

STAND. COM. REP. NO.

1333

Honolulu, Hawaii

**MAR 20**, 2023

RE: S.B. No. 1074  
S.D. 2  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 1074, S.D. 2, entitled:

"A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE CONSTITUTION OF THE STATE OF HAWAII TO AMEND THE MANNER IN WHICH JUSTICES AND JUDGES ARE APPOINTED, CONSENTED TO, AND RETAINED,"

begs leave to report as follows:

The purpose of this measure is to propose amendments to Article VI, Section 3, of the Hawaii State Constitution to:

- (1) Change the required time frame from thirty to forty-five days for certain processes to appoint and consent to a justice's or judge's appointment; and
- (2) Mirror the appointment and Senate consent procedure for District Court judges with the appointment and Senate consent procedure for Hawaii Supreme Court justices and Intermediate Court of Appeals and Circuit Court judges.

Your Committee received no written testimony on this measure.

Your Committee finds that the existing Senate consent process for District Court judges, whereby a District Court appointee is automatically considered rejected if not consented to by the

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Senate within thirty days of receipt of the appointment, is inefficient. The Hawaii State Legislature is a part-time legislature, which means that the Senate must convene special sessions throughout the year for the sole purpose of consenting to District Court appointments. Your Committee believes that it would be more fiscally prudent and efficient for District Court appointments to be automatically considered consented to if the Senate fails to reject the appointment within forty-five days.

Your Committee has amended this measure by:

- (1) Clarifying the question to be printed on the ballot to provide greater context to the electorate of the constitutional amendments; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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 S.B. No. 1074, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1074, S.D. 2, H.D. 1, 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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DAVID A. TARNAS, Chair



