



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

ON THE FOLLOWING MEASURE:

S.B. NO. 45, S.D. 1, RELATING TO GOVERNMENT OPERATIONS.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY

LATE TESTIMONY

DATE: Friday, March 28, 2008 **TIME:** 2:00 PM

LOCATION: State Capitol Room 325
Deliver to: , Room 302, 5 copies

TESTIFIER(S): Lisa M. Ginoza, First Deputy Attorney General
or Charleen M. Aina, Deputy Attorney General

Chair Waters and Members of the Committee:

The Attorney General supports passage of this bill, and respectfully requests that it be reported expeditiously to the House floor for third reading.

This bill does three things. First, it amends section 353-61, Hawaii Revised Statutes, to allow persons who are serving as members of the Hawaii Paroling Authority who were initially nominated and appointed by the panel and through the process set out in that section, to be re-appointed by the Governor to an additional term as a member of the Authority, without being nominated again by the nominating panel.

Second, the bill allows the current incumbent chairperson of the Authority (whose current term ends June 30, 2008) to be re-appointed by the Governor to an additional term as chairperson, without having to be re-nominated by the section 353-61 nominating panel.

Finally, the bill allows the two incumbent members of the Authority to continue serving as members of the Authority, even though they were not re-nominated by the section 353-61 panel before they were re-appointed by the Governor and confirmed by the Senate to their present terms when their former terms ended on June 30, 2006 and June 30, 2007, respectively.

In the first two instances, the Governor would still have to actually select a sitting member for re-appointment, and the member would still have to be confirmed by the Senate, before the member could serve the additional term. The second and third aspects of the bill are one-time provisions to confer the benefit of the amendments the bill makes to section 353-61 on the chairperson and members who are currently serving on the Authority.

There is some urgency to passing this measure and presenting it to the Governor for approval. The two individuals who are presently serving as Authority members were re-appointed and confirmed to their positions by the Senate without first being re-nominated by a section 353-61 panel. Arguably they are serving only as holdover members of the Authority pursuant to section 26-34(b), Hawaii Revised Statutes. Under that holdover provision, the holdover term of one of the two members will expire when this Legislature adjourns sine die on May 1, 2008. Thereafter, he would no longer be a "sitting member" of the Authority and would not be able to take advantage of any of this bill's provisions for re-appointment.

While we believe the bill's April 30, 2008 effective date should give the measure retroactive effect and allow this member to resume serving if it were passed and approved after the Legislature adjourned, all concerns would be obviated if the measure were passed and approved by the Governor before May 1, 2008. Accordingly, we respectfully request that the Committee expeditiously report the bill to the House floor for third reading without amendments.

Thank you for this opportunity to testify in support of this measure.