

HOUSE BILL 132

By Zachary

AN ACT to amend Tennessee Code Annotated, Section 58-2-107, relative to emergency management powers of the governor.

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

SECTION 1. Tennessee Code Annotated, Section 58-2-107, is amended by adding the following new subsections:

(o) Notwithstanding this section to the contrary, the governor shall not issue a proclamation or executive order pursuant to this section, or suspend a state law or regulation, that would violate the rights of the citizens of this state under the Declaration of Rights in Article I of the Constitution of Tennessee or the Bill of Rights in the First through Tenth Amendments to the United States Constitution.

(p)

(1) If the governor issues an executive order or proclamation of a state of emergency under this section, the general assembly may terminate, renew, or extend such state of emergency by joint resolution of both houses.

(2)

(A) If the general assembly is not in session during such state of emergency, an ad hoc legislative council is established for the duration of the state of emergency while the general assembly is not in session, consisting of the following ex officio, voting members:

(i) The speakers of the senate and house of representatives, who serve as joint chairs of the council;

(ii) The majority leaders of the senate and house of representatives;

(iii) The speaker pro tempore of the senate and the house of representatives; and

(iv) The minority leader of the senate and the house of representatives.

(B) Upon establishment, the legislative council may convene with not less than six (6) members present at any time during the interim at the call of the chairs and may extend such state of emergency for thirty (30) days by majority vote.

SECTION 2. Tennessee Code Annotated, Section 58-2-107(b)(2), is amended by deleting the second sentence and substituting:

The state of emergency continues until the governor finds that the threat or danger has been dealt with to the extent that the emergency conditions no longer exist and the governor terminates the state of emergency by executive order or proclamation, but no state of emergency may continue for longer than thirty (30) days unless renewed by the general assembly or the legislative council pursuant to subsection (p), as applicable.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it, and applies to states of emergency declared by executive order or proclaimed by the governor on or after such date.