

EXECUTIVE CHAMBERS

HONOLULU

June 20, 2002

COPY

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 251

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. 251, entitled "A Bill for an Act Relating to Professional Counselors."

The purpose of this bill is to establish a professional counselor licensing program within the Department of Commerce and Consumer Affairs (DCCA) by setting education, experience, and examination requirements for professional counselors. In particular, this bill requires a master's or doctoral degree in counseling or a related field, and passage of an examination.

These dual requirements exceed the minimum qualifications set by federal law, as well as the minimum qualifications being established by the Department of Human Services (DHS) for positions in its Vocational and Rehabilitation Services for the Blind Division. In addition, the bill's requirements exceed the qualifications of many DHS Vocational Rehabilitation Specialists and their supervisors. Because the bill does not exempt or grandfather current Vocational Rehabilitation Specialists, more than half of those specialists may have to be terminated from the DHS. This would adversely impact services to individuals with disabilities in need of rehabilitation to return to work.

The bill also establishes a professional counselors licensing program startup trust fund ("Startup Fund") into which contributions received by the State designated for the Startup Fund and all other gifts not otherwise conditioned shall be deposited. Such a Startup Fund is unique and unlike any of the funds for other regulated professions and vocations. Rather than


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having a general appropriation to aid DCCA in administering a regulatory program before that program is able to support itself through licensing fees, the Startup Fund uses private, non-appropriated funds such as contributions and gifts to the State to finance the professional counselor program. In addition to this unique feature, the Startup Fund precedes by two years the actual regulation of professional counselors and conditions the beginning of regulation on having at least \$43,000 in the Startup Fund by October 1, 2003.

Lastly, the establishment of a new professional counselor program will incur staff salary costs of approximately \$86,000 to \$129,000 annually to administer the program. The Legislative Auditor conducted three recent sunrise studies on the regulation of professional counselors (1988 and 1992), and professional mental health counselors and professional rehabilitation counselors (1999), and concluded in all three studies that there is "very limited evidence of consumer harm," that these occupations "pose no significant harm to consumers," that regulation is not required for the profession, and that "regulation would benefit counselors more than consumers."

For the foregoing reasons, I am returning Senate Bill No. 251 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. 251, entitled "A Bill for an Act Relating to Professional Counselors," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 251 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. 251 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