

JAN 18 2008

A BILL FOR AN ACT

MAKING AN APPROPRIATION TO THE JUDICIAL SELECTION COMMISSION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The judicial selection commission reviews and
2 evaluates applicants for all judicial vacancies, selects the
3 qualified nominees, and then forwards the names of the nominees
4 to the appropriate appointing authority. The judicial selection
5 commission is an independent, constitutionally-created entity
6 and, pursuant to article VI, section 4 of the Constitution of
7 the State of Hawaii, is attached to the judiciary branch for
8 administrative support only.

9 While article VI, section 4 of the Constitution of the
10 State of Hawaii requires that the legislature "provide for the
11 staff and operating expenses of the judicial selection
12 commission in a separate budget," the judicial selection
13 commission, in prior years, has not presented its own budget
14 request to the legislature. Funding for the judicial selection
15 commission has generally been included as part of the
16 judiciary's budget.



1 For example, in fiscal years 2007-2008 and 2008-2009, the
2 judicial selection commission's operations were funded by the
3 Judiciary Appropriations Act of 2007, Act 169, Session Laws of
4 Hawaii 2007 (Act 169). As part of the appropriations made in
5 section 3 of Act 169, in JUD601 - ADMINISTRATION, the judicial
6 selection commission received a general fund appropriation of
7 \$94,283 for fiscal year 2007-2008, and a general fund
8 appropriation of \$94,283 for fiscal year 2008-2009.

9 The attorney general has advised the judicial selection
10 commission that as article VI, section 4 of the Constitution of
11 the State of Hawaii literally provides that the judicial
12 selection commission should prepare and submit its own budget
13 request to the legislature so that the judicial selection
14 commission's budget appropriations are independent of the
15 judiciary's budget appropriations.

16 The purpose of this Act is to appropriate funds for the
17 judicial selection commission's operations for fiscal year 2008-
18 2009.

19 SECTION 2. There is appropriated out of the general
20 revenues of the State of Hawaii the sum of \$94,283 or so much
21 thereof as may be necessary for fiscal year 2008-2009 for the
22 staffing and operation of the judicial selection commission.



1 One position at 1.0 FTE is authorized for the judicial selection
2 commission for fiscal year 2008-2009; provided that this
3 position may be filled without regard to chapters 76 and 89,
4 Hawaii Revised Statutes, and shall serve at the pleasure of the
5 commission.

6 The sum appropriated shall be expended by the judicial
7 selection commission for the purposes of this Act.

8 SECTION 3. This Act shall take effect on July 1, 2008.

9

INTRODUCED BY: *Randy H. Baker*
By Request



Report Title:

Judicial Selection Commission; Budget Appropriation

Description:

Makes an appropriation to the judicial selection commission for its operating budget. Authorizes one full-time position for the judicial selection commission.

