

PROPOSED

HOUSE OF REPRESENTATIVES
TWENTY-THIRD LEGISLATURE, 2006
STATE OF HAWAII

H.B. NO. 1917
H.D. 2
S.D. 1

A BILL FOR AN ACT

PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION RELATING TO THE
ESTABLISHMENT OF A SALARY COMMISSION.

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 the Constitution of the State of Hawaii to
3 establish a salary commission responsible for reviewing and
4 recommending changes to salaries for justices and judges,
5 members of the state legislature, the governor and lieutenant
6 governor, the administrative director of the State, and
7 department heads or executive officers and the deputies or
8 assistants to department heads of the executive departments,
9 excluding the University of Hawaii and the department of
10 education.

11 SECTION 2. Article XVI of the Constitution of the State of
12 Hawaii is amended by adding a new section to be appropriately
13 designated and to read as follows:

"SALARY COMMISSION

15 Section ____ . There shall be a commission on salaries as
16 provided by law, which shall review and recommend salaries for
17 the justices and judges of all state courts, members of the



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1 legislature, and department heads or executive officers and the
2 deputies or assistants to department heads of the executive
3 departments provided by law, excluding the University of Hawaii
4 and the department of education. The commission shall also
5 review and make recommendations for the salary of the
6 administrative director of the State or equivalent position and
7 the compensation of the governor and the lieutenant governor.

8 Any compensation established pursuant to this section shall
9 not be decreased during a term of office, unless by general law
10 applying to all salaried officers of the State.

11 Not later than the fortieth legislative day of the 2008
12 regular legislative session and every six years thereafter, the
13 commission shall submit to the legislature its recommendations
14 and then dissolve.

15 The recommended salaries submitted shall become effective
16 as provided in the recommendation, unless the legislature
17 disapproves the entire recommendation as a whole by adoption of
18 a concurrent resolution prior to adjournment sine die of the
19 legislative session in which the recommendation is submitted."

20 SECTION 3. Article III, section 9, of the Constitution of
21 the State of Hawaii is amended to read as follows:

1 "~~[SALARY;]~~ LEGISLATIVE ALLOWANCES [~~;- COMMISSION ON~~
2 ~~LEGISLATIVE SALARY]~~

3 **Section 9.** The members of the legislature shall receive
4 allowances reasonably related to expenses as provided by law[~~-~~
5 and a salary prescribed by the commission on legislative
6 salaries pursuant to this section which shall be payable in
7 installments and at such times as provided by law.

8 There shall be a ~~commission on legislative salary, which~~
9 shall be appointed by the governor on or before November 30,
10 1978, and every eight years thereafter. ~~Not later than the~~
11 ~~fortieth legislative day of the 1979 regular legislative session~~
12 ~~and every eight years thereafter, the commission shall submit to~~
13 ~~the legislature and the governor recommendations for a salary~~
14 ~~for members of the legislature, and then dissolve. The~~
15 ~~recommended salary submitted shall become effective as provided~~
16 ~~in the recommendation unless the legislature disapproves the~~
17 ~~recommendation by adoption of a concurrent resolution prior to~~
18 ~~adjournment sine die of the legislative session in which the~~
19 ~~recommendation is submitted or the governor disapproves the~~
20 ~~recommendation by a message of disapproval transmitted to the~~
21 ~~legislature prior to such adjournment. Any change in salary~~
22 ~~which becomes effective shall not apply to the legislature to~~



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1 ~~which the recommendation for the change in salary was~~
2 ~~submitted]."~~

3 SECTION 4. 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
22 valid appointment has been made, or failing this, the commission



1 shall make the appointment from the list, without senate
2 consent.

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

17 **QUALIFICATIONS FOR APPOINTMENT**

18 Justices and judges shall be residents and citizens of the
19 State and of the United States, and licensed to practice law by
20 the supreme court. A justice of the supreme court, a judge of
21 the intermediate appellate court and a judge of the circuit
22 court shall have been so licensed for a period of not less than

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1 ten years preceding nomination. A judge of the district court
2 shall have been so licensed for a period of not less than five
3 years preceding nomination.

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

8 **TENURE; [COMPENSATION,] RETIREMENT**

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

21 ~~[There shall be a salary commission to review and recommend~~
22 ~~salaries for justices and judges of all state courts. Justices~~



1 ~~and judges shall have salaries as provided by law. Their~~
2 ~~compensation shall not be decreased during their respective~~
3 ~~terms of office, unless by general law applying to all salaried~~
4 ~~officers of the State. They] Justices and judges shall be~~
5 retired upon attaining the age of seventy years. They shall be
6 included in any retirement law of the State."

7 SECTION 5. Article V, section 3, of the Constitution of
8 the State of Hawaii is repealed.

9 ["~~COMPENSATION: GOVERNOR, LIEUTENANT GOVERNOR~~

10 ~~Section 3.~~ The compensation of the governor and of the
11 lieutenant governor shall be as provided by law, but shall not
12 be less than thirty three thousand five hundred dollars, and
13 twenty seven thousand five hundred dollars, respectively, a
14 year. Such compensation shall not be increased or decreased for
15 their respective terms, unless by general law applying to all
16 salaried officers of the State. When the lieutenant governor
17 succeeds to the office of the governor, the lieutenant governor
18 shall receive the compensation for that office."]

19 SECTION 6. Article XVIII, section 3, of the Constitution
20 of the State of Hawaii is repealed.



1 [~~"SALARIES OF LEGISLATORS~~

2 ~~Section 3.~~ Until otherwise provided by law in accordance
3 with ~~Section 9 of Article III,~~ the salary of each member of the
4 legislature shall be ~~twelve thousand dollars a year.~~"]

5 SECTION 7. The question to be printed on the ballot shall
6 be as follows:

7 "Shall the Constitution be amended to provide for a salary
8 commission to review and recommend salaries for justices,
9 judges, state legislators, the governor, the lieutenant
10 governor, the administrative director of the State, and
11 state department heads or executive officers and the
12 deputies or assistants to department heads of the executive
13 departments, excluding the superintendent of education and
14 the president of the University of Hawaii?"

15 SECTION 8. Constitutional material to be repealed is
16 bracketed and stricken. New constitutional material is
17 underscored.

18 SECTION 9. This Act shall take effect upon compliance with
19 article XVII, section 3 of the state constitution.

PROPOSED

Report Title:

Salary Commission; Constitutional Amendment

Description:

Proposes a constitutional amendment to establish a salary commission to review and make recommendations for the salaries of justices, judges, state legislators, the governor, the lieutenant governor, administrative director, and state executive branch department heads or executive officers and the deputies or assistants to the department heads, excluding the University of Hawaii and the Department of Education. (SD1)

