

EXECUTIVE CHAMBERS

HONOLULU

July 10, 2007

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1922

Honorable Members  
Twenty-Fourth 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. 1922, entitled "A Bill for an Act Relating to Creative Media."

The purposes of this bill are to: (1) require a portion of the existing Public Broadcasting System (PBS) facility and studio at the University of Hawaii Manoa campus to be designated as an interim home for the Academy for Creative Media; (2) require the existing PBS facility and studio be leased to PBS at no cost; and (3) establish the Music and Enterprise Learning Experience program at the University of Hawaii-Honolulu Community College.

This bill is objectionable for the following reasons. First, the bill's mandate of a lease of a particular property (the existing PBS facility) to a particular private entity (PBS) would likely be construed as a special and not a general law. Section 5 of Article XI of the State Constitution requires that the legislative power over state lands be exercised only by general law. The Attorney General has opined that this constitutional infirmity, in and of itself, justifies a veto of this bill.

Second, Section 6 of Article X of the State Constitution grants the University of Hawaii's Board of Regents exclusive jurisdiction over the internal structure, management, and operation of the university. Although this is qualified by

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the Legislature's power to enact laws of statewide concern, the assignment and use of campus facilities are inherently part of the University's internal structure, management, and operation and are not matters of statewide concern. Moreover, pursuant to the executive order setting aside the land on which the PBS facility is located, the set aside was explicitly stated as land set aside for educational purposes to be under the control and management of the Board of Regents of the University of Hawaii.

Third, Section 14 of Article III of the State Constitution provides that each law shall embrace but one subject, which shall be expressed in its title. It is questionable whether the PBS lease provisions of this bill properly fall within the scope of this bill's title, "A Bill for an Act Relating to Creative Media," again making this bill subject to a legal challenge.

This Administration is supportive of the work of the Academy for Creative Media. My Administration also recognizes the importance of the Public Broadcasting System in Hawaii. Additionally, my Administration proposed and fully supports the creation of a Music Education Learning Experience (MELE) at the University of Hawaii-Honolulu Community College. It is unfortunate that this measure failed to provide sufficient funding for this new program, as originally proposed in legislation requested by my Administration.

Regrettably, this measure is legally defective. As noted in my July 5, 2007 communication to Speaker Say and President Hanabusa, the defect in this bill can easily be remedied by deleting Section 3 of Part II of this bill dealing with the lease to the Public Broadcasting System. I have asked the Legislature to make this amendment so that I may sign this

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measure. Without this amendment, which only the Legislature can enact, the bill is constitutionally flawed.

For the foregoing reasons, I am returning Senate Bill No. 1922 without my approval.

Respectfully,

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

LINDA LINGLE  
Governor of Hawaii