

EXECUTIVE CHAMBERS

HONOLULU

June 7, 1999

ORIGINAL

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 953

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. 953, entitled "A Bill for an Act Relating to Natural and Cultural Resources."

The purposes of Senate Bill No. 953 are to (1) establish a stewardship and partnering program to protect and enhance natural and cultural resources, (2) exempt a new environmental special fund for the program from the five percent central services fee and pro rata administrative expenses, and to preserve those exemptions after certain session law repeal dates, and (3) change the Environmental Council from fifteen to sixteen members, require that certain people be appointed to the council (the chair of the Board of Land and Natural Resources, the Director of State Planning, a landowner, and a native Hawaiian), and increase the council's duties.

The stewardship and partnering program is to be headed by an administrator with broad powers who will be appointed by the Environmental Council, which is administratively attached to the Department of Health, and the program enjoys many special provisions under the bill. Among other things, the bill authorizes the administrator to acquire real property, contract for grants and accept gifts, award grants and loans, "leverage" state resources with private funding and in-kind matches, and facilitate land acquisition for various natural and cultural resource purposes, and authorizes the program to acquire real property for temporary purposes with the consent of the council.

The bill's provisions are too broad. For example, the bill directs the administrator to create partnerships, support

innovative approaches to integrate human activities and natural and cultural resources, and enhance and develop locally owned businesses.

The bill duplicates functions of the Department of Land and Natural Resources (DLNR), such as preserve coastlines and forests, and restore wildlife habitats. Under section 171-3, Hawaii Revised Statutes (HRS), DLNR already has authority to manage, administer, and exercise control over public lands, water resources, ocean waters, navigable streams, and coastal areas. Under section 171-3, the DLNR also manages and administers the state parks, historical sites, forests, forest reserves, aquatic life and aquaculture programs, aquatic life sanctuaries, public fishing areas, boating, ocean recreation, and coastal programs, wildlife, wildlife sanctuaries, game management areas, public hunting areas, and natural area reserves. The bill also appears to overlap with some of the powers and duties of the Board of Land and Natural Resources under sections 171-6 and 171-7, HRS, such as establishing restrictions, requirements, and conditions on certain land dispositions, and conducting sales pertaining to the disposition of public lands and other property authorized by the board. DLNR already administers two programs, Natural area partnership and forest stewardship, which overlap with the proposed stewardship and partnering program.

The bill creates an environmental special fund to be used for salaries and expenses of the program, but the fund will be unable to meet the Legislative Auditor's criteria on self-sustainability, because no regular source of revenue, such as specific fees, is identified for this special fund. Instead, the program will be supported by general fund appropriations, private gifts, and interest deposited in the special fund. Since no source of revenue is identified and no appropriation of general funds is made, this bill establishes a program that is unfunded and cannot be implemented.

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Finally, the program is exempt from taxation, the procurement code, and the grants and subsidies law, but no justification was provided for these exemptions.

For the foregoing reasons, I am returning Senate Bill No. 953 without my approval.

Respectfully,

A handwritten signature in black ink, reading "Benjamin J. Cayetano". The signature is written in a cursive style with a large initial 'B' and 'C'.

BENJAMIN J. CAYETANO
Governor of Hawaii

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

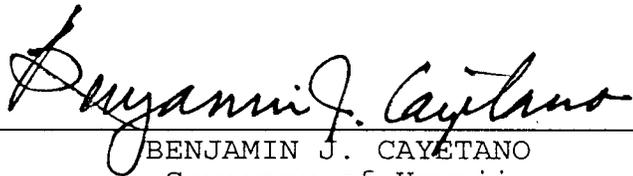
WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine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

WHEREAS, Senate Bill No. 953, entitled "A Bill for an Act Relating to Natural and Cultural Resources," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 953 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. 953 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 7th
day of June, 1999.


BENJAMIN J. CAYETANO
Governor of Hawaii