EXECUTIVE CHAMBERS

HONOLULU

LINDA LINGLE
GOVERNOR

July 12, 2006

The Honorable Calvin K. Y. Say, Speaker
and Members of the House of Representatives
Twenty-Third State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear Mr. Speaker and Members of the House:

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 very real 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

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 some process of determining the appropriate salaries of its senior management. In fact, one could argue that these bodies need the transparency and accountability a public salary commission might offer.

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

Sincerely,

LINDA LINGLE