

HOUSE BILL 880

By Daniel

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29 and Title 16, relative to the court fee and tax advisory council.

WHEREAS, it is the policy of this state that court fees and taxes shall be imposed only for the expenses related to the operation of the courts and the operations of the court clerks; and

WHEREAS, the General Assembly is concerned that the imposition of court fees and taxes has created a burden on the citizens of Tennessee, and these fees and taxes create a barrier to access to the court system; and

WHEREAS, these fees and taxes are unreliable sources of funding for the various purposes for which they are intended; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Section 4-29-240(a), is amended by inserting the following new subdivision:

() Court fee and tax advisory council, created by § 16-23-101;

SECTION 2. Tennessee Code Annotated, Title 16, is amended by adding the following new part:

16-23-101.

There is established a court fee and tax advisory council, which shall consist of:

(1) One (1) chancellor, one (1) circuit court judge, and one (1) criminal court judge, to be selected by a majority vote of the judges of the supreme court;

(2) One (1) general sessions court judge to be selected by a majority vote of the members of the board of governors of the Tennessee general sessions judges' conference;

(3) One (1) juvenile court judge to be selected by a majority vote of the executive committee of the Tennessee council of juvenile and family court judges;

(4) The administrative director of the courts, who shall serve as an ex officio member;

(5) Two (2) attorneys licensed to practice law in the state of Tennessee who have each practiced law at least three (3) years in the state, one (1) of whom shall be selected by the speaker of the house of representatives and one (1) of whom shall be selected by the speaker of the senate; and

(6) One (1) clerk of a civil court and one (1) clerk of a criminal court, to be selected by the president of the state court clerks' conference.

16-23-102.

The term of each of the members of the council, except the administrative director of the courts, shall be for a period of four (4) years from the date of their respective appointments. All vacancies shall be filled for the remainder of any term by appointment by the person or body having the original power of appointment. No member whose term is set at four (4) years shall serve more than two (2) full consecutive terms. The member shall, however, be eligible for reappointment after an absence from the court fee and tax advisory council of at least one (1) year.

16-23-103.

The council shall have and possess the power, whenever any member of the council fails to attend two (2) consecutive regular meetings of the council without sufficient excuse for failure to attend, after due notice and hearing, if requested, to declare that member's place on the council vacant and to certify the fact of the vacancy

to the person or body charged with the right to fill such vacancies, and such appointing power shall proceed to fill the vacancy upon receipt of due notice.

16-23-104.

(a) The council shall elect a chair from among the members.

(b) The council may make, and from time to time modify, the rules for its procedure and the conduct of its business.

(c) The administrative office of the courts (AOC) may employ such staff as is necessary to support the council in its duties.

(d) The AOC may procure such office supplies, and may incur such other expenses, as is necessary to support the council in the performance of its duties.

16-23-105.

The council shall meet once every month in Nashville when the general assembly is in legislative session. Members shall be permitted to attend meetings from a remote location by telephone, television, teleconference, or other electronic means. Other meetings, either regular or special, may be provided for by rules adopted by the council.

16-23-106.

(a) It is the duty of the council to:

(1) Consider and report in a timely manner to the members of the general assembly the council's recommendation concerning any pending legislation proposing the creation of a litigation tax or fee on any civil or criminal case; and

(2) Compile an annual report, to be submitted to the members of the senate judiciary committee and the members of the criminal justice and civil justice committees of the house of representatives, on all the existing litigation

taxes and fees that are imposed and the council's recommendations on whether each litigation tax or fee should continue.

(b) The clerks of the senate and house of representatives shall submit to the council for consideration any bills that propose a new litigation tax or fee or an increase in an existing litigation tax or fee, upon introduction of the bills. Any bills that are amended to propose a new litigation tax or fee or an increase in an existing litigation tax or fee shall be submitted by the clerks to the council for consideration once the amendment is adopted by a standing committee.

16-23-107.

Judges, chancellors, and other officers of the courts, whether of record or not, and all other state, county, and municipal officers shall submit reports to the council, as it requests, of matters within the scope of the council's duties.

16-23-108.

Members of the council shall not receive per diem or other compensation for their services, but may be reimbursed for actual expenses incident to attending council meetings, in accordance with the comprehensive travel regulations promulgated by the department of finance and administration and approved by the attorney general and reporter.

SECTION 3. This act shall take effect July 1, 2017, the public welfare requiring it.