

Honolulu, Hawaii  
, 2024

**MAR 21**

RE: S.B. No. 2385  
S.D. 1  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-Second State Legislature  
Regular Session of 2024  
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 2385, S.D. 1, entitled:

"A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3 OF THE HAWAII CONSTITUTION TO PLACE PROCEDURAL RESTRICTIONS ON THE TIMING OF JUDICIAL APPOINTMENTS AND CONFIRMATIONS,"

begs leave to report as follows:

The purpose of this measure is to propose an amendment to article VI, section 3, of the Constitution of the State of Hawaii to:

- (1) Establish a window between September 1 and November 30 during which the Judicial Selection Commission may not present a list of judicial nominees to the Governor or Chief Justice, and require the judicial position to remain vacant until after November 30, when the Governor or Chief Justice may be presented with a list of nominees; and
- (2) Prohibit the Senate from being called into more than two special sessions to consent to judicial appointments, and require that any subsequent appointments made during that legislative interim be held until the beginning of



the next regular session for consideration by the Senate.

Your Committee received testimony in opposition to this measure from the Judicial Selection Commission. Your Committee received comments on this measure from the Judiciary.

Your Committee finds that during the interim between regular sessions of the Legislature, the Senate may be called into multiple special sessions to consider judicial appointments pursuant to the Hawaii State Constitution. These special sessions, which can occur at any point throughout the interim, are costly and can be disruptive for Senators who may be working in their districts or traveling. This measure would establish a blackout period that would prevent the Senate from having to come into special sessions in the months leading up to the next regular session, resulting in taxpayer savings and increased government efficiency.

Your Committee has amended this measure by:

- (1) Amending the start date of the window to August 1;
- (2) Deleting language that would have required the judicial position to remain vacant until after November 30, when the Governor or Chief Justice may be presented with a list of nominees;
- (3) Deleting language that would have prohibited the Senate from being called into more than two special sessions to consent to judicial appointments, and required that any subsequent appointments made during that legislative interim be held until the beginning of the next regular session for consideration by the Senate;
- (4) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of



S.B. No. 2385, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2385, S.D. 1, H.D. 1, and be referred to your Committee on Finance.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary &  
Hawaiian Affairs,



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DAVID A. TARNAS, Chair



