

Honolulu, Hawaii  
March 8, 2018

RE: H.R. No. 21  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Twenty-Ninth State Legislature  
Regular Session of 2018  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.R. No. 21 entitled:

"HOUSE RESOLUTION URGING THE HAWAII CHAPTER OF THE AMERICAN JUDICATURE SOCIETY AND THE HAWAII STATE BAR ASSOCIATION TO ANALYZE AND ASSESS THE ROLE OF THE JUDICIARY WITHIN THE CONSTITUTIONAL FRAMEWORK OF GOVERNMENT IN THE STATE OF HAWAII,"

begs leave to report as follows:

The purpose of this measure is to urge the Hawaii Chapter of the American Judicature Society and the Hawaii State Bar Association to analyze and assess the role of the Judiciary within the constitutional framework of government in the state of Hawaii.

The Judiciary, State of Hawaii, Common Cause, and the Hawaii State Bar Association offered comments. One individual offered testimony in support.

Your committee amended this measure by:

- (1) Removing from line 24 of the "WHEREAS" clause:

"if a branch violates the separation of powers and renders government unworkable, the public interest will suffer"



and replacing with:

"discussion about the role of the Judiciary should include consideration of the Judiciary's constitutional role in protecting individual rights and freedoms, and the importance of an independent judiciary in preserving the rule of law. As former Hawai'i Supreme Court Chief Justice William S. Richardson stated: "Only an independent judiciary can resolve disputes impartially and render decisions that will be accepted by rival parties, particularly if one of those parties is another branch of government;" and

(2) Adding to the "BE IT RESOLVED" clause:

"the Judiciary's role in protecting individual rights and freedoms" and "the importance of judicial independence in fostering the rule of law."

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 21, H.D. 1, and recommends its adoption.

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

  
SCOTT Y. NISHIMOTO, Chair



