument will be allocated to be used for the maintenance, repair, and operations of the Monument.*

*This bill raises concerns because it could have an adverse impact on the maintenance and upkeep of our statewide system of parks.*

*The establishment of a sub-account within the State Parks Special Fund may set a precedent for other revenue generating parks to request sub-accounts for their use. The State Parks Special Fund is used to support the maintenance and operation of all parks statewide. This will be the first sub-account for a special purpose in this fund. Earmarking moneys within the fund will make it difficult to allocate funds where they are needed for the operations of park facilities. The Department of Land and Natural Resources estimates funding available for other parks will decrease by approximately \$250,000, based upon fiscal year 2006-2007 revenues as a result of this measure.*

*It should be pointed out that Diamond Head State Monument also receives general fund money and capital improvement funds from the State Treasury, in excess of the amounts it generates. Isolating its admission fees and making it impossible to use these fees for other recreational needs will make it harder to justify using general taxpayer dollars for this particular facility.*

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Diamond Head State Monument is a universally recognized landmark. Providing a funding stream for this monument is an understandable objective but, unfortunately, this approach may jeopardize other natural assets within our state.

For the foregoing reasons, I allowed Senate Bill No. 138 to become law as Act 292, effective July 10, 2007, without my signature.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle", written in a cursive style.

LINDA LINGLE

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## A BILL FOR AN ACT

RELATING TO DIAMOND HEAD STATE MONUMENT.

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

1           SECTION 1. Section 184-3.4, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§184-3.4 State parks special fund.** (a) There is  
4 established within the state treasury a fund to be known as the  
5 state parks special fund, into which shall be deposited:

6           (1) All proceeds collected by the state parks programs  
7 involving park user fees, any leases or concession  
8 agreements, the sale of any article purchased from the  
9 department to benefit the state parks programs, or any  
10 gifts or contributions; provided that proceeds derived  
11 from the operation of Iolani Palace shall be used to  
12 supplement its educational and interpretive programs;  
13 and

14           (2) Transient accommodations tax revenues pursuant to  
15 section 237D-6.5; provided that these moneys shall be  
16 expended in response to a master plan developed in  
17 coordination with the Hawaii tourism authority.



1 (b) The department shall expend the moneys from the state  
2 parks special fund for the following purposes:

- 3 (1) Permanent and temporary staff positions;
- 4 (2) Planning and development of state parks programs,  
5 including the aina hoomalu state parks program;
- 6 (3) Construction, repairs, replacement, additions, and  
7 extensions of state parks facilities;
- 8 (4) Operation and maintenance costs of state parks and  
9 state parks programs; and
- 10 (5) Administrative costs of the division of state parks.

11 (c) There is established within the state parks special  
fund, a Diamond Head State Monument sub-account, into which  
13 shall be deposited fifty-five per cent of all proceeds collected  
14 from the admission fees charged at the Diamond Head State  
15 Monument. The department shall expend the moneys from the  
16 Diamond Head State Monument sub-account for repair, maintenance,  
17 and operating costs incurred by the State in the management of  
18 the Diamond Head State Monument."

19 SECTION 2. New statutory material is underscored.

20 SECTION 3. This Act shall take effect on July 1, 2007.

