STAND. COM. REP. NO.

Honolulu, Hawaii **FEB 1 1** , 2021 RE: H.B. No. 340

Honorable Scott K. Saiki Speaker, House of Representatives Thirty-First State Legislature Regular Session of 2021 State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 340 entitled:

"A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF HAWAII TO REQUIRE THE JUDICIAL SELECTION COMMISSION TO BE GUIDED BY PRINCIPLES OF MERIT IN THE SELECTION OF JUDICIAL NOMINATIONS AND THE RETENTION OF JUDGES AND JUSTICES,"

begs leave to report as follows:

The purpose of this measure is to propose an amendment to the Constitution of the State of Hawaii to require the Judicial Selection Commission to be guided by principles of merit in the selection of judicial nominations and the retention of judges and justices.

Your Committee received testimony in support of this measure from the Ad Hoc Judicial Selection Commission Steering Committee. Your Committee received comments on this measure from the Judiciary and Judicial Selection Commission.

Your Committee finds that although Hawaii's judicial selection process is depicted as a merit selection process, neither the Constitution of the State of Hawaii nor the rules of the Judicial Selection Commission require the Commission to select and retain the most qualified applicants and petitioners. Your Committee further finds that delegates of the 1978 Constitutional



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Convention intended for the Judicial Selection Commission to select and retain the most qualified judges and justices based on merit. This measure is intended to improve upon Hawaii's existing judicial selection process by constitutionally requiring the Judicial Selection Commission to be guided by principles of merit in the selection and retention of judges and justices.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 340 and recommends that it pass Second Reading and be referred to your Committee on Finance.

> Respectfully submitted on behalf of the members of the Committee on Judiciary & Hawaiian Affairs,

NAKASHIMA, Chair

State of Hawaii House of Representatives The Thirty-first Legislature



Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: HB 340	Committee Referral: JHA, FIN		Date: 2-4-21	
θ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: \checkmark Pass, unamended (as is) θ Pass, with amendments (HD) θ Hold θ Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)				
2. MATAYOSHI, Scot Z. (VC)				TRANSCIEGE SAMPAGE
3. ICHIYAMA, Linda				
4. KOBAYASHI, Dale T.				
5. LoPRESTI, Matthew S.				
6. LOWEN, Nicole E.				
7. McKELVEY, Angus L.K.				
8. NAKAMURA, Nadine K.				
9. TAKUMI, Roy M.				
10. TODD, Chris				
11. TOKIOKA, James Kunane				
12. WARD, Gene			~	
TOTAL (12)	10	X X		
The recommendation is: Y Adopted 0 Not Adopted If joint referral,				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				