

**TESTIMONY OF ROBERT TOYOFUKU IN SUPPORT OF H.B. NO. 2344,
PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE
HAWAII CONSTITUTION**

February 8, 2008

LATE TESTIMONY

To: Tommy Waters and Members of the House Committee on Judiciary:

My name is Bob Toyofuku and I am testifying as an individual in support of H.B. No. 2344.

The purpose of this bill is to extend the mandatory retirement age for state justices and judges.

The retirement mandatory age of 70 years for justices and judges is the only provision in our state constitution which requires a state employee to retire at a given age. Also, to the best of my knowledge there is no provision in the Hawaii Revised Statutes that requires a state employee to retire at a given age.

My opposition to mandatory age retirement provisions is twofold. First, I feel it is discriminatory to a class of individuals based on age. Second, I have personal knowledge of a judge who had to retire at age 70 and volunteered his services to the Hawaii State Judiciary for over 10 years to assist with various matters. It has been over 15 years since this judge had to retire and he is still as mentally alert and physically capable as ever.

Although I support the concept of no mandatory age limit, I do recognize that from a practical political view some age limit may need to be kept in this bill. In that sense I respectfully suggest that a higher age limit would be more appropriate.

Thank you for the opportunity to testify on this bill.