



GOV. MSG. NO. 701

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

July 7, 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:

Re: House Bill No. 979 HD1 SD1 CD1

On July 6, 2010, House Bill No. 979 entitled "A Bill for an Act Relating to the Environment" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

This bill temporarily authorizes moneys from the Special Land and Development Fund and the Land Conservation Fund to be used for invasive species control and to promote reforestation.

Although species control, erosion control and reforestation are worthwhile activities, it is not appropriate to fund these programs at the expense of other high priority public projects and activities. The Land Conservation Fund is used to protect cultural, natural and historic resources through the purchase of private lands where these resources are located.

The Special Land Development Fund supports the operations of the Office of Conservation and Coastal Lands. I am particularly concerned that this fund also supports our Dam Safety programs that should remain a high priority with sufficient funding to protect the safety of the public. It would have been better if the Legislature had identified alternative sources of funding for invasive species control and reforestation projects.

The Honorable Colleen Hanabusa, President
And Members of the Senate
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For the foregoing reasons, I allowed House Bill No. 979 to become law as Act 209, effective July 6, 2010, without my signature.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle", with a stylized flourish at the end.

LINDA LINGLE

A BILL FOR AN ACT

RELATING TO THE ENVIRONMENT.

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

1 SECTION 1. The legislature finds that an austere state
2 economy dictates a review of all sources of income to maximize
3 the use of state funds. This review is necessary to ensure
4 basic programs in health, public safety, education, and the
5 environment are not ignored.

6 This Act redirects certain state funds to provide continued
7 maintenance and support for state environmental programs such as
8 invasive species control and mitigation, reforestation, and
9 sediment run-off mitigation.

10 SECTION 2. Section 171-19, Hawaii Revised Statutes, is
11 amended by amending subsection (a) to read as follows:

12 "(a) There is created in the department a special fund to
13 be designated as the "special land and development fund".

14 Subject to the Hawaiian Homes Commission Act of 1920, as
15 amended, and section 5(f) of the Admission Act of 1959, all
16 proceeds of sale of public lands, including interest on deferred
17 payments; all moneys collected under section 171-58 for mineral
18 and water rights; all rents from leases, licenses, and permits



1 derived from public lands; all moneys collected from lessees of
2 public lands within industrial parks; all fees, fines, and other
3 administrative charges collected under this chapter and chapter
4 183C; a portion of the highway fuel tax collected under chapter
5 243; all moneys collected by the department for the commercial
6 use of public trails and trail accesses under the jurisdiction
7 of the department; transient accommodations tax revenues
8 collected pursuant to section 237D-6.5(b)(2); and private
9 contributions for the management, maintenance, and development
10 of trails and accesses shall be set apart in the fund and shall
11 be used only as authorized by the legislature for the following
12 purposes:

- 13 (1) To reimburse the general fund of the State for
14 advances made that are required to be reimbursed from
15 the proceeds derived from sales, leases, licenses, or
16 permits of public lands;
- 17 (2) For the planning, development, management, operations,
18 or maintenance of all lands and improvements under the
19 control and management of the board, including but not
20 limited to permanent or temporary staff positions who
21 may be appointed without regard to chapter 76;



- 1 (3) To repurchase any land, including improvements, in the
2 exercise by the board of any right of repurchase
3 specifically reserved in any patent, deed, lease, or
4 other documents or as provided by law;
- 5 (4) For the payment of all appraisal fees; provided that
6 all fees reimbursed to the board shall be deposited in
7 the fund;
- 8 (5) For the payment of publication notices as required
9 under this chapter; provided that all or a portion of
10 the expenditures may be charged to the purchaser or
11 lessee of public lands or any interest therein under
12 rules adopted by the board;
- 13 (6) For the management, maintenance, and development of
14 trails and trail accesses under the jurisdiction of
15 the department;
- 16 (7) For the payment to private land developers who have
17 contracted with the board for development of public
18 lands under section 171-60;
- 19 (8) For the payment of debt service on revenue bonds
20 issued by the department, and the establishment of
21 debt service and other reserves deemed necessary by
22 the board;



1 (9) To reimburse the general fund for debt service on
2 general obligation bonds issued to finance
3 departmental projects, where the bonds are designated
4 to be reimbursed from the special land and development
5 fund;

6 (10) For the protection, planning, management, and
7 regulation of water resources under chapter 174C;
8 [~~and~~]

9 (11) For invasive species control and mitigation by the
10 invasive species council under chapter 194;

11 (12) To promote reforestation and sediment run-off
12 mitigation; and

13 [~~+11~~] (13) For other purposes of this chapter."

14 SECTION 3. Section 173A-5, Hawaii Revised Statutes, is
15 amended by amending subsection (h) to read as follows:

16 "(h) The fund shall be used for:

17 (1) The acquisition of interests or rights in land having
18 value as a resource to the State, whether in fee title
19 or through the establishment of permanent conservation
20 easements under chapter 198 or agricultural easements;

21 (2) The payment of any debt service on state financial
22 instruments relating to the acquisition of interests



1 or rights in land having value as a resource to the
2 State;

3 (3) Annual administration costs for the fund, not to
4 exceed five per cent of annual fund revenues of the
5 previous year~~[+ and]~~;

6 (4) Costs related to the operation, maintenance, and
7 management of lands acquired by way of this fund that
8 are necessary to protect, maintain, or restore
9 resources at risk on these lands, or that provide for
10 greater public access and enjoyment of these lands;
11 provided that the costs related to the operation,
12 maintenance, and management of lands acquired by way
13 of this fund do not exceed five per cent of annual
14 fund revenues of the previous year~~[=]~~;

15 (5) Invasive species control and mitigation by the
16 invasive species council under chapter 194; and

17 (6) Reforestation and sediment run-off mitigation."

18 SECTION 4. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 5. This Act shall take effect on July 1, 2010, and



1 shall be repealed on June 30, 2013; provided that sections
 2 171-19(a) and 173A-5(h), Hawaii Revised Statutes, shall be
 3 reenacted in the form in which they read on June 30, 2010.

APPROVED this day of , 2010

GOVERNOR OF THE STATE OF HAWAII

