

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 828 - HB 1724

March 11, 2011

SUMMARY OF BILL: Authorizes the Governor, after consultation with the Attorney General and Reporter and upon a determination that it is in the best interest of the State, to employ additional counsel to the Attorney General and Reporter or special counsel in lieu of the Attorney General and Reporter.

ESTIMATED FISCAL IMPACT:

Other Fiscal Impact – Cases in which the Governor elects to hire outside counsel after consultation with the Attorney General will result in an increase in state expenditures ranging from \$5,000 to \$500,000 per case for legal fees and expenses, depending on the nature, complexity, and duration of each case. The circumstances under which this scenario may arise are not known and the cost of this bill each year therefore cannot reasonably be determined.

Assumption:

- Cases may arise in which the Governor elects to hire outside counsel after consultation with the Attorney General notwithstanding the Attorney General's non-concurrence in the decision. Tenn. Code Ann. § 8-6-106 currently requires a joint decision by the Governor and Attorney General. This bill therefore may result in the hiring of outside counsel in more cases than under current law. The circumstances under which this scenario may arise are speculative and cannot be specified in a fiscal note in the absence of a specific determination by the Governor that counsel should be hired. According to the Attorney General, the cost of outside counsel in any case depends on many factors and cannot reasonably be predicted. Notwithstanding these limitations, the cost of outside counsel in each case would range from \$5,000 to \$500,000 or more in fees and expenses, depending on the nature, complexity, and duration of the case.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact style than the last name "White".

James W. White, Executive Director

/lsc