

AMENDMENT

OFFERED IN THE SENATE
TO: SB 14

BY SENATOR SHOWER

1 Page 5, line 8, through page 6, line 3:

2 Delete all material and insert:

3 **** Sec. 12. AS 22.07.070 is amended to read:**

4 **Sec. 22.07.070. Vacancies.** (a) The governor shall fill a vacancy or appoint a
5 successor to fill an impending vacancy in the office of judge of the court of appeals
6 [WITHIN 45 DAYS] after receiving nominations and recommendations from the
7 judicial council on the person or persons submitted to the judicial council for
8 review under (b) of this section, by appointing for each actual or impending
9 vacancy, one person who was [OF TWO OR MORE PERSONS] nominated by the
10 council or who was reviewed by the council under (b) of this section at the request
11 of the governor and who is qualified under AS 22.07.040. If the governor does not
12 appoint a person from the first round of persons nominated or reviewed by the
13 judicial council under (b) of this section, the governor shall submit the names of
14 not more than two additional persons to the judicial council for review under (b)
15 of this section and the judicial council may submit to the governor the names of
16 not more than four additional persons under (b) of this section. An appointment
17 made under this section is subject to confirmation by a majority of the members
18 of the legislature in joint session [FOR EACH ACTUAL OR IMPENDING
19 VACANCY]. An appointment to fill an impending vacancy becomes effective upon
20 the later of either confirmation by the legislature or the actual occurrence of the
21 vacancy.

22 (b) The office of a judge of the court of appeals becomes vacant 90 days after
23 the election at which the judge is rejected by a majority of those voting on the question

or for which the judge fails to file a declaration of candidacy. Upon the occurrence of (1) an actual vacancy; (2) the certification of rejection following an election; [OR] (3) the election following failure of a judge to file a declaration of candidacy; or (4) the decision of the governor not to appoint a person under (a) of this section, the governor shall, within 90 days, submit to the judicial council the names of not more than two persons qualified for the judicial office. The [, THE] judicial council shall meet within 90 days after receiving the names submitted by the governor to review the qualifications of the person or persons proposed by the governor, provide recommendations to the governor concerning the qualifications of those persons for appointment to the judicial office, and submit to the governor the names of up to four additional [TWO OR MORE] persons qualified for the judicial office; however, the 90-day period for the council to meet may be extended by the judicial council with the concurrence of the supreme court. In the event of an impending vacancy other than by reason of rejection or failure to file a declaration of candidacy, the governor may submit to the judicial council the names of not more than two persons qualified for the judicial office, and the judicial council, after receiving names submitted by the governor, may meet at any time within the 90-day period immediately preceding the effective date of the vacancy to review the qualifications of the person or persons proposed by the governor, provide recommendations to the governor concerning the qualifications of those persons for appointment to the judicial office, and submit to the governor the names of up to four additional [TWO OR MORE] persons qualified for the judicial office. The judicial council may submit to the governor the name of a candidate for judicial office only if the judicial council determines that the judicial candidate understands and is committed to strict constitutional interpretation of statutes and regulations and adhering to legislative intent."

Page 6, line 20, through page 7, line 18:

Delete all material and insert:

"* Sec. 14. AS 22.15.170(a) is amended to read:

(a) The governor shall fill a vacancy or appoint a successor to fill an

1 impending vacancy in an office of district judge or magistrate [WITHIN 45 DAYS]
 2 after receiving nominations and recommendations from the judicial council on the
 3 person or persons submitted to the judicial council for review under (e) of this
 4 section, by appointing, for each actual or impending vacancy, one person who was
 5 [OF TWO OR MORE PERSONS] nominated by the council or who was reviewed by
 6 the council under (e) of this section at the request of the governor and who is
 7 qualified under AS 22.07.040. If the governor does not appoint a person from the
 8 first round of persons nominated or reviewed by the judicial council under (e) of
 9 this section, the governor shall submit the names of not more than two additional
 10 persons to the judicial council for review under (e) of this section and the judicial
 11 council may submit to the governor the names of not more than four additional
 12 persons under (e) of this section. An appointment made under this section is
 13 subject to confirmation by a majority of the members of the legislature in joint
 14 session. An [FOR EACH ACTUAL OR IMPENDING VACANCY. THE]
 15 appointment to fill an impending vacancy becomes effective upon the later of either
 16 confirmation by the legislature or the actual occurrence of the vacancy.

17 * Sec. 15. AS 22.15.170(e) is amended to read:

18 (e) The office of a district court judge or magistrate becomes vacant 90 days
 19 after the election at which the judge or magistrate is rejected by a majority of those
 20 voting on the question or for which the judge or magistrate fails to file a declaration
 21 of candidacy. Upon the occurrence of (1) an actual vacancy; (2) the certification of
 22 rejection following an election; [OR] (3) the election following failure of a judge or
 23 magistrate to file a declaration of candidacy; or (4) the decision of the governor not
 24 to appoint a person under (a) of this section, the governor shall, within 90 days,
 25 submit to the judicial council the names of not more than two persons qualified
 26 for the judicial office or magistrate position. The [, THE] judicial council shall
 27 meet within 90 days after receiving the names submitted by the governor to review
 28 the qualifications of the person or persons proposed by the governor, provide
 29 recommendations to the governor concerning the qualifications of those persons
 30 for appointment to the judicial office or magistrate position, and submit to the
 31 governor the names of up to four additional [TWO OR MORE] persons qualified for

1 the judicial office or magistrate position; except that this 90-day period for the
2 council to meet may be extended by the council with the concurrence of the supreme
3 court. In the event of an impending vacancy other than by reason of rejection or failure
4 to file a declaration of candidacy, the governor may submit to the judicial council
5 the names of not more than two persons qualified for the judicial office or
6 magistrate position, and the council, after receiving names submitted by the
7 governor, may meet at any time within the 90-day period immediately preceding the
8 effective date of the vacancy to review the qualifications of the person or persons
9 proposed by the governor, provide recommendations to the governor concerning
10 the qualifications of those persons for appointment to the judicial office or
11 magistrate position, and submit to the governor the names of up to four additional
12 [TWO OR MORE] persons qualified for the judicial office or magistrate position.
13 The judicial council may submit to the governor the name of a candidate for
14 judicial office or for a magistrate position only if the judicial council determines
15 that the judicial or magistrate candidate understands and is committed to strict
16 constitutional interpretation of statutes and regulations and adhering to
17 legislative intent."