

HOUSE BILL 160

By Casada

AN ACT to amend Tennessee Code Annotated, Title 8,  
Chapter 6.

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

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 6, Part 1, is amended by adding the following as new sections:

**8-6-113.**

(a) The attorney general and reporter shall initiate an action to challenge the legality and constitutionality of a rule promulgated by an executive department or agency of the federal government of the United States, or an executive order of the president of the United States, if either of the following occurs:

(1) The general assembly adopts a joint resolution directing the attorney general and reporter to initiate an action; provided, that the general assembly is in session. The general assembly may invoke the provisions of § 8-6-114 in the resolution and request the employment of legal counsel to initiate and prosecute the action; or

(2) The speaker of the senate and the speaker of the house of representatives, by joint agreement signed by both speakers, direct the attorney general and reporter to initiate the action; provided, that the general assembly is not in session.

(b) When the attorney general and reporter initiates a civil action on behalf of the state in accordance with subsection (a), the attorney general and reporter shall petition the court for dismissal of the action or otherwise attempt to

withdraw the state from further involvement in the action, if either of the following occurs:

(1) The general assembly adopts a joint resolution directing the attorney general and reporter to dismiss or withdraw from the action; provided, that the general assembly is in session; or

(2) The speaker of the senate and the speaker of the house of representatives, by joint agreement signed by both speakers, direct the attorney general and reporter to dismiss or withdraw from the action; provided, that the general assembly is not in session.

**8-6-114.**

(a) The general assembly may employ legal counsel to advise it on matters related to a civil action initiated pursuant to § 8-6-113.

(b) The general assembly shall adopt a joint resolution requesting the selection and employment of legal counsel to advise the general assembly on a specific issue in order to exercise the authority granted pursuant to this section. The joint resolution shall direct how to select the legal counsel.

(c) The legal counsel selected shall be compensated for services rendered as the speakers may approve, with the compensation to be paid from any money in the state treasury not otherwise appropriated, upon certification of the speakers to the commissioner of finance and administration.

SECTION 2. This act shall take effect July 1, 2015, the public welfare requiring it.