STAND. COM. REP. NO. 2561

Honolulu, Hawaii

FEB 2 8 2008

RE: S.B. No. 3202

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.B. No. 3202 entitled:

"A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION TO EXTEND THE MANDATORY RETIREMENT AGE FOR STATE JUSTICES AND JUDGES FROM SEVENTY TO EIGHTY YEARS OF AGE,"

begs leave to report as follows:

The purpose of this measure is to amend the State constitution to extend the mandatory retirement age for all state judges and justices.

Specifically, this measure would amend article VI, section 3, of the Constitution of the State of Hawaii, to require the retirement of justices and judges at eighty years of age instead of seventy years of age.

Testimony in support of this measure was received from the Hawaii Government Employees Association, the Japanese American Citizens League of Hawaii, and one concerned individual. Testimony in opposition was received from the Department of the Attorney General and the Department of the Prosecuting Attorney of the City and County of Honolulu. The Judicial Selection Commission testified with concerns.

Your Committee finds that the age seventy, in and of itself, is not an accurate indicator of one's ability to effectively carry out the duties of a state judge or justice. The current mandatory retirement age of seventy years old may prevent the State from benefitting from the knowledge and experience of otherwise

SB3202 SSCR LRB 08-1696.doc

qualified jurists. Furthermore, the mandatory requirement of state justices and judges upon reaching the age of seventy is the only provision in the state constitution that requires the retirement of a state employee at a specified age.

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 is in accord with the intent and purpose of S.B. No. 3202 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

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

BRIAN T. TANIGUCHI, Cha

The Senate Twenty-Fourth Legislature State of Hawaii

Record of Votes Committee on Judiciary and Labor JDL

Bill / Resolution No.:*	Committee Referral:			Date:	
SB 3202	2DF		. 7	<u> </u>	09
The committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
TANIGUCHI, BRIAN T. (C)		/			
HEE, Clayton (VC)					
GABBARD, Mike			/	·	
KOKUBUN, Russell S.					
NISHIHARA, Clarence K.					
SLOM, Sam					
		Company of the Compan			·
			(ingle) Sel yerben 955 ortee (inke		
TOTAL		2		1	2
Recommendation:					
Adopted Not Adopted					
Chair's or Designee's Signature:					
Cra In					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					
The that Continued Elepoit Cloth's Office Diating Agency Continued Electory					

*Only one measure per Record of Votes