

HOUSE BILL 2966

By Coley

AN ACT to amend Chapter 772 of the Public Acts of 1982, as amended by Chapter 426 of the Public Acts of 1991, as amended by Chapter 182 of the Public Acts of 2003, and Chapter 550 of the Public Acts of 2007, and any other acts amendatory thereto, relative to referees in certain environmental courts.

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

SECTION 1. Chapter 772 of the Public Acts of 1982, as amended by Chapter 426 of the Public Acts of 1991, as amended by Chapter 182 of the Public Acts of 2003, and Chapter 550 of the Public Acts of 2007, any other act amendatory thereto is amended by adding the following as a new Section 12, and by redesignating the subsequent sections accordingly:

SECTION 12.

(a) In addition to the authority granted to the judge of Division XIV in the preceding sections, such judge may appoint one (1) or more suitable person or persons to act as referee or referees at the pleasure of the judge subject to the approval by a majority vote of the legislative body of the county. A referee shall be licensed to practice law in this state and shall hold office for the same term as, and at the pleasure of, the appointing judge. The compensation of a referee shall be fixed by the judge with the approval of the legislative body of the county to which this act applies, and paid from public funds.

(b) The judge may direct that any case or class of cases shall be heard in the first instance by the referee in all cases wherein the Division XIV court has jurisdiction in the manner provided for the hearing of such cases by the court.

(c) A referee has the same authority as the judge to issue any and all process. The referee in the conduct of the proceedings has the powers of a trial judge.

(d) Any party may, within five (5) days after a case is heard by a referee, excluding non-judicial days, file a request with the court for a hearing by the judge of Division XIV. The judge may, on the judge's own motion, order a rehearing of any matter heard before a referee, and shall allow a hearing if a request for such hearing is filed as herein prescribed. Unless the judge orders otherwise, the recommendation of the referee shall be the decree of the court pending a rehearing.

(e) Where no hearing before the judge is requested or where the right to a hearing is waived, the findings of the referee shall become the decree of the court.

(f) All prior sections governing the organization, jurisdiction, and management of the Division XIV court referred to in this act that are not in conflict with this section shall remain in full force and effect, and all other sections in conflict with this section are hereby repealed.

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