



February 17, 2020

SUMMARY OF BILL: Requires members of the county legislative body with a conflict of interest to declare the conflict of interest is present prior to abstaining from the applicable vote. Establishes that any member who fails to declare their conflict of interest, or who fails to abstain from an applicable vote, is subject to removal from office.

ESTIMATED FISCAL IMPACT:

Increase Local Expenditures – Exceeds \$500/FY20-21*

Assumptions:

- Pursuant to Tenn. Code Ann. § 5-5-112, no member of the county legislative body who is employed, or whose spouse is employed, by the same county may vote on matters which, if approved, would increase the pay or benefits of the employee.
- The proposed language would require the member to make a specific declaration stating a conflict of interest is present prior to abstaining from the vote.
- If any member fails to abstain from voting or to make the required declaration, they are subject to removal from office pursuant to Tenn. Code Ann. Title 8, Chapter 47.
- The proposed legislation removes current time limits for challenging a member's vote; therefore a member's vote may be challenged at any time after such vote.
- Pursuant to Tenn. Code Ann. § 8-47-101 through § 8-47-125,
 - County attorneys are required to investigate complaints against county officers upon receipt of a written complaint, but may also institute ouster proceedings upon their own initiative;
 - Upon a finding that there is reasonable cause for the complaint, ouster proceedings are initiated;
 - Ouster proceedings are held in the circuit, chancery, or criminal court of the proper county;
 - During ouster proceedings, the officer is suspended from office and the vacancy is filled by the county legislative body;
 - The accused has a right to a trial by jury; and
 - If, on the final hearing, the officer is not removed from office, they are restored to office and may be reimbursed reasonable attorney fees.
- It is unknown how many instances of ouster will occur as a direct result of the proposed language; however it is reasonably assumed that one instance of ouster will occur statewide and subsequently deter any other member from violating the required

disclosure or abstinence from voting. Such proceeding is estimated to occur in FY20-21.

- While costs associated with ouster proceedings will vary case by case, it is reasonably estimated that any proceeding will result in a mandatory increase in local expenditures exceeding \$500.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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