

SENATE BILL 828

By Ketron

AN ACT to amend Tennessee Code Annotated, Title 8,
Chapter 6, Part 1, relative to employment of legal
counsel.

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

SECTION 1. Tennessee Code Annotated, Section 8-6-106, is amended by deleting such section in its entirety and substituting instead the following:

8-6-106.

(a) Following consultation with the attorney general and reporter, if the governor determines the interest of the state requires employment of additional counsel to the attorney general and reporter or district attorney general, or special counsel in lieu of the attorney general and reporter, then the governor shall employ such counsel.

(b) Any counsel employed pursuant to subsection (a) shall be paid compensation for services as the governor, secretary of state, and attorney general and reporter may deem just, the same to be paid out of any money in the treasury not otherwise appropriated, upon the certificate of such officers certifying the amount to the commissioner of finance and administration.

(c) Notwithstanding any provision of this section or any other law to the contrary, the attorney general and reporter or district attorney general shall inform the governor of, and consideration shall be given to, whether the person or firm to be employed as additional or special counsel:

(1) In defending the state in any action is currently serving as counsel for a party in any action by that party against the state and whether the action, if adjudicated in that party's favor, is likely to result in an increase in state expenditures; or

(2) In prosecuting any action on behalf of the state is currently serving as counsel in defense of any action against the state.

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