

HOUSE BILL 746

By Odom

AN ACT to amend Tennessee Code Annotated, Title 3, Chapter 6 and Title 12, Chapter 4, Part 1, relative to public contracts.

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

SECTION 1. Tennessee Code Annotated, Title 12, Chapter 4, Part 1, is amended by adding the following language as a new, appropriately designated section:

§ 12-4-1__.

(a)

(1) No member of the general assembly, constitutional officer of the state, elected official in the executive branch, member of the governor's cabinet or cabinet level staff, or executive or legislative branch employee authorized to execute or negotiate contracts with non-governmental vendors on behalf of the state shall be employed by a non-governmental vendor, or subsidiary of such vendor, during the three-year period immediately following departure from such office or employment if the member, officer, official, or employee has, during the individual's term of office or employment, negotiated with the vendor on behalf of the state concerning a contract valued at five million dollars (\$5,000,000) or more.

(2) An executive or legislative branch employee subject to this section whose employment is involuntarily terminated because of economy, consolidation or abolition of functions, curtailment of activities, or other reduction in the state work force may seek and accept employment otherwise prohibited by this section if such person is granted a waiver by the Tennessee ethics

commission, established by § 3-6-103. The employee shall submit to the ethics commission an application for such waiver describing the employee's contracting responsibilities and the reason for such employee's termination of employment. The ethics commission shall grant the waiver within fourteen (14) days of the commission's receipt of the application upon a determination that the employee's termination meets the requirements of this subdivision (a)(2).

(b) For purposes of this section, "constitutional officer" means the secretary of state, the comptroller of the treasury, or the treasurer.

(c) A violation of subdivision (a)(1) is a Class A misdemeanor.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.