



EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

July 8, 2013

GOV. MSG. NO. 1374

The Honorable Donna Mercado Kim,
President
and Members of the Senate
Twenty-Seventh State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Joseph M. Souki,
Speaker and Members of
the House of Representatives
Twenty-Seventh State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

I am transmitting herewith HB988 HD2 SD2 CD1, without my approval, and with the statement of objections relating to the measure.

HB988 HD2 SD2 CD1

RELATING TO NATIVE WILDLIFE


Sincerely,
Neil Abercrombie

NEIL ABERCROMBIE
Governor, State of Hawaii

EXECUTIVE CHAMBERS

HONOLULU

July 8, 2013

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 988

Honorable Members
Twenty-Seventh 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, House Bill No. 988, entitled "A Bill for an Act Relating to Native Wildlife."

The purpose of this bill is to expand the use of the Environmental Response Revolving Fund ("the Fund") to, among other things, support the operations of an environmental disaster standby and response facility that shall be responsible for the recovery and rehabilitation of native wildlife affected by oil or fuel related disasters in the State of Hawaii.

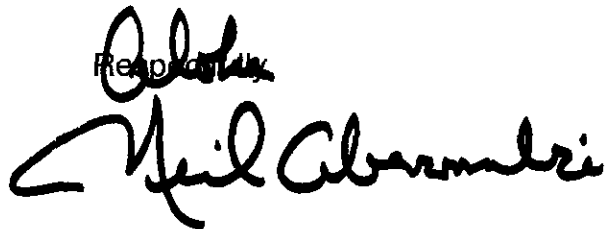
This bill is objectionable because it is too narrow in scope and only allows the Fund to support the operations for a recovery and rehabilitation facility of native wildlife affected by oil related spills. If the goal of this bill is to provide funding for a specific facility, the grant appropriation process as provided under chapter 42F, Hawaii Revised Statutes, would be a more appropriate funding source. Additionally, section 128D-2, Hawaii Revised Statutes, currently allows the Fund to be used "[f]or oil spill planning, prevention, preparedness, education, research, training, removal, and remediation." This would allow for the rehabilitation of wildlife harmed by an oil spill, although the responsible parties typically pay for such response.

This bill is also objectionable because it expands the number of programs that draw from the Fund generated by the Environmental Response, Energy, and Food Security Tax pursuant to section 243-3.5, Hawaii Revised Statutes, commonly referred to as the "barrel tax," without increasing the barrel tax allocation to support the expansion. The Fund has been declining due in part to: (1) the rising cost of oil; (2) the

STATEMENT OF OBJECTIONS
HOUSE BILL NO. 988
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switch to alternative energy sources; and (3) the aviation fuel exemption. The Fund is already being burdened by supporting environmental emergency response activities and approximately forty positions within the Department of Health and cannot support an additional program within the current allocation to the Department of Health.

For the foregoing reasons, I am returning House Bill No. 988 without my approval.

The image shows a handwritten signature in black ink. The signature is written in a cursive style and appears to read "Neil Abercrombie". There is a small, faint word "Response" written above the signature.

NEIL ABERCROMBIE
Governor of Hawaii

A BILL FOR AN ACT

RELATING TO NATIVE WILDLIFE:

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

1 SECTION 1. The legislature finds that Hawaii has the
2 largest concentration of endangered and threatened species in
3 the world, a majority of which are birds. Of more than one
4 hundred types of endemic Hawaiian birds, more than two-thirds
5 are already extinct and over eighty per cent of those that
6 remain are threatened with extinction. Furthermore, there are
7 more than fourteen million seabirds that rely on habitats in the
8 Hawaiian archipelago. It is imperative that the State protect
9 these endangered and endemic animals if an oil or fuel-related
10 disaster affecting native wildlife were to occur.

11 The Hawaii Wildlife Center's mission is to conserve
12 Hawaii's native wildlife through emergency response,
13 rehabilitation, education, and research. The Center is the only
14 native wildlife emergency response and rehabilitation facility
15 in the State and in the Pacific Islands region. In addition,
16 the Center is the only facility within the State that meets all
17 federal and state standards for accommodating a large-scale
18 rescue and rehabilitation effort targeting sick, injured, or



1 oiled wildlife. A purpose built and operational oiled-wildlife
2 response facility is the standard set for highly successful
3 emergency responses as it provides efficient, state-of-the-art
4 wildlife care, provides control of animal and hazardous waste
5 handling and tracking, and ensures the safety of everyone
6 working with oiled wildlife. Also, the Center serves as a
7 critical emergency response facility for the training of
8 response personnel and volunteers and for the rehabilitation of
9 injured, sick, and contaminated wildlife throughout the Pacific
10 Islands region.

11 The purpose of this Act is to support the operations of an
12 environmental disaster standby and response facility to respond
13 to oil and fuel-related disasters affecting native wildlife in
14 the State through the environmental response revolving fund.

15 SECTION 2. Section 128D-2, Hawaii Revised Statutes, is
16 amended by amending subsection (b) to read as follows:

17 "(b) Moneys from the fund shall be expended by the
18 department for response actions and preparedness, including
19 removal and remedial actions, consistent with this chapter;
20 provided that the revenues generated by the environmental



1 response, energy, and food security tax deposited into the
2 environmental response revolving fund:

3 (1) Shall be used:

4 (A) For oil spill planning, prevention, preparedness,
5 education, research, training, removal, and
6 remediation; and

7 (B) For direct support for county used oil recycling
8 programs; and

9 (2) May also be used to support environmental protection
10 and natural resource protection programs, including
11 [energy]:

12 (A) Support for the operations of an environmental
13 disaster standby and response facility in the
14 State that shall be responsible for the recovery
15 and rehabilitation of native wildlife that are
16 sickened, injured, or contaminated as a result of
17 an oil or fuel-related disaster in the State;

18 (B) Energy conservation [and ~~alternative~~];

19 (C) Alternative energy development [r]; and ~~to~~
20 address]



1 (D) Addressing concerns related to air quality,
 2 global warming, clean water, polluted runoff,
 3 solid and hazardous waste, drinking water, and
 4 underground storage tanks, including support for
 5 the underground storage tank program of the
 6 department and funding for the acquisition by the
 7 State of a soil remediation site and facility."

8 SECTION 3. Statutory material to be repealed is bracketed
 9 and stricken. New statutory material is underscored.

10 SECTION 4. This Act shall take effect on July 1, 2013.

APPROVED this day of , 2013

GOVERNOR OF THE STATE OF HAWAII

