

# PROPOSED

THE SENATE  
TWENTY-THIRD LEGISLATURE, 2006  
STATE OF HAWAII

S.B. NO. 2610  
S.D. 1

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## A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION RELATING TO  
CHANGING THE NAME OF THE INTERMEDIATE APPELLATE COURT.

**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 article VI, sections 1, 2, and 3, of the  
3 Constitution of the State of Hawaii to change the name of the  
4 intermediate appellate court to the court of appeals.

5 SECTION 2. Sections 1, 2, and 3 of article VI of the  
6 Constitution of the State of Hawaii are amended to read as  
7 follows:

8 "JUDICIAL POWER

9 **Section 1.** The judicial power of the State shall be vested  
10 in one supreme court, one [~~intermediate appellate court,~~] court  
11 of appeals, circuit courts, district courts and in such other  
12 courts as the legislature may from time to time establish. The  
13 several courts shall have original and appellate jurisdiction as  
14 provided by law and shall establish time limits for disposition  
15 of cases in accordance with their rules.

16 **SUPREME COURT; [~~INTERMEDIATE APPELLATE COURT,~~] COURT OF**  
17 **APPEALS; CIRCUIT COURTS**



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**

20  
21           **Section 3.** The governor, with the consent of the senate,  
22 shall fill a vacancy in the office of the chief justice, supreme



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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.

**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.



# PROPOSED

**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. (SD1)

