

EXECUTIVE CHAMBERS  
HONOLULU  
June 10, 1999

COPY

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1635

Honorable Members  
Twentieth 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, Senate Bill No. 1635, entitled "A Bill for an Act Relating to Public Land Trust."

The purpose of Senate Bill No. 1635 is to facilitate the resolution of public land trust issues. This bill requires completion of an inventory of the lands subject to the public trust imposed by section 5(f) of the Admission Act and provides an alternative funding mechanism for transferring a portion of the income and proceeds from the lands of the public trust to the Office of Hawaiian Affairs for an additional year.

This bill has the same purpose as Act 329, Session Laws of Hawaii 1997, whose principal purpose also was to fashion a comprehensive, just, and lasting or global resolution of all controversies relating to the proper management and disposition of the public land trust and the income and proceeds the trust generates. However, this bill neither extends the life of the executive-legislative committee that Act 329 established for gathering information, facilitating discussions, and formulating recommendations for a global resolution of all public land trust-related controversies, nor establishes an alternative mechanism for furthering and securing this bill's stated purpose.

In addition, the trustees of the Office of Hawaiian Affairs have discontinued our earlier settlement efforts and asked me to veto this bill. I understand further that the trustees prefer that the differences between the State and OHA presently pending before the Hawaii Supreme Court in the State's appeal in OHA v. State, S.Ct. No. 20281, be decided by the Court.


STATEMENT OF OBJECTIONS  
SENATE BILL NO. 1635  
Page 2

I must assume that the trustees are aware that federal legislation precludes the State's airports system from paying for the use of public land trust lands with airport revenue, and that without the \$16,060,000 appropriation this bill would make, there will be no non-airport revenue appropriation to pay for the airport system's use.

Given OHA's request, the State's pressing need to apply its limited general revenues as productively as possible, and the fact that this bill provides no concrete means for furthering the effort toward a global resolution of all outstanding issues relating to the public land trust, I am not convinced of the necessity of this bill.

For the foregoing reasons, I am returning Senate Bill No. 1635 without my approval.

Respectfully,

  
BENJAMIN J. CAYETANO  
Governor of Hawaii

P R O C L A M A T I O N

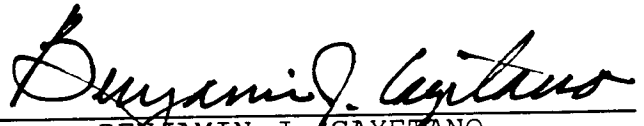
WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 1635, entitled "A Bill for an Act Relating to Public Land Trust," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1635 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 1635 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 10th  
day of June, 1999.



BENJAMIN J. CAYETANO  
Governor of Hawaii