



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

ON THE FOLLOWING MEASURE:

S.B. NO. 1141, S.D. 2, RELATING TO PUBLIC LANDS.

LATE TESTIMONY

BEFORE THE:

SENATE COMMITTEE ON WATER, LAND, AND OCEAN RESOURCES

DATE: Monday, March 16, 2009 **TIME:** 9:00 AM

LOCATION: State Capitol, Room 325

TESTIFIER(S): Mark J. Bennett, Attorney General,
or Randall Ishikawa, Deputy Attorney General

Chair Ito and Members of the Committee:

The Department of the Attorney General has constitutional concerns about this bill.

This bill requires the Department of Land and Natural Resources to offer for sale or exchange parcels of Sand Island. 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, this bill's requirement to sell the parcels at Sand Island would be unconstitutional.