

JAN 21 2011

A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE
CONSTITUTION OF THE STATE OF HAWAII AUTHORIZING THE CHIEF
JUSTICE OF THE STATE SUPREME COURT TO APPOINT RETIRED
JUDGES TO SERVE AS EMERITUS JUDGES.

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

1 SECTION 1. The purpose of this Act is to propose an
2 amendment to article VI, section 3, of the Constitution of the
3 State of Hawaii to authorize the chief justice of the supreme
4 court to appoint judges who have retired upon attaining the age
5 of seventy years as emeritus judges, permitting them to serve as
6 per diem judges or judicial mentors in courts no higher than the
7 court level they reached prior to retirement and for terms not
8 to exceed three months.

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

11 **"APPOINTMENT OF JUSTICES AND JUDGES**

12 **Section 3.** The governor, with the consent of the senate,
13 shall fill a vacancy in the office of the chief justice, supreme
14 court, intermediate appellate court and circuit courts, by
15 appointing a person from a list of not less than four, and not



1 more than six, nominees for the vacancy, presented to the
2 governor by the judicial selection commission.

3 If the governor fails to make any appointment within thirty
4 days of presentation, or within ten days of the senate's
5 rejection of any previous appointment, the appointment shall be
6 made by the judicial selection commission from the list with the
7 consent of the senate. If the senate fails to reject any
8 appointment within thirty days thereof, it shall be deemed to
9 have given its consent to such appointment. If the senate shall
10 reject any appointment, the governor shall make another
11 appointment from the list within ten days thereof. The same
12 appointment and consent procedure shall be followed until a
13 valid appointment has been made, or failing this, the commission
14 shall make the appointment from the list, without senate
15 consent.

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



1 judicial selection commission from the list with the consent of
2 the senate. The senate shall hold a public hearing and vote on
3 each appointment within thirty days of any appointment. If the
4 senate fails to do so, the nomination shall be returned to the
5 commission and the commission shall make the appointment from
6 the list without senate consent. The chief justice shall
7 appoint per diem district court judges as provided by law.

8 The chief justice may appoint judges who have retired upon
9 attaining the age of seventy years as emeritus judges,
10 permitting the appointed judges to serve as per diem judges or
11 judicial mentors in courts no higher than the court level they
12 reached prior to retirement and for terms not to exceed three
13 months.

14 QUALIFICATIONS FOR APPOINTMENT

15 Justices and judges shall be residents and citizens of the
16 State and of the United States, and licensed to practice law by
17 the supreme court. A justice of the supreme court, a judge of
18 the intermediate appellate court and a judge of the circuit
19 court shall have been so licensed for a period of not less than
20 ten years preceding nomination. A judge of the district court
21 shall have been so licensed for a period of not less than five
22 years preceding nomination.



1 No justice or judge shall, during the term of office,
2 engage in the practice of law, or run for or hold any other
3 office or position of profit under the United States, the State
4 or its political subdivisions.

5 **TENURE; RETIREMENT**

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

18 Justices and judges shall be retired upon attaining the age
19 of seventy years. They shall be included in any retirement law
20 of the State."

21 SECTION 3. The question to be printed on the ballot shall
22 be as follows:



1 "Shall the chief justice of the state supreme court appoint
 2 judges who have retired upon attaining the age of seventy
 3 years as emeritus judges, permitting the appointed judges
 4 to serve as per diem judges or judicial mentors in courts
 5 no higher than the court level they reached prior to
 6 retirement and for terms not to exceed three months?"

7 SECTION 4. New constitutional material is underscored.

8 SECTION 5. This amendment shall take effect upon
 9 compliance with article XVII, section 3, of the Constitution of
 10 the State of Hawaii.

11

INTRODUCED BY:

Rosalyn H. Baker

Erzanne Chun Cleland

B.S.T.Z.

Matt

VB:O.O.J.F.



Report Title:

Chief Justice; Supreme Court; Emeritus Judge; Constitutional Amendment

Description:

Proposes a constitutional amendment authorizing the chief justice of the supreme court to appoint judges who have retired upon attaining the age of seventy years as emeritus judges, permitting the appointed judges to serve as per diem judges or judicial mentors in courts no higher than the court level they reached prior to retirement and for terms not to exceed three months.

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

