

EXECUTIVE CHAMBERS

HONOLULU

JUNE 24, 2002

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 720

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. 720, entitled "A Bill for an Act Relating to Prohibition of Discrimination by Public Entities Towards Individuals with Disabilities."

The purpose of this bill is to expand the prohibition against discrimination by the State against a person with disabilities and extend the prohibition to county governments. Senate Bill No. 720, however, does not strike the necessary balance between the rights of the disabled and the liability of the State and counties. This bill is not necessary because individuals with disabilities have protections under the federal Americans with Disabilities Act (ADA), section 504 of the Rehabilitation Act, and existing state law. Furthermore, the bill exposes the State and counties to more lawsuits while weakening their ability to defend because they could be found in violation even if they have other legitimate, non-discriminatory reasons for denying or excluding a disabled person from receiving a benefit, service, program, or activity; the State and counties may face exposure under this bill even if they comply with federal disability laws like the ADA and section 504; and because the bill does not use the same language as the ADA or section 504, the State and counties do not have the benefit of relying on court interpretations of those laws and disagreements over the meaning and scope of this bill may increase litigation.

For the foregoing reasons, I am returning Senate Bill No. 720 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

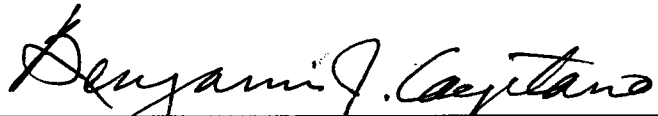
WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 720, entitled "A Bill for an Act Relating to Prohibition of Discrimination by Public Entities Towards Individuals with Disabilities," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 720 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. 720 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 24  
day of June, 2002.



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BENJAMIN J. CAYETANO  
Governor of Hawaii