

1 SB198  
2 202145-2  
3 By Senator Orr  
4 RFD: Judiciary  
5 First Read: 02-APR-19

1 SB198

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4 ENROLLED, An Act,

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

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. All vacancies in the position of  
17 Administrative Director of Courts shall be filled in  
18 accordance with this act.

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

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 this section. No member of the commission shall  
11 hold 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.

1           (b) After 30 calendar days from the Chief Justice's  
2 notification to the presidents in subsection (a), if any of  
3 the places on the commission remain unfilled, the Chief  
4 Justice shall appoint members of the commission to unfilled  
5 places, subject to the same qualifications listed in Section  
6 2.

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

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

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

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

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

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

20           Section 4. (a) The term of office of the  
21 Administrative Director of Courts is 10 years. The director  
22 shall serve at the pleasure of the Supreme Court of Alabama  
23 and at any time may be removed, without cause, by a majority  
24 vote of the court. At the end of the director's term, the

1 office shall become vacant unless the director's term is  
2 extended, as provided in subsection (f) of Section 3.

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

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

9 Section 5. This act shall become effective  
10 immediately upon the ratification of the amendment to the  
11 Constitution of Alabama of 1901, authorizing the Supreme Court  
12 of Alabama to appoint the Administrative Director of Courts  
13 proposed in SB216 of the 2019 Regular Session.

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB198

Senate 30-APR-19

I hereby certify that the within Act originated in and passed the Senate, as amended.

Senate 30-MAY-19

I hereby certify that the within Act originated in and passed the Senate, as amended by Conference Committee Report.

Patrick Harris,  
Secretary.

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House of Representatives

Passed: 14-MAY-19, as amended

House of Representatives

Passed: 30-MAY-2019, as amended by Conference Committee Report.

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By: Senator Orr