

EXECUTIVE CHAMBERS

HONOLULU

June 20, 2002

COPY

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 23

Honorable Members
Twenty-First 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. 23, entitled "A Bill for an Act Relating to Disaster Relief."

The purpose of Senate Bill No. 23 is to authorize paid leave for state and county employees who are certified American Red Cross disaster volunteers to participate in disaster relief services for the American Red Cross, when a disaster is designated as level III or higher by American Red Cross regulations, officially declared by the President of the United States, or declared a state of emergency by the Governor.

This bill would add a new statute for paid leave in addition to current leave provisions in public employer collective bargaining agreements. However, Act 253, Session Laws of Hawaii 2000, enacted to reform the public employment laws, created "bright lines" and deferred matters that are subject to negotiations at the bargaining table, such as leave issues involving reductions in vacation and sick leave, which were done for some of the bargaining units in the past year. Thus, issues involving leave for public employees may be better dealt with as subjects of collective bargaining negotiations rather than of legislation.


Furthermore, statutes such as sections 127-10 and 127-11 and chapter 128, Hawaii Revised Statutes, pertaining to disaster relief and civil defense emergencies, and administrative directives and emergency plans and policies already exist that would enable the Governor to allow state employees who have been designated as emergency workers to take such leaves. There does

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not appear to be any need to enact an unnecessary statute that is limited to the activities of only one of the non-governmental disaster relief organizations.

For the foregoing reasons, I am returning Senate Bill No. 23 without my approval.

Respectfully,


BENJAMIN J. CAYETANO
Governor of Hawaii

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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 the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 23, entitled "A Bill for an Act Relating to Disaster Relief," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 23 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 Senate Bill No. 23 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 20
day of June, 2002.


BENJAMIN J. CAYETANO
Governor of Hawaii