

STAND. COM. REP. NO. 955

Honolulu, Hawaii

**MAR 03 2023**

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

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred S.B. No. 1074, S.D. 1, 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 and intent of this measure is to propose amendments to the Hawaii State Constitution that amend the procedure by which justices and judges are appointed.

Specifically, this measure proposes amendments to Article VI, section 3, of the Hawaii State Constitution to:

- (1) Extend from thirty days to forty-five days certain time periods relating to the appointment and consideration of a justice's or judge's appointment; and
- (2) Amend the Senate confirmation procedures for district court judge nominees to mirror the process used to consent to Supreme Court justice nominees and Intermediate Court of Appeals and circuit court judge nominees.

Your Committee received written comments in support of this measure from the Judiciary.



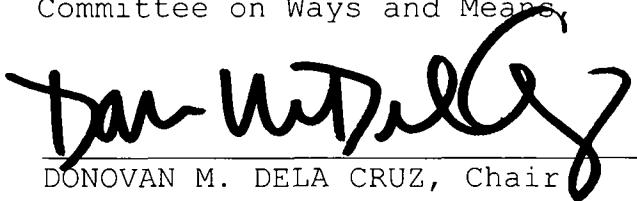
Your Committee received written comments in opposition to this measure from the Community Alliance on Prisons and one individual.

Your Committee finds that providing more time to consider a justice or judge's appointment will allow for more thoughtful and reasoned deliberation over a nominee's qualifications for judicial office. Your Committee also finds that the current procedure for Senate confirmation of district court judge nominees differs from the procedure used to confirm Supreme Court justice nominees and Intermediate Court of Appeals and circuit court judges. This measure proposes to amend the consent procedures for district court judgeships to be consistent with the procedures used for other state judges and justices.

Your Committee has amended this measure by making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

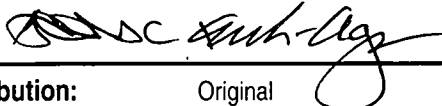
As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1074, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1074, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Ways and Means,

  
DONOVAN M. DELA CRUZ, Chair

The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Ways and Means**  
**WAM**

|  |  |                         |     |         |
|--|--|-------------------------|-----|---------|
| Bill / Resolution No.:*<br><b>SB1074, SD1</b>  | Committee Referral:<br><b>JDC, WAM</b> | Date:<br><b>2/28/23</b> |     |         |
| <input type="checkbox"/> The Committee is reconsidering its previous decision on this measure.<br>If so, then the previous decision was to: _____  |  |                         |     |         |
| The Recommendation is:<br><input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313 |  |                         |     |         |
| Members  | Aye                                    | Aye (WR)                | Nay | Excused |
| DELA CRUZ, Donovan M. (C)  | X                                      |                         |     |         |
| KEITH-AGARAN, Gilbert S.C. (VC)  | X                                      |                         |     |         |
| AQUINO, Henry J.C.   | X                                      |                         |     |         |
| DECOITE, Lynn  | X                                      |                         |     |         |
| INOUYE, Lorraine R.  | X                                      |                         |     |         |
| KANUHA, Dru Mamo   | X                                      |                         |     |         |
| KIDANI, Michelle N.  | X                                      |                         |     |         |
| KIM, Donna Mercado   | X                                      |                         |     |         |
| LEE, Chris   | X                                      |                         |     |         |
| MORIWAKI, Sharon Y.  | X                                      |                         |     |         |
| SHIMABUKURO, Maile S.L.  | X                                      |                         |     |         |
| WAKAI, Glenn   | X                                      |                         |     |         |
| FEVELLA, Kurt  | X                                      |                         |     |         |
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|  |  |                         |     |         |
| <b>TOTAL</b>   | <b>13</b>                              |                         |     |         |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted   |  |                         |     |         |
| Chair's or Designee's Signature:<br>  |  |                         |     |         |
| <b>Distribution:</b> Original    Yellow    Pink    Goldenrod<br>File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy   |  |                         |     |         |

\*Only one measure per Record of Votes