

EXECUTIVE CHAMBERS

HONOLULU

June 20, 2002

COPY

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2821

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, House Bill No. 2821, entitled "A Bill for an Act Relating to State Departments."

The purpose of House Bill No. 2821 is to abolish the position of deputy or assistant to the head of any department of the State, except the University of Hawaii and the Department of Education. The Legislature believed that, based on reasons related to "economy, expediency, and accountability, division and branch chiefs of a state executive department should report directly to the head of the department."

However, deputy directors and assistants to department heads play key roles in the operations of state executive departments and the elimination of such positions would most likely not lead to the desired result. In fact, due to the numerous demands on the time and attention of department heads, which may include serving on several boards, commissions, and governmental corporations, review of voluminous amounts of documentation and complex decision making, and attending and presiding over many public and official meetings and events, just the opposite effect may occur, because it is unreasonable to expect a director to solely manage an executive department without the assistance of a deputy or assistant. In addition, a deputy or assistant is needed to act in the place of a director in the director's absence due to travel on official business, vacations, or illnesses. While it is possible for a division or branch chief to assume the functions of a director for very limited durations, it would not be reasonable to expect the

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division or branch chief to handle the division or branch responsibilities and department-wide responsibilities for any longer periods of time.

Furthermore, the bill may create a potential conflict of interest or separation of authority problem within the Department of Defense. A single executive, the Adjutant General, heads the Department of Defense. However, the functions of the Adjutant General are divided into two distinct components: military command and civil defense. Pursuant to section 26-21, Hawaii Revised Statutes, the Adjutant General shall also be the Director of Civil Defense. The Legislature previously expressed its intent to clearly separate the military and civil defense functions of the Department of Defense. Section 26-21 provides that "[t]he devolution of command of the military forces in the absence of the adjutant general shall be within the military establishment" and "[t]he devolution of command of the civil defense agency in the absence of the director of civil defense shall be within the civil defense agency." Currently, the military and civil defense components of the Department of Defense are separated by appointments of a Deputy Adjutant General and a Vice Director of Civil Defense. Elimination of these deputy director positions would cause problems concerning the separation of military and civil defense functions and the chain of command for each of these functions.

For the foregoing reasons, I am returning House Bill No. 2821 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, House Bill No. 2821, entitled "A Bill for an Act Relating to State Departments," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2821 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. 2821 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