

EXECUTIVE CHAMBERS

HONOLULU

June 20, 2003

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 740

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. 740, entitled "A Bill for an Act Relating to Health."

The purpose of this bill is to establish statutorily within the Department of Health the public health nursing (PHN) services program. The bill enumerates specific services that the program shall provide.

This attempt to codify the PHN program, which has been in existence since 1923, is commendable to the extent that it recognizes the importance and value of the services that have been provided to the community for the last eighty years. The PHN program provides essential services to some of the State's most vulnerable populations including special needs infants, the elderly, and victims of natural disasters. Although I believe it is a vital program, this bill is objectionable for a number of reasons.

First, the bill creates an overly broad mandate. For instance, it provides that the PHN program "shall" provide health care services when no other resources are available in the community. There is no limitation that the services will be provided only to the extent that staff and other resources are available. Without some explicitly stated restrictions, the mandate could result in community demands that far exceed the program's current abilities to respond.

Second, the broad mandatory language may result in excessive financial liability. If the needs of the community

exceed the program's ability to respond, there is potential legal liability from assuming an obligation that we know cannot be met. In this time of fiscal austerity, there is no guarantee of increased resources to meet the increased demands. It would not be fiscally prudent to expand services at a time when funding is scarce and the prospect of increasing funding is unlikely.

Third, the mandatory language in this bill would unnecessarily restrict the flexibility of the program to adapt to changing community needs. As the program currently operates and, presumably, will continue to operate, it is not restricted to providing a limited set of services. If the bill becomes law, however, the statute would need to be amended before the program could discontinue one of the enumerated services, or before adding a service not enumerated, which would be an inefficient use of time and resources.

I envision a bill being crafted in the future that would not only recognize the immense value of the PHN program, but would also be tailored to limit unnecessary liability and allow for the flexibility the program currently has to meet the changing needs of the community. This bill does not satisfy those requirements.

For the foregoing reasons, I am returning Senate Bill No. 740 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. 740, entitled "A Bill for an Act Relating to Health," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 740 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. 740 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