



EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

July 12, 2006

The Honorable Robert Bunda, President
and Members of the Senate
Twenty-Third State Legislature
State Capitol, Room 003
Honolulu, Hawaii 96813

GOV. MSG. NO. 857

Dear Mr. President and Members of the Senate:

Re: House Bill No. 1918 HD1 SD2 CD1

On July 11, 2006, House Bill No. 1918, entitled "A Bill for an Act Relating to Commission on Salaries" became law without my signature, pursuant to Section 16 of Article III of the Constitution of the State of Hawaii.

This bill establishes a seven-member Salary Commission to review the salaries of appointed managerial positions within the Executive, Judicial, and Legislative branches of government, but excludes positions within the Department of Education and University of Hawaii. Establishment of the Commission is predicated upon ratification of an amendment changing Article III, Section 9 and Article XVIII, Section 3 of the State Constitution governing the salaries of the Legislature.

This bill poses a number of concerns that could adversely impact the separation of powers within the Executive, Legislative, and Judicial branches of government.

First, the composition of the proposed seven-member Salary Commission will be such that there will be a majority of members selected by the Legislature. Such a composition may favor one branch of government over another.

Second, a concern exists as to whether it is appropriate and proper to have the salaries of the Chief Justices of the Supreme Court and sitting judges set by a Commission that contains members of the other two branches of government. This raises questions as to whether this Commission violates the basic tenets of the separation between the branches of government as recognized by our founding fathers.

Third, the timetable for the Commission is unrealistic and will be difficult to meet. The Commission cannot be established until after the November elections are held. Yet, the Commissioners must be selected, convene, establish criteria, conduct proceedings, make recommendations, and report to the 2007 Legislature that convenes the following January. Since

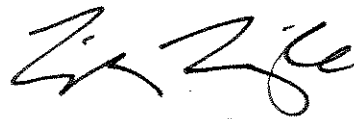
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the bill lacks guidance and fails to establish criteria for the commissioners to follow, this will make it even more challenging for the Commission to meet this deadline.

Fourth, House Bill No. 1918 exempts the Department of Education and the University of Hawaii from the purview of the Salary Commission but fails to provide any rationale as to why these two executive branch agencies should not be subjected to the same process of determining the appropriate salaries of its senior management. In fact, one could argue that these bodies deserve the transparency and accountability a public Salary Commission might offer.

For the foregoing reasons, I allowed House Bill No. 1918 to become law as Act 299 effective July 11, 2006 without my signature.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle", written in a cursive style.

LINDA LINGLE

A BILL FOR AN ACT

RELATING TO COMMISSION ON SALARIES.

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

1 SECTION 1. Chapter 26, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§26- Commission on salaries. (a) Pursuant to article
5 XVI, section , of the Constitution of the State of Hawaii,
6 there is established a commission on salaries within the
7 department of human resources development, for administrative
8 purposes only.

9 The commission shall consist of seven members of whom:

10 (1) Two members shall be appointed by the governor;

11 (2) Two members shall be appointed by the president of the
12 senate;

13 (3) Two members shall be appointed by the speaker of the
14 house of representatives; and

15 (4) One member shall be appointed by the chief justice of
16 the supreme court.

17 Vacancies in these positions shall be filled in the same

18 manner. The members of the commission shall serve without



1 ~~recommendation. The commission may submit a report of its~~
2 ~~findings and submit a new salary recommendation to the~~
3 ~~legislature of the next regular session. The commission's~~
4 ~~reconvening following a legislative disapproval shall not toll~~
5 ~~the eight year cycle."]~~

6 SECTION 13. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 14. This Act shall take effect upon ratification
9 of a constitutional amendment establishing a commission on
10 salaries to review and recommend salaries for the governor,
11 lieutenant governor, legislators, justices and judges of all
12 state courts, the administrative director of the State, and
13 department heads or executive officers of the executive
14 departments and their deputies or assistants.

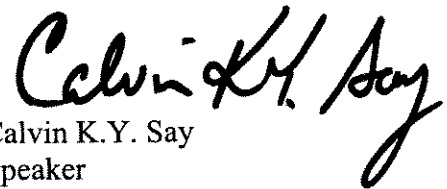


HB No. 1918 HD 1 SD 2 CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2006
Honolulu, Hawaii

We hereby certify that the foregoing Bill on this day passed Final Reading in the House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006.



Calvin K.Y. Say
Speaker
House of Representatives



Patricia Mau-Shimizu
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAII

Date: May 2, 2006
Honolulu, Hawaii

We hereby certify that the foregoing Bill on this day passed Final Reading in the Senate of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006.



Robert Bunda
President of the Senate



Paul Kawaguchi
Clerk of the Senate