

Amendment No. _____

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Signature of Sponsor

AMEND Senate Bill No. 2756

House Bill No. 2132*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 10-7-503, is amended by adding the following as a new subsection:

(h)

(1)

(A) It is the intent of this subsection (h) to facilitate prompt and timely access to citizens to public records related to public meetings and to other basic government information.

(B) This subsection (h) does not apply to a governmental entity during an emergency, as that term is defined in § 58-2-101, to the extent that the emergency directly impacts the governmental entity. After an emergency ceases to exist, the impacted governmental entity shall resume compliance with this subsection (h) as soon as reasonably practicable.

(C) The public access requirements of this subsection (h) are in addition to public notice requirements under § 8-44-103 and any other applicable public notice requirements under state law. Compliance by a governmental entity with this subsection (h) must not be construed to satisfy public notice requirements under § 8-44-103 and any other applicable public notice requirements under state law.

(2)



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(A) No later than January 1, 2021, and except as otherwise provided in subdivision (h)(2)(B)(i), a governing body shall make available to the public:

(i) The agendas of upcoming meetings in a place accessible to the public for a period of at least three (3) days prior to a meeting; and

(ii) Any supplemental meeting documents, which may be referred to as board packets, for upcoming meetings in a place accessible to the public for a period of three (3) days prior to a meeting if the supplemental meeting documents have been provided to members of the governing body. If supplemental meeting documents have not been provided to members of the governing body at least three (3) days prior to the meeting, the supplemental meeting documents must be made publicly accessible as soon as possible after they are provided to governing body members, but prior to the meeting.

Notwithstanding any law to the contrary, this subsection (h) does not require a governing body to make available to the public any supplemental documents that are deemed confidential under state or federal law.

(B)

(i) For governing bodies of governmental entities that maintain a website, agenda and supplemental meeting documents must be posted on its website. A governing body that posts its agenda and supplemental meeting documents on its website in accordance with this subdivision (h)(2)(B)(i) satisfies the requirements to make the agenda and supplemental meeting documents accessible to the public under subdivision (h)(2)(A).

(ii) Agendas must reasonably describe matters scheduled to be discussed or under contemplation for a vote; provided, however, that this subsection (h) does not limit or restrict a governing body's ability to consider or vote on items of new business not listed on the agenda, pursuant to the governing body's bylaws or properly adopted rules or procedures and in compliance with other state law.

(C) As used in this subdivision (h)(2), "three (3) days" means at least regular business hours for three (3) consecutive days, including holidays, weekends, and the day of the meeting if the meeting is held after regular business hours. The three-day requirement in this subdivision (h)(2) does not apply to special-called meetings; provided, that the number of days that the agenda and supplemental meeting documents are made accessible to the public in the manner required in this subsection (h) is the same amount of time required for adequate public notice in state law for special meetings.

(3)

(A) No later than January 1, 2021, a governmental entity shall maintain and disclose the following basic government information on its website if the governmental entity maintains a website, or if the governmental entity does not maintain a website, the governmental entity shall maintain and disclose the information in a place that is accessible to the public during regular business hours:

(i) A list and the contact information of elected officials and the members of each governing body; provided, that the contact information for each member of a governing body whose position is an appointed position may be provided through a centralized board secretary or similar office on behalf of the governing body;

(ii) Minutes of at least the twelve (12) most recent meetings of each governing body;

(iii) The comprehensive annual financial report, and other annual financial reports and audits of the governmental entity that are required to be produced by law, from the most recent five (5) years, including additional summaries or information provided by a governmental entity that provides explanation and context to the financial reports;

(iv) The charter or other organizing or governing documents of the governmental entity and governing body, as applicable;

(v) Policies, rules, ordinances, and resolutions governing the public meetings, public hearings, and public records of each governing body; and

(vi) The contact information of a person or persons for more information about public meetings, public hearings, and public records of a governmental entity, including the name and telephone number of each such person.

(B) New and updated information and documents identified in subdivisions (h)(3)(A)(i)-(vi) must be disclosed within a reasonable time period from becoming available and must be posted in the same manner as prescribed in subdivision (h)(3)(A) along with existing and prior information already posted.

(4)

(A) A governmental entity shall make reasonable, periodic efforts each year to notify the public of the locations, including a website, if applicable, at which a member of the public can freely access information

and documents made available to the public in accordance with subdivisions (h)(2) and (3).

(B) A person seeking access to or copies of information or documents described in subdivisions (h)(2) or (h)(3) who is denied access or copies of the information or documents, as applicable, may bring an action in accordance with § 10-7-505 to enforce this section and is entitled to all remedies, including injunctive relief, to which the person may be entitled under § 10-7-505.

(5) As used in this subsection (h):

(A) "Governing body" has the same meaning as defined in § 8-44-102;

(B) "Governmental entity" means an entity under the control and authority of a governing body; and

(C) "Website", for the purposes of this subsection (h), means a website operated by and under the control of the governmental entity and does not include websites maintained on behalf of the governmental entity by an outside entity such as a chamber of commerce or tourism promotion entity. However, nothing in this subsection (h) prevents a governmental entity from entering into an agreement with an outside entity to provide the basic government information described in this subsection (h) on a website in accordance with this subsection (h).

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

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Signature of Sponsor

AMEND Senate Bill No. 2898

House Bill No. 2669*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-35-248, is amended by deleting the section and substituting instead the following:

(a) Except as otherwise expressly provided by law, should any department, agency, or instrumentality of a participating political subdivision become a separate local governmental entity from the political subdivision, the employees of such entity shall not be entitled to future membership in the retirement system on account of continued service with the entity unless the chief governing body of the entity elects to become a participating employer pursuant to § 8-35-201.

(b) Upon such election, the chief governing body of the political subdivision may request the retirement system to have an actuarial study conducted to determine the share of the assets of the retirement system attributable to contributions of the political subdivision that would be needed for the entity to maintain a comparable employer contribution rate or funding level as the political subdivision as of the date of separation. Upon receipt of the actuarial study, the chief governing body of the political subdivision has the authority to pass and file with the retirement system a resolution requesting that such amount be transferred from the credit of the political subdivision to the entity.

(c)

(1) The chief governing body of the political subdivision may also request the retirement system to have an actuarial study conducted, at the political subdivision's expense, to determine the share of the assets of the retirement system and associated liabilities attributable to the new political subdivision for



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the time period before or after a department, agency, or instrumentality of the political subdivision became a separate governmental entity participating in the retirement system.

(2) The actuarial study must calculate the political subdivision's pension liability for this period of time based on the following factors:

- (A) Review of assets and liabilities;
- (B) Member creditable service;
- (C) Demographics and salaries;
- (D) Required and optional plan provisions;
- (E) Contributions made;
- (F) Investment earnings; and

(G) Any other factors that will assist in determining the political subdivision's pension obligations before a part of it became a separate entity.

(3) Based on the results of the actuarial study, the political subdivision and the entity, in consultation with the actuary, may determine payment of the entity's pension liabilities using all, any one (1), or a combination of the factors contained in the actuarial study. The actuary shall compare this calculation to the new entity's assets, liabilities, and the structure and solvency of any of its other pension plans.

(4) Upon receipt of the actuarial study, the chief governing bodies of the political subdivision and the entity have the authority to pass and file with the retirement system resolutions, acceptable to the retirement system in both form and substance, requesting that all or a portion of the assets and the liabilities associated thereto contributed by the political subdivision to fund the pension liability that was accrued while the entity was a part of the political subdivision, be transferred from the retirement system account of the political subdivision to the retirement system account of the new entity. Such transfer must include some or

all of the assets with the associated liabilities which may include, without limitation, employer contributions or investment earnings.

(5) Prior to the transfer of some or all of the assets and the associated liabilities from the political subdivision to the new governmental entity, the state treasurer may approve such a request if the political subdivision demonstrates that such a transfer would not negatively impact the long-term solvency of the entity. The state treasurer may require the political subdivision and the entity to provide documentation, including, but not limited to, financial statements, actuarial assessments, and an opinion of an independent actuary.

(d) Any amounts transferred pursuant to this section are considered retirement system assets of the new governmental entity pursuant to chapters 34-37 of this title, and shall not be used for any other purposes.

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

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AMEND Senate Bill No. 1764

House Bill No. 1804*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 38-8-107, is amended by adding the following as new subsections:

(f) The course of training required of officer candidates for the receipt of a basic certificate of compliance issued by the commission pursuant to this section must include a course of instruction in the detection and investigation of cases of suspected driving under the influence, as prohibited under § 55-10-401.

(g) Relevant changes in state law and procedure relating to the detection and investigation of persons suspected of driving under the influence as prohibited under § 55-10-401 must be included as part of the required annual in-service training for officer candidates.

SECTION 2. This act shall take effect January 1, 2021, the public welfare requiring it.



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Signature of Sponsor

AMEND Senate Bill No. 981*

House Bill No. 1103

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 12, Chapter 4, is amended by adding the following as a new part:

12-4-1101. This part shall be known and may be cited as the "Public Contracts for Legal Services Act."

12-4-1102. As used in this part:

(1) "Contingent fee" means that part of a fee for legal services, under a contingent fee contract, the amount or payment of which is contingent on the outcome of the matter for which the services were obtained;

(2) "Contingent fee contract" means a contract for legal services under which the amount or the payment of the fee for the services is contingent in whole or in part on the outcome of the matter for which the services were obtained;

(3) "Issue of statewide concern" means any conduct or harm that is more likely than not to adversely affect the interests of citizens of at least five (5) counties of this state; and

(4) "Political subdivision" means a municipal corporation, county, city, metropolitan government, town, or any other political subdivision of this state.

12-4-1103.

(a) Political subdivisions shall not enter into contingent fee contracts, except as provided by § 12-4-1104.

(b) A political subdivision shall not select or award a contract to which this part applies on the basis of competitive bids submitted for the contract or for the services, but



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must make the selection and award on the basis of demonstrated competence, qualifications, and experience to perform the services sought and for a fair and reasonable price.

12-4-1104.

(a) A political subdivision may enter into a contingent fee contract for legal services only if the governing body of the political subdivision:

(1) Before or along with giving the written notice of a meeting required by title 8, chapter 44, part 1, makes available to the public a statement setting forth:

(A) The reasons for pursuing the matter the attorney or law firm may be retained to pursue and the result that is hoped to be achieved by pursuing the matter;

(B) The competence, qualifications, and experience demonstrated by any attorney or law firm the political subdivision may retain;

(C) The nature of any relationship, including the genesis of the relationship, between the political subdivision, the governing body, or any member of the governing body and any attorney or law firm the political subdivision may retain;

(D) The reasons why the political subdivision cannot pursue the matter using its resources without retaining an outside attorney or law firm on a contingent fee basis;

(E) The reasons the legal services cannot reasonably be obtained from attorneys in private practice under a contract providing for the payment of hourly fees without contingency; and

(F) An explanation of why entering into a contingent fee contract for legal services is in the best interest of the people who are served by the political subdivision; and

(2) Approves the contract in an open meeting called for the purpose of considering the need for obtaining the legal services, the terms of the contract with the attorney or law firm, the competence, qualifications, and experience of the attorney or law firm, and the reasons why the contract is in the best interest of the people who are served by the political subdivision.

(b) The contract is a public record, as that term is defined in § 10-7-503, and the contract must not be withheld from a requestor under § 10-7-504 or any other exception from required disclosure.

12-4-1105.

(a) Before a political subdivision may finally execute a contract to which this part applies, it must submit the contract to the attorney general and reporter, along with:

(1) A description of the matter to be pursued by the political subdivision;

(2) A description of the interest this state or any other governmental entity may have in the matter; and

(3) A copy of the notice required by § 12-4-1104(a)(1) and a statement of how and when the notice was provided to the public.

(b) The attorney general may refuse to approve the political subdivision's request for approval of the contract if the attorney general finds:

(1) Pursuit of the action by the political subdivision usurps or interferes with the attorney general's statutory or constitutional obligations, including:

(A) The trial and direction of all civil litigated matters and administrative proceedings in which the state or any officer, department, agency, board, commission, or instrumentality of the state may be interested, defined in § 8-6-109(b)(1); and

(B) The duty to exercise discretion to defend the constitutionality and validity of all private acts and general laws of local application enacted by the general assembly and of administrative rules or regulations of this state;

(2) The attorney general has the authority to pursue the matter the political subdivision is considering pursuing;

(3) The matter relates to an issue of statewide concern and the attorney general's pursuit of the matter in lieu of the political subdivision's pursuit of the matter is in the state's best interest; or

(4) The political subdivision failed to comply with the requirements of § 12-4-1104, or that the findings made by the political subdivision to justify pursuing the matter are not supported by the documents provided by the political subdivision.

(c) Unless the political subdivision has requested expedited consideration for reasons provided at the time it submits the contract to the attorney general for review, the attorney general may take up to ninety (90) days to approve or disapprove the contract.

(d) Upon disapproval of a political subdivision's request for approval of a contract, the attorney general shall submit a report to the speaker of the house of representatives and the speaker of the senate, stating:

(1) The contract was disapproved and the reason for its disapproval; and

(2) The manner in which the attorney general plans to address the issue of statewide concern identified in the contract.

(e) All reports submitted by the attorney general pursuant to subsection (d) are subject to executive review. Prior to disapproving a contingent fee contract, the attorney general must receive the consent of the governor, or an appropriately designated member of the governor's cabinet.

12-4-1106. A contract entered into or an arrangement made in violation of this part is void as against public policy.

SECTION 2. The change in law made by this act applies only to a contract for legal services executed by a political subdivision on or after the effective date of this act. A contract for legal services executed by a political subdivision before the effective date of this act is

governed by the law applicable before the effective date of this act, and that law continues in effect for that purpose.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 981*

House Bill No. 1103

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by adding the following as a new, appropriately designated section to SECTION 1:

12-4-11__.

This part does not prohibit a district attorney from pursuing any civil action or other remedy authorized under title 29, chapter 38, or affect or abrogate any existing power of a district attorney working with or on behalf of a political subdivision of this state.



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