

1 **Section 2.** The supreme court shall consist of a chief
2 justice and four associate justices. The chief justice may
3 assign a judge or judges of the [~~intermediate appellate court~~]
4 court of appeals or a circuit court to serve temporarily on the
5 supreme court, a judge of the circuit court to serve temporarily
6 on the [~~intermediate appellate court~~] court of appeals and a
7 judge of the district court to serve temporarily on the circuit
8 court. As provided by law, at the request of the chief justice,
9 retired justices of the supreme court also may serve temporarily
10 on the supreme court, and retired judges of the [~~intermediate~~
11 ~~appellate court,~~] court of appeals, the circuit courts, the
12 district courts and the district family courts may serve
13 temporarily on the [~~intermediate appellate court,~~] court of
14 appeals, on any circuit court, on any district court and on any
15 district family court, respectively. In case of a vacancy in
16 the office of chief justice, or if the chief justice is ill,
17 absent or otherwise unable to serve, an associate justice
18 designated in accordance with the rules of the supreme court
19 shall serve temporarily in place of the chief justice.

APPOINTMENT OF JUSTICES AND JUDGES

21 **Section 3.** The governor, with the consent of the senate,
22 shall fill a vacancy in the office of the chief justice, supreme



1 court, [~~intermediate appellate court~~] court of appeals, and
2 circuit courts, by appointing a person from a list of not less
3 than four, and not more than six, nominees for the vacancy,
4 presented to the governor by the judicial selection commission.

5 If the governor fails to make any appointment within thirty
6 days of presentation, or within ten days of the senate's
7 rejection of any previous appointment, the appointment shall be
8 made by the judicial selection commission from the list with the
9 consent of the senate. If the senate fails to reject any
10 appointment within thirty days thereof, it shall be deemed to
11 have given its consent to such appointment. If the senate shall
12 reject any appointment, the governor shall make another
13 appointment from the list within ten days thereof. The same
14 appointment and consent procedure shall be followed until a
15 valid appointment has been made, or failing this, the commission
16 shall make the appointment from the list, without senate
17 consent.

18 The chief justice, with the consent of the senate, shall
19 fill a vacancy in the district courts by appointing a person
20 from a list of not less than six nominees for the vacancy
21 presented by the judicial commission. If the chief justice
22 fails to make the appointment within thirty days of



1 presentation, or within ten days of the senate's rejection of
2 any previous appointment, the appointment shall be made by the
3 judicial selection commission from the list with the consent of
4 the senate. The senate must hold a public hearing and vote on
5 each appointment within thirty days of any appointment. If the
6 senate fails to do so, the nomination shall be returned to the
7 commission and the commission shall make the appointment from
8 the list without senate consent. The chief justice shall appoint
9 per diem district court judges as provided by law.

10 **QUALIFICATIONS FOR APPOINTMENT**

11 Justices and judges shall be residents and citizens of the
12 State and of the United States, and licensed to practice law by
13 the supreme court. A justice of the supreme court, a judge of
14 the [~~intermediate appellate court~~] court of appeals, and a judge
15 of the circuit court shall have been so licensed for a period of
16 not less than ten years preceding nomination. A judge of the
17 district court shall have been so licensed for a period of not
18 less than five years preceding nomination.

19 No justice or judge shall, during the term of office,
20 engage in the practice of law, or run for or hold any other
21 office or position of profit under the United States, the State
22 or its political subdivisions.



1 **TENURE; COMPENSATION; RETIREMENT**

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

14 There shall be a salary commission to review and recommend
15 salaries for justices and judges of all state courts. Justices
16 and judges shall have salaries as provided by law. Their
17 compensation shall not be decreased during their respective
18 terms of office, unless by general law applying to all salaried
19 officers of the State. They shall be retired upon attaining the
20 age of seventy years. They shall be included in any retirement
21 law of the State."



1 SECTION 3. The question to be printed on the ballot shall
2 be as follows:

3 "Shall the name of the intermediate court of appeals be
4 changed to the court of appeals?"

5 SECTION 4. Constitutional material to be repealed is
6 bracketed and stricken. New constitutional material is
7 underscored.

8 SECTION 5. This amendment shall take effect upon
9 compliance with article XVII, section 3, of the Constitution of
10 the State of Hawaii.

11

INTRODUCED BY:

Calvin K. King

BY REQUEST

JAN 23 2006



HB 2490

Report Title:

Amend Constitution; Intermediate Court of Appeals Name Change

Description:

Proposes constitutional amendment to change the name of the intermediate court of appeals to the court of appeals.

