

SENATE BILL 586

By Lundberg

AN ACT to amend Tennessee Code Annotated, Title 4,
Chapter 29 and Title 16, relative to the court fee
and tax advisory council.

WHEREAS, it is the policy of this State that court fees and taxes are to be imposed only for the expenses related to the operation of the courts and the operations of the court clerks; and

WHEREAS, the General Assembly is concerned that the imposition of court fees and taxes has created a burden on the citizens of Tennessee, and these fees and taxes create a barrier to access to the court system; and

WHEREAS, these fees and taxes are unreliable sources of funding for the various purposes for which they are intended; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 4-29-242(a), is amended by inserting the following new subdivision:

() Court fee and tax advisory council, created by § 16-23-101;

SECTION 2. Tennessee Code Annotated, Title 16, is amended by adding the following new part:

16-23-101.

There is established a court fee and tax advisory council, to consist of twelve (12) members as follows:

(1) One (1) chancellor, one (1) circuit court judge, and one (1) criminal court judge, to be selected by a majority vote of the judges of the supreme court;

(2) One (1) general sessions court judge to be selected by a majority vote of the members of the board of governors of the Tennessee general sessions judges' conference;

(3) One (1) juvenile court judge to be selected by a majority vote of the executive committee of the Tennessee council of juvenile and family court judges;

(4) Two (2) attorneys licensed to practice law in the state of Tennessee who have each practiced law at least three (3) years in the state, one (1) of whom is selected by the speaker of the house of representatives and one (1) of whom is selected by the speaker of the senate;

(5) One (1) clerk of a civil court and one (1) clerk of a criminal court, to be selected by the president of the state court clerks' conference;

(6) The administrative director of the courts, who serves as an ex officio member; and

(7) One (1) member of the house of representatives, to be appointed by the speaker of the house of representatives and one (1) member of the senate, to be appointed by the speaker of the senate.

16-23-102.

(a)

(1) The term of each of the members of the council appointed under § 16-23-101(1)-(5) is for a period of four (4) years. Such members may serve for as long as the person is an active member of the judiciary.

(2) The administrative director of the courts serves for as long as the person remains in the position and is subject to the term limitations in subdivision (a)(1).

(3) Legislative members of the council are appointed for two-year terms and may serve only so long as they remain members of the general assembly.

(b) All terms begin on July 1 and terminate on June 30 of the respective years in which members are eligible to serve.

(c) No member whose term is set at four (4) years may serve more than two (2) full consecutive terms. No member whose term is set at two (2) years may serve more than four (4) full consecutive terms. Members are, however, eligible for reappointment after an absence from the court fee and tax advisory council of at least one (1) year.

(d) All vacancies are to be filled for the remainder of a term by appointment by the person or body having the original power of appointment.

16-23-103.

The council shall have and possess the power, whenever a member of the council fails to attend two (2) consecutive regular meetings of the council without sufficient excuse for failure to attend, after due notice and hearing, if requested, to declare that member's place on the council vacant and to certify the fact of the vacancy to the person or body charged with the right to fill such vacancies, and such appointing power shall proceed to fill the vacancy upon receipt of due notice.

16-23-104.

(a) The council shall elect a chair from among the members.

(b) The council may make, and from time to time modify, the rules for its procedure and the conduct of its business.

(c) The administrative office of the courts (AOC) may employ staff as is necessary to support the council in its duties.

(d) The AOC may procure office supplies, and may incur other expenses, as is necessary to support the council in the performance of its duties.

16-23-105.

The council shall meet once every month in Nashville when the general assembly is in legislative session. Members are permitted to attend meetings from a remote location by telephone, television, teleconference, or other electronic means. Other meetings, either regular or special, may be provided for by rules adopted by the council.

16-23-106.

(a) It is the duty of the council to:

(1) Consider and report in a timely manner to the members of the general assembly the council's recommendation concerning pending legislation proposing the creation of a litigation tax or fee on a civil or criminal case; and

(2) Compile an annual report, to be submitted to the members of the senate judiciary committee and the members of the criminal justice and civil justice subcommittees of the house of representatives, on all the existing litigation taxes and fees that are imposed and the council's recommendations on whether each litigation tax or fee should continue.

(b) The clerks of the senate and the house of representatives shall submit to the council for consideration any bills that propose a new litigation tax or fee or an increase in an existing litigation tax or fee, upon introduction of the bills. Bills that are amended to propose a new litigation tax or fee or an increase in an existing litigation tax or fee are to be submitted by the clerks to the council for consideration once the amendment is adopted by a standing committee.

16-23-107.

Judges, chancellors, and other officers of the courts, whether of record or not, and all other state, county, and municipal officers shall submit reports to the council, as it requests, of matters within the scope of the council's duties.

16-23-108.

(a) Non-legislative members of the council are to receive no per diem or other compensation for their services, but may be reimbursed for actual expenses incident to attending council meetings, in accordance with the comprehensive travel regulations promulgated by the department of finance and administration and approved by the attorney general and reporter.

(b) Legislative members who serve on the council receive no additional compensation for their services, but are to receive compensation for expenses pursuant to the provisions of § 3-1-106.

SECTION 3. This act shall take effect July 1, 2019, the public welfare requiring it.