

EXECUTIVE CHAMBERS

GOV. MSG. NO. 744

HONOLULU

July 13, 2004

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1793

Honorable Members
Twenty-Second 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. 1793, entitled "A Bill for an Act Relating to Land Exchange."

This bill directs the Board of Land and Natural Resources and other appropriate state agencies to enter into land exchange negotiations with the George Galbraith Trust for lands situated north of Wahiawa, Oahu.

This bill is objectionable because section 2 of this bill appears to violate Section 5 of Article XI of the Hawaii Constitution, which in pertinent part provides: "The legislative power over the lands owned by or under the control of the State . . . shall be exercised only by general laws[.]" The constitutional history of Section 5 of Article XI indicates that exchanges of public lands for private lands were the precise concerns that led to the adoption of this constitutional prohibition. Consequently, this bill, directing the Board of Land and Natural Resources and other appropriate state agencies to acquire specified private lands by means of exchange of public lands, appears to be the kind of special law prohibited under Section 5 of Article XI.

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For the foregoing reasons, I am returning House Bill
No. 1793 without my approval.

Respectfully,

A handwritten signature in black ink, appearing to read 'Linda Lingle', is written over the printed name.

LINDA LINGLE
Governor of Hawaii