

Amendment No. 1 to HB1436

Keisling
Signature of Sponsor

AMEND Senate Bill No. 1363*

House Bill No. 1436

by deleting all language after the enacting clause and substituting instead the following:

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

29-42-101.

(a) Notwithstanding any other law to the contrary, an action filed in a court of this state challenging the validity of an act of the general assembly apportioning or redistricting state legislative or congressional districts must be heard and determined by a three-judge panel organized in accordance with subsection (b).

(b)

(1) When an action described in subsection (a) is filed, the person or entity filing the action shall provide notice of the complaint to the presiding judge of the judicial district, who shall serve as the presiding judge of the three-judge panel required by subsection (a).

(2) Upon receipt of notice of the complaint, the presiding judge shall notify the supreme court, who shall, by a majority vote of the court, appoint two (2) additional trial court judges to a three-judge panel to hear and determine the action.

(3) To ensure members of the three-judge panel are drawn from different regions of the state, the supreme court shall, by a majority vote of the court, appoint to the panel one (1) judge from each grand division not already represented by the presiding judge of the three-judge panel.

(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)

(A) If the presiding judge of the judicial district in which the action described in subsection (a) was filed is disqualified or otherwise unable to serve on the panel, then the supreme court shall, by a majority vote of the court, appoint as a replacement another judge from the same judicial district as the judge being replaced. If another judge from the same judicial district as the judge being replaced is unable to serve, or if there is only one (1) judge in that district, then the supreme court shall, by a majority vote, appoint as a replacement another judge from the same grand division as the judge being replaced.

(B) If any other member of the three-judge panel is disqualified or otherwise unable to serve on the panel, then the supreme court shall, by a majority vote of the court, 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 described in subsection (a) in the chancery court of the county in which the action was filed.

(d) In the event of a disagreement among the three (3) judges comprising the panel, then the opinion of the majority prevails.

(e) An order or judgment affecting the validity of an act of the general assembly that apportions or redistricts state legislative or congressional districts shall not be entered by a court of this state except for an order or judgment by the three-judge panel organized in accordance with subsection (b).

(f) A 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.

29-42-102.

(a) A court shall not impose a substitute plan for a plan enacted by the general assembly apportioning or redistricting state legislative or congressional districts under this chapter unless the court first gives the general assembly a period of time to remedy any defects identified by the court in the court's findings of fact and conclusions of law. The period of time given must not be less than fifteen (15) calendar days from the issuance of the court's findings of fact and conclusions of law, and in setting the period of time, the court shall consider whether the general assembly is currently in session or out of session.

(b) In the event the general assembly does not enact a new plan within the period of time set by the court pursuant to subsection (a), the court may impose an interim districting plan for use only in the next election cycle, provided the interim districting plan differs from the districting plan enacted by the general assembly only to the extent necessary to remedy any defects identified by the court.

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it, and applies to actions filed on or after that date.