



GOV. MSG. NO. 838

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

July 15, 2009

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fifth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

I am transmitting herewith HB541 HD1 SD1 CD1, without my approval, and with the statement of objections relating to the measure.

HB541 HD1 SD1 CD1

A BILL FOR AN ACT
RELATING TO CIVIL SERVICE PERSONNEL.

Sincerely,



LINDA LINGLE

EXECUTIVE CHAMBERS

HONOLULU

July 15, 2009

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 541

Honorable Members
Twenty-Fifth 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. 541, entitled "A Bill for an Act Relating to Civil Service Personnel."

The purpose of this bill is to amend the repeal date for Act 221, Session Laws of Hawaii 2005, from June 30, 2009, to June 30, 2011. The purpose of Act 221, Session Laws of Hawaii 2005, was to ensure that the civil service benefits of Department of Education civil service employees are the same as those provided to civil service employees of other executive branch agencies pursuant to chapter 76, Hawaii Revised Statutes.

This bill is legally flawed because it cannot accomplish its purpose by amending the repeal date for Act 221, Session Laws of Hawaii 2005, from June 30, 2009, to June 30, 2011. This bill would take effect on July 1, 2009, but Act 221, Session Laws of Hawaii 2005, will already have been repealed on June 30, 2009.

Act 51, Session Laws of Hawaii 2004, provided the Department of Education with the authority and responsibility to establish its own civil service system separate from the civil service system administered by the Department of Human Resources Development. Effective July 1, 2005, the Department of Education was supposed to have administered its own civil service system pursuant to Act 51.

STATEMENT OF OBJECTIONS
HOUSE BILL NO. 541
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Act 221, Session Laws of Hawaii 2005, provided that civil service employees transferred to the Department of Education from other executive branch agencies retained their benefits during the period of transition when the Department of Education was establishing its own civil service system.

The Department has had five years to develop this system. The Department of Education has received training from the State Department of Human Resources Development and received sample rules, forms, and procedures more than four years ago to make it easier for them to adopt their own civil service system. Yet, they have failed to implement their own system.

To continue to give Department of Education more time to do the work they were supposed to do almost five years ago is no guarantee they will ever fulfill their responsibilities to enact their own civil service system. It is appropriate that Act 221, Session Laws of Hawaii 2005, be repealed.

For the foregoing reasons, I am returning House Bill 541 without my approval.

Respectfully,



LINDA LINGUE
Governor of Hawaii

VETO

HOUSE OF REPRESENTATIVES
TWENTY-FIFTH LEGISLATURE, 2009
STATE OF HAWAII

H.B. NO. 541
H.D. 1
S.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO CIVIL SERVICE PERSONNEL.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of this Act is to ensure that the
2 civil service benefits of department of education civil service
3 employees are the same as those provided to civil service
4 employees of other executive branch agencies pursuant to chapter
5 76, Hawaii Revised Statutes.

6 SECTION 2. Act 221, Session Laws of Hawaii 2005, is
7 amended by amending section 4 to read as follows:

8 "SECTION 4. This Act shall take effect upon its approval
9 and shall be repealed on June 30, [~~2009-~~] 2011."

10 SECTION 3. If the department of education has not
11 established a separate civil service system by June 30, 2010,
12 the department shall submit a report to the legislature, no
13 later than twenty days prior to the convening of the regular
14 session of 2011, on its progress on establishing a separate
15 human resources system, pursuant to Act 51, Session Laws of
16 Hawaii 2004.



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect on July 1, 2009.

