

EXECUTIVE CHAMBERS

HONOLULU

June 20, 2003

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 255

Honorable Members
Twenty-Second 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. 255, entitled "A Bill for an Act Relating to Agriculture."

The purpose of this bill is to amend chapter 205 (land use) of the Hawaii Revised Statutes by adding a new section to prohibit private restrictions on agricultural uses and activities on lands classified as agricultural by the Land Use Commission, except for restrictions intended to protect environmental or cultural resources.

This bill was introduced to address concerns regarding the proliferation on agricultural lands of residential subdivisions, gentleman farmer estates, and gated communities. Such developments often restrict agricultural activities by covenants or other types of servitudes.

I wholeheartedly support agriculture, which is a vital component of our economy, and I believe that most restrictive covenants against agricultural uses are contrary to the public good. This bill, however, is too far-reaching, and would prohibit landowners from placing any restrictions on agricultural uses of their agricultural lands.

I believe that the problems this bill attempted to remedy should be addressed in a fashion that will ensure the ability to use agricultural lands for agricultural activities, while allowing for reasonable restrictions where appropriate. My administration intends to work with all stakeholders to draft a bill for the next legislative regular session that accommodates the interests of both agriculture and private property owners.

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For the foregoing reasons, I am returning Senate Bill
No. 255 without my approval.

Respectfully,

LINDA LINGLE
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 the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 255, entitled "A Bill for an Act Relating to Agriculture," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 255 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, 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. 255 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 20th day
of June, 2003.



LINDA LINGLE
Governor of Hawaii