A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII CONSTITUTION TO EXTEND THE MANDATORY RETIREMENT AGE BY TWO YEARS FOR STATE JUSTICES AND JUDGES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

- 1 SECTION 1. The legislature finds that in today's society,
- 2 individuals are living longer, healthier lives, as evidenced by
- 3 the growing number of older individuals throughout the country
- 4 as well as the world. The legislature further finds that a
- 5 benefit of our aging society is the wisdom, experience, and
- 6 skills that these older individuals possess which should be both
- 7 valued and respected, particularly in the workforce.
- 8 SECTION 2. The purpose of this Act is to propose an
- 9 amendment to article VI, section 3, of the Hawaii Constitution
- 10 to extend the mandatory retirement age of seventy to seventy-two
- 11 for all state court justices and judges.
- 12 SECTION 3. Article VI, section 3, of the Hawaii
- 13 Constitution is amended to read as follows:

14 "APPOINTMENT OF JUSTICES AND JUDGES

- 15 Section 3. The governor, with the consent of the senate,
- 16 shall fill a vacancy in the office of the chief justice, supreme
- 17 court, intermediate appellate court and circuit courts, by



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- 1 appointing a person from a list of [not less] no fewer than
- 2 four, and not more than six, nominees for the vacancy, presented
- 3 to the governor by the judicial selection commission.
- 4 If the governor fails to make any appointment within thirty
- 5 days of presentation, or within ten days of the senate's
- 6 rejection of any previous appointment, the appointment shall be
- 7 made by the judicial selection commission from the list with the
- 8 consent of the senate. If the senate fails to reject any
- 9 appointment within thirty days thereof, it shall be deemed to
- 10 have given its consent to [such] the appointment. If the senate
- 11 [shall reject] rejects any appointment, the governor shall make
- 12 another appointment from the list within ten days thereof. The
- 13 same appointment and consent procedure shall be followed until a
- 14 valid appointment has been made, or failing this, the commission
- 15 shall make the appointment from the list, without senate
- 16 consent.
- 17 The chief justice, with the consent of the senate, shall
- 18 fill a vacancy in the district courts by appointing a person
- 19 from a list of [not less] no fewer than six nominees for the
- 20 vacancy presented by the judicial selection commission. If the
- 21 chief justice fails to make the appointment within thirty days
- 22 of presentation, or within ten days of the senate's rejection of



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- 1 any previous appointment, the appointment shall be made by the
- 2 judicial selection commission from the list with the consent of
- 3 the senate. The senate shall hold a public hearing and vote on
- 4 each appointment within thirty days of any appointment. If the
- 5 senate fails to do so, the nomination shall be returned to the
- 6 commission and the commission shall make the appointment from
- 7 the list without senate consent. The chief justice shall
- 8 appoint per diem district court judges as provided by law.

9 QUALIFICATIONS FOR APPOINTMENT

- 10 Justices and judges shall be residents [and citizens] of
- 11 the State and citizens of the United States, and licensed to
- 12 practice law by the supreme court. A justice of the supreme
- 13 court, a judge of the intermediate appellate court and a judge
- 14 of the circuit court shall have been so licensed for a period of
- 15 not less than ten years preceding nomination. A judge of the
- 16 district court shall have been so licensed for a period of not
- 17 less than five years preceding nomination.
- 18 No justice or judge shall, during the term of office,
- 19 engage in the practice of law, or run for or hold any other
- 20 office or position of profit under the United States $[\tau]$ or the
- 21 State or its political subdivisions.



1	TENURE; RETIREMENT
2	The term of office of justices and judges of the supreme
3	court, intermediate appellate court and circuit courts shall be
4	ten years. Judges of district courts shall hold office for the
5	periods as provided by law. At least six months prior to the
6	expiration of a justice's or judge's term of office, every
7	justice and judge shall petition the judicial selection
8	commission to be retained in office or shall inform the
9	commission of an intention to retire. If the judicial selection
10	commission determines that the justice or judge should be
11	retained in office, the commission shall renew the term of
12	office of the justice or judge for the period provided by this
13	section or by law.
14	Justices and judges shall be retired upon attaining the age
15	of [seventy years.] seventy-two years. They shall be included
16	in any retirement law of the State."
17	SECTION 4. The question to be printed on the ballot shall
18	be as follows:
19	"Shall the mandatory retirement age of seventy for all state
20	court justices and judges be extended to age seventy-two?"

- 1 SECTION 5. Constitutional material to be repealed is
- 2 bracketed and stricken. New constitutional material is
- 3 underscored.
- 4 SECTION 6. This amendment shall take effect upon
- 5 compliance with article XVII, section 3, of the Hawaii

6 Constitution.

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INTRODUCED BY:

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HB HMS 2008-1239

Report Title:

Judges; Mandatory Retirement Age (ConAm)

Description:

Proposes a constitutional amendment to extend the mandatory retirement age of 70 for state justices and judges to 72.