



**TESTIMONY OF THE STATE ATTORNEY GENERAL  
TWENTY-FOURTH LEGISLATURE, 2008**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 2740, RELATING TO THE BUDGET.

**BEFORE THE:**

SENATE COMMITTEE ON WAYS AND MEANS

**DATE:** Thursday, January 31, 2008 **TIME:** 9:00 AM

**LOCATION:** State Capitol, Room 211  
*Deliver to: Committee Clerk, Room 210, 1 copies*

**TESTIFIER(S):** Mark J. Bennett, Attorney General  
or Robyn B. Chun, Deputy Attorney General

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Chair Baker and Members of the Committee:

The Attorney General opposes this bill.

Senate Bill No. 2740 amends section 37-74, Hawaii Revised Statutes, to delete references to "policy decisions by the governor" in subsections (a) and (c).

Article V, section 1, of the State Constitution, provides in relevant part, "The executive power of the State shall be vested in a governor," and article V, section 5, of the State Constitution provides in relevant part, "The governor shall be responsible for the faithful execution of the laws" enacted by the Legislature.

Article V, section 6, of the State Constitution, provides in relevant part: "Each principal department shall be under the supervision of the governor . . . ." This means that the Governor is charged with directing the executive departments in how best to execute the laws.

To the extent that this bill interferes with the Governor's authority and responsibility under article V, section 1, and article V, section 6, of the State Constitution, it violates the doctrine of separation of powers.

For that reason, we respectfully urge that this measure be held.