

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 1573 – HB 1448

May 4, 2009

SUMMARY OF AMENDMENT (005398): Deletes all language after the enacting clause. Deletes the organizations authorized to make nominations for members of the Judicial Selection Commission (JSC). The Speaker of the Senate and the Speaker of the House of Representatives shall each appoint eight members, two from each of the three grand divisions and two at-large members, with at least six of the members being lawyers and one at-large member being a non-lawyer. The Speakers shall appoint one at-large non-lawyer member jointly. Effective September 1, 2009, the current membership shall be replaced pursuant to this act. The initial terms of the new members will be staggered with four of the Senate Speaker's appointments, four of the House Speaker's appointments, and the joint appointment having a term of two years. The remaining eight members will have an initial term of four years each. Requires each member of the JSC to be a citizen of the United States, at least 30 years of age, and a Tennessee citizen for at least five years prior to appointment. Requires any member appointed from one of the state's grand divisions to have been a resident of that grand division for at least one year immediately prior to appointment. No member of the Commission can be a registered lobbyist in Tennessee.

Reduces from six to four years the length of term for Commission members. Automatically vacates the office of any member of the Commission who misses four meetings during the member's term of office. Requires all meetings and records of the Commission to be open to the public. All medical, financial, and criminal background investigations and inquiries of nominees shall be performed exclusively at the direction of the Governor. Requires the Commission to hold open meetings when certifying four candidates, rather than three, for judicial vacancies. Requires the Governor after receiving the Commission's nominees for vacancies, to direct the Tennessee Bureau of Investigation or other appropriate agencies to perform medical, financial, and criminal background investigations of the nominees. Requires the Governor to fill a vacancy that occurs in the office of a state trial court judge within 60 days. Extends the sunset provision for the JSC to June 30, 2013 and the Judicial Evaluation Commission to June 30, 2010.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – Not Significant

SB 1573 – HB 1448

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions applied to amendment:

- Meetings which are currently private will be made open to the public. Requiring public notice of such meetings will result in a not significant increase in state expenditures.
- The number of members remains the same. Revising the appointment process will not have a fiscal impact on the judicial system.
- This amendment continues existing commissions at the current funding level.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" and last name "White" clearly legible.

James W. White, Executive Director

/lsc