



GOV. MSG. NO. 1053

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

July 10, 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:

I am transmitting herewith HB718 SD2 CD1, without my approval, and with the statement of objections relating to the measure.

HB718 SD2 CD1

A BILL FOR AN ACT RELATING TO KAKAAKO.

Sincerely,

A handwritten signature in black ink that reads "Linda Lingle".

LINDA LINGLE

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, House Bill No. 718, entitled "A Bill for an Act Relating to Kakaako," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 718 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 House Bill No. 718 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 25th
day of June, 2007.



LINDA LINGLE
Governor of Hawaii

EXECUTIVE CHAMBERS

HONOLULU

July 10, 2007

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 718

Honorable Members
Twenty-Fourth 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, House Bill No. 718, entitled "A Bill for an Act Relating to Kakaako."

The purposes of this bill are to (1) require the Hawaii Community Development Authority (HCDA) to set aside the old ice chute and fuel dock operations building site at the Kewalo Basin Cove for use by the Kewalo Keiki Fishing Conservancy, and (2) require HCDA to proceed with necessary environmental remediation at the site.

This bill is objectionable because Section 5 of Article XI of the State Constitution provides that "[t]he legislative power over the lands owned by or under the control of the state . . . shall be exercised only by general laws."

Section 5 of Article XI clearly limits the Legislature's administration or disposition of lands owned or controlled by the State by general law only. In its broadest sense, the term "general laws" denotes laws that apply uniformly throughout the political subdivisions of the State. Bulgo v. County of Maui, 50 Haw. 51 (1967). A law is special if it relates to particular persons or things. (82 C.J.S. Statutes Sec. 166, p. 279)

This bill makes a disposition of specific parcels of land, "portions of tax map key (first division) 2-1-058:41 and 2-1-058:116," for the benefit of a specific entity, the Kewalo

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HOUSE BILL NO. 718
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Keiki Fishing Conservancy. Therefore, the Attorney General has opined that the disposition is in violation of the State Constitution.

It should be noted that the site has environmental contamination issues and the Hawaii Community Development Authority has offered an alternative site to the Kewalo Keiki Fishing Conservancy.

For the foregoing reason, I am returning House Bill No. 718 without my approval.

Respectfully,



LINDA LINGLE
Governor of Hawaii

A BILL FOR AN ACT

RELATING TO KAKAAKO.

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

1 SECTION 1. The legislature finds that the Kewalo Keiki
2 Fishing Conservancy, an Internal Revenue Code section 501(c)(3)
3 nonprofit corporation, is dedicated to teaching the children of
4 Hawaii the skills and joy of fishing, instilling aquatic
5 conservation principles for the preservation of ocean resources,
6 and perpetuating Hawaiian cultural traditions for the
7 preservation of the resources of the ocean. The children are
8 taught by kupuna and disabled persons with skills and experience
9 in fishing and instilling aquatic conservation principles.

10 The Kewalo basin cove is a protected area that is ideal for
11 a facility enabling multigenerational activities bringing
12 together the young and the elderly to interact and participate
13 in this educational activity. In the past, the Kewalo Keiki
14 Fishing Conservancy used the facility known as the old ice chute
15 and fuel dock operations building at Kewalo basin cove for its
16 site-dependent activities; however, the Hawaii community
17 development authority has recently demolished that facility.



1 The legislature finds that there has been a full assessment
2 of varying levels of subsurface environmental contamination
3 around the site due to prior uses of the site by the fishing
4 industry.

5 The purpose of this Act is to:

6 (1) Require the Hawaii community development authority to
7 set aside the old ice chute and fuel dock operations
8 building site for use by the Kewalo Keiki Fishing
9 Conservancy; and

10 (2) Appropriate funds to the Hawaii community development
11 authority to proceed with necessary environmental
12 remediation at the site.

13 SECTION 2. The Hawaii community development authority
14 shall set aside portions of tax map key (first division)
15 2-1-058:41 and 2-1-058:116, comprised of approximately fifteen
16 thousand square feet, at Kewalo basin cove and known as the
17 former ice chute and fuel dock operations building site and
18 perimeter area, including its Kewalo basin cove and channel
19 bulkheads, for continued use by the Kewalo Keiki Fishing
20 Conservancy.

21 SECTION 3. The Hawaii community development authority
22 shall determine whether any environmental remediation is



1 required and, if required, shall establish the parameters for
2 any necessary corrective action for the environmental
3 remediation and proceed accordingly.

4 SECTION 4. There is appropriated out of the general
5 revenues of the State of Hawaii the sum of \$30,000 or so much
6 thereof as may be necessary for fiscal year 2007-2008 to the
7 Hawaii community development authority for any necessary
8 remediation at tax map keys (first division) 2-1-058:41 and 2-1-
9 058:116 for continued use by the Kewalo Keiki Fishing
10 Conservancy.

11 The sum appropriated shall be expended by the Hawaii
12 community development authority for the purposes of this Act.

13 SECTION 5. This Act shall take effect on July 1, 2007.

