

STAND. COM. REP. NO.

3543

Honolulu, Hawaii

APR 11 2008

RE: S.C.R. No. 58
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.C.R. No. 58 entitled:

"SENATE CONCURRENT RESOLUTION ESTABLISHING A TASK FORCE TO
REVIEW THE RETIREMENT AGE FOR STATE COURT JUSTICES AND
JUDGES; THE TERMS OF AND POSSIBLE TERM LIMITS FOR STATE COURT
JUSTICES AND JUDGES; THE POSSIBILITY OF ESTABLISHING A SENIOR
JUDGE SYSTEM FOR STATE COURT JUSTICES AND JUDGES; JUDICIAL
ACCOUNTABILITY AND FITNESS IN THE STATE OF HAWAII; AND
RELATED MATTERS,"

begs leave to report as follows:

The purpose of this measure is to establish a task force to
review the retirement age for state court justices and judges; the
terms of and possible term limits for state court justices and
judges; the possibility of establishing a senior judge system for
state court justices and judges; judicial accountability and
fitness in the State of Hawaii; and related matters.

Your Committee has deleted the contents of this measure and
inserted provisions that call for the convening of a task force to
review the Sunshine Law, part I of chapter 92, Hawaii Revised
Statutes, for the purpose of considering the necessity of possible
exceptions to remove unnecessarily cumbersome obstacles to
efficient board operations while maintaining public trust and open
government principles.

Your Committee received testimony in support of this measure,
as amended, from the Honolulu Department of the Corporation

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Counsel, Maui Council Chair, and Society of Professional Journalists Hawaii Chapter. Comments were received from the Legislative Reference Bureau.

The intent of the Sunshine Law is to provide as much transparency as practical to allow public scrutiny and participation by providing requirements imposed on boards in the conduct of board business. While Hawaii's Sunshine Law provides a maximum of openness for public scrutiny and participation in public boards, a number of boards have encountered barriers to efficient operations which appear to them as unreasonable and unnecessary to ensure public accountability, for example, three board members are currently prohibited from attending informational meetings sponsored by other organizations, including legislative hearings where board business may be discussed.

A comprehensive review of the Sunshine Law is necessary in order to consider reasonable exceptions to the law that may be necessary to facilitate board business without undermining public trust and principles of open government.

Your Committee has amended the proposed S.D. 1 of this measure by:

- (1) Requesting the Office of Informational Practices to assist the working group, inasmuch as the Office has the requisite expertise in this area;
- (2) Requesting the Legislative Reference Bureau to draft any proposed recommended legislation of the working group;
- (3) Adding a representative from each of the county councils to the working group, to represent county councils and county boards and commissions; and
- (4) Making technical, nonsubstantive amendments.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 58, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 58, S.D. 1.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,



BRIAN T. TANIGUCHI, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SCR 58	Committee Referral: JDL	Date: 4-9-08
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The committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, BRIAN T. (C)	✓			
HEE, Clayton (VC)				✓
GABBARD, Mike	✓			
KOKUBUN, Russell S.				✓
NISHIHARA, Clarence K.	✓			
SLOM, Sam	✓			
TOTAL	4	-	-	2

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:

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*Only one measure per Record of Votes