



GOV. MSG. NO. 879

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

July 8, 2008

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 SB2434 HD1 CD1, without my approval, and with the statement of objections relating to the measure.

SB2434 HD1 CD1

A BILL FOR AN ACT RELATING TO THE STADIUM
AUTHORITY.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

EXECUTIVE CHAMBERS

HONOLULU

July 8, 2008

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2434

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. 2434, entitled "A Bill for an Act Relating to the Stadium Authority."

The stated purpose of this bill is to increase the membership of the Stadium Authority from nine to eleven members, but there are already eleven members on the Authority. The bill changes the appointment process by requiring that three members be appointed directly by the Governor, three from a list of nominees submitted by the President of the Senate, and three from a list of nominees submitted by the Speaker of the House of Representatives. The legislative leaders would designate nominees for the next six vacancies (alternating between the President of the Senate and the Speaker of the House). The Governor would not be able to select members until the year 2010.

This bill is objectionable because it unduly restricts the Governor's power to appoint executive officials and to ensure thereby that the laws are faithfully executed. The bill fails to provide a justification or rationale for amending the current nomination process. The nominees to the Stadium Authority are subject to advice and consent, thus, the Legislature already has the ability to determine if a nominee is not satisfactory.

The bill also fails to specify (1) how vacancies would be filled after the first nine; (2) whether it would apply when a

STATEMENT OF OBJECTIONS
SENATE BILL NO. 2434
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member leaves office before serving a full term and, if so, how a successor would be nominated. Further, the bill fails to establish a minimum number of candidates that must be included on lists of potential nominees submitted by the Legislature.

For the foregoing reasons, I am returning Senate Bill No. 2434 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

A BILL FOR AN ACT

RELATING TO THE STADIUM AUTHORITY.

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

1 SECTION 1. Section 109-1, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) There shall be within the department of accounting
4 and general services for administrative purposes only, a stadium
5 authority whose responsibility shall be to maintain, operate,
6 and manage the stadium and facilities attached thereto and to
7 provide for the maintenance, operation, management, and
8 promotion of the Kapolei recreational sports complex. The
9 authority shall consist of [~~nine~~] eleven members, of whom nine
10 shall be voting members who shall be appointed by the governor
11 in the manner prescribed by section 26-34[-], as follows:

- 12 (1) Three to be appointed directly by the governor;
13 (2) Three to be appointed from a list of nominees from the
14 general public submitted by the president of the
15 senate; and



1 (3) Three to be appointed from a list of nominees from the
2 general public submitted by the speaker of the house
3 of representatives.

4 Each member of the authority shall have been a citizen of the
5 United States and a resident of the State for at least five
6 years next preceding the member's appointment. The president of
7 the University of Hawaii and the superintendent of education
8 shall be ex officio nonvoting members of the authority [~~but~~
9 ~~shall not vote~~]."

10 SECTION 2. Upon the enactment of this Act, all
11 appointments with voting authority to the stadium authority
12 shall be made in accordance with section 1 of this Act; provided
13 that:

14 (1) The first, third, and fifth vacancies occurring after
15 the effective date of this Act in the stadium
16 authority membership, other than ex officio membership
17 vacancies, shall be appointed by the governor from
18 lists provided by the president of the senate;

19 (2) The second, fourth, and sixth vacancies occurring
20 after the effective date of this Act in the stadium
21 authority membership, other than ex officio membership
22 vacancies, shall be appointed by the governor from



1 lists provided by the speaker of the house of
2 representatives; and

3 (3) The seventh, eighth, and ninth vacancies shall be
4 appointed directly by the governor.

5 SECTION 3. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 4. This Act shall take effect upon its approval.

