

**Amendment No. 14 to SB7001**

**Kyle  
Signature of Sponsor**

<b>FILED</b>
Date _____
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Clerk _____
Comm. Amdt. _____

**AMEND Senate Bill No. 7001\***

**House Bill No. 7001**

by deleting the amendatory language of SECTION 33, § 3-1-118, and by substituting instead the following:

(a) All meetings of any committee or subcommittee of the general assembly, the senate or the house of representatives shall be open to the public. Only when considering a matter involving the security of the state or nation or when investigating a proposed Article V impeachment of a public official other than a member of the general assembly, may a meeting be closed to the public, and then only if there is an affirmative vote of at least three fourths (3/4) of the members present. Adequate public notice of every meeting must be provided. No member shall knowingly participate in any meeting conducted in violation of this subsection.

(b) Any citizen of Tennessee may file a sworn complaint, with either the ethics committee of the appropriate house of the general assembly or the Tennessee ethics commission, alleging a violation of subsection (a). The complaint must set forth in simple, concise, and direct statements:

- (1) The name of the complainant;
- (2) The street or mailing address of the complainant;
- (3) The name of the committee or subcommittee alleged to have violated subsection (a);
- (4) A short and plain statement of the nature of the alleged violation; and

(5) A statement of the facts constituting the alleged violation and the dates on which, or period of time in which, the alleged violation occurred.

The complaint must be accompanied by an affidavit stating that the information contained in the complaint is either correct or that the complainant has good reason to believe and does believe that the violation occurred. If the complaint is based on information and belief, then the complaint shall state the source and basis of the information and belief. The complainant may swear to the facts by oath before a notary public.

Any complaint regarding multiple meetings of the same committee or subcommittee shall be deemed to be a single offense.

All subsection (a) complaints filed with the ethics committee of the senate or house of representatives shall be referred by the committee to the Tennessee ethics commission. The commission shall treat such referred complaints in the same manner as complaints that are filed directly with the commission by a complainant.

(c) If the sworn complaint is filed with or forwarded to the ethics commission, then the commission shall initiate a preliminary investigation to determine if the complaint complies with the requirements of subsection (b). If the commission determines that the complaint does not comply with subsection (b), then the commission shall dismiss the complaint and notify the complainant. In such notification, the commission shall identify with particularity the deficiencies of the complaint. If the commission determines that the complaint does comply with the requirements of subsection (b), then the commission shall refer the complaint to the office of the attorney general and reporter for a preliminary investigation. The commission shall make a probable cause

determination after the office of the attorney general and reporter completes its investigation and reports its findings to the commission. Both the alleged violator and the complainant shall be entitled, upon request, to present evidence before the commission prior to the commission's probable cause determination. The commission shall cause notice that evidence will be presented to the commission to be personally served upon, or sent by return receipt requested mail, to the alleged violator and the complainant. If the commission determines that no probable cause exists to believe that a violation of subsection (a) occurred, then the commission shall dismiss the complaint by issuing a report to the complainant, the alleged violator and the ethics committee of the appropriate house, stating with particularity its reasons for dismissal of the complaint. A complainant may request a hearing upon a determination of no probable cause. If after such hearing the commission determines that there is no probable cause, then the commission may order the complainant to reimburse the alleged violator for any reasonable costs and reasonable attorney fees the alleged violator has incurred. If the commission determines that probable cause exists to believe a violation of subsection (a) occurred, then the commission shall so notify the ethics committee of the appropriate house. If a complaint is filed with or forwarded to the ethics commission while the general assembly is in session, then the commission shall report its probable cause determination to the ethics committee of the appropriate house within fifteen (15) days, unless an extension is granted by the ethics committee.

(d) Any member of the general assembly who commits a violation of subsection (a) shall be subject to reprimand by the ethics committee of the member's house for a first offense. Following the issuance of such a reprimand, if the member subsequently, knowingly and persistently violates subsection (a),

then the ethics committee shall recommend suitable and appropriate sanctions for the offending member. Sanctions recommended to the speaker may include, but are not limited to, removal from committee or subcommittee leadership positions, reassignment to other committees or subcommittees, or removal from all committees and subcommittees. Sanctions recommended to the member's house may include, but are not limited to, mandatory ethics training, censure, or expulsion from the senate or house of representatives.

(e) In addition to the remedies set forth elsewhere in this section, any citizen of Tennessee, having knowledge that a committee or subcommittee meeting is presently occurring in violation of subsection (a), may request the appropriate speaker to order the committee or subcommittee to either immediately terminate the meeting or comply with the requirements of subsection (a). At its next scheduled meeting, the speaker shall report to the full chamber findings and actions taken in response to such request.

(f) As used in this section, "meeting" means at least a quorum of the committee or subcommittee is present, and business within the jurisdiction of the committee or subcommittee is being deliberated and decided; and "persistently" means two (2) or more separate and distinct violations committed during the two-year period of the general assembly.

(g) Until such time as the ethics commission is organized and ready to transact business, the registry of campaign finance shall perform all duties assigned to the ethics commission by the provisions of this section.

(h) The 104th general assembly must recognize that the appellate courts of Tennessee, in specifically considering the open meetings law, have unequivocally ruled that Article II, Section 12 of the Constitution of the State of Tennessee prevents this or any other general assembly from statutorily binding a future general assembly on rules

of proceedings. Therefore, this general assembly must truthfully acknowledge that the provisions of this section can be legally binding only for the duration of the 104th general assembly. However, each future general assembly is strongly encouraged and vigorously urged to adopt rules incorporating provisions no less open than subsection (a).