

FOLDER NO.

420.4

REPORT OF COMMITTEE ON STYLE AND DRAFTING

Constitutional Convention
Committee Proposal/2
Enrolled/Style and Drafting
January 18, 1956

CONSTITUTIONAL CONVENTION OF ALASKA

COMMITTEE PROPOSAL NO. 2

Introduced by Committee on Judiciary Branch
RESOLVED, that the following be agreed upon
as part of the Alaska State Constitution:

THE JUDICIARY

Article IV

Judicial
Power and
Jurisdiction

1 Section 1. The judicial power of the State
2 is vested in a Supreme Court, a Superior Court,
3 and courts established by law. The jurisdiction
4 of courts shall be prescribed by law. The courts
5 constitute a unified judicial system for opera-
6 tion and administration. Judicial districts shall
7 be established by law.

Supreme
Court

8 Section 2. The Supreme Court is the highest
9 court of the State, with final appellate jurisdic-
10 tion, and consists of three justices, one of
11 whom is Chief Justice. The number of justices
12 may be increased by law upon the request of the
13 Supreme Court.

Superior
Court

14 Section 3. The Superior Court is the trial
15 court of general jurisdiction and consists of

*adopted
as Const.*

1 five judges. The number of judges may be changed
2 by law.

Qualifications
of Justices
and Judges

3 Section 4. Supreme Court justices and
4 Superior Court judges shall be citizens of the
5 United States and of the state, licensed to
6 practice law in the State, and possessing any
7 additional qualifications prescribed by law.
8 Judges of other courts shall be selected in a
9 manner, for terms, and with qualifications pres-
10 cribed by law.

Nomination
and
Appointment

11 Section 5. The Governor shall fill any
12 vacancy in an office of Supreme Court Justice or
13 Superior Court Judge by appointing one of two or
14 more persons nominated by the Judicial Council.

Approval or
Rejection

15 Section 6. Each Supreme Court Justice and
16 Superior Court Judge shall be subject to approval
17 or rejection on a nonpartisan ballot at the first
18 general election held more than three years
19 after his appointment. Thereafter each Supreme
20 Court Justice shall be subject to approval or
21 rejection in a like manner every tenth year and
22 each Superior Court Judge every sixth year.

Vacancy

23 Section 7. The office of any Supreme Court
24 Justice or Superior Court Judge becomes vacant
25 ninety days after the election at which he is

1 rejected by a majority vote or for which he fails
2 to file his declaration of candidacy to succeed
3 himself.

Judicial
Council

4 Section 8. The Judicial Council consists of
5 seven members. Three attorney members shall be
6 appointed for six-year terms by the governing body
7 of the organized state bar. Three non-attorney
8 members shall be appointed for six-year terms by
9 the Governor subject to confirmation by a majority
10 of the members of the Legislature in joint session.
11 Vacancies shall be filled for the unexpired term
12 in like manner. Appointments shall be made with
13 due consideration to area representation and with-
14 out regard to political affiliation. The Chief
15 Justice of the Supreme Court is ex-officio the
16 seventh member and chairman of the Judicial
17 Council. No member of the Judicial Council, ex-
18 cept the Chief Justice, may hold any other office
19 or position of profit under the United States or
20 the State. The Judicial Council shall act by
21 concurrence of four or more members according to
22 rules which it adopts.

Additional
Duties

23 Section 9. The Judicial Council shall con-
24 duct studies for improvement of the administration
25 of justice and make reports and recommendations

1 to the Supreme Court and to the Legislature at
2 intervals of not more than two years. The
3 Judicial Council shall perform other duties
4 assigned by law.

Incapacity
of Judges

5 Section 10. Whenever the Judicial Council
6 certifies to the Governor that a Supreme Court
7 Justice appears to be so incapacitated as sub-
8 stantially to prevent him from performing his
9 judicial duties, the Governor shall appoint a
10 board of three persons to inquire into the
11 circumstances and may, on the board's recommenda-
12 tion, retire the justice. Whenever a judge of
13 another court appears to be so incapacitated as
14 substantially to prevent him from performing
15 his judicial duties, the Judicial Council shall
16 recommend to the Supreme Court that the judge
17 be placed under early retirement. After notice
18 and hearing, the Supreme Court by majority vote
19 of its members may retire the judge.

Retirement

20 Section 11. Justices and judges shall be
21 retired at the age of seventy except as provided
22 in this article. The basis and amount of
23 retirement pay shall be prescribed by law. Re-
24 tired judges shall render no further service on
25 the bench except for special assignments as
26 provided by court rule.

Impeachment 1 Section 12. Impeachment of any justice or
2 judge for malfeasance or misfeasance in the
3 performance of his official duties shall be
4 according to procedure prescribed for civil
5 officers.

Compensation 6 Section 13. Justices, judges, and members
7 of the Judicial Council shall receive compensa-
8 tion prescribed by law. Compensation of
9 justices and judges shall not be diminished
10 during their terms of office, unless by general
11 law applying to all salaried officers of the
12 State.

Restrictions 13 Section 14. Supreme Court justices and
14 Superior Court judges while holding office may
15 not practice law, ~~hold~~ office in a political
16 party, or hold any office or position of profit
17 under the United States, the State or its
18 political subdivisions. Any Supreme Court
19 justice or Superior Court judge filing for *another*
20 elective public office forfeits his judicial
21 position.

Rule-
making
Power 22 Section 15. The Supreme Court shall ~~make~~
23 and promulgate rules governing the administra-
24 tion of all courts. It shall make and promulgate
25 rules governing practice and procedure in civil

1 and criminal cases in all courts, which rules
2 may be changed by the Legislature by two-thirds
3 vote of the members elected to each house.

Court
Administra-
tion

4 Section 16. The Chief Justice of the Supreme
5 Court shall be the administrative head of all
6 courts. He may assign judges from one court or
7 division thereof to another for temporary service.
8 The Chief Justice shall, with the approval of
9 the Supreme Court, appoint an administrative
10 director to serve at his pleasure and to super-
11 vise the administrative operations of the judicial
12 system.

Office
of
Profit

*Sec 10
Art XII*

13 [Section 17. Service in the armed forces of the
14 United States or of the State is not an office
15 or position of profit as the term is used in this
16 Constitution.]

*Transitional
measure*

First
Judicial
Council
(Transi-
tional)

17 [Section 18. The first members of the
18 Judicial Council shall, notwithstanding Section 8,
19 Article IV, be appointed for terms as follows:
20 three attorney members for one, three and five
21 years respectively, and three non-attorney members
22 for two, four and six years respectively. The
23 six members so appointed shall submit to the
24 Governor nominations to fill the initial vacancies
25 on the Supreme Court, including the office of

*Sec 21
Art XIV*

- 1 Chief Justice. Once the Chief Justice is appointed,
- 2 he shall assume his seat on the Judicial Council.]

Amendment No. _____

Constitutional Convention

By Style & Drafting

Date 1-21-56

AMENDMENT TO (COMMITTEE) PROPOSAL NO. 2

MR. PRESIDENT: Style & Drafting Committee Report on Enrolled Copy

I move that ^{of} (Committee) Proposal No. 2 be amended

as follows:

1. Transfer Section 17 to Miscellaneous
Provisions of ^{the} Constitution

2. Transfer Section 18 to Transitional Provisions
of the Constitution.

adopted

Amendment No. _____

Constitutional Convention

By Style & Drafting

Date 1-21-56

AMENDMENT TO (COMMITTEE) PROPOSAL NO. 2

MR. PRESIDENT: *Style & Drafting Committee Report on Enrolled Copy of Article IV*
I move that ^{Sec -} (Committee) Proposal No. 2 be amended

as follows:

#1 Page 5, Sec. 14, Line 16 - insert "other" between "any" and "office" U/C

#2 " Line 19 - at end of line add "another"

voice vote adopted

Amendment No. _____

Constitutional Convention

By Committee on Style and Drafting

Date January 21, 1956

AMENDMENT TO (COMMITTEE) PROPOSAL NO. 2 ^(Article IV) (Report of Committee on
Style and Drafting)

MR. PRESIDENT:

I move that (Committee) Proposal No. 2 be amended
as follows:

Page 5, Section 14, line 16, insert "other" between "any" and "office".

Page 5, Section 14, line 19, at the end of the line add "another".

Transfer Section 17 to Miscellaneous Provisions of the Constitution.

REPORT OF COMMITTEE ON STYLE AND DRAFTING

Constitutional Convention
Committee Proposal/2
Enrolled/Style and Drafting
January 18, 1956

CONSTITUTIONAL CONVENTION OF ALASKA

COMMITTEE PROPOSAL NO. 2

Introduced by Committee on Judiciary Branch

RESOLVED, that the following be agreed upon
as part of the Alaska State Constitution:

THE JUDICIARY

Judicial
Power and
Jurisdiction

1 Section 1. The judicial power of the State
2 is vested in a Supreme Court, a Superior Court,
3 and courts established by law. The jurisdiction
4 of courts shall be prescribed by law. The courts
5 constitute a unified judicial system for opera-
6 tion and administration. Judicial districts shall
7 be established by law.

Supreme
Court

8 Section 2. The Supreme Court is the highest
9 court of the State, with final appellate jurisdic-
10 tion, and consists of three justices, one of
11 whom is Chief Justice. The number of justices
12 may be increased by law upon the request of the
13 Supreme Court.

Superior
Court

14 Section 3. The Superior Court is the trial
15 court of general jurisdiction and consists of

1 five judges. The number of judges may be changed
2 by law.

Qualifications
of Justices
and Judges

3 Section 4. Supreme Court justices and
4 Superior Court judges shall be citizens of the
5 United States and of the state, licensed to
6 practice law in the State, and possessing any
7 additional qualifications prescribed by law.
8 Judges of other courts shall be selected in a
9 manner, for terms, and with qualifications pres-
10 cribed by law.

Nomination
and
Appointment

11 Section 5. The Governor shall fill any
12 vacancy in an office of Supreme Court Justice or
13 Superior Court Judge by appointing one of two or
14 more persons nominated by the Judicial Council.

Approval or
Rejection

15 Section 6. Each Supreme Court Justice and
16 Superior Court Judge shall be subject to approval
17 or rejection on a nonpartisan ballot at the first
18 general election held more than three years
19 after his appointment. Thereafter each Supreme
20 Court Justice shall be subject to approval or
21 rejection in a like manner every tenth year and
22 each Superior Court Judge every sixth year.

Vacancy

23 Section 7. The office of any Supreme Court
24 Justice or Superior Court Judge becomes vacant
25 ninety days after the election at which he is

1 rejected by a majority vote or for which he fails
2 to file his declaration of candidacy to succeed
3 himself.

Judicial
Council

4 Section 8. The Judicial Council consists of
5 seven members. Three attorney members shall be
6 appointed for six-year terms by the governing body
7 of the organized state bar. Three non-attorney
8 members shall be appointed for six-year terms by
9 the Governor subject to confirmation by a majority
10 of the members of the Legislature in joint session.
11 Vacancies shall be filled for the unexpired term
12 in like manner. Appointments shall be made with
13 due consideration to area representation and with-
14 out regard to political affiliation. The Chief
15 Justice of the Supreme Court is ex-officio the
16 seventh member and chairman of the Judicial
17 Council. No member of the Judicial Council, ex-
18 cept the Chief Justice, may hold any other office
19 or position of profit under the United States or
20 the State. The Judicial Council shall act by
21 concurrence of four or more members according to
22 rules which it adopts.

Additional
Duties

23 Section 9. The Judicial Council shall con-
24 duct studies for improvement of the administration
25 of justice and make reports and recommendations

1 to the Supreme Court and to the Legislature at
2 intervals of not more than two years. The
3 Judicial Council shall perform other duties
4 assigned by law.

Incapacity
of Judges

5 Section 10. Whenever the Judicial Council
6 certifies to the Governor that a Supreme Court
7 Justice appears to be so incapacitated as sub-
8 stantially to prevent him from performing his
9 judicial duties, the Governor shall appoint a
10 board of three persons to inquire into the
11 circumstances and may, on the board's recommenda-
12 tion, retire the justice. Whenever a judge of
13 another court appears to be so incapacitated as
14 substantially to prevent him from performing
15 his judicial duties, the Judicial Council shall
16 recommend to the Supreme Court that the judge
17 be placed under early retirement. After notice
18 and hearing, the Supreme Court by majority vote
19 of its members may retire the judge.

Retirement

20 Section 11. Justices and judges shall be
21 retired at the age of seventy except as provided
22 in this article. The basis and amount of
23 retirement pay shall be prescribed by law. Re-
24 tired judges shall render no further service on
25 the bench except for special assignments as
26 provided by court rule.

Impeachment 1 Section 12. Impeachment of any justice or
2 judge for malfeasance or misfeasance in the
3 performance of his official duties shall be
4 according to procedure prescribed for civil
5 officers.

Compensation 6 Section 13. Justices, judges, and members
7 of the Judicial Council shall receive compensa-
8 tion prescribed by law. Compensation of
9 justices and judges shall not be diminished
10 during their terms of office, unless by general
11 law applying to all salaried officers of the
12 State.

Restrictions 13 Section 14. Supreme Court justices and
14 Superior Court judges while holding office may
15 not practice law, hold office in a political
16 party, or hold any office or position of profit
17 under the United States, the State or its
18 political subdivisions. Any Supreme Court
19 justice or Superior Court judge filing for
20 elective public office forfeits his judicial
21 position.

Rule-
making
Power 22 Section 15. The Supreme Court shall ~~make~~
23 and promulgate rules governing the administra-
24 tion of all courts. It shall make and promulgate
25 rules governing practice and procedure in civil

1 and criminal cases in all courts, which rules
2 may be changed by the Legislature by two-thirds
3 vote of the members elected to each house.

Court
Administra-
tion

4 Section 16. The Chief Justice of the Supreme
5 Court shall be the administrative head of all
6 courts. He may assign judges from one court or
7 division thereof to another for temporary service.
8 The Chief Justice shall, with the approval of
9 the Supreme Court, appoint an administrative
10 director to serve at his pleasure and to super-
11 vise the administrative operations of the judicial
12 system.

Office
of
Profit

13 Section 17. Service in the armed forces of the
14 United States or of the State is not an office
15 or position of profit as the term is used in this
16 Constitution.

First
Judicial
Council
(Transi-
tional)

17 Section 18. The first members of the
18 Judicial Council shall, notwithstanding Section 8,
19 Article _____, be appointed for terms as follows:
20 three attorney members for one, three and five
21 years respectively, and three non-attorney members
22 for two, four and six years respectively. The
23 six members so appointed shall submit to the
24 Governor nominations to fill the initial vacancies
25 on the Supreme Court, including the office of

- 1 Chief Justice. Once the Chief Justice is appointed,
- 2 he shall assume his seat on the Judicial Council.