

HOUSE BILL 379

By Briley

AN ACT to amend Tennessee Code Annotated, Title 3,
Chapter 6, relative to lobbying.

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

SECTION 1. Tennessee Code Annotated, Section 3-6-106, is amended by adding the following as new subsections (c) and (d) thereto:

(c) Except as necessary to preserve the confidentiality of preliminary investigations under § 3-6-202(a)(1) or except as provided in the next sentence, all meetings, hearings and other gatherings of the commission shall be conducted with the maximum openness and transparency and in full compliance with title 8, chapter 44, part 1. A meeting or portion of a meeting of the commission to discuss with legal counsel present pending litigation to which the commission is a party or any meeting or portion of a meeting of the commission for the purpose of discussing a pending controversy that will in all probability result in litigation may be closed by a majority, public vote of the commission. Any meeting or portion of a meeting to be closed under this subsection shall be conducted by the assistant attorney general for the commission who shall advise the commission members that:

- (1) The meeting is between lawyer and client;
- (2) The meeting is held for the sole purpose of relating confidential client communication and legal advice regarding pending or anticipated litigation;
- (3) All comments from the members shall be directed to the lawyer; and
- (4) No deliberation or discussion towards a decision shall take place among the members except in the open meeting.

(d) Except as provided in § 3-6-202(a)(1) relative to the confidentiality of commission records relating to a preliminary investigation or except as provided in the

next sentence, records, documents and papers in possession of the commission shall be made available for viewing on the Internet, as reasonable, based on the commission's financial resources, and shall be available for free public inspection and copying. Any records and communications of the commission to or by the attorney general are not public records pursuant to § 10-7-504(5). All other records of the commission are records open to public inspection pursuant to § 10-7-503.

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