

HOUSE BILL 1607

By Lamberth

AN ACT to amend Tennessee Code Annotated, Title 2;  
Title 5; Title 6; Title 7; Title 8 and Title 12, relative  
to local government.

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

SECTION 1. Tennessee Code Annotated, Section 5-5-102, is amended by adding the following new subdivision (j):

(1) Any member of a local governing body of a county who is also an employee of the county may vote on matters in which the member has a conflict of interest if the member informs the governing body immediately prior to the vote as follows:

Because I am an employee of (name of governmental unit), I have a conflict of interest regarding the proposal about to be voted upon.

However, I declare that my argument and my vote answer only to my conscience and to my obligation to my constituents and the citizens this body represents.

(2) In the event a member of a local governing body of a county has a conflict of interest in a matter to be voted upon by the body, the member may abstain for cause by announcing such to the presiding officer. Any member of a local governing body of a county who abstains from voting for cause on any issue coming to a vote before the body must not be counted for the purpose of determining a majority vote.

(3) The vote of any person having a conflict of interest who does not inform the governing body of the conflict as provided in subdivision (j)(1) is void if challenged in a timely manner. As used in this subdivision (j)(3), "timely manner" means during the

same meeting at which the vote was cast and prior to the transaction of any further business by the body.

(4) Nothing in this subsection (j) alters, amends, or otherwise affects § 12-4-101(a). In the event of any conflict between this subsection (j) and § 12-4-101(a), § 12-4-101(a) prevails.

SECTION 2. Tennessee Code Annotated, Section 5-5-112, is amended by deleting the section in its entirety.

SECTION 3. Tennessee Code Annotated, Section 6-54-107(c), is amended by deleting subdivision (5).

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.