



GOV. MSG. NO. 1047

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

July 10, 2007

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

Dear Madam President and Members of the Senate:

I am transmitting herewith SB1922 SD2 HD1 CD1, without my approval, and with the statement of objections relating to the measure.

SB1922 SD2 HD1 CD1

A BILL FOR AN ACT RELATING TO CREATIVE
MEDIA.

Sincerely,

A handwritten signature in cursive script, appearing to read "Linda Lingle".

LINDA LINGLE

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. 1922, entitled "A Bill for an Act Relating to Creative Media," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1922 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, 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. 1922 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 25th
day of June, 2007.



LINDA LINGLE
Governor of Hawaii

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,



LINDA LINGLE
Governor of Hawaii

A BILL FOR AN ACT

RELATING TO CREATIVE MEDIA.

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

PART I

1
2 SECTION 1. The legislature finds that in 2007, emerging
3 creative media programs at the University of Hawaii academy for
4 creative media, at Waianae high school, or within a broad range
5 of multidisciplinary programs like Project EAST on the neighbor
6 islands have now achieved a specific level of achievements to
7 evaluate their performance in the context of what a globally-
8 integrated economy requires. As pointed out by New York Times
9 columnist Thomas Friedman, in his recent op-ed commentary
10 endorsing the National Center on Education and the Economy's
11 report: "We need to radically overhaul . . . an education
12 system designed in the 1900's for people to do 'routine work'
13 and refocus it on producing people who can imagine things that
14 have never been available before, who can create ingenious
15 marketing and sales campaigns, write books, build furniture,
16 make movies and design software that will capture people's



1 imaginations and become indispensable for millions" (December
2 13, 2006, *New York Times*).

3 Just as Waianae Searider Productions has demonstrated the
4 transformational power of multi-media literacy to engage our
5 most at-risk students, and Project EAST students have
6 distinguished themselves in national competitions with their
7 homegrown science-technology and multimedia skills, Hawaii has
8 the opportunity to establish itself as a true "crossroads of the
9 Pacific" for digital and musical education. It is time for
10 Hawaii to take full advantage of its natural constituency with
11 the countries of the Pacific rim and the rising tide of global
12 popular culture in all its forms, including video games,
13 animation, indigenous film, and music.

14 PART II

15 SECTION 2. Since being approved by the University of
16 Hawaii board of regents three years ago, the academy for
17 creative media is the fastest growing new program at the
18 University of Hawaii. For spring 2007, with one hundred
19 seventy-six enrolled students (including sixty majors) who fill
20 two hundred seventy-five seats in twenty of the thirty-two new
21 courses in film production, screenwriting, indigenous
22 filmmaking, computer animation, critical studies, and video game



1 design. More than three hundred fifty original short films and
2 video games have been written, directed, and produced by
3 students that reflect their unique diversity and backgrounds.
4 Over forty-eight student films were screened at film festivals
5 from Atlanta to Shanghai, including the Hawaii International
6 Film Festival 2004-2006. Students are offered internship
7 opportunities with major motion picture productions (*Superman*
8 *Returns*) and television shows (*LOST* and local morning news
9 shows), and have opportunities to showcase their work on local
10 television, such as commercials for Toyota/Scion of Hawaii,
11 which were entirely produced by students.

12 Since its inception, the academy for creative media has
13 been responsible for raising and funding all of its own
14 operating expenses outside of faculty salaries and basic office
15 overhead. This has meant providing all of the funding for
16 hardware, software, computers, cameras, sound equipment, editing
17 equipment, etc. Overall, the academy for creative media has
18 raised over \$1,481,000 to support the students and program.

19 The school recently received a total of \$200,000 that was
20 privately raised or gifts from generous donors and supporters to
21 build and install the school's animation render farm, a bank of
22 over fifty computers that efficiently converts, assigns, and



1 monitors animation projects. The system is available for all
2 campuses on all islands via the Internet, and is currently being
3 used by the Manoa, Leeward, and Kapiolani campuses, as well as
4 Waianae Seariders Production. An additional \$146,500 has been
5 raised from the Kellogg Foundation, to quadruple the capacity of
6 the animation render farm project to provide system-wide
7 animation computing power, via the Internet, to digital media
8 programs on all of the University of Hawaii campuses and Hawaii
9 public schools at all levels. Furthermore, a \$500,000 federal
10 grant was received for the school to produce an original
11 documentary on statehood, which is currently in post-production.

12 In spite of its success, the academy for creative media is
13 without a central facility or permanent home on any campus and
14 does not receive any funding for programmatic needs outside of
15 faculty salaries.

16 The purpose of this part is to:

- 17 (1) Authorize the academy for creative media to designate
18 the existing public broadcasting system (PBS Hawaii)
19 facility and studio located on the University of
20 Hawaii at Manoa campus as an interim home; and
21 (2) Appropriate funds for the purposes of this part.



1 SECTION 3. (a) The existing public broadcasting facility
2 and studio located on the University of Hawaii at Manoa campus
3 shall be leased to PBS Hawaii for a term of not less than
4 thirty-five years. The lease agreement shall include the
5 following:

- 6 (1) PBS Hawaii shall be responsible for renovation and
7 construction of any additional space to the existing
8 facility located at 2350 Dole street;
- 9 (2) PBS Hawaii shall provide an interim home for the
10 academy for creative media in space equal to forty per
11 cent of the net usable square footage of the facility,
12 including any newly constructed space; provided that
13 the academy for creative media shall occupy an
14 exclusive space with no common areas with PBS Hawaii
15 and shall be the only subtenant at the facility;
- 16 (3) PBS Hawaii shall be responsible for the annual
17 maintenance and operating costs of the building and
18 shall continue to pay for the costs attributed to the
19 academy for creative media based on current
20 allocations of cost to square footage;
- 21 (4) The University of Hawaii shall expend at least
22 \$4,870,000, as appropriated in section 3 of this Act,



1 for equipment and installation suitable for the
2 academy for creative media programs, costs associated
3 with handicapped compliance, and common area spaces;
4 and

5 (5) A written memorandum of understanding of the above
6 conditions shall be executed between the University of
7 Hawaii at Manoa and PBS Hawaii in 2007.

8 (b) PBS Hawaii shall share the long-term use of the
9 building without cost, apart from the costs under subsection
10 (a) (1), (2), and (3); provided that if PBS Hawaii is no longer a
11 public broadcasting system affiliate in good standing, or is no
12 longer licensed by the Federal Communications Commission as
13 either a community or university licensee, the facility shall be
14 returned to the University of Hawaii at Manoa.

15 SECTION 4. There is appropriated out of the general
16 revenues of the State of Hawaii the sum of \$2,870,000 or so much
17 thereof as may be necessary for fiscal year 2007-2008 and
18 \$2,000,000 or so much thereof as may be necessary for fiscal
19 year 2008-2009 for the equipment and installation suitable for
20 the academy for creative media programs, costs associated with
21 handicapped compliance, and common area spaces of the PBS Hawaii
22 facility and studio.



1 The University of Hawaii, Honolulu community college, has
2 been working to build alliances with national and local members
3 of the entertainment industry for the music and enterprise
4 learning experience program. The music and enterprise learning
5 experience (MELE) program combines short-term professional
6 training workshops, songwriter seminars, an associate degree
7 program in music business and production, and a transfer program
8 that allows students to matriculate in Belmont University's
9 music and entertainment management programs. Belmont
10 University, located in Nashville, Tennessee, is one of the
11 premier music and entertainment educational programs in the
12 nation.

13 The purpose of this part is to establish a music and
14 enterprise learning experience program at the University of
15 Hawaii-Honolulu community college to develop the technical
16 business skills required by Hawaii's music artists and music
17 industry.

18 SECTION 6. There is established at the University of
19 Hawaii-Honolulu community college campus the music and
20 enterprise learning experience program to expand the existing
21 industry capacity, and to create new technological,
22 intercultural, and genre-bending forms of music through



1 creativity and professional business expertise. The program
2 will be developed around three primary components:

- 3 (1) Artist creativity;
- 4 (2) Entertainment business expertise; and
- 5 (3) Technical production skills.

6 The program will collaborate with Belmont University of
7 Nashville, Tennessee, on the joint use of Belmont's curriculum,
8 technical facilities and equipment specifications, training,
9 dual credit course offerings, and will also offer internships in
10 some of the most varied music environments in the world.

11 The program will be seeded through a title III Developing
12 Institutions grant that has been awarded to Honolulu community
13 college native Hawaiian center, and will provide for some basic
14 program development of course offerings in coordination with
15 Belmont University of Nashville, Tennessee.

16 SECTION 7. There is appropriated out of the general
17 revenues of the State of Hawaii the sum of \$150,000 or so much
18 thereof as may be necessary for fiscal year 2007-2008 and the
19 same sum or so much thereof as may be necessary for fiscal year
20 2008-2009 to carry out the purposes of leasing, operating, and
21 maintaining a music and entertainment business training center.



1 The sums appropriated shall be expended by the University
2 of Hawaii-Honolulu community college for the purposes of this
3 part.

4 SECTION 8. This Act shall take effect on July 1, 2007.

