

JAN 15 2025

A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII
STATE CONSTITUTION TO ALLOW THE SENATE MORE TIME TO CONFIRM
JUDICIAL APPOINTMENTS.

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

1 SECTION 1. The legislature finds that the Hawaii State
2 Constitution requires the senate to act within thirty days upon
3 receipt of a judicial appointment. The legislature further
4 finds that judicial appointments can, and have been, made
5 throughout the year including during the interim when the senate
6 is not in session, thus requiring the senate to call itself back
7 to convene a special session to consider those appointments. In
8 recent years, the timing of judicial appointments has
9 necessitated two special sessions and, in 2022, three special
10 sessions. Due to the thirty-day window, some special sessions
11 have addressed just one or two appointments. Additionally, some
12 special sessions have occurred in mid- or late November, not far
13 from the start of the legislative session in January. Each
14 special session costs approximately \$5,000 for airfare and per
15 diem for neighbor island senators, in addition to senator and
16 staff time.



1 The legislature concludes that lengthening the period of
2 time allowed for the senate to consider judicial appointments
3 made when the senate is not in regular session or is about to
4 adjourn the regular session will provide flexibility in the
5 scheduling of special sessions and may reduce the number of
6 special sessions.

7 Accordingly, the purpose of this Act is to propose an
8 amendment to article VI, section 3, of the Hawaii State
9 Constitution to allow the senate sixty days during certain times
10 of the year in which to consider and act on the appointments of
11 justices and judges.

12 SECTION 2. Article VI, section 3, of the Constitution of
13 the State of Hawaii is amended to read as follows:

14 **"APPOINTMENT OF JUSTICES AND JUDGES**

15 **Section 3.** The governor, with the consent of the senate,
16 shall fill a vacancy in the office of the chief justice, supreme
17 court, intermediate appellate court and circuit courts by
18 appointing a person from a list of not less than four, and not
19 more than six nominees for the vacancy presented to the governor
20 by the judicial selection commission.



1 If the governor fails to make any appointment within thirty
2 days of presentation, or within ten days of the senate's
3 rejection of any previous appointment, the appointment shall be
4 made by the judicial selection commission from the list with the
5 consent of the senate. If the senate fails to reject any
6 appointment within thirty days thereof, or sixty days if the
7 appointment is made between April 1 and December 31, the senate
8 shall be deemed to have consented to that appointment. If the
9 senate rejects any appointment, the governor shall make another
10 appointment from the list within ten days thereof. The same
11 appointment and consent procedure shall be followed until a
12 valid appointment has been made, or failing this, the judicial
13 selection commission shall make the appointment from the list,
14 without senate consent.

15 The chief justice, with the consent of the senate, shall
16 fill a vacancy in the district courts by appointing a person
17 from a list of not less than four and not more than six nominees
18 for the vacancy presented to the chief justice by the judicial
19 selection commission. If the chief justice fails to make any
20 appointment within thirty days of presentation, or within ten
21 days of the senate's rejection of any previous appointment, the



1 appointment shall be made by the judicial selection commission
2 from the list with the consent of the senate. If the senate
3 fails to reject any appointment within thirty days thereof, or
4 sixty days if the appointment is made between April 1 and
5 December 31, the senate shall be deemed to have consented to
6 that appointment. If the senate rejects any appointment, the
7 chief justice shall make another appointment from the list
8 within ten days thereof. The same appointment and consent
9 procedure shall be followed until a valid appointment has been
10 made, or failing this, the judicial selection commission shall
11 make the appointment from the list, without senate consent. The
12 chief justice shall appoint per diem district court judges as
13 provided by law.

14 The judicial selection commission shall disclose to the
15 public the list of nominees for each vacancy concurrently with
16 the presentation of each list to the governor or the chief
17 justice, as applicable.

18 **QUALIFICATIONS FOR APPOINTMENT**

19 Justices and judges shall be residents and citizens of the
20 State and of the United States, and licensed to practice law by
21 the supreme court. A justice of the supreme court, judge of the



1 intermediate appellate court and judge of the circuit court
2 shall have been so licensed for a period of not less than ten
3 years preceding nomination. A judge of the district court shall
4 have been so licensed for a period of not less than five years
5 preceding nomination.

6 No justice or judge shall, during the term of office,
7 engage in the practice of law, or run for or hold any other
8 office or position of profit under the United States, the State
9 or its political subdivisions.

10 **TENURE; RETIREMENT**

11 The term of office of justices and judges of the supreme
12 court, intermediate appellate court and circuit courts shall be
13 ten years. Judges of district courts shall hold office for the
14 periods as provided by law. At least six months before the
15 expiration of a justice's or judge's term of office, every
16 justice and judge shall petition the judicial selection
17 commission to be retained in office or shall inform the
18 commission of an intention to retire. If the judicial selection
19 commission determines that the justice or judge should be
20 retained in office, the commission shall renew the term of



1 office of the justice or judge for the period provided by this
2 section or by law.

3 Justices and judges shall be retired upon attaining the age
4 of seventy years. They shall be included in any retirement law
5 of the State."

6 SECTION 3. The question to be printed on the ballot shall
7 be as follows:

8 "Shall the Constitution of the State of Hawaii be amended
9 to allow the Senate more time to consider and act on the
10 appointments of justices and judges, by increasing the timeframe
11 from thirty days to sixty days for appointments made between
12 April 1 and December 31 when the senate is not in regular
13 session or is about to adjourn the regular session?"

14 SECTION 4. New constitutional material is underscored.

15 SECTION 5. This amendment shall take effect upon
16 compliance with article XVII, section 3, of the Constitution of
17 the State of Hawaii.

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INTRODUCED BY: Karl Rhoad



S.B. NO. 121

Report Title:

Justices and Judges; Appointment; Confirmation; Constitutional Amendment

Description:

Proposes an amendment to the Hawaii State Constitution to extend the amount of time allowed the Senate to consider and act on the appointments of justices and judges from thirty to sixty days for appointments made between April 1 and December 31 when the Senate is not in Regular Session or is about to adjourn the Regular Session.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

