

1 IN THE SENATE

BY SENATOR POLLOCK

2 SENATE BILL NO. 123

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to a probate division of
7 the superior court; and providing for an
8 effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 22.10 is amended by adding a new section to
11 read:

12 Sec. 22.10.025. PROBATE DIVISION. The probate divi-
13 sion of the superior court has jurisdiction only in probate
14 of estates, sanity and competency hearings, guardianships,
15 adoptions and accounting and enforcement in child support
16 matters.

17 * Sec. 2. AS 22.10.120 is repealed and re-enacted to read:

18 Sec. 22.10.120. NUMBER OF JUDGES. The superior court
19 consists of ten judges. Two of the judges shall serve in
20 the first judicial district, one in the second judicial
21 district, four in the third judicial district, and two in
22 the fourth judicial district. The tenth judge shall serve
23 as judge of a probate division of the superior court estab-
24 lished by rule of the supreme court. At the time of sub-
25 mitting the names of nominees to the governor to fill a
26 vacancy on the superior court bench, the judicial council
27 shall designate the district in which the appointee is to
28 first reside and serve, unless the nomination is for judge
29 of the probate division.

1 * Sec. 3. AS 22.10.190(a) is repealed and re-enacted to read:

2 (a) Each superior court judge, except a judge of the
3 probate division, shall receive \$19,000 annually, and a
4 judge of the probate division shall receive \$15,000 annually.
5 This compensation is payable monthly in 12 equal install-
6 ments and shall not be diminished during his term of office,
7 unless by general law applying to all salaried officers of
8 the state.

9 * Sec. 4. AS 22.10 is amended by adding a new section to read

10 Sec. 22.10.200. APPEALS FROM PROBATE DIVISION. (a)

11 Any party may appeal a judgment of the probate division of
12 the superior court to the superior court and the appeal
13 shall be heard by a superior court judge of general juris-
14 diction.

15 (b) An appeal shall be taken within 30 days from the
16 date of entry of the judgment. All appeals shall be on the
17 record unless the superior court, in its discretion, grants
18 a trial de novo, in whole or in part.

19 (c) The supreme court shall prescribe further rules
20 for the procedure from appeals from the probate division of
21 the superior court.

22 * Sec. 5. AS 15.35.080 is amended to read:

23 Sec. 15.35.080. DETERMINATION OF JUDICIAL DISTRICT IN
24 WHICH TO SEEK APPROVAL. The judge shall seek approval in
25 the judicial district to which he was originally appointed,
26 except that in the case of the judge regularly assigned to
27 the probate division or in the case of a judge who consents
28 to assignments and transfers [WITH THE JUDGE'S CONSENT, IN
29 WHICH CASE] , he shall seek approval in the district where

1 he has served the major portion of his term. The judge
2 shall designate on his declaration of candidacy the judicial
3 district to which he was appointed, except that the judge
4 regularly assigned to the probate division and a judge who
5 has been assigned and transferred [IN CASE OF ASSIGNMENTS
6 AND TRANSFERS IN WHICH CASE HE] shall designate the district
7 where he has served the major portion of his term.

8 * Sec. 6. This Act takes effect July 1, 1965.

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