



GOV. MSG. NO. 1068

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

July 11, 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:

Re: House Bill No. 507 HD2 SD1

On July 10, 2007, House Bill No. 507, entitled "A Bill for an Act Relating to Boating" became law without my signature, pursuant to Section 16 of Article III of the Constitution of the State of Hawaii.

The purpose of this bill is to prohibit the State from transferring small boat harbors to any county or contracting with any county to manage a small boat harbor unless the Legislature passes a law allowing this transfer.

The 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.

House Bill No. 507 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 small boat harbor.

For the foregoing reasons, I allowed House Bill No. 507 to become law as Act 270 effective July 10, 2007 without my signature.

Sincerely,

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

LINDA LINGLE

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

12 The purpose of this Act is to prohibit, unless expressly
13 provided by law:

14 (1) The transfer of the State's small boat harbors to the
15 counties; and

16 (2) Any state department from contracting with any county
17 to administer and manage the State's small boat
18 harbors.



SECTION 2. Section 200-2, Hawaii Revised Statutes, is amended to read as follows:

"§200-2 Board of land and natural resources, powers and duties. (a) The board shall have the primary responsibility for administering the ocean recreation and coastal areas programs and performing the functions heretofore performed by the department of transportation and the department of public safety in the areas of boating safety, conservation, search and rescue, and security of small boat harbor environs.

(b) The board shall not transfer its jurisdiction, management, or operations of the small boat harbors to any other department or agency or any county in any manner unless expressly provided by law."

SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2007.

