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3 CONFERENCE COMMITTEE SUBSTITUTE FOR SB198  
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8 SYNOPSIS: Amendment 328 of the Constitution of Alabama  
9 of 1901, now appearing as Section 149 of the  
10 Official Recompilation of the Constitution of  
11 Alabama of 1901, as amended, provides that the  
12 Chief Justice of the Supreme Court of Alabama shall  
13 appoint an Administrative Director of Courts.

14 This bill would create a nominating  
15 commission to provide nominees to the Supreme Court  
16 of Alabama in the event of a vacancy in the office  
17 of Administrative Director of Courts.

18 This bill would provide that the  
19 Administrative Director of Courts is appointed by a  
20 majority vote of the Supreme Court of Alabama from  
21 the nominees submitted to the court by the  
22 nominating commission.

23 This bill would provide a term of office for  
24 the Administrative Director of Courts.

25 This bill would specify that the legislation  
26 only takes effect upon the ratification of a  
27 constitutional amendment authorizing the Supreme

1 Court of Alabama to appoint the Administrative  
2 Director of Courts.

3  
4 A BILL  
5 TO BE ENTITLED  
6 AN ACT

7  
8 Relating to courts; to create a nominating  
9 commission to submit nominees to the Supreme Court of Alabama  
10 in the event of a vacancy in the office of Administrative  
11 Director of Courts; to provide for the appointment of the  
12 Administrative Director of Courts by the Supreme Court of  
13 Alabama; to provide a term of office for the Administrative  
14 Director of Courts; and to specify that the effective date is  
15 upon the ratification of a constitutional amendment  
16 authorizing the Supreme Court of Alabama to appoint the  
17 Administrative Director of Courts.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. All vacancies in the position of  
20 Administrative Director of Courts shall be filled in  
21 accordance with this act.

22 Section 2. (a) The Administrative Director of Courts  
23 Nominating Commission is created to nominate to the Supreme  
24 Court of Alabama candidates to fill any vacancy in the office  
25 of Administrative Director of Courts occurring on or after the  
26 effective date of this act. The commission shall include all  
27 of the following members:

1           (1) One active or retired circuit court judge, to be  
2 appointed by the Alabama Association of Circuit Judges.

3           (2) One active or retired district court judge, to  
4 be appointed by the Alabama District Judges Association.

5           (3) One active or retired probate judge, to be  
6 appointed by the Alabama Probate Judges Association.

7           (4) One active or retired municipal judge, to be  
8 appointed by the Alabama Municipal Judges Association section  
9 of the Alabama League of Municipalities.

10          (5) One circuit clerk, to be appointed by the  
11 Alabama Circuit Clerks Association.

12          (6) One member of the state Board of Bar  
13 Commissioners, to be appointed by the Alabama State Bar  
14 Association.

15           (b) (1) All members of the commission shall be  
16 residents of the state and shall have resided continuously  
17 within the state for a period of not less than 90 days prior  
18 to nomination.

19           (2) The membership of the commission shall reflect  
20 the racial, gender, geographic, urban, rural and economic  
21 diversity of the State of Alabama.

22           (c) Each member of the commission shall serve until  
23 the vacancy in the position of Administrative Director of  
24 Courts has been filled. Any vacancy on the commission shall be  
25 filled for the remainder of the existing term in the same  
26 manner as the respective member was originally chosen.

1 (d) (1) Members of the commission may not receive any  
2 salary or other compensation for their services as members;  
3 provided, however, members of the commission may be reimbursed  
4 for travel expenses as provided in Section 36-7-21, Code of  
5 Alabama 1975.

6 (2) No member of the commission shall hold any  
7 public office, except those members required to hold office as  
8 provided in this section. No member of the commission shall  
9 hold any official position in any political party.

10 (3) No member of the commission shall be eligible to  
11 be nominated for the position of Administrative Director of  
12 Courts.

13 Section 3. (a) When a vacancy occurs in the office  
14 of Administrative Director of Courts or when a vacancy is set  
15 to occur within the next six months, the Chief Justice of the  
16 Supreme Court of Alabama shall provide notice of the vacancy  
17 to the presidents of the six organizations identified in  
18 subsection (a) of Section 2 and shall inform each president of  
19 his or her association's duty to appoint a member to the  
20 commission. Upon receiving this notification, the presidents  
21 shall have 30 calendar days to appoint the members of the  
22 commission and certify their names in writing to the Chief  
23 Justice.

24 (b) After 30 calendar days from the Chief Justice's  
25 notification to the presidents in subsection (a), if any of  
26 the places on the commission remain unfilled, the Chief  
27 Justice shall appoint members of the commission to unfilled

1 places, subject to the same qualifications listed in Section  
2 2.

3 (c) After all six members of the commission have  
4 been appointed, the commission shall select its own chair, who  
5 shall be responsible for conducting meetings of the commission  
6 and coordinating communications with the Supreme Court. The  
7 commission shall nominate three qualified candidates for the  
8 position to the court within 90 calendar days from the date of  
9 the Chief Justice's notification to the presidents in  
10 subsection (a). The chair shall certify the names of the  
11 nominees in writing to the Chief Justice. Each nomination may  
12 be made only by the concurrence of a majority of the members  
13 of the commission. The commission shall solicit applications,  
14 conduct interviews, and perform any other action it deems  
15 necessary to find candidates for nomination, subject to  
16 applicable state and federal employment law.

17 (d) (1) The Supreme Court, by majority vote, shall  
18 select one of the three candidates nominated by the commission  
19 to fill the vacancy. The court, by majority vote, may request  
20 that the commission nominate three additional candidates.

21 (2) If, for any reason, the court's chosen candidate  
22 declines the position, the court may select from the remaining  
23 candidates.

24 (e) After the Supreme Court selects a candidate to  
25 fill the vacancy and the candidate accepts the position, the  
26 terms of the members of the commission shall be concluded.

1           (f) Six months before the expiration of a sitting  
2 Administrative Director of Courts' term, and prior to  
3 providing notification of a pending vacancy as specified in  
4 subsection (a), the Supreme Court, by majority vote, may  
5 extend the director's term for one additional 10-year term. A  
6 director's term may only be extended in this manner once.

7           (g) When a vacancy occurs, the Chief Justice,  
8 subject to the approval of a majority of the Supreme Court,  
9 shall appoint an interim director to fulfill the duties of the  
10 office of Administrative Director of Courts until the  
11 commission and the court fill the vacancy pursuant to this  
12 act. An interim director may not serve in the position of  
13 interim director for more than six months.

14           Section 4. (a) The term of office of the  
15 Administrative Director of Courts is 10 years. The director  
16 shall serve at the pleasure of the Supreme Court of Alabama  
17 and at any time may be removed, without cause, by a majority  
18 vote of the court. At the end of the director's term, the  
19 office shall become vacant unless the director's term is  
20 extended, as provided in subsection (f) of Section 3.

21           (b) As the administrative head of the judicial  
22 system, the Chief Justice shall set the director's salary,  
23 subject to approval of a majority of the Supreme Court.

24           (c) The director shall work under the supervision of  
25 the Chief Justice to assist the Chief Justice in his or her  
26 role as the administrative head of the judicial system.

1                   Section 5. This act shall become effective  
2 immediately upon the ratification of the amendment to the  
3 Constitution of Alabama of 1901, authorizing the Supreme Court  
4 of Alabama to appoint the Administrative Director of Courts  
5 proposed in SB216 of the 2019 Regular Session.