

**Amendment No. 2 to HB1010**

**Fowlkes  
Signature of Sponsor**

**AMEND Senate Bill No. 1768**

**House Bill No. 1010\***

<b>FILED</b>
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
_____

by deleting the language and punctuation "36-2-314, 40-3-203 and 40-3-204" from Section 1 and substituting instead the language "and 36-2-314".

FURTHER AMEND by deleting the language "8-21-402(h)" in Section 2 and substituting instead the language "8-21-401".

FURTHER AMEND by deleting the directory language "and renumbering subsequent subdivisions as is appropriate" in Section 5.

FURTHER AMEND by deleting Section 13 in its entirety and substituting instead the following:

SECTION 13. Tennessee Code Annotated, Section 50-6-244, is amended by deleting subdivisions (c)(2) and (c)(3) in their entirety.

FURTHER AMEND by deleting SECTION 14 in its entirety and substituting instead the following:

SECTION 14. Tennessee Code Annotated, Section 50-6-244, is amended by deleting subsection (b) and (c) in their entirety.

FURTHER AMEND by deleting the language "'8-21-401(b)(1)(E)" from the amendatory language of Section 15 and substituting instead the language "'8-21-401".

FURTHER AMEND by adding the following language after the first sentence of subsection 8-21-401(a) of the amendatory language of Section 17:

"The payment of costs in advance in civil cases shall be deemed to satisfy the requirement for security to be given pursuant to § 20-12-120."

FURTHER AMEND by deleting subdivision 8-21-401(b)(1)(C)(vii) from the amendatory language of Section 17.

FURTHER AMEND by deleting the following language from subdivision 8-21-401(b)(1)(D) of the amendatory language in Section 17:

“enforcement of foreign judgments, and orders of protection. This fee shall also apply to civil expungements in any civil proceeding where expungement is authorized by law.”

and substituting instead the language:

“enforcement of foreign judgments, civil expungements where authorized by law, and orders of protection.”

FURTHER AMEND by adding the word “tax” immediately following the words “In delinquent property” in subdivision 8-21-401(b)(1)(F) of the amendatory language of Section 17.

FURTHER AMEND by deleting the language “failure to appeal” in subdivision 8-21-401(d)(1)(C) of the amendatory language of Section 17 and substituting the language “failure to appear”.

FURTHER AMEND by deleting the following language from subdivision 8-21-401(f)(2) of the amendatory language in Section 17:

“When a general session’s court is exercising concurrent civil jurisdiction with a court of record, it would charge the same litigation taxes and court costs as in courts of record.”

and substituting instead the language:

“When a general session’s court is exercising concurrent civil jurisdiction with a court of record, the clerk shall charge the litigation taxes and court costs applicable in courts of record.”

FURTHER AMEND by deleting subdivision 8-21-401(h)(4) from the amendatory language of Section 17.

FURTHER AMEND by deleting subdivision 8-21-401(i)(3) of the amendatory language of Section 17 and substituting instead the following:

(3) In all cases in all courts, the clerk shall charge a fee of five dollars (\$5.00) for each requested continuance. In addition to this fee, the clerk shall also collect a courtroom security enhancement fee of two dollars (\$2.00). The revenues from this two dollar (\$2.00) fee shall be deposited into the county general fund. All revenue from this fee shall be used exclusively for the purposes of providing security and enhancing the

security of court facilities in the county. For each fiscal year, the court security committee created by § 16-2-505(d)(2) shall develop and submit recommendations to the county legislative body regarding how such funds shall be utilized. The fees for continuances shall be taxed at the judge's discretion and collected at the conclusion of the case. If multiple litigants request a continuance, the judge, in his or her discretion, may assess these fees to one or more parties.

FURTHER AMEND by deleting the following language from subdivision 8-21-401(i)(7) of the amendatory language of Section 17:

“If the amount of a sale of property under decree of court exceeds six thousand dollars (\$6,000), the court may make an additional allowance, not in any case to exceed two percent (2%).”

FURTHER AMEND by deleting subsection 8-21-401(m) from the amendatory language of Section 17 and substituting instead the following:

(m) Indigent parties. No clerk shall be permitted to collect any fee authorized by this section who does not permit any person the opportunity to institute a cause of action by means of a pauper's oath in accordance with Rule 29 of the Rules of the Tennessee Supreme Court.

FURTHER AMEND by deleting Section 18 in its entirety.

FURTHER AMEND by deleting subsection 67-4-606(b) from the amendatory language of Section 26 and substituting instead the following:

(b) Notwithstanding any provision of this section to the contrary, the total amount allocated to a fund or program for any fiscal year pursuant to subsection (a), except the general fund, shall not be less than the amount allocated to such fund or program during the fiscal year ending June 30, 2005; provided, that if the statewide amount of litigation tax collected during such fiscal year is less than the amount collected during the fiscal year ending June 30, 2005, then the total amount allocated to a fund or program for that fiscal year shall be reduced by a percentage equal to the percentage reduction in statewide litigation tax collections for that fiscal year.

FURTHER AMEND by deleting Section 27 and substituting instead the following sections:

SECTION 27. Tennessee Code Annotated, Section 16-18-305, is amended by adding the following as a new, appropriately designated subsection:

( ) For receiving and paying over all privilege taxes on litigation, the clerk of a municipal court is entitled to a two percent (2%) commission.

SECTION 28. This act shall take effect January 1, 2006, the public welfare requiring it.