

HOUSE BILL 1399

By Matlock

AN ACT to amend Chapter 57 of the Private Acts of 1959; as amended by Chapter 284 of the Private Acts of 1963; Chapter 35 of the Private Acts of 1975 and Chapter 86 of the Private Acts of 1981; and any other acts amendatory thereto, to create an additional general sessions court in Loudon County.

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

SECTION 1. There is hereby created and established an additional Court of General Sessions in and for Loudon County, Tennessee, which shall be designated "Division II, Court of General Sessions in and for Loudon County, Tennessee," and the existing court created by Chapter 57 of the Private Acts of 1959 shall be designated "Division I, Court of General Sessions in and for Loudon County, Tennessee".

SECTION 2. The Judge for Division II, Court of General Sessions of Loudon County, Tennessee, shall possess all the qualifications and be paid the same compensation as prescribed by general law for general sessions judges and shall take the oath prescribed for such judges. By September 1, 2015, the Loudon County Board of Commissioners shall interview candidates for and appoint a qualified person to serve as Judge for Division II. The Board of Commissioners shall begin accepting applications for the position of Judge of Division II on June 1, 2015. The person who is initially appointed as the Division II judge by the Board of Commissioners shall take office on September 1, 2015, and serve until August 31, 2016, or until the appointed judge's successor is elected and qualified. At the August 2016 general election, the qualified voters of Loudon County shall elect a person to serve as Judge of Division II of the Court of General Sessions of Loudon County for the remainder of the unexpired term. At the August general election in 2022, and every eight (8) years thereafter, the qualified voters of Loudon County shall elect a person to serve as Judge of Division II for a term of eight (8) years.

SECTION 3. The jurisdiction of Division II of the Court of General Sessions of Loudon County, Tennessee, and the judge thereof, shall be concurrent with the jurisdiction established by law for Division I of the Court of General Sessions of Loudon County. The judges of all Divisions of the General Sessions Court are vested with the same civil and criminal jurisdiction conferred by general law on judges of general sessions courts and as set forth in Chapter 57 of the Private Acts of 1959, as amended by Chapter 284 of the Private Acts of 1963, and Chapter 86 of the Private Acts of 1981.

SECTION 4. If a vacancy occurs for any reason in the office of the Judge of Division II Court of General Sessions of Loudon County, Tennessee, the vacancy shall be filled by the Loudon County Board of Commissioners appointing a person qualified to fill the vacancy, and the person so appointed by the Board shall serve until the first day of September following the next biennial August election occurring more than thirty (30) days after such vacancy occurs and until such person's successor is elected and qualified.

SECTION 5. The Loudon County Board of Commissioners shall annually make such appropriations of funds as are necessary and appropriate for the orderly operation and administration of the court herein created, and, to the extent necessary, the judges of the various Divisions, the clerks, and such other personnel as may from time to time be employed, shall assist in the preparation of budgets and other information necessary to make proper appropriations for the operation of this Court. Loudon County, upon the creation of Division II of the Court of General Sessions, and thereafter from time to time, as may be necessary, shall provide the necessary space to provide a courtroom in Loudon, along with the necessary furnishings and supplies and equipment for the proper operation and maintenance of the Court, and shall pay for such expenses out of the County general funds. The regular place for holding such Court shall be in the courtroom provided in Loudon County, but at the discretion of the Judge of Division II, court may be held in any other place or places and at such times and places as the judge may designate.

SECTION 6. The Judge of the existing General Sessions Court of Loudon County, Tennessee, shall be designated as the Judge of Division I, Court of General Sessions of

Loudon County, and, upon passage of this act, shall assume the position of Senior Judge of the General Sessions Court of Loudon County and shall hold that position until the current Judge of Division I is no longer a judge, or September 1, 2022, whichever comes first. Thereafter, the position of Senior Judge of the General Sessions Court of Loudon County shall be determined by the length of tenure of the judges of the General Sessions Court of Loudon County. In the event that new judges are elected to the seats of both Division I and Division II of the Court of General Sessions of Loudon County in the same year, then that judge who received more votes in the election shall be the Senior Judge. The Senior Judge of the General Sessions Court of Loudon County shall be authorized and empowered to set the Courts' dockets, assign cases, and hire personnel associated with the General Sessions Court of Loudon County, and shall be in charge of the general administration of the General Sessions Court of Loudon County.

SECTION 7. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Loudon County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 8. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 7.