

JAN 20 2017

A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE
CONSTITUTION OF THE STATE OF HAWAII TO AMEND THE TIMEFRAME
TO RENEW THE TERM OF OFFICE OF A JUSTICE OR JUDGE AND
REQUIRE CONSENT OF THE SENATE FOR A JUSTICE OR JUDGE TO
RENEW A TERM OF OFFICE.

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

1 SECTION 1. The legislature finds that the Hawaii State
2 Constitution requires every justice or judge to petition the
3 judicial selection commission to be retained in office at least
4 six months prior to the expiration of the justice's or judge's
5 term of office. If the judicial selection commission determines
6 that the justice or judge should be retained in office, the
7 judicial selection commission is authorized pursuant to the
8 Hawaii State Constitution to renew the justice's or judge's
9 term. Thus, unlike the original appointment of a justice or
10 judge, senate consent is not required for a justice's or judge's
11 term renewal.

12 The purpose of this Act is to propose an amendment to
13 article VI, section 3, of the Constitution of the State of
14 Hawaii to amend the timeframe to renew the term of office of a



1 justice or judge and require the consent of the senate for a
2 justice or judge to renew a term of office.

3 SECTION 2. Article VI, section 3, of the Constitution of
4 the State of Hawaii is amended to read as follows:

5 "APPOINTMENT OF JUSTICES AND JUDGES

6 Section 3. The governor, with the consent of the senate,
7 shall fill a vacancy in the office of the chief justice, supreme
8 court, intermediate appellate court and circuit courts, by
9 appointing a person from a list of not less than four, and not
10 more than six, nominees for the vacancy, presented to the
11 governor by the judicial selection commission.

12 If the governor fails to make any appointment within thirty
13 days of presentation, or within ten days of the senate's
14 rejection of any previous appointment, the appointment shall be
15 made by the judicial selection commission from the list with the
16 consent of the senate. If the senate fails to reject any
17 appointment within thirty days thereof, it shall be deemed to
18 have given its consent to such appointment. If the senate shall
19 reject any appointment, the governor shall make another
20 appointment from the list within ten days thereof. The same
21 appointment and consent procedure shall be followed until a



1 valid appointment has been made, or failing this, the commission
2 shall make the appointment from the list, without senate
3 consent.

4 The chief justice, with the consent of the senate, shall
5 fill a vacancy in the district courts by appointing a person
6 from a list of not less than six nominees for the vacancy
7 presented by the judicial selection commission. If the chief
8 justice fails to make the appointment within thirty days of
9 presentation, or within ten days of the senate's rejection of
10 any previous appointment, the appointment shall be made by the
11 judicial selection commission from the list with the consent of
12 the senate. The senate shall hold a public hearing and vote on
13 each appointment within thirty days of any appointment. If the
14 senate fails to do so, the nomination shall be returned to the
15 commission and the commission shall make the appointment from
16 the list without senate consent. The chief justice shall
17 appoint per diem district court judges as provided by law.

18 The judicial selection commission shall disclose to the
19 public the list of nominees for each vacancy concurrently with
20 the presentation of each list to the governor or the chief
21 justice, as applicable.



1 inform the commission of an intention to retire. [~~If the~~] The
2 judicial selection commission [~~determines that~~] shall have six
3 months to determine if the justice or judge should be retained
4 in office, and if the petition is approved, the commission shall
5 [~~renew the term of office of the justice or judge for the period~~
6 ~~provided by this section or by law.~~] immediately provide written
7 notice to the senate for the senate to consider consent to renew
8 the term of office of the justice or judge for the period
9 provided by this section or as provided by law, whichever is
10 applicable. Within ninety days of receiving written notice from
11 the commission, the senate shall hold a public hearing and vote
12 on each petition approved by the judicial selection commission.
13 If the senate fails to do so, the commission shall renew the
14 office of the justice or judge for the period provided by this
15 section or as provided by law without senate consent, whichever
16 is applicable.

17 Justices and judges shall be retired upon attaining the age
18 of seventy years. They shall be included in any retirement law
19 of the State."

20 SECTION 3. The question to be printed on the ballot shall
21 be as follows:



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1 "Shall the timeframe for the renewal of the terms of office
 2 for justices and judges be extended from at least six months
 3 to between twelve and nine months prior to the expiration of
 4 a justice's or judge's term of office and shall the renewal
 5 of the terms of office for justices and judges be subject to
 6 senate consent, rather than left to the sole discretion of
 7 the judicial selection commission?"

8 SECTION 4. Constitutional material to be repealed is
 9 bracketed and stricken. New constitutional material is
 10 underscored.

11 SECTION 5. This amendment shall take effect upon
 12 compliance with article XVII, section 3, of the Constitution of
 13 the State of Hawaii.

14

INTRODUCED BY: *Sen. D.C. Rich*
Sen. Keith
Sen. ...
Sen. ...



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Report Title:

Justices and Judges; Term Renewals; Senate Consent; Judicial Selection Commission; Constitutional Amendment

Description:

Proposes a constitutional amendment to amend the timeframe to renew the term of office of a justice or judge and require consent of the senate for a justice or judge to renew a term of office.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

