



EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

GOV. MSG. NO. 841

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 SB2004 SD1 HD1 CD1, without my approval, and with the statement of objections relating to the measure.

SB2004 SD1 HD1 CD1

A BILL FOR AN ACT RELATING TO  
HISTORIC PRESERVATION.

Sincerely,

A handwritten signature in cursive script, appearing to read "Linda Lingle".

LINDA LINGLE

# VETO

THE SENATE  
TWENTY-THIRD LEGISLATURE, 2006  
STATE OF HAWAII

S.B. NO. 2004  
S.D. 1  
H.D. 1  
C.D. 1

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## A BILL FOR AN ACT

RELATING TO HISTORIC PRESERVATION.

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

1 SECTION 1. Recent news articles have brought to the  
2 public's attention the recent use by the boating public of the  
3 small sand bar situated in Kaneohe bay, known to native  
4 Hawaiians as Ahu o Laka. According to recent news articles, the  
5 sand bar is named after an Oahu chief, Laka, who died there.  
6 However, other oral historical sources from native Hawaiians  
7 residing on the windward side of Oahu indicate that the sand bar  
8 is named as an altar to the ancient goddess of hula, Laka. When  
9 the sacred art of hula was banned by western influences, many  
10 followers would practice the art of hula surreptitiously in  
11 hidden and remote places. The sand bar was deemed to be an  
12 excellent locale for this practice since it was remote.  
13 Further, the sand was an excellent medium to dance upon.

14 Recent news articles described public concerts on the sand  
15 bar which attracted hundreds of persons, resulting in drinking,  
16 littering, and fighting. These reports raise concerns relating  
17 to the desecration of a culturally significant place and the  
18 degradation of an important aesthetical resource of the state.

2006-2779 SB2004 CD1 SMA.doc



1 The purpose of this Act is to designate Ahu o Laka as a  
2 state monument and to adopt rules for the protection and  
3 maintenance of the Ahu o Laka state monument.

4 SECTION 2. Chapter 6E, Hawaii Revised Statutes, is amended  
5 by adding a new section to part II to be appropriately  
6 designated and to read as follows:

7 "§6E- Ahu o Laka state monument. (a) There shall be an  
8 Ahu o Laka state monument as a historical, cultural, and  
9 aesthetically valued site at Kaneohe, Oahu, to be administered  
10 by the department of land and natural resources and to consist  
11 of:

12 (1) The approximately three-acre sand bar in Kaneohe bay,  
13 off Heeia, that is above the water's surface at low  
14 tide; and

15 (2) The surrounding state marine waters, as that term is  
16 defined in section 190D-3, that the department of land  
17 and natural resources determines is necessary for the  
18 preservation of the historical, cultural, and  
19 aesthetic resources of the Ahu o Laka state monument.

20 (b) The department of land and natural resources, pursuant  
21 to chapter 91, shall adopt rules for the protection and

1 maintenance of the Ahu o Laka state monument, to include but not  
2 be limited to:

3 (1) Imposing conditions focused on regulating large  
4 gatherings at the Ahu o Laka state monument, taking  
5 into consideration safety, security, and sanitary  
6 concerns; and

7 (2) Any other rules deemed necessary to protect the  
8 aesthetic environment and the cultural sensitivity of  
9 the Ahu o Laka state monument."


10 SECTION 3. New statutory material is underscored.

11 SECTION 4. This Act shall take effect upon its approval.

**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

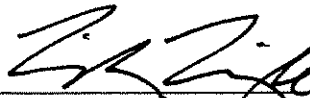
WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented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

WHEREAS, Senate Bill No. 2004, entitled "A Bill for an Act Relating to Historic Preservation," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2004 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. 2004 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.



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LINDA LINGLE  
Governor of Hawaii

EXECUTIVE CHAMBERS

HONOLULU

July 10, 2006

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2004

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. 2004, entitled "A Bill for an Act Relating to Historic Preservation."

The purpose of this bill is to designate a sandbar in Kaneohe Bay as the "Ahu o Laka State Monument" and to regulate the use of the sandbar pursuant to rules to be adopted by the Department of Land and Natural Resources.

This bill is objectionable because it provides unnecessary regulation of an active recreational and historical site in Kaneohe Bay. The bill was introduced in response to an incident that occurred in 2005. There exist sufficient laws to govern activities on the sandbar without converting it to State monument status. The Division of Conservation and Resources Enforcement and the United States Coast Guard have the authority to monitor activities that address safety, security, and sanitation concerns.

Secondly, the ability to define the actual State monument area may be difficult, if not impossible, given the shifting sands and movements during tides. Creating a specific perimeter for the State monument might lead to administrative and legal challenges as to where the monument rules do and do not apply.

The cultural and historic nature of the area continue to be researched by the Department of Land and Natural Resources and others. However, long-standing members of the community, locally elected officials, and community leaders stated that there has not been any discussion prior to this bill to suggest

STATEMENT OF OBJECTIONS  
SENATE BILL NO. 2004  
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that the sandbar should be treated as a State monument. There is community concern that a monument designation may act to the detriment of the area, encouraging visitor guidebooks, websites, and tourist literature to highlight an area that has traditionally been used by residents and those familiar with the Windward Oahu topography.

For the foregoing reasons, I am returning Senate Bill No. 2004 without my approval.

Respectfully,

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

LINDA LINGLE  
Governor of Hawaii