

SENATE BILL 1168

By Swann

AN ACT to amend Tennessee Code Annotated, Title 3 and
Section 65-1-107, relative to ethics.

WHEREAS, Tennessee Code Annotated, Title 3, Chapter 6, Part 3, and specifically Tennessee Code Annotated, Section 3-6-305, prohibits the provision and acceptance of gifts to an official or the official's immediate family in the executive branch; and

WHEREAS, Tennessee Code Annotated, Section 3-6-301(19) defines "official in the executive branch" to mean "the governor, any member of the governor's staff, any member or employee of a state regulatory commission, including without limitation, commissioners of the Tennessee public utility commission, or any member or employee of any executive department or agency or other state body in the executive branch"; and

WHEREAS, Tennessee Code Annotated, Section 65-1-107, prohibits the provision and acceptance of gifts to a commissioner of the Tennessee public utility commission; and

WHEREAS, Tennessee Code Annotated, Section 65-1-107, relative to the Tennessee public utility commission and Tennessee Code Annotated, Section 3-6-301(19) are substantially similar, duplicative, and redundant; and

WHEREAS, Tennessee Code Annotated, Section 65-1-107, enacted in 1995, and Tennessee Code Annotated, Section 3-6-301(19), enacted in 2006, may be inconsistent and create confusion as to which statute most appropriately applies to the Tennessee public utility commission; and

WHEREAS, it is the intention of the General Assembly to provide uniformity and clarity concerning the prohibition of gifts to the commissioners and employees, who are defined to be "officials in the executive branch," and to the immediate family of commissioners and employees of the Tennessee public utility commission, such that application of Tennessee Code Annotated,

Title 3, Chapter 6, Part 3, including penalties for violation, should be determinative and exclusively applied; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Section 65-1-107, is amended by deleting the section.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.