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# 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:

14   **"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



1 legislature, and department heads or executive officers and the  
2 deputies or assistants to department heads of the executive  
3 departments as provided by law, excluding the University of  
4 Hawaii and the department of education. The commission shall  
5 also 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:

22 "~~SALARY~~ LEGISLATIVE ALLOWANCES ~~COMMISSION ON~~

**LEGISLATIVE SALARY]**

1  
2       **Section 9.** The members of the legislature shall receive  
3 allowances reasonably related to expenses as provided by law[  
4 and a salary prescribed by the commission on legislative  
5 salaries pursuant to this section which shall be payable in  
6 installments and at such times as provided by law.

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

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

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.

21 [~~"SALARIES OF LEGISLATORS~~



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

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

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

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

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



**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. (SD2)

