

Introduced: 4/22/75
Referred: Judiciary

1 IN THE HOUSE BY GARDINER AND MALONE
2 HOUSE CONCURRENT RESOLUTION NO. 53 am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 NINTH LEGISLATURE - FIRST SESSION

5 Requesting a study of the method of
6 judicial selection and retention.

7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 WHEREAS, as an alternative to either executive appointment or direct
9 election of judges, the delegates to the 1955-56 Alaska State Constitutional
10 Convention proposed, and the people of the 49th State ratified, a constitu-
11 tion incorporating the "Missouri Plan" for judicial selection and retention;
12 and

13 WHEREAS under that procedure the governor fills vacancies in judicial
14 offices from among a panel of nominees proposed by the Judicial Council,
15 and following a minimum period of years on the bench, that gubernatorial
16 appointee is subject to voter confirmation at an election where the question
17 posed is: "Shall the judge be retained in office for the term prescribed
18 by law?"; and

19 WHEREAS during the past year the Judicial Council has studied, held
20 hearings and reported its findings and recommendations concerning the
21 pattern of judicial districting in the state and that pattern's effect on
22 the administration of justice; in addition to the redistricting plan
23 propounded by the Judicial Council, different redistricting schemes have
24 been submitted to the legislature for its consideration by the justices of
25 the supreme court and the presiding judges of the superior court; and

26 WHEREAS the boundaries of the state's four judicial districts have
27 remained unchanged since early in territorial days; and

28 WHEREAS it has been asserted that any change in the configuration of
29 judicial district boundaries would have an impact on the conduct of judicial

1 retention elections; and

2 WHEREAS the process of judicial selection and retention in Alaska has
3 not been reviewed in the two decades since the Constitutional Convention,
4 and, in light of the conflicting proposals that have been presented to the
5 legislature, a legislative interim study of judicial selection and retention,
6 as well as judicial districting, would be an appropriate means of resolving
7 the differing views and considering whether there are more contemporary or
8 innovative procedures that could be employed in the selection and retention
9 of judges;

10 BE IT RESOLVED by the Alaska State Legislature that the Legislative
11 Council is respectfully requested to appoint an interim committee and
12 assign to it for study the subject of the system of judicial selection and
13 retention; and

14 BE IT FURTHER RESOLVED that this interim committee is respectfully
15 requested to report its findings and recommendations, including but not
16 limited to possible constitutional amendments, to the legislature not later
17 than the convening of the Ninth Alaska Legislature, Second Session.

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