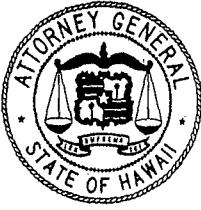


TESTIMONY

SB 1141



**TESTIMONY OF THE STATE ATTORNEY GENERAL
TWENTY-FIFTH LEGISLATURE, 2009**

ON THE FOLLOWING MEASURE:

S.B. NO. 1141, RELATING TO PUBLIC LANDS.

BEFORE THE:

SENATE COMMITTEE ON WATER, LAND, AGRICULTURE AND HAWAIIAN AFFAIRS

DATE: Friday, February 6, 2009 **TIME:** 2:45 PM

LOCATION: State Capitol, Room 229

TESTIFIER(S):

WRITTEN TESTIMONY ONLY. For more information, contact
Randall Ishikawa, Deputy Attorney General, at 587-2992

Chair Hee and Members of the Committee:

Article XI, section 5 of the Hawaii Constitution states that "The legislative power over the lands owned by or under the control of the State and its political subdivisions shall be exercised only by general laws . . ." Given this directive, the legislative directive to sell the specific parcels at Sand Island would be unconstitutional.

LINDA LINGLE
GOVERNOR



BRENNON T. MORIOKA
DIRECTOR

Deputy Directors
MICHAEL D. FORMBY
FRANCIS PAUL KEENO
BRIAN H. SEKIGUCHI
JIRO A. SUMADA

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:

February 6, 2009

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

SENATE BILL NO. 1141, RELATING TO PUBLIC LANDS.

COMMITTEE ON WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS

Senate Bill No. 1141 would require the Department of Land and Natural Resources to offer the fee title for sale to the holders of state leases on Sand Island. Amendments should be made to the bill to clearly exclude public lands on Sand Island which are under executive orders to the Department of Transportation (DOT) for maritime purposes. With the approval of the Board of Land and Natural Resources, leases are also issued by the DOT under Chapter 171, Hawaii Revised Statutes, for business purposes on Sand Island. To avoid any confusion, the specific land areas subject to this bill should be specifically identified by tax map keys or subdivision reference.

Thank you for the opportunity to testify on this bill.

TESTIMONY

SB 1141

(END)