STAND. COM. REP. NO. 2 CLA

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



STAND. COM. REP. NO. 3543 Page 2

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.

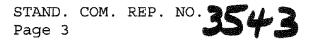
A comprehensive review of the Sunshine Law is necessary in order to consider reasonable exceptions to the law that may be necessary to facilitate board business without undermining public trust and principles of open government.

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

- 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.:* Committee	Committee Referral:			Date:		
SCR.58	JOL			4-9-08		
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)				V		
GABBARD, Mike						
KOKUBUN, Russell S.	<u> </u>	(
NISHIHARA, Clarence K.		<u> </u>				
SLOM, Sam	-V					
TOTAL	,]	_		2		
Recommendation:						
Adopted Not Adopted						
Chair's or Designee's Signature:						
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy						

*Only one measure per Record of Votes