



**TESTIMONY OF THE STATE ATTORNEY GENERAL  
TWENTY-FIFTH LEGISLATURE, 2009**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 290, MAKING AN APPROPRIATION TO THE JUDICIAL SELECTION COMMISSION.

**BEFORE THE:**

HOUSE COMMITTEE ON JUDICIARY

**DATE:** Tuesday, February 3, 2009 **TIME:** 2:00 PM

**LOCATION:** State Capitol, Room 325

**TESTIFIER(S):** Mark J. Bennett, Attorney General  
OR Robyn B. Chun, Deputy Attorney General

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Chair Karamatsu and Members of the Committee:

The Attorney General supports this bill.

This bill implements Article VI, Section 4 of the Hawaii Constitution, which provides that "[t]he legislature shall provide for the staff and operating expenses of the judicial selection commission in a separate budget."

The past practice of embedding the Commission's appropriations and personnel within the budget of the Judiciary does not satisfy the Hawaii Constitution's requirement for a separate budget. As a result, the Commission is seeking its funding through a separate bill. The budget request funds the one staff position for the Commission and administrative costs such as travel for neighbor island commissioners to attend meetings, as may be necessary.

Thank you for allowing us to testify on this bill.



## THE LEAGUE OF WOMEN VOTERS OF HAWAII

### TESTIMONY ON HB 290 MAKING AN APPROPRIATION TO THE JUDICIAL SELECTION COMMISSION

Committee on Judiciary  
Rep. Jon Riki Karamatsu, Chair  
Rep. Ken Ito, Vice Chair  
Tuesday, February 3, 2209, 2:00 p.m.  
Conference Room 325

Testifier: Jean Aoki, LWVHI Legislative Liason

Chair Karamatsu, Vice Chair Ito, members of the House Committee on Judiciary,

The League of Women Voters strongly supports HB 290 which would provide for a separate budget for the appropriation of funds for the Judicial Selection Commission.

For our citizens to have faith in the integrity of our Judiciary, it is important that we believe in the integrity of the body which is given the power and the responsibility to evaluate the backgrounds and qualifications of those who apply for appointment as judges or justices.

The real and perceived independence of the commission, free of political influences, dedicated to the task of finding the most qualified applicants, will instill in the public, respect for the courts and confidence that their rulings are fair and based on the facts of each case and the laws of our land.

Just as important is the confidence on the part of potential and current applicants for judgeships or for seats on the Supreme Court that they will be evaluated fairly and that "office politics" or political pressures will not play any role in who gets recommended and who will not, or who will be retained for a second term and who will not.

The ability to plan for the commission's needs and strategies to fulfill its responsibilities in a manner that instills confidence in its impartial and professional decision-making would be furthered by giving the body the ability to budget for its needs and be appropriated the funds after scrutiny by the legislative body and the Governor, of course.

Our position is not meant to imply that the Judiciary or any other body in any way has presently interfered with the Commission 's ability to work independently: we have no such knowledge. However, the potential for such interference remains when another body has the power to shape the commission's operating budget.

We urge the passage of HB 290.

Thank you for this opportunity to testify on HB 290.

TESTIMONY OF THE JUDICIAL SELECTION COMMISSION  
Twenty-Fifth State Legislature, 2009

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BEFORE THE HOUSE JUDICIARY COMMITTEE

DATE: Tuesday, February 3, 2009 at 2: p.m.

LOCATION: Room 325, State Capitol

TESTIFIER: Rosemary Fazio, Chair, Judicial Selection Commission

HB. 290

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Chair Karamatsu, Vice-Chair Ito and Members of the Committee:

The Judicial Selection Commission (“JSC”) submits this appropriation request for its support and operation, separate and apart from the Judiciary. JSC does so because article VI, section 4 of the Hawai’i Constitution provides that the “[t]he legislature shall provide for the staff and operating expenses of the judicial selection commission in a separate budget.”

Summary and Description of Program Objectives

The program objectives of the JSC are to solicit and screen qualified nominees to fill judicial vacancies and determine judicial retentions in a fair and nonpartisan manner. The program consists of one full-time staff support person and program costs.

Program Performance and Results

Since its establishment, the JSC has fulfilled its constitutional responsibility by providing timely lists of qualified candidates to the governor and chief justice and acting upon requests for judicial retention. The effectiveness of the program is demonstrated by the timely transmittal of these lists, and timely determination of judicial retentions in a fair manner. The JSC has fulfilled its constitutional responsibilities in all instances.

Problems and Issues

This legislative proposal has been submitted to provide for the budget of the JSC in a separate bill.

Expenditures for FY'09-'10 and FY '10-'11

The total expenditure for the JSC's operating expenses is anticipated to be \$100,000 for each fiscal year of the biennium. This sum includes the salary of one full-time staff person, operating expenses and inter-island travel, as may be necessary, for a total appropriation of \$100,000. This sum is approximately \$5,000 more than the sum requested last year. This increase is primarily due to inflation.

CIP Request

Not Applicable

Thank you for allowing us to testify on this bill.

A handwritten signature in cursive script that reads "Rosemary Fazio".