
HOUSE CONCURRENT RESOLUTION

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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H.C.R. NO. 241

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 House of Representatives of the
 7 Twenty-fourth Legislature of the State of Hawaii, Regular
 8 Session of 2008, the Senate 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:

- 12
 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:  _____

MAR 1 1 2008

