

MAR 07 2008

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# SENATE CONCURRENT RESOLUTION

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REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO PREPARE  
LEGISLATION FOR A PROPOSED CONSTITUTIONAL AMENDMENT TO  
PROHIBIT EXECUTIVES, OFFICERS, AGENTS, OR EMPLOYEES OF  
INSURERS AND BUSINESS ENTITIES THAT HAVE CASES IN  
LITIGATION FROM SERVING ON THE HAWAII JUDICIAL SELECTION  
COMMISSION.

1           WHEREAS, Article VI, section 4 of the Hawaii State  
2 Constitution, establishes the Judicial Selection Commission  
3 which is under the Judiciary; and  
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5           WHEREAS, section 601-5, Hawaii Revised Statutes, provides  
6 that the Judiciary is independent of the other branches of state  
7 government; and  
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9           WHEREAS, section 601-7, Hawaii Revised Statutes, provides  
10 that a judge is prohibited from sitting on any case in which the  
11 judge has "more than de minimus pecuniary interest"; and  
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13           WHEREAS, executives of insurance companies have served on  
14 the Judicial Selection Commission, while cases involving their  
15 companies were pending in the state courts; and  
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17           WHEREAS, the Chief Justice of the Hawaii Supreme Court  
18 recently appointed an insurance company vice president to serve  
19 on the Judicial Selection Commission, while cases involving an  
20 insured of that insurance company were pending in Hawaii's  
21 courts; and  
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23           WHEREAS, executives of other insurers are members of the  
24 Judicial Selection Commission; and  
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26           WHEREAS, a common complaint against health insurers  
27 involves prompt payment of claims to insureds, while the  
28 insurers pay out low reimbursements; and  
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1 WHEREAS, members of the Judicial Selection Commission who  
2 are employed by insurance companies pose a serious threat to the  
3 independence of the Judiciary by the broad reach of their  
4 selection and renewal powers; now, therefore,  
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6 BE IT RESOLVED by the Senate of the Twenty-fourth  
7 Legislature of the State of Hawaii, Regular Session of 2008, the  
8 House of Representatives concurring, that the Legislative  
9 Reference Bureau is requested to prepare proposed legislation to  
10 amend the Hawaii State Constitution to prohibit members of the  
11 Judicial Selection Commission from:  
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- 13 (1) Having employment with insurance companies; and  
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15 (2) Having other associations to businesses entities that  
16 are parties to pending cases in state courts; and  
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18 BE IT FURTHER RESOLVED that the Legislative Reference  
19 Bureau submit proposed legislation to the Legislature not later  
20 than twenty days prior to the convening of the 2009 Regular  
21 Session; and  
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23 BE IT FURTHER RESOLVED that a certified copy of this  
24 Concurrent Resolution be transmitted to the Director of the  
25 Legislative Reference Bureau.  
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OFFERED BY: *Erzanne Chun Akilana*

