

SENATE BILL 436

By Watson

AN ACT to amend Tennessee Code Annotated, Title 3, Chapter 1; Title 4 and Title 8, Chapter 6, relative to the general assembly.

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

SECTION 1. Tennessee Code Annotated, Title 3, Chapter 1, Part 1, is amended by adding the following as a new section:

(a) 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, as duly elected public officials and agents of the state, shall have standing:

(1) To enforce by a mandamus action a statute of statewide effect, constitutional provision, or federal law;

(2) To challenge the constitutionality, validity, or enforceability of any ordinance, resolution, or rule adopted by any local government entity that may contradict, violate, deviate from, or otherwise be inconsistent with, or lead to the nonenforcement by a local government entity of, existing state law; and

(3) To challenge the constitutionality, validity, or enforceability of any federal law or its interpretation relative to the functions of the state.

(b) In any proceeding in which a statute of statewide effect is alleged to be unconstitutional or alleged to be unconstitutional depending on its interpretation, 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 shall have a right to intervene. However, nothing in this subsection affects, impairs, or abridges the standing any legislator or number of legislators might otherwise have at law.

(c) The speakers and legislature shall at all times act as an agent of the people of the state, and the state shall indemnify the speakers and legislature for any costs and expenses associated with any action authorized by subsections (a) and (b).

(d) As used in this section, "local government entity" means any municipality, county, local education agency, development district, utility district, human resource agency, or other political subdivision of this state.

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