

STAND. COM. REP. NO.

185

Honolulu, Hawaii

FEB 11 , 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,



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MARK M. NAKASHIMA, Chair



