

HOUSE BILL 1436

By Curcio

AN ACT to amend Tennessee Code Annotated, Title 1, Chapter 3; Title 2; Title 3; Title 16; Title 17; Title 20; Title 27 and Title 29, relative to three-judge panels.

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

SECTION 1. Tennessee Code Annotated, Title 29, is amended by adding the following as a new chapter:

(a) Any action challenging the validity of any act of the general assembly that apportions or redistricts state legislative or congressional districts must be filed in the chancery court of Davidson County and heard and determined by a three-judge panel organized in accordance with subsection (b).

(b)

(1) Whenever any person files in the chancery court of Davidson County any action challenging the validity of any act of the general assembly that apportions or redistricts state legislative or congressional districts, the clerk and master of the chancery court of Davidson County shall notify the chief justice of the supreme court, who shall appoint three (3) judges from the court of appeals to a three-judge panel to hear and determine the action.

(2) To ensure that members of the three-judge panel are drawn from different regions of the state, the chief justice shall appoint to the panel one (1) judge from each grand division.

(3) The chief justice shall designate one (1) member of the panel to serve as the chief judge.

(4) In order to ensure fairness, to avoid the appearance of impropriety, and to avoid political bias, no member of the panel may be a former member of the general assembly.

(5) Should any member of the three-judge panel be disqualified or otherwise unable to serve on the panel, the chief justice shall appoint as a replacement another judge from the same grand division as the judge being replaced.

(c) The three-judge panel shall hear, try, and dispose of the action in the chancery court of Davidson County.

(d) No order or judgment shall be entered affecting the validity of any act of the general assembly that apportions or redistricts state legislative or congressional districts except for an order or judgment by the three-judge panel organized in accordance with subsection (b). In the event of a disagreement among the three (3) judges comprising the panel, then the opinion of the majority prevails.

(e) The statute of limitations for any action filed challenging the validity of any act of the general assembly that apportions or redistricts state legislative or congressional districts is one (1) year after the date of the first statewide general election following the enactment of the public chapter that apportioned or redistricted the state legislative or congressional districts being challenged.

(f) Any party dissatisfied with the final judgment of the three-judge panel may appeal to the supreme court, as a matter of right, within thirty (30) days from the entry of the judgment of the three-judge panel. The record on appeal must conform to the requirements of Rule 24 of the Tennessee Rules of Appellate Procedure.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.