

EXECUTIVE CHAMBERS

HONOLULU

July 13, 2004

GOV. MSG. NO. 728

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1491

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. 1491, entitled "A Bill for an Act Relating to State Government."

The purpose of this bill is to make appropriations for various purposes for fiscal year 2004-2005.

While the bill as a whole has merit, I object to the \$675,307 special fund appropriation for fiscal year 2004-2005 from the Hawaiian Home Administration Account for personnel operating expenses, designated in section 42 on pages 17-18 of the bill. This special fund appropriation of \$675,307 duplicates the special fund appropriation adjustment made in section 2 of the bill that increased the special fund appropriation for fiscal year 2004-2005 from \$7,172,586 to \$7,847,893.

Section 16 of Article III of the State Constitution provides that, "[e]xcept for items appropriated to be expended by the judicial and legislative branches, the governor may veto any specific item or items in any bill which appropriates money for specific purposes by striking out or reducing the same." Because of the foregoing objection, pursuant to my line item veto authority, I have stricken out the duplicate \$675,307 special fund appropriation out of the Hawaiian Home Administration Account for fiscal year 2004-2005 for personnel operating expenses in section 42 (on page 17, line 19) and changed it to \$0.

For the foregoing reason, I am returning Senate Bill

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No. 1491 with the special fund appropriation of \$675,307 for
fiscal year 2004-2005, described above, stricken from the bill.

Respectfully,

A handwritten signature in black ink, appearing to read "Linda Lingle", with a stylized flourish at the end.

LINDA LINGLE
Governor of Hawaii

A BILL FOR AN ACT

RELATING TO STATE GOVERNMENT.

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

SECTION 1. The purpose of this Act is to make various appropriations for fiscal year 2004-2005.

SECTION 2. Act 200, Session Laws of Hawaii 2003, is amended by amending item F-32 of section 3 to read:

"HHL602 - PLANNING, DEVELOPMENT, MANAGEMENT, AND GENERAL SUPPORT FOR
HAWAIIAN HOMESTEADS

		29.00*	[29.00*]
			18.00*
OPERATING	HHL	1,297,007A	[1,277,007A]
			775,293A
		89.00*	[89.00*]
			100.00*
	HHL	7,115,343B	[7,172,586B]
			7,847,893B
INVESTMENT CAPITAL	HHL	600,000C	C"

SECTION 3. Provided that no state funds appropriated for fiscal year 2004-2005 to purchase the one thousand one hundred and twenty-nine acre property on the north shore of Oahu bordered by Paumalu gulch, Pupukea-Paumalu forest reserve, and Kalunawaikaala gulch and stream shall be made available unless matched by:

- (1) The federal government on a 2:1 (federal/state) basis;
and



SECTION 6. There is appropriated out of the general
 revenues of the State of Hawaii the sum of \$25,000 or so much
 of as may be necessary for fiscal year 2004-2005 as a grant

1 economic development, and tourism for the purposes of this
2 section.

3 SECTION 9. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$20,000 or so much
5 thereof as may be necessary for fiscal year 2004-2005 as a grant
6 pursuant to chapter 42F, Hawaii Revised Statutes, to the 442nd
7 RCT Foundation.

8 The sum appropriated shall be expended by the services to
9 veterans program of the department of defense for the purposes
10 of this section.

11 SECTION 10. There is appropriated out of the general
12 revenues of the State of Hawaii the sum of \$50,000 or so much
13 thereof as may be necessary for fiscal year 2004-2005 as a grant
14 pursuant to chapter 42F, Hawaii Revised Statutes, to the
15 Waikoloa Community Based Substance Abuse Rehabilitation and
16 Recovery Program.

17 The sum appropriated shall be expended by the alcohol and
18 drug abuse program of the department of health for the purposes
19 of this section.

20 SECTION 11. There is appropriated out of the general
21 revenues of the State of Hawaii the sum of \$50,000 or so much

1 thereof as may be necessary for fiscal year 2004-2005 as a grant
2 pursuant to chapter 42F, Hawaii Revised Statutes, to the Legal
3 Aid Society of Hawaii.

4 The sum appropriated shall be expended by the judiciary for
5 the purposes of this section.

6 SECTION 12. There is appropriated out of the general
7 revenues of the State of Hawaii the sum of \$100,000 or so much
8 thereof as may be necessary for fiscal year 2004-2005 as a grant
9 pursuant to chapter 42F, Hawaii Revised Statutes, to the Hawaii
10 County Economic Opportunity Council.

11 The sum appropriated shall be expended by the office of
12 community services of the department of labor and industrial
13 relations for the purposes of this section.

14 SECTION 13. There is appropriated out of the general
15 revenues of the State of Hawaii the sum of \$117,901 or so much
16 thereof as may be necessary for fiscal year 2004-2005 as a grant
17 pursuant to chapter 42F, Hawaii Revised Statutes, to Kauai
18 Economic Opportunity, Inc.

19 The sum appropriated shall be expended by the office of
20 community services of the department of labor and industrial
21 relations for the purposes of this section.

1 SECTION 14. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$20,000 or so much
3 thereof as may be necessary for fiscal year 2004-2005 as a grant
4 pursuant to chapter 42F, Hawaii Revised Statutes, to Assistive
5 Technology Resource Centers of Hawaii.

6 The sum appropriated shall be expended by the office of
7 community services of the department of labor and industrial
8 relations for the purposes of this section.

9 SECTION 15. There is appropriated out of the general
10 revenues of the State of Hawaii the sum of \$300,000 or so much
11 thereof as may be necessary for fiscal year 2004-2005 as a grant
12 pursuant to chapter 42F, Hawaii Revised Statutes, to ORI Anuenue
13 Hale, Inc.

14 The sum appropriated shall be expended by the office of
15 community services of the department of labor and industrial
16 relations for the purposes of this section.

17 SECTION 16. There is appropriated out of the general
18 revenues of the State of Hawaii the sum of \$25,000 or so much
19 thereof as may be necessary for fiscal year 2004-2005 as a grant
20 pursuant to chapter 42F, Hawaii Revised Statutes, to the
21 Volunteer Resource Center of Hawaii.

1 The sum appropriated shall be expended by the office of
2 community services of the department of labor and industrial
3 relations for the purposes of this section.

4 SECTION 17. There is appropriated out of the general
5 revenues of the State of Hawaii the sum of \$50,000 or so much
6 thereof as may be necessary for fiscal year 2004-2005 as a grant
7 pursuant to chapter 42F, Hawaii Revised Statutes, to Aha Hui E
8 Kala.

9 The sum appropriated shall be expended by the parks
10 administration program of the department of land and natural
11 resources for the purposes of this section.

12 SECTION 18. There is appropriated out of federal funds the
13 sum of \$59,232 or so much thereof as may be necessary for fiscal
14 year 2004-2005 for two temporary plant quarantine inspector I
15 (dog handler) positions for brown tree snake interdiction (AGR
16 122 - plant, pest, and disease control).

17 The sum appropriated shall be expended by the department of
18 agriculture for the purposes of this section.

19 SECTION 19. There is appropriated out of interdepartmental
20 transfer funds the sum of \$29,616 or so much thereof as may be
21 necessary for fiscal year 2004-2005 for one permanent plant

1 quarantine inspector I (dog handler) position to meet the
2 requirements of the record of decision for Kahului airport
3 expansion (AGR 122 - plant, pest, and disease control).

4 The sum appropriated shall be expended by the department of
5 agriculture for the purposes of this section.

6 SECTION 20. There is appropriated out of:

7 (1) The irrigation system revolving fund the sum of
8 \$10,546; and

9 (2) The agricultural park special fund the sum of \$10,546,
10 or so much thereof as may be necessary for fiscal year 2004-2005
11 for one temporary clerk typist II position (.50 FTE per means of
12 financing) required for the operation of the irrigation systems
13 and agricultural park programs (AGR 141 - agricultural resource
14 management).

15 The sums appropriated shall be expended by the department
16 of agriculture for the purposes of this section.

17 SECTION 21. There is appropriated out of the certification
18 services revolving fund the sum of \$74,052 or so much thereof as
19 may be necessary for fiscal year 2004-2005 for three temporary
20 agricultural commodity aid I positions relating to seed

1 certification and papaya export certification (AGR 151 - quality
2 and price assurance).

3 The sum appropriated shall be expended by the department of
4 agriculture for the purposes of this section.

5 SECTION 22. There is appropriated out of the public
6 utilities commission special fund the sum of \$104,664 or so much
7 thereof as may be necessary for fiscal year 2004-2005 for one
8 permanent engineer IV and one permanent investigator IV
9 positions for the regulation of public utility service companies
10 operating in the state (BUF 901 - transportation,
11 communications, and utilities).

12 The sum appropriated shall be expended by the department of
13 budget and finance for the purposes of this section.

14 SECTION 23. There is appropriated out of the compliance
15 resolution fund the sum of \$1,891,438 or so much thereof as may
16 be necessary for fiscal year 2004-2005 for four permanent
17 positions and for other current expenses to operate the program
18 (CCA 102 - cable television).

19 The sum appropriated shall be expended by the department of
20 commerce and consumer affairs for the purposes of this section.

1 SECTION 24. There is appropriated out of the compliance
2 resolution fund the sum of \$2,473,837 or so much thereof as may
3 be necessary for fiscal year 2004-2005 for twenty-three
4 permanent positions and for other current expenses to operate
5 the program (CCA 103 - consumer advocate for communication,
6 utilities, and transportation services).

7 The sum appropriated shall be expended by the department of
8 commerce and consumer affairs for the purposes of this section.

9 SECTION 25. There is appropriated out of the compliance
10 resolution fund the sum of \$2,153,836 or so much thereof as may
11 be necessary for fiscal year 2004-2005 for twenty-nine permanent
12 positions and for other current expenses to operate the program
13 (CCA 104 - financial institution services).

14 The sum appropriated shall be expended by the department of
15 commerce and consumer affairs for the purposes of this section.

16 SECTION 26. There is appropriated out of the compliance
17 resolution fund the sum of \$7,315,818 or so much thereof as may
18 be necessary for fiscal year 2004-2005 for seventy-six permanent
19 positions and for other current expenses to operate the program
20 (CCA 106 - insurance regulatory services).

1 The sum appropriated shall be expended by the department of
2 commerce and consumer affairs for the purposes of this section.

3 SECTION 27. There is appropriated out of the compliance
4 resolution fund the sum of \$1,348,447 or so much thereof as may
5 be necessary for fiscal year 2004-2005 for sixteen permanent and
6 four temporary positions and for other current expenses to
7 operate the program (CCA 110 - office of consumer protection -
8 unfair and deceptive practices).

9 The sum appropriated shall be expended by the department of
10 commerce and consumer affairs for the purposes of this section.

11 SECTION 28. There is appropriated out of the compliance
12 resolution fund the sum of \$5,477,813 or so much thereof as may
13 be necessary for fiscal year 2004-2005 for seventy-one permanent
14 and ten temporary positions and for other current expenses to
15 operate the program (CCA 111 - business registration).

16 The sum appropriated shall be expended by the department of
17 commerce and consumer affairs for the purposes of this section.

18 SECTION 29. There is appropriated out of the compliance
19 resolution fund the sum of \$5,197,764 or so much thereof as may
20 be necessary for fiscal year 2004-2005 for seventeen permanent
21 and fifty-one temporary positions and for other current expenses

1 to operate the program (CCA 112 - regulated industries
2 complaints office).

3 The sum appropriated shall be expended by the department of
4 commerce and consumer affairs for the purposes of this section.

5 SECTION 30. There is appropriated out of the compliance
6 resolution fund the sum of \$4,820,442 or so much thereof as may
7 be necessary for fiscal year 2004-2005 for forty permanent and
8 nine temporary positions and for other current expenses to
9 operate the program (CCA 191 - general support - protection of
10 the consumer).

11 The sum appropriated shall be expended by the department of
12 commerce and consumer affairs for the purposes of this section.

13 SECTION 31. There is appropriated out of the compliance
14 resolution fund the sum of \$60,960 or so much thereof as may be
15 necessary for fiscal year 2004-2005 for increases in fringe ..
16 benefit costs (CCA 105 - professional, vocational, and personal
17 services).

18 The sum appropriated shall be expended by the department of
19 commerce and consumer affairs for the purposes of this section.

20 SECTION 32. There is appropriated out of federal funds the
21 sum of \$367,548 or so much thereof as may be necessary for

1 fiscal year 2004-2005 for two permanent building maintenance
2 helper, two permanent truck driver, one permanent plumber I, one
3 permanent carpenter I, one permanent general construction
4 maintenance supervisor, two permanent building maintenance
5 worker II, one permanent automotive mechanic I, one permanent
6 electrician I, and one permanent social services aid III
7 positions for the operation and maintenance of public housing
8 (HMS 220 - rental housing services).

9 The sum appropriated shall be expended by the department of
10 human services for the purposes of this section.

11 SECTION 33. There is appropriated out of the state low
12 income housing revolving fund the sum of \$125,340 or so much
13 thereof as may be necessary for fiscal year 2004-2005 for one
14 permanent building maintenance helper, one permanent general
15 construction maintenance supervisor I, one permanent procurement
16 and supply specialist III, and one permanent general laborer II
17 positions for the operation and maintenance of public housing
18 (HMS 220 - rental housing services).

19 The sum appropriated shall be expended by the department of
20 human services for the purposes of this section.



9 The sum appropriated shall be expended by the department of
10 human services for the purposes of this section.

18 The sum appropriated shall be expended by the department of
19 human services for the purposes of this section.

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1 social service assistant IV (\$11,850 in general funds and
2 \$11,850 in federal funds) positions for the delivery of adult
3 medical services (HMS 601 - adult and community care services
4 branch) .

5 The sums appropriated shall be expended by the department
6 of human services for the purposes of this section.

7 SECTION 39. There is appropriated out of the general
8 revenues of the State of Hawaii the sum of \$114,293 or so much
9 thereof as may be necessary for fiscal year 2004-2005 for one
10 .50 temporary health care financing assistant, two .50 permanent
11 eligibility program specialist, one permanent .50 eligibility
12 worker III, one permanent .50 account clerk II, one permanent
13 .25 regular professional nurse VI, one temporary .50 clerk
14 typist II, and two permanent .50 clerk typist II positions for
15 the assistance of medical payments (HMS 902 - general support
16 for health care payments) .

17 The sum appropriated shall be expended by the department of
18 human services for the purposes of this section.

19 SECTION 40. There is appropriated out of federal funds the
20 sum of \$141,077 or so much thereof as may be necessary for
21 fiscal year 2004-2005 for one .50 temporary health care



1 financing assistant, two .50 permanent eligibility program
2 specialist, one permanent .50 eligibility worker III, one
3 permanent .50 account clerk II, one permanent .75 regular
4 professional nurse VI, one temporary .50 clerk typist II, and
5 two permanent .50 clerk typist II positions for the assistance
6 of medical payments (HMS 902 - general support for health care
7 payments).

8 The sum appropriated shall be expended by the department of
9 human services for the purposes of this section.

SECTION 41. There is appropriated out of the general revenues of the State of Hawaii the sum of \$71,722 or so much thereof as may be necessary for fiscal year 2004-2005 for one permanent data processing systems analyst IV and one permanent computer programmer V positions for operational support (HMS 904 - general administration).

16 The sum appropriated shall be expended by the department of
17 human services for the purposes of this section.

18 SECTION 42. There is appropriated out of the Hawaiian home
19 administration account the sum of ~~\$675,307~~ ¹⁰²² or so much thereof as
20 may be necessary for fiscal year 2004-2005 for one private
21 secretary III, one supervising land agent, one secretary III,



1 one mortgage loan specialist, one commission chair, one engineer
2 VI, two homestead assistant II, one accountant III, one heavy
3 equipment operator, and one clerk typist III positions (HHL 602
4 - planning, development, management, and general support for
5 Hawaiian homesteads).

6 The sum appropriated shall be expended by the department of
7 Hawaiian home lands for the purposes of this section.

8 SECTION 43. There is appropriated out of federal funds the
9 sum of \$149,892 or so much thereof as may be necessary for
10 fiscal year 2004-2005 for 4.50 permanent workforce development
11 specialist positions to provide services to persons seeking
12 employment, job training, and job development services (LBR 111
13 - placement services).

14 The sum appropriated shall be expended by the department of
15 labor and industrial relations for the purposes of this section.

16 SECTION 44. There is appropriated out of the employment
17 and training fund the sum of \$69,269 or so much thereof as may
18 be necessary for fiscal year 2004-2005 for two temporary
19 workforce development positions to assist employers by
20 developing training programs to upgrade the skills of employees
21 (LBR 111 - placement services).

1 The sum appropriated shall be expended by the department of
2 labor and industrial relations for the purposes of this section.

3 SECTION 45. There is appropriated out of:

4 (1) Federal funds the sum of \$74,214; and

5 (2) The general revenues of the State of Hawaii the sum of
6 \$74,214,

7 or so much thereof as may be necessary for fiscal year 2004-2005
8 for one permanent environmental health specialist, one permanent
9 occupational safety and health program specialist, and one
10 permanent occupational safety and health advisor positions to
11 provide services to employers that are aimed at promoting safety
12 in the workplace (LBR 143 - occupational safety and health).

13 The sums appropriated shall be expended by the department
14 of labor and industrial relations for the purposes of this
15 section.

16 SECTION 46. There is appropriated out of federal funds the
17 sum of \$198,639 or so much thereof as may be necessary for
18 fiscal year 2004-2005 for 5.25 permanent unemployment insurance
19 specialist, one permanent auditor, one permanent clerk typist,
20 and .50 permanent clerk positions to meet workload increases and

1 provide timely unemployment benefits (LBR 171 - unemployment
2 compensation).

3 The sum appropriated shall be expended by the department of
4 labor and industrial relations for the purposes of this section.

5 SECTION 47. There is appropriated out of federal funds the
6 sum of \$133,788 or so much thereof as may be necessary for
7 fiscal year 2004-2005 for two permanent research statistician,
8 one permanent statistics clerk, and one permanent clerk typist
9 positions to meet federal reporting requirements for research
10 and statistical reports (LBR 901 - DLIR - data gathering,
11 research, and analysis).

12 The sum appropriated shall be expended by the department of
13 labor and industrial relations for the purposes of this section.

14 SECTION 48. There is appropriated out of federal funds the
15 sum of \$99,954 or so much thereof as may be necessary for fiscal
16 year 2004-2005 for 2.16 permanent data processing systems
17 analyst and .54 permanent clerk typist positions to provide the
18 federal match for positions to implement and support information
19 technology projects for the department (LBR 902 - general
20 administration).

1 The sum appropriated shall be expended by the department of
2 labor and industrial relations for the purposes of this section.

3 SECTION 49. There is appropriated out of federal funds the
4 sum of \$70,056 or so much thereof as may be necessary for fiscal
5 year 2004-2005 for one temporary accountant and three temporary
6 clerk positions for activities related to the accounting of
7 federal fund expenditures (LBR 902 - general administration).

8 The sum appropriated shall be expended by the department of
9 labor and industrial relations for the purposes of this section.

10 SECTION 50. There is appropriated out of federal funds the
11 sum of \$53,376 or so much thereof as may be necessary for fiscal
12 year 2004-2005 for one permanent program specialist position for
13 the delivery of services to the economically disadvantaged,
14 immigrants, and refugees (LBR 903 - office of community
15 services).

16 The sum appropriated shall be expended by the department of
17 labor and industrial relations for the purposes of this section.

18 SECTION 51. If any provision of this Act, or the
19 application thereof to any person or circumstance is held
20 invalid, the invalidity does not affect other provisions or
21 applications of the Act which can be given effect without the

1 invalid provision or application, and to this end the provisions
2 of this Act are severable.

3 SECTION 52. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 53. This Act shall take effect upon its approval.

APPROVED THIS DAY OF , 2004

GOVERNOR OF THE STATE OF HAWAII