



# State of Tennessee

## PUBLIC CHAPTER NO. 566

HOUSE BILL NO. 1130

By Representatives Farmer, Gillespie, Rudd, Ogles, Zachary, Curcio, Garrett, Littleton, Todd, Lynn, Alexander, Cepicky, Powers, Moody, Smith, Carringer

Substituted for: Senate Bill No. 868

By Senators Bell, Bowling, Niceley

AN ACT to amend Tennessee Code Annotated, Title 2; Title 4; Title 16; Title 17; Title 20; Title 27 and Title 29, relative to causes of action.

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

SECTION 1. Tennessee Code Annotated, Title 20, is amended by adding the following as a new chapter:

### **20-18-101.**

(a) A civil action in which the complaint meets each of the following criteria must be heard and determined by a three-judge panel pursuant to this chapter:

(1) Challenges the constitutionality of:

(A) A state statute, including a statute that apportions or redistricts state legislative or congressional districts;

(B) An executive order; or

(C) An administrative rule or regulation;

(2) Includes a claim for declaratory judgment or injunctive relief; and

(3) Is brought against the state, a state department or agency, or a state official acting in their official capacity.

(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 notify the supreme court. The supreme court shall select two (2) trial court judges of courts of record to sit with the judge to whom the civil action was originally assigned as a three-judge panel to hear and decide the civil action.

(2) To ensure that members of the three-judge panel are drawn from different regions of the state, the supreme court shall select one (1) judge from each grand division of the state other than the grand division in which the civil action was originally filed.

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

(4) Should any member of the three-judge panel be disqualified or otherwise unable to serve on the panel, the supreme court shall appoint as a replacement another trial court judge from the same grand division as the judge being replaced, who shall serve by interchange, as provided in Rules 10B and 11 of the Tennessee Supreme Court Rules.

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

(6) The rules promulgated by the supreme court shall govern the practice and procedure of the three-judge panel including what procedural matters may be decided solely by the chief judge.

(c) The three-judge panel shall sit in the supreme court building in the grand division in which the civil action was filed, unless a location is otherwise designated by the supreme court.

**20-18-102.**

Notwithstanding § 4-4-104 and any other law to the contrary, venue for a civil action described in § 20-18-101(a) is the county where the plaintiff resides, or if more than one (1) plaintiff is a party to the action, a county where any plaintiff resides. If the plaintiff in a civil action described in § 20-18-101(a) is not a resident of this state, then venue for the civil action is in Sumner County.

**20-18-103.**

(a) This chapter does not create a cause of action independent of existing Tennessee or federal law and does not waive the defense of sovereign immunity where that defense applies.

(b) This chapter does not affect the procedures and remedies provided in title 67, chapter 1, part 18. However, a case filed pursuant to title 67, chapter 1, part 18, that meets the requirements of § 20-18-101(a) must be heard by a three-judge panel pursuant to this chapter.

**20-18-104.**

Except as provided in § 20-18-105, the court of appeals shall have jurisdiction of appeals from the decisions of a three-judge panel appointed pursuant to this chapter. Notice of such appeal must be filed with the court of appeals.

**20-18-105.**

(a) Pursuant to Article II, Sections 4, 5, and 6 of the Constitution of Tennessee, which vest the power of apportionment with the general assembly, a court, including the supreme court or a three-judge panel, 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) If the general assembly does not enact a new plan within the period of time set by the court pursuant to subsection (a), then 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.

(c) A party in an action challenging a statute that apportions or redistricts state legislative or congressional districts that is 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 July 1, 2021, the public welfare requiring it, and applies to civil actions pending or filed on or after that date.

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PASSED: May 5, 2021



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CAMERON SEXTON, SPEAKER  
HOUSE OF REPRESENTATIVES



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RANDY MCNALLY  
SPEAKER OF THE SENATE

APPROVED this 26<sup>th</sup> day of May 2021

  
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BILL LEE, GOVERNOR