

Amendment No. 5 to HB0194

**Fitzhugh
Signature of Sponsor**

AMEND Senate Bill No. 200*

House Bill No. 194

by deleting the language in the amendatory language of SECTION 78 of the bill, as amended by amendment #4568, in its entirety and substituting instead the following language:

SECTION 78. Tennessee Code Annotated, Section 50-6-237, is amended by deleting the section in its entirety and substituting instead the following:

(a) There is created the court of workers' compensation claims in the division of workers' compensation. The court of workers' compensation claims shall have original and exclusive jurisdiction over all claims for workers' compensation benefits when the date of injury is on or after July 1, 2014.

(b) The administrator shall have administrative authority over the court of workers' compensation claims.

(c) The administrator shall have the authority to appoint individuals to serve as judges of the court of workers' compensation claims and the chief judge of the court of workers' compensation claims only in accord and with this section. Each judge and the chief judge of the court of workers' compensation claims appointed by the administrator shall be subject to confirmation by a majority vote of both the house of representatives and the senate as provided in this section.

(d) The appointment by the administrator of an individual to serve as a judge or chief judge of the court of workers' compensation claims shall comply with the following:

(1) On or before January 1, 2014, the administrator shall develop, in consultation with the advisory council on workers' compensation, an application for appointment to the court of workers' compensation claims that is substantially

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similar to the Application for Nomination to Judicial Office of the Tennessee judicial nominating commission. Each application submitted to the administrator shall be open to public inspection;

(2) The administrator shall require each candidate for the position of judge or chief judge of the court of workers' compensation claims to complete the application for appointment and shall conduct a personal interview of each applicant. The interview of each applicant shall be open to the public. The administrator shall give written notice of the time and date of the interview and the names of each applicant to the chair of the commerce and labor committee of the senate, the chair of the consumer and human resources committee of the house of representatives and to the advisory council on workers' compensation, established by § 50-6-121. In addition, the administrator shall post the notice of the time and date of the interview and the name of the applicant on the division's web site. The notice required by this subdivision shall be given at least five (5) business days prior to the interview date; and

(3) After the administrator has completed the applicant interview process, the administrator shall appoint the individual to fill the position of judge or chief judge, as appropriate, of the court of workers' compensation claims, subject to confirmation by the house of representatives and the senate pursuant to this section.

(e) The house of representatives and the senate shall be required to confirm each appointment of the administrator of an individual to fill the position of judge or chief

judge of the court of workers' compensation claims and the confirmation process shall be conducted in the following manner:

(1) All names of individuals appointed by the administrator to the position of judge or chief judge of the court of workers' compensation claims during a regular session of the general assembly shall be submitted for confirmation at such regular session. All names of individuals appointed by the administrator to the position of judge or chief judge of the court of workers' compensation claims when the general assembly is not in session shall be submitted for confirmation no later than the next regular session of the general assembly and the administrator shall deliver the name of the appointee to the chief clerk of the house of representatives and the chief clerk of the senate upon appointment or no later than the fifteenth legislative day of the next regular session of the general assembly;

(2) The administrator shall submit the name of the appointee, together with such accompanying information as may expedite the consideration of the appointment, to the chief clerk of the house of representatives and to the chief clerk of the senate not more than three (3) legislative days after making the appointment, unless the appointment is made during the last fifteen (15) legislative days of the regular session, in which case the nominee's name and information shall be submitted not more than one (1) legislative day later;

(3) For each appointee, the administrator shall deliver to each chief clerk a letter of appointment. The letter of appointment shall be accompanied by a copy of the appointee's application for appointment as a judge or chief judge of the court of workers' compensation claims and a copy of the appointee's resume;

(4) The confirmation shall originate in the house of representatives. If the house of representatives does not confirm an appointment, the senate shall not consider the appointment;

(5) When both the senate and the house of representatives confirm an appointment, the senate shall notify the house of representatives of the final approval. The chief clerk of the house of representatives shall then notify the administrator and the appointee in writing of the general assembly's confirmation;

(6) When the general assembly is not in session, the administrator's power of appointment shall not be diminished, and appointees may assume the responsibilities of the position pending confirmation. The appointees shall be considered for all purposes appointed and to be lawful occupants of the post to which they have been appointed, except that they shall be subject to the confirmation process when the general assembly is in regular session or special session;

(7) If the administrator fails to submit the name of the appointee, or if the house of representatives or the senate declines to consider an appointee, the position shall become vacant as of sine die adjournment of the session of the general assembly during which the appointment was presented for confirmation. If the house of representatives or the senate declines to confirm the appointee, the position shall become vacant upon the date that a chamber of the general assembly first declined to confirm; and

(8) Any appointee not confirmed by the house of representatives or the senate shall not be reappointed by the administrator to the same position for which confirmation is required for a period of two (2) years from the date that a chamber of the general assembly first declined to confirm the appointment, or the

date of sine die adjournment, if the house of representatives or the senate declined to consider the appointment.