

COMMITTEE REPORT

4/19/76

HOUSE

Mr. Speaker:

Date 3-26-76

The Committee on FINANCE has had SB 673

under consideration. A Majority of the members of the Committee

() recommends it DO PASS

() recommends it DO NOT PASS

() recommends it DO PASS WITH ATTACHED AMENDMENT(S)

(x) recommends it BE REPLACED WITH CS FOR SB 673 AND THAT

CS FOR SB 673 DO PASS

() "and" recommends it BE REFERRED TO THE _____

COMMITTEE

() reports it back WITHOUT RECOMMENDATION

() "other"

Members signing the Majority report:

[Signature] _____
[Signature] _____
[Signature] _____
[Signature] _____

Members NOT concurring in the Majority report:

_____ recommends.

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

[Signature] Chairman

Original sponsor: Judiciary Committee

Offered: 4/19/76
Referred: Finance

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 673

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to judicial appointments."

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

8 * Section 1. AS 22.15.170(a) and (d) are amended to read:

9 (a) The governor shall fill a vacancy or appoint a successor to
10 fill an impending vacancy in an office of district judge within 45 days
11 after receiving nominations from the judicial council by appointing one
12 of two or more persons nominated by the [JUDICIAL] council for each
13 actual or impending vacancy. The appointment to fill an impending
14 vacancy becomes effective upon the actual occurrence of such vacancy.

15 [THE JUDICIAL COUNCIL SHALL DETERMINE THE CITY WITHIN A JUDICIAL DISTRICT
16 WHERE THE DISTRICT JUDGE IS TO SIT.]

17 (d) Vacancies for [JUDGES AND] magistrates shall be filled in the
18 same manner as appointments.

19 * Sec. 2. AS 22.15.170 is amended by adding a new subsection to read:

20 (e) The office of a district court judge becomes vacant 90 days
21 after the election at which he is rejected by a majority of those voting
22 on the question or, if he fails to file his declaration of candidacy to
23 succeed himself, 90 days after the filing deadline. Upon the occurrence
24 of (1) an actual vacancy; (2) the certification of rejection following
25 an election; or (3) the failure of a judge to file a declaration of
26 candidacy to succeed himself, the judicial council shall meet within 45
27 days and submit to the governor the names of two or more persons quali-
28 fied for the judicial office; except that this 45-day period may be
29 extended by the council with the concurrence of the supreme court. In

1 the event of an impending vacancy other than by reason of rejection or
2 failure to file a declaration of candidacy, the council may meet at any
3 time within the 90-day period immediately preceding the effective date
4 of the vacancy and submit to the governor the names of two or more
5 persons qualified for the judicial office.

6 * Sec. 3. AS 22.10.100(a) is amended to read:

7 (a) The governor shall fill a vacancy or appoint a successor to
8 fill an impending vacancy in the office of superior court judge within
9 45 days after receiving nominations from the judicial council, by
10 appointing one of two or more persons nominated by the council for each
11 actual or impending vacancy. An appointment to fill an impending
12 vacancy becomes effective upon the actual occurrence of the vacancy
13 [VACANT POSITION].

14 * Sec. 4. AS 22.10.100(b) is repealed and re-enacted to read:

15 (b) The office of a superior court judge becomes vacant 90 days
16 after the election at which he is rejected by a majority of those voting
17 on the question or, if he fails to file his declaration of candidacy to
18 succeed himself, 90 days after the filing deadline. Upon the occurrence
19 of (1) an actual vacancy; (2) the certification of rejection following
20 an election; or (3) the failure of a judge to file a declaration of
21 candidacy to succeed himself, the Judicial Council shall meet within 45
22 days and submit to the governor the names of two or more persons quali-
23 fied for the judicial office; except that this 45-day period may be
24 extended by the council with the concurrence of the supreme court. In
25 the event of an impending vacancy other than by reason of rejection or
26 failure to file a declaration of candidacy, the council may meet at any
27 time within the 90-day period immediately preceding the effective date
28 of the vacancy and submit to the governor the names of two or more
29 persons qualified for the judicial office.

1 * Sec. 5. AS 22.05.080(a) is amended to read:

2 (a) The governor shall fill a vacancy or appoint a successor to
3 fill an impending vacancy in the office of supreme court justice within
4 45 days after receiving nominations from the Judicial Council, by
5 appointing one of two or more persons nominated by the Judicial Council
6 for each actual or impending vacancy. An appointment to fill an impend-
7 ing vacancy becomes effective upon the actual occurrence of the vacancy
8 [VACANT POSITION].

9 * Sec. 6. AS 22.05.080(b) is repealed and re-enacted to read:

10 (b) The office of a supreme court justice, including the office of
11 chief justice, becomes vacant 90 days after the election at which he is
12 rejected by a majority of those voting on the question or, if he fails
13 to file his declaration of candidacy to succeed himself, 90 days after
14 the filing deadline. Upon the occurrence of (1) an actual vacancy; (2)
15 the certification of rejection following an election; or (3) the failure
16 of a judge to file a declaration of candidacy to succeed himself, the
17 judicial council shall meet within 45 days and submit to the governor
18 the names of two or more persons qualified for the judicial office;
19 except that this 45-day period may be extended by the council with the
20 concurrence of the supreme court. In the event of an impending vacancy
21 other than by reason of rejection or failure to file a declaration of
22 candidacy, the council may meet at any time within the 90-day period
23 immediately preceding the effective date of the vacancy and submit to
24 the governor the names of two or more persons qualified for the judicial
25 office.
26
27
28
29

Introduced: 2/17/76
Referred: Judiciary

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 SENATE BILL NO. 673

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to judicial appointments."

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

8 * Section 1. AS 22.15.170(a) is amended to read:

9 (a) The governor shall fill a vacancy in the office of district
10 judge within 45 days after receiving nominations from the judicial
11 council by appointing one of two or more persons nominated by the
12 [JUDICIAL] council for each vacant position. The judicial council shall
13 determine the city within a judicial district where the district judge
14 is to sit.

15 * Sec. 2. AS 22.15.170(d) is amended to read:

16 (d) Vacancies for [JUDGES AND] magistrates shall be filled in the
17 same manner as appointments. The office of a district court judge be-
18 comes vacant 90 days after the election at which he is rejected by a
19 majority of those voting on the question, or for which he failed to file
20 his declaration of candidacy to succeed himself. A vacancy in the
21 office also occurs by reason of the death, retirement, resignation, for-
22 feiture or removal from office of a judge. In the event of any vacancy
23 other than an initial vacancy, or immediately upon certification of
24 rejection following an election, or immediately upon failure of a judge
25 to file a declaration of candidacy, the judicial council may meet within
26 30 days thereafter and submit to the governor the names of two or more
27 persons nominated to fill each vacancy. A successor to the office of
28 district court judge may be appointed by the governor no more than 60
29 days before the vacancy occurs, if the reason for the vacancy is other

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

than death, and the appointment becomes effective upon the vacancy occurring.