

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 1679 - SB 2377**

February 9, 2016

**SUMMARY OF BILL:** Adds a new section to the Tennessee Governmental Tort Liability Act (Title 29, Chapter 20) requiring a court to reward reasonable attorneys' fees and costs to a state employee when (1) the employee was sued in his or her individual capacity arising from actions or omissions of the employee acting in an official capacity or under the color of law, and (2) the employee prevails.

Requires the attorneys' fees and costs be paid to the state or other governmental entity if the state or other governmental entity agrees to represent, or retain and pay for counsel to represent, the employee sued in an individual capacity.

**ESTIMATED FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- There are cases in which a government-employed attorney will represent a state employee sued in his or her individual capacity. *See Johnston v. Geise*, 88 F.Supp.3d 833 (M. D. Tenn., Feb. 18, 2015); *Davidson v. Bredesen*, 330 S.W.3d 876 (Tenn. Ct. App. 2009). However, it is assumed that there will not be a significant number of attorneys' fee awards collected as a result of the bill.
- It is assumed that the bill will not significantly impact the operations of state or local governmental entities.

**CERTIFICATION:**

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

A handwritten signature in blue ink that reads "Krista M. Lee".

Krista M. Lee, Executive Director

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