

HOUSE JOINT RESOLUTION NO. 18

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES KURKA, Rauscher

Introduced: 4/19/21

Referred: Judiciary, State Affairs, Finance

A RESOLUTION

1 **Proposing amendments to the Constitution of the State of Alaska relating to the election**
2 **of judges, establishing a court of appeals, establishing district courts, and repealing the**
3 **Judicial Council.**

4 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** Article IV, sec. 1, Constitution of the State of Alaska, is amended to read:

6 **Section 1. Judicial Power and Jurisdiction.** The judicial power of the State is
7 vested in a supreme court, **a court of appeals**, a superior court, **district courts**, and
8 the courts established by the legislature. The jurisdiction of courts shall be prescribed
9 by law. The courts shall constitute a unified judicial system for operation and
10 administration. Judicial districts shall be established by law.

11 * **Sec. 2.** Article IV, sec. 2(a), Constitution of the State of Alaska, is amended to read:

12 (a) The supreme court shall be the highest court of the State, with final
13 appellate jurisdiction. It shall consist of three justices, one of whom is chief justice.
14 **Justices shall be elected by the qualified voters of the State at a general election.**
15 **The term of office of a justice is four years, beginning at noon on the first**

1 **Monday in December following the election and ending at noon on the first**
 2 **Monday in December four years later.** The number of justices may be increased by
 3 law upon the request of the supreme court.

4 * **Sec. 3.** Article IV, sec. 3, Constitution of the State of Alaska, is amended to read:

5 **Section 3. Superior Court.** The superior court shall be the trial court of
 6 general jurisdiction and shall consist of five judges. **Judges shall be elected by the**
 7 **qualified voters of the respective judicial districts at a general election. The term**
 8 **of office of a judge is four years, beginning at noon on the first Monday in**
 9 **December following the election and ending at noon on the first Monday in**
 10 **December four years later.** The number of judges may be changed by law.

11 * **Sec. 4.** Article IV, sec. 4, Constitution of the State of Alaska, is amended to read:

12 **Section 4. Qualifications of Justices and Judges.** Supreme court justices,
 13 **court of appeals judges,** [AND] superior court judges, **and district court judges**
 14 shall be citizens of the United States and of the State, licensed to practice law in the
 15 State, and possessing any additional qualifications prescribed by law. Judges of other
 16 courts shall be selected in a manner, for terms, and with qualifications prescribed by
 17 law.

18 * **Sec. 5.** Article IV, sec. 13, Constitution of the State of Alaska, is amended to read:

19 **Section 13. Compensation.** Justices, judges, and members of the [JUDICIAL
 20 COUNCIL AND THE] Commission on Judicial Qualifications shall receive
 21 compensation as prescribed by law. Compensation of justices and judges shall not be
 22 diminished during their terms of office, unless by general law applying to all salaried
 23 officers of the State.

24 * **Sec. 6.** Article IV, Constitution of the State of Alaska, is amended by adding new sections
 25 to read:

26 **Section 17. Court of Appeals.** The court of appeals shall consist of three
 27 judges. Judges shall be elected by the qualified voters of the State at a general election.
 28 The term of office of a judge is two years, beginning at noon on the first Monday in
 29 December following the election and ending at noon on the first Monday in December
 30 two years later. The number of judges may be changed by law. The court of appeals
 31 has appellate jurisdiction in actions and proceedings commenced in the superior court

1 involving criminal prosecution and other matters as prescribed by law.

2 **Section 18. District Court.** There is established a district court for each
3 judicial district of the superior court of this State. The district courts shall consist of
4 nineteen judges assigned to a district court in the manner provided by law. Judges
5 shall be elected by the qualified voters of the respective judicial district at a general
6 election. The term of office of a judge is two years, beginning at noon on the first
7 Monday in December following the election and ending at noon on the first Monday
8 in December two years later. The number of judges may be changed by law. The
9 district courts have jurisdiction of civil and criminal cases and other matters as
10 provided by law. A party may appeal a judgment of a district court to the superior
11 court.

12 **Section 19. Vacancies.** A vacancy in an office of a supreme court justice, an
13 appellate court judge, a superior court judge, or a district court judge shall be filled for
14 the unexpired term as provided by law. If no provision is made, the governor shall fill
15 the vacancy by appointment.

16 * **Sec. 7.** Article XV, Constitution of the State of Alaska, is amended by adding a new
17 section to read:

18 **Section 30. Application of Amendment Relating to the Election of Justices**
19 **and Judges.** Each supreme court justice and superior court judge who is subject to
20 approval or rejection under Section 6 of Article IV, as it read prior to the adoption of
21 this amendment, shall not be subject to approval or rejection on or after the date of
22 adoption of this amendment but shall be subject to election at the next general election
23 in the manner provided by law.

24 * **Sec. 8.** Article IV, secs. 5 - 9, and art. XV, sec. 16, Constitution of the State of Alaska, are
25 repealed.

26 * **Sec. 9.** The amendments proposed by this resolution shall be placed before the voters of
27 the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the
28 State of Alaska, and the election laws of the state.