

JAN 19 2007

A BILL FOR AN ACT

PROPOSING AMENDMENTS TO THE HAWAII STATE CONSTITUTION TO PROVIDE
FOR AN ELECTED ATTORNEY GENERAL, IMPEACHMENT OF THE
ATTORNEY GENERAL, AND REMOVAL OF THE ATTORNEY GENERAL.

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

1 SECTION 1. The purpose of this Act is to propose an
2 amendment to article V of the Constitution of the State of
3 Hawaii to provide that the attorney general be elected by the
4 vote of the general public rather than appointed by the
5 governor.

6 SECTION 2. Article V of the Constitution of the State of
7 Hawaii is amended by adding a new section to be appropriately
8 designated and to read as follows:

9 "ATTORNEY GENERAL

10 Section . There shall be an attorney general who shall be
11 nominated at a nonpartisan primary election and elected at a
12 nonpartisan general election. If more than one candidate has
13 been nominated for election to the position of attorney general
14 at a nonpartisan primary election, the attorney general shall be
15 elected by the qualified voters of this State at a nonpartisan
16 general election. If a candidate nominated for the position of



1 attorney general at a nonpartisan primary election is unopposed
2 for that position at the nonpartisan general election, the
3 candidate shall be deemed elected at the nonpartisan primary
4 election. The person receiving the highest number of votes at a
5 nonpartisan general election shall be the attorney general. In
6 the case of a tie vote, the selection of the attorney general
7 shall be determined as provided by law.

8 The term of office of the attorney general shall begin and
9 end on the same dates as the governor and no person shall be
10 elected to the office of attorney general for more than two
11 consecutive full terms.

12 No person shall be eligible for the office of attorney
13 general unless the person shall be a qualified voter, have
14 attained the age of thirty years, have been a licensed attorney
15 in this State for at least _____ years and have been a resident
16 of this State for five years immediately preceding the person's
17 election.

18 The attorney general shall not hold any other office or
19 employment of profit under the State or the United States during
20 the attorney general's term of office.

21 The powers, duties, and compensation of the attorney general
22 shall be as provided by law.



1 sitting for that purpose, the members of the senate shall be on
2 oath or affirmation and the chief justice shall preside.
3 Subject to the provisions of this paragraph, the legislature may
4 provide for the manner and procedure of removal by impeachment
5 of such officers.

6 The legislature shall by law provide for the manner and
7 procedure of removal by impeachment of the appointive officers.

8 Judgments in cases of impeachment shall not extend beyond
9 removal from office and disqualification to hold and enjoy any
10 office of honor, trust or profit under the State; but the person
11 convicted may nevertheless be liable and subject to indictment,
12 trial, judgment and punishment as provided by law."

13 SECTION 4. Article V, section 6, of the Constitution of
14 the State of Hawaii is amended to read as follows:

15 **"EXECUTIVE AND ADMINISTRATIVE OFFICES**

16 **AND DEPARTMENTS**

17 **Section 6.** All executive and administrative offices,
18 departments and instrumentalities of the state government and
19 their respective powers and duties shall be allocated by law
20 among and within not more than twenty principal departments in
21 such a manner as to group the same according to common purposes
22 and related functions. Temporary commissions or agencies for



1 special purposes may be established by law and need not be
2 allocated within a principal department.

3 Each principal department shall be under the supervision of
4 the governor and, unless otherwise provided in this constitution
5 or by law, shall be headed by a single executive. Such single
6 executive shall be nominated and, by and with the advice and
7 consent of the senate, appointed by the governor. That person
8 shall hold office for a term to expire at the end of the term
9 for which the governor was elected, unless sooner removed by the
10 governor [~~except that the removal of the chief legal officer of~~
11 ~~the State shall be subject to the advice and consent of the~~
12 ~~senate~~].

13 Except as otherwise provided in this constitution, whenever
14 a board, commission or other body shall be the head of a
15 principal department of the state government, the members
16 thereof shall be nominated and, by and with the advice and
17 consent of the senate, appointed by the governor. The term of
18 office and removal of such members shall be as provided by law.
19 Such board, commission or other body may appoint a principal
20 executive officer who, when authorized by law, may be an ex
21 officio, voting member thereof, and who may be removed by a
22 majority vote of the members appointed by the governor.



1 The governor shall nominate and, by and with the advice and
2 consent of the senate, appoint all officers for whose election
3 or appointment provision is not otherwise provided for by this
4 constitution or by law. If the manner or removal of an officer
5 is not prescribed in this constitution, removal shall be as
6 provided by law.

7 When the senate is not in session and a vacancy occurs in
8 any office, appointment to which requires the confirmation of
9 the senate, the governor may fill the office by granting a
10 commission which shall expire, unless such appointment is
11 confirmed, at the end of the next session of the senate. The
12 person so appointed shall not be eligible for another interim
13 appointment to such office if the appointment failed to be
14 confirmed by the senate.

15 No person who has been nominated for appointment to any
16 office and whose appointment has not received the consent of the
17 senate shall be eligible to an interim appointment thereafter to
18 such office.

19 Every officer appointed under the provisions of this
20 section shall be a citizen of the United States and shall have
21 been a resident of this State for at least one year immediately
22 preceding that person's appointment, except that this residency



Report Title:

Attorney General; Election; Impeachment; Removal

Description:

Proposes a new section to article V of the Hawaii constitution to provide for the election of the attorney general; amends article III, section 19 of the Hawaii constitution to allow for impeachment of the attorney general; amends article V section 6 of the Hawaii Constitution relating to removal of attorney general with the advice and consent of senate.

