

SENATE BILL 316

By Watson

AN ACT to amend Tennessee Code Annotated, Title 8,  
Chapter 6, relative to the right of the general  
assembly to intervene in certain litigation.

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

SECTION 1. Tennessee Code Annotated Section 8-6-109, is amended by adding the  
following subsection:

(f)

(1) Notwithstanding this section or § 8-6-106, the speaker of the house of  
representatives and the speaker of the senate, jointly, or a majority of the  
members of both houses of the general assembly may intervene in any  
proceeding to:

(A) Defend the constitutionality of a challenged statute;

(B) Assert the general assembly's authority under Article II, § 3 of  
the Constitution of Tennessee; or

(C) Advocate for a construction of a statute that is different from  
that advocated in the proceeding by the attorney general and reporter or  
the district attorney general.

(2) The right to intervene continues notwithstanding some or all of the  
initial intervenors no longer being members of the general assembly, so long as a  
majority of the members of both houses of the general assembly, then elected,  
intervened, or the two (2) speakers, having intervened, are still intervenors. Any  
member elected to the office previously held by a member intervenor may be  
substituted in place of that member upon proper notice to the court of the new

member's intention and desire to be substituted. Additionally, any person elected to the general assembly whose predecessor was not an intervenor, may join the intervenors upon giving proper notice to the court of the new member's intention and desire to intervene.

(3) Pursuant to this subsection (f), the speakers and the general assembly at all times act as an agent of the people of the state, and the state must indemnify the speakers and general assembly for any costs and expenses associated with any action authorized by this subsection (f), to be paid out of money in the state treasury not otherwise appropriated, upon the certification of the speakers to the commissioner of finance and administration.

(4) Nothing in this subsection (f) affects, impairs, or abridges the rights of any member of the general assembly under existing law.

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