



EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

GOV. MSG. NO. 836

July 11, 2006

The Honorable Robert Bunda, President
and Members of the Senate
Twenty-Third State Legislature
State Capitol, Room 003
Honolulu, Hawaii 96813

Dear Mr. President and Members of the Senate:

I am transmitting herewith SB2150 SD1 HD1 CD1, without my approval, and with the statement of objections relating to the measure.

SB2150 SD1 HD1 CD1

A BILL FOR AN ACT RELATING TO BOATING.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

VETO

THE SENATE
TWENTY-THIRD LEGISLATURE, 2006
STATE OF HAWAII

S.B. NO. 2150
S.D. 1
H.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO BOATING.

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

1 SECTION 1. The legislature finds that Article V, section 6
2 of the Hawaii State Constitution mandates that functions of the
3 state government shall be allocated by law among its principal
4 departments. Under section 200-3, Hawaii Revised Statutes, the
5 operation, administration, and maintenance of the small boat
6 harbors are under the department of land and natural resources.
7 The legislature transferred the small boat harbors from the
8 department of transportation to the department of land and
9 natural resources, and it is the legislature, not the department
10 of land and natural resources, that will determine the
11 disposition of the small boat harbors.

12 The purpose of this Act is to prohibit the transfer of the
13 small boat harbors to the counties, unless expressly provided by
14 law.

15 SECTION 2. The State's small boat harbors, including but
16 not limited to its jurisdiction, duties, authorizations,
17 programs, records, equipment and materials, funding, and



1 personnel, shall not be transferred to any county in any manner
2 unless expressly provided by statute.

3 SECTION 3. This Act shall take effect upon its approval
4 and shall be repealed on June 30, 2007.

THE SENATE OF THE STATE OF HAWAII

Date: May 2, 2006
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006.



President of the Senate

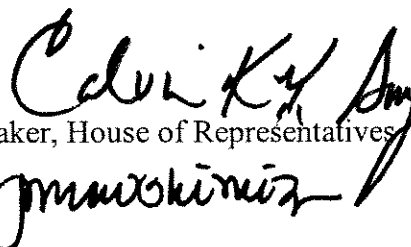


Clerk of the Senate

**THE HOUSE OF REPRESENTATIVES
OF THE STATE OF HAWAII**

Date: May 2, 2006
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006.



Speaker, House of Representatives



Clerk, House of Representatives

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. 2150, entitled "A Bill for an Act Relating to Boating," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2150 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. 2150 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 26th
day of June, 2006.



LINDA LINGLE
Governor of Hawaii

EXECUTIVE CHAMBERS

HONOLULU

July 10, 2006

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2150

Honorable Members
Twenty-Third 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. 2150, entitled "A Bill for an Act Relating to Boating."

The purpose of this bill is to prohibit the State from transferring small boat harbors to any county unless provided by statute.

This bill is objectionable because the proposed statute prohibiting the transfer of the small boat harbors to the counties is more restrictive than the already existing statute (section 200-2.5, Hawaii Revised Statutes). The statute already authorizes the Board of Land and Natural Resources to lease fast lands within an existing state boating facility for private development, management, and operation without legislative approval.

Senate Bill No. 2150 provides that a similar transfer to a county would be prohibited. To the extent that the Legislature has already authorized the board to lease fast lands to private parties, the prohibition of leases to the counties, which are public bodies that are directly responsible to their citizens, is contrary to public policy because it places the counties at a disadvantage when compared with private parties if the counties desire to seek authority to operate a State-owned

STATEMENT OF OBJECTIONS
SENATE BILL NO. 2150
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small boat harbor.

For the foregoing reasons, I am returning Senate Bill
No. 2150 without my approval.

Respectfully,

A handwritten signature in black ink, appearing to read "L. Lingle", written in a cursive style.

LINDA LINGLE
Governor of Hawaii