

EXECUTIVE CHAMBERS

HONOLULU

June 20, 2003

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 41

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, Senate Bill No. 41, entitled, "A Bill for an Act Relating to Public Contracts."

The purpose of this bill is to require the Hawaii Tourism Authority (HTA) to disclose its publicly funded contracts and subcontracts by specifically subjecting them to the disclosure requirements of the Uniform Information Practices Act (UIPA), chapter 92F, Hawaii Revised Statutes, except for any information deemed proprietary by the person providing the information to the HTA.

This bill is objectionable because it invites confusion and accomplishes the opposite of the intent of disclosure and openness that was articulated by the Legislature in its committee reports.

The HTA is already subject to the disclosure requirements of the UIPA. Instead of requiring full disclosure, this bill provides an exemption from disclosure. Under this bill, this exemption would be invoked by persons providing information to the HTA.

Whether or not information is proprietary should be determined by the Office of Information Practices (OIP) under the provisions of chapter 92F, and not by the provider of the information.

This bill needs to be reworked by changing who determines whether information is proprietary from the provider

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of the information to the OIP. So changed, it could receive my enthusiastic support.

For the foregoing reasons, I am returning Senate Bill No. 41 without my approval.

Respectfully,

LINDA LINGLE
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 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. 41, entitled "A Bill for an Act Relating to Public Contracts," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 41 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, 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. 41 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 20th day
of June, 2003.



LINDA LINGLE
Governor of Hawaii