

1 SB198
2 195651-3
3 By Senator Orr
4 RFD: Judiciary
5 First Read: 02-APR-19

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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.

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4 A BILL
5 TO BE ENTITLED
6 AN ACT

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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 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 appointing authorities shall make every
20 effort to coordinate their appointments to assure commission
21 membership is inclusive and reflects the racial, gender,
22 geographic, urban, rural, and economic diversity of the state
23 without regard to political affiliation.

24 (c) Each member of the commission shall serve until
25 the vacancy in the position of Administrative Director of
26 Courts has been filled. Any vacancy on the commission shall be

1 filled for the remainder of the existing term in the same
2 manner as the respective member was originally chosen.

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

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

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

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

26 (b) After 30 calendar days from the Chief Justice's
27 notification to the presidents in subsection (a), if any of

1 the places on the commission remain unfilled, the Chief
2 Justice shall appoint members of the commission to unfilled
3 places, subject to the same qualifications listed in Section
4 2.

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

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

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

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

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

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

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

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

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

4 Section 5. This act shall become effective
5 immediately upon the ratification of the amendment to the
6 Constitution of Alabama of 1901, authorizing the Supreme Court
7 of Alabama to appoint the Administrative Director of Courts
8 proposed in HB/SB _____ of the 2019 Regular Session.