

# *State of Tennessee*

## **PUBLIC CHAPTER NO. 1127**

**SENATE BILL NO. 2774**

**By Bell, Bailey, Bowling**

Substituted for: House Bill No. 2877

By Todd, Sherrell, Bricken, Moody

AN ACT to amend Tennessee Code Annotated, Title 4; Section 8-50-103 and Section 68-1-113, relative to the human rights commission.

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

SECTION 1. Tennessee Code Annotated, Section 4-21-201, is amended by deleting the section and substituting the following:

- (a) There is created the Tennessee human rights commission.
- (b)(1) The commission consists of nine (9) members to be appointed as follows:
  - (A) The speaker of the senate shall appoint three (3) members;
  - (B) The speaker of the house of representatives shall appoint three (3) members; and
  - (C) The governor shall appoint three (3) members.
- (2) The appointing authorities shall appoint one (1) member from each grand division of the state.
- (c)(1) The entire membership of the commission as composed on August 31, 2022, must be vacated on September 1, 2022, and new members appointed in accordance with subsection (b).
  - (2) In order to stagger the terms of the newly appointed commission members, initial appointments must be made as follows:
    - (A) Each of the appointing authorities shall make one (1) initial appointment for a term that begins on September 1, 2022, and expires on June 30, 2024;
    - (B) Each of the appointing authorities shall make one (1) initial appointment for a term that begins on September 1, 2022, and expires on June 30, 2025; and
    - (C) Each of the appointing authorities shall make one (1) initial appointment for a term that begins on September 1, 2022, and expires on June 30, 2026.
- (d)(1) Except as provided in subdivision (d)(5)(B), following the expiration of members' initial terms as prescribed in subdivision (c)(2), appointments to the commission must be for terms of four (4) years and must begin on July 1 and terminate on June 30, four (4) years thereafter.
  - (2) Each member shall serve until the expiration of the term to which the member was appointed and until the member's successor is appointed and qualified.

(3) A vacancy occurring other than by expiration of a term must be filled in the same manner as the original appointment but for the unexpired term only.

(4) A successor must be appointed from the same grand division of the state in which the member being replaced resides.

(5)(A) Excluding the initial terms as provided in subdivision (c)(2), a member is eligible for reappointment to the commission following the expiration of the member's term, but may serve no more than two (2) consecutive four-year terms.

(B) The initial term served by the person appointed under subdivision (c)(2)(C) is considered a four-year term served under subdivision (d)(5)(A).

(e) The commission shall designate one (1) member to serve as chair for a two-year term. A member may serve as chair for up to two (2) consecutive two-year terms, and is eligible to be reappointed as chair after a minimum two-year break in service.

(f) Members must be appointed on a nonpartisan basis and must be broadly representative of employees, proprietors, trade unions, religious groups, human rights groups, and the general public.

(g) Members are entitled to reimbursement for expenses incurred in the performance of their duties and to reasonable fees for each day of service as hearing examiners.

(h)(1) A member who misses more than fifty percent (50%) of the scheduled meetings in a calendar year must be removed as a member of the commission.

(2) The chair of the commission shall promptly notify, or cause to be notified, the appointing authority of a member who fails to satisfy the attendance requirement as prescribed in subdivision (h)(1) of the need for a new appointment.

(i) Notwithstanding a provision of the Tennessee Governmental Entity Review Law, compiled in chapter 29 of this title, to the contrary, the commission shall provide a detailed accounting of its finances and a comprehensive analysis of how the commission is adhering to the requirements of this chapter to the division of audit within the office of the comptroller of the treasury, the chair of the government operations committee of the house of representatives, and the chair of the government operations committee of the senate no later than January 15 of each year for review.

SECTION 2. Tennessee Code Annotated, Section 4-21-202(3), is amended by deleting the subdivision and substituting the following:

Annually appoint an executive director, fix the director's compensation with the approval of the governor, and delegate any of the commission's functions and duties to the director in the interest of efficient management of the appropriations and resources of the agency. Prior to the reappointment of an executive director under this subdivision (3), the commission shall conduct a comprehensive review of the executive director's performance for the preceding twelve (12) months. The commission shall develop measurable goals or benchmarks, or both, in determining whether to reappoint an executive director pursuant to the comprehensive review;

SECTION 3. Tennessee Code Annotated, Section 4-21-202, is amended by designating the existing language as subsection (a) and adding the following as a new subsection (b):

(b)(1) Notwithstanding this section or a rule or policy to the contrary, an office, executive committee, local commission, advisory agency, or other entity or persons appointed by or serving at the recommendation of the commission shall not exercise more authority than the commission.

(2) An office, executive committee, local commission, advisory agency, and other entity or person appointed by or serving at the recommendation of the commission shall transmit copies, records, information, and other material obtained by such entities to the commission within five (5) business days of receipt.

SECTION 4. Tennessee Code Annotated, Title 4, Chapter 21, Part 2, is amended by adding the following as a new section:

The office of the attorney general and reporter shall make a complaint form available on the office's website for persons alleged to have been aggrieved by the commission

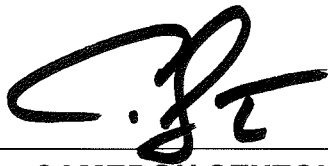
pursuant to the commission's authority under this chapter. The office of the attorney general and reporter shall also supply an individual with a written copy of the complaint form via the United States postal service upon request. The office shall facilitate the submission of complaint forms via the internet. If a complaint is filed via the internet, then the complaint is deemed to be signed so long as the name of the filer is indicated in the complaint. Anonymous complaints cannot be accepted by the office for investigative purposes.

SECTION 5. This act takes effect upon becoming a law, the public welfare requiring it.

SENATE BILL NO. 2774

PASSED: April 28, 2022

  
RANDY McNALLY  
SPEAKER OF THE SENATE

  
CAMERON SEXTON, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 1<sup>st</sup> day of June 2022

  
BILL LEE, GOVERNOR