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# A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3 OF THE HAWAII  
CONSTITUTION TO MAKE THE SENATE CONFIRMATION PROCESS FOR  
JUDICIAL APPOINTMENTS MORE UNIFORM.

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

1           SECTION 1. Article VI, section 3, of the Constitution of  
2 the State of Hawaii is amended to read as follows:

3                           **"APPOINTMENT OF JUSTICES AND JUDGES**

4           **Section 3.** The governor, with the consent of the senate,  
5 shall fill a vacancy in the office of the chief justice, supreme  
6 court, intermediate appellate court and circuit courts[~~7~~] by  
7 appointing a person from a list of [~~not~~] no less than four[~~7~~ and  
8 ~~not~~] but no more than six[~~7~~] nominees for the vacancy[~~7~~  
9 presented to the governor by the judicial selection commission.

10           If the governor fails to make any appointment within thirty  
11 days of presentation, or within ten days of the senate's  
12 rejection of any previous appointment, the appointment shall be  
13 made by the judicial selection commission from the list with the  
14 consent of the senate. If the senate fails to reject any  
15 appointment within thirty days thereof, [~~it~~] the senate shall be  
16 deemed to have [~~given its consent~~] consented to [~~such~~] that



1 appointment. If the senate [~~shall reject~~] rejects any  
2 appointment, the governor shall make another appointment from  
3 the list within ten days thereof. The same appointment and  
4 consent procedure shall be followed until a valid appointment  
5 has been made, or failing this, the judicial selection  
6 commission shall make the appointment from the list, without  
7 senate consent.

8 The chief justice, with the consent of the senate, shall  
9 fill a vacancy in the district courts by appointing a person  
10 from a list of [~~not~~] no less than four but no more than six  
11 nominees for the vacancy presented to the chief justice by the  
12 judicial selection commission. If the chief justice fails to  
13 make [~~the~~] any appointment within thirty days of presentation,  
14 or within ten days of the senate's rejection of any previous  
15 appointment, the appointment shall be made by the judicial  
16 selection commission from the list with the consent of the  
17 senate. [~~The senate shall hold a public hearing and vote on~~  
18 ~~each appointment within thirty days of any appointment.~~] If the  
19 senate fails to [~~do so, the nomination shall be returned to the~~  
20 ~~commission and the commission shall make the appointment from~~  
21 ~~the list without senate consent.~~] reject any appointment within



1 thirty days thereof, the senate shall be deemed to have  
2 consented to that appointment. If the senate rejects any  
3 appointment, the chief justice shall make another appointment  
4 from the list within ten days thereof. The same appointment and  
5 consent procedure shall be followed until a valid appointment  
6 has been made, or failing this, the judicial selection  
7 commission shall make the appointment from the list, without  
8 senate consent. The chief justice shall appoint per diem  
9 district court judges as provided by law.

10 The judicial selection commission shall disclose to the  
11 public the list of nominees for each vacancy concurrently with  
12 the presentation of each list to the governor or the chief  
13 justice, as applicable.

#### 14 **QUALIFICATIONS FOR APPOINTMENT**

15 Justices and judges shall be residents and citizens of the  
16 State and of the United States, and licensed to practice law by  
17 the supreme court. A justice of the supreme court, [a] judge of  
18 the intermediate appellate court and [a] judge of the circuit  
19 court shall have been so licensed for a period of [~~not~~] no less  
20 than ten years preceding nomination. A judge of the district



1 court shall have been so licensed for a period of [~~not~~] no less  
2 than five years preceding nomination.

3 No justice or judge shall, during the term of office,  
4 engage in the practice of law, or run for or hold any other  
5 office or position of profit under the United States, the State  
6 or its political subdivisions.

7 **TENURE; RETIREMENT**

8 The term of office of justices and judges of the supreme  
9 court, intermediate appellate court and circuit courts shall be  
10 ten years. Judges of district courts shall hold office for the  
11 periods as provided by law. At least six months [~~prior to~~]  
12 before the expiration of a justice's or judge's term of office,  
13 every justice and judge shall petition the judicial selection  
14 commission to be retained in office or shall inform the  
15 commission of an intention to retire. If the judicial selection  
16 commission determines that the justice or judge should be  
17 retained in office, the commission shall renew the term of  
18 office of the justice or judge for the period provided by this  
19 section or by law.



1 Justices and judges shall be retired upon attaining the age  
2 of seventy years. They shall be included in any retirement law  
3 of the State."

4 SECTION 2. The question to be printed on the ballot shall  
5 be as follows:

6 "Shall the Constitution of the State of Hawaii be  
7 amended to make the appointment and confirmation process  
8 for district court judges the same as the appointment and  
9 confirmation process for supreme court justices and  
10 intermediate court of appeals and circuit court judges,  
11 which would require:

12 (1) The Judicial Selection Commission to present the Chief  
13 Justice with a list of no less than four but no more  
14 than six nominees for a vacancy;

15 (2) A district court appointee to be automatically  
16 considered appointed if the Senate fails to reject the  
17 appointment within thirty days of receiving the  
18 appointment notice;

19 (3) The Chief Justice to make another appointment from the  
20 list of district court nominees within ten days if the  
21 Senate rejects an appointment; and



1 (4) The appointment and consent procedure to be followed  
2 until a valid appointment is made, or failing this,  
3 the Judicial Selection Commission to make the  
4 appointment from the list of nominees, without Senate  
5 consent?"

6 SECTION 3. Constitutional material to be repealed is  
7 bracketed and stricken. New constitutional material is  
8 underscored.

9 SECTION 4. This Act shall take effect on July 1, 3000;  
10 provided that this amendment shall take effect upon compliance  
11 with article XVII, section 3, of the Constitution of the State  
12 of Hawaii.



**Report Title:**

Justices and Judges; Appointment; Confirmation; Constitutional Amendment

**Description:**

Proposes amendments to the Constitution of the State of Hawaii relating to the appointment of justices and judges. Makes the appointment and senate consent procedure for district court judges the same as the appointment and senate consent procedure for supreme court justices and intermediate court of appeals and circuit court judges. Effective 7/1/3000. (HD1)

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

