

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 1573 – HB 1448

May 6, 2009

SUMMARY OF AMENDMENT (008013): Deletes all language after the enacting clause. Authorizes the Speaker of the Senate and the Speaker of the House of Representatives each to appoint eight members, two from each of the three grand divisions and two at-large members, with at least six members being lawyers. At least one of the members appointed at large by each Speaker shall be a non-lawyer. The Speakers shall appoint one at-large non-lawyer member jointly. Effective September 1, 2009, the membership of the Judicial Selection Commission 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 to be a United States citizen, at least 30 years of age, and a citizen of Tennessee for at least five years prior to appointment. Requires any member appointed from one of the 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. Deems the Commission a governing body, requires all meetings to be open to the public, and authorizes the Commission to conduct private interviews with possible nominees. Requires the private interviews to be limited to discussion between Commission members and possible nominees and at no time shall the Commission deliberate toward a decision in these private interviews. Authorizes the Commission to vote anonymously. Requires the Commission, within 60 days of receipt of written notification from the Governor that a judicial vacancy has occurred, to select and certify three nominees. Requires the Governor, to fill a vacancy that occurs in the office of an appellate court after July 1, 2009, within 60 days. Requires the Governor after receiving the Commission's nominees for vacancies, to direct the TBI or other appropriate agencies to perform financial and criminal background investigations of the nominees. Reduces from 12 to nine, the membership of the Judicial Evaluation Commission. Reduces from six to five the number of members appointed by the Judicial Council with three members being state court judges, one lawyer, and one non-lawyer. No more than two appointees can

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reside in the same grand division. Reduces from three to two the number of members appointed by the Speakers. Each Speaker will appoint one lawyer and one non-lawyer. No more than one of the appointees can reside in the same grand division. Extends the sunset provision for the Judicial Selection and Evaluation Commissions to June 30, 2013.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – Not Significant

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Decrease State Expenditures - \$24,800

Assumptions applied to amendment:

- According to the Administrative Office of the Courts, the costs associated with the Judicial Evaluation Commission for 2007 were \$148,898.92 and \$50,039.39 for 2008 resulting in a two-year average of \$99,469.16. The two-year average per member cost is \$8,289.10 ($\$99,469.16 / 12 = \$8,289.10$). Reducing the membership from 12 to nine members will result in an average decrease in state expenditures of \$24,867.30 ($\$8,289.10 \times 3$ members).
- Requiring meetings that are currently private to be made open to the public will require additional public notices in order to provide the information regarding meetings of the Judicial Selection Commission. Producing additional public notices will generate additional expenditures; however, such expenditures are estimated to be not significant.
- This bill 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.



James W. White, Executive Director

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