

ORIGINAL

EXECUTIVE CHAMBERS

HONOLULU

MAY 27, 1999

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 221

Honorable Members
Twentieth 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. 221, entitled "A Bill for an Act Relating to the Hawaii Tourism Authority."

This bill requires the Hawaii Tourism Authority (HTA) to submit a long-term policy plan to the Legislature by January 1, 2000, and specifies that the strategic tourism marketing plan shall be updated every two years and implement the recommendations of the long-term policy plan. The bill also allows the HTA board to withhold from public inspection and copying any consultant's report and internal analysis related to the formulation of the strategic tourism marketing plan if, in the opinion of at least two-thirds of the HTA board members, public disclosure of the documents would frustrate the ability of HTA to implement its strategic tourism marketing plan and maximize the economic benefit of its expenditures, contracts, and agreements. The bill allows the HTA board to discuss such documents in executive session.

The provisions allowing HTA to withhold consultant reports and internal analysis from public inspection and to go into executive session to discuss such documents were added to the bill on April 29, 1999, by the Committee on Conference. Thus, neither the Office of Information Practices (OIP), which is the agency charged with administering the Uniform Information Practices Act (Modified), chapter 92F, Hawaii Revised Statutes, nor members of the general public had an opportunity to testify on this bill, which affects both the Uniform Information Practices Act (Modified) and the Sunshine Law, part I of chapter

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92, Hawaii Revised Statutes.

Both chapters 92 and 92F promote the policies of open government and public participation in government. As such, exemptions from the requirements of these laws must be carefully tailored to balance the interests of the public and the legitimate concerns of governmental agencies. The exemptions to these laws for HTA made by this bill were not subjected to public comment and scrutiny, but were included in this bill after the opportunity for testimony had passed. A more thorough exposition of the competing interests at issue here is necessary before it is clear that these exemptions are warranted.

For the foregoing reasons, I am returning House Bill No. 221 without my approval.

Respectfully,


BENJAMIN J. CAYETANO
Governor of Hawaii

P R O C L A M A T I O N

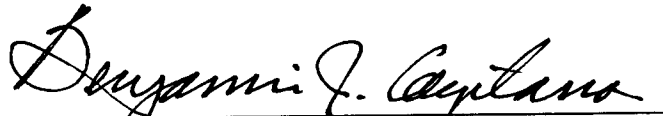
WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 221, entitled "A Bill for an Act Relating to the Hawaii Tourism Authority," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 221 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 221 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 27th
day of May, 1999.



BENJAMIN J. CAYETANO
Governor of Hawaii