

NO. 29391

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

COLLEEN HANABUSA, Individually and in her capacity as
Senate President and NORMAN SAKAMOTO, Individually
and in his capacity as Chair of the Senate
Committee on Education, Petitioners,

vs.

LINDA LINGLE, Governor, State of Hawai'i, Respondent

NORMA TJARNA
CLERK, APPELLATE COURTS
STATE OF HAWAII

2008 DEC -4 PM 2:20

FILED

ORIGINAL PROCEEDING

ORDER

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon consideration of the petition for a writ of mandamus filed by petitioners Colleen Hanabusa, individually and in her capacity as Senate President, and Norman Sakamoto, individually and in his capacity as Chair of the Senate Committee on Education, respondent Governor Linda Lingle's answer, and oral argument, we conclude that the terms of six members¹ of the University of Hawaii Board of Regents expired on June 30, 2008 and the hold overs by those six regents contravene Act 56, Sections 1 and 5, Session Laws of 2007. Therefore,

IT IS HEREBY ORDERED that the petition for writ of mandamus is granted. Respondent Governor Lingle Linda is directed to replace the six members of the University of Hawaii Board of Regents whose terms expired on June 30, 2008 by nominating -- within thirty days from the date of this order -- six regent candidates from the list of qualified candidates duly

¹ Byron Bender, Michael Dahilig, Ramon de la Pena, Marlene Hapai, Catherine Lagareta, and Jane Tatibouet.

presented to respondent on February 21, 2008 by the Candidate
Advisory Council. An opinion will follow.

DATED: Honolulu, Hawai'i, December 4, 2008.



Stephen H. Leinson

Puna Onaka, HI



Kamea E. Duddy, D.I.