



GOV. MSG. NO. 674

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

July 6, 2010

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fifth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

I am transmitting herewith SB2547 SD1 HD1, without my approval, and with the statement of objections relating to the measure.

SB2547 SD1 HD1

A BILL FOR AN ACT  
RELATING TO SMALL BOAT HARBORS.

Sincerely,

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

LINDA LINGLE

EXECUTIVE CHAMBERS

HONOLULU

July 6, 2010

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2547

Honorable Members  
Twenty-Fifth 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. 2547, entitled "A Bill for an Act Relating to Small Boat Harbors."

The purpose of this bill is to impose a condition on small boat harbor commercial permittees to require a crew member to accompany all fare paying passengers that the permittee expects will visit and participate in recreational activity on state property adjacent to quasi-public property in a county of less than 150,000 population.

Although I understand the frustration of the residents of Lanai, this bill is objectionable because this is not the correct way to address the problem. This bill requires the Department of Land and Natural Resources to impose and enforce a permit condition on permittees using a state boating facility as a means of resolving land-based conflicts on non-state land. This is not the best use of the resources of the Department of Land and Natural Resources.

Further, the bill would be difficult to enforce. Enforcement of the condition set forth in this bill would require the Department of Land and Natural Resources to prove that the permittee has the expectation that its fare paying passengers will visit and participate in recreational activity on state property adjacent to quasi-public property before the conclusion of the excursion. It is counterproductive to require a permit condition that the Department of Land and Natural Resources

STATEMENT OF OBJECTIONS  
SENATE BILL NO. 2547  
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either cannot, or does not have the resources to, enforce.

For the foregoing reasons, I am returning Senate Bill  
No. 2547 without my approval.

Respectfully,



LINDA LINGIE  
Governor of Hawaii

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## A BILL FOR AN ACT

RELATING TO SMALL BOAT HARBORS.

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

1           SECTION 1. Chapter 200, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:  
4           "§200- Commercial excursions; permit conditions. As a  
5 condition of any permit issued pursuant to this chapter, any  
6 permittee who, in the course of providing an excursion using  
7 boating facilities within the state of Hawaii, disembarks fare-  
8 paying passengers in counties with a population of one hundred  
9 fifty thousand or less with the expectation that the passengers  
10 will visit and participate in recreational activity on state  
11 property adjacent to quasi-public property before the conclusion  
12 of the excursion, shall ensure that all such passengers while  
13 ashore are accompanied by and remain at all times during the  
14 excursion under the active supervision and direction of a member  
15 of the crew qualified to render aid in an emergency.

16           As used in this section, "quasi-public property" means a  
17 beach park dedicated from a private entity to a county in  
18 perpetuity for park and recreational purposes, and may be



1 adjacent to state property designated as a marine life  
2 conservation district."

3 SECTION 2. New statutory material is underscored.

4 SECTION 3. This Act shall take effect on July 1, 2010.

