

affecting or relating to a person's immigration status, unless that conduct is specifically authorized by federal law.

History.

Acts 2002, ch. 665, § 1; 2006, ch. 945, § 6.

8-16-402. Prohibited representations or advertising.

A notary public who is not an attorney licensed to practice law is prohibited from representing or advertising that the notary public is an immigration consultant, immigration paralegal or expert on immigration matters unless the notary public is an accredited representative of an organization recognized by the board of immigration appeals pursuant to 8 CFR 292.2 or any subsequent federal law.

History.

Acts 2002, ch. 665, § 1.

8-16-403. Compliance.

Any failure to comply with the foregoing provisions constitutes an unfair or deceptive act as provided for in § 47-18-104.

History.

Acts 2002, ch. 665, § 1.

8-16-404. Exceptions.

The provisions of this part shall not apply to:

- (1) Notary services offered by a state or national bank, trust company, savings and loan association, savings bank or by any affiliate or subsidiary of such state or national bank, trust company, savings and loan association or savings bank or any agent or employee thereof; or
- (2) Any offering of notary services or listing of fees for notary services as a part of the closing of any loan transaction, extension of credit, security instrument or transfer of title.

History.

Acts 2002, ch. 665, § 1.

CHAPTER 17

ETHICAL STANDARDS FOR OFFICIALS AND EMPLOYEES

Section

- 8-17-101. Legislative intent.
- 8-17-102. Chapter definitions — Application to jointly created instrumentalities, utility districts and school districts.
- 8-17-103. Adoption of ethical standards.
- 8-17-104. Standards open to public inspection — Filing standards and amendments with ethics commission.
- 8-17-105. Adoption of models of ethical standards.
- 8-17-106. Removal from office for failure to adopt ethical standards — Violations of standards.

8-17-101. Legislative intent.

It is the intent of the general assembly that the integrity of the processes of local government be secured and protected from abuse. The general assembly recognizes that holding public office and public employment is a public trust and that citizens of Tennessee are entitled to an ethical, accountable and incorruptible government.

History.

Acts 2006 (1st Ex. Sess.), ch. 1, § 49.

Compiler's Notes.

Acts 2006, ch. 1, § 1 of the extraordinary session of the 104th general assembly provided that the act is and may be cited as the "Comprehensive Governmental Ethics Reform Act of 2006."

Section to Section References.

This chapter is referred to in §§ 4-55-103, 4-55-104, 4-55-105, 64-8-204.

Comparative Legislation.

Ethics for public employees:

Ala. Code § 36-25-1 et seq.

Ark. Code § 19-11-701 et seq.

Ga. O.C.G.A. § 45-10-20 et seq.

Miss. Code, Ch. 4, T. 25

Mo. Rev. Stat. § 105.955 et seq.

Collateral References.

Officers and Public Employees 283 ⇐

8-17-102. Chapter definitions — Application to jointly created instrumentalities, utility districts and school districts.

(a) As used in this chapter, unless the context otherwise requires:

(1) "Commission" means the Tennessee ethics commission;

(2) "County" means a county, metropolitan or consolidated government, inclusive of any boards, commissions, authorities, corporations or other instrumentalities appointed or created by the county or an official of the county. Furthermore, for the purpose of this chapter, the county election commission shall be considered an instrumentality of county government; and the administrator of elections and other employees of the election commission shall be considered county employees. Likewise, for the purpose of this chapter, the county health department shall be considered a county department and its employees shall be considered county employees;

(3) "Ethical standards" includes rules and regulations regarding limits on, and/or reasonable and systematic disclosure of, gifts or other things of value received by officials and employees that impact or appear to impact their discretion, and shall include rules and regulations regarding reasonable and systematic disclosure by officials and employees of their personal interests that impact or appear to impact their discretion. The term "ethical standards" does not include personnel or employment policies or policies or procedures related to operational aspects of governmental entities;

(4) "Municipality" means an incorporated city or town, inclusive of any boards, commissions, authorities, corporations or other instrumentalities appointed or created by the municipality; and

(5) "Officials and employees" means and includes any official, whether elected or appointed, officer, employee or servant, or any member of any board, agency, commission, authority or corporation, whether compensated or not, or any officer, employee or servant thereof, of a county or municipality.

(b) If a board, commission, authority, corporation or other instrumentality is created by two (2) or more local government entities, such creating entities

shall, by amendment to the interlocal agreement or other agreement creating such joint instrumentality, designate the ethical standards that govern the jointly created instrumentality.

(c) Utility districts shall be considered separate governmental entities and shall be governed by ethical standards established by the board of commissioners of the utility district in conformity with § 8-17-105(b). Water, wastewater and gas authorities created by a private act or under the general law shall be considered separate governmental entities and shall be governed by ethical standards established by the governing board of the water, wastewater or gas authority in conformity with § 8-17-105(b).

(d) County, municipal and special school districts shall be considered separate governmental entities and shall be governed by ethical standards established by the board of education of the school district.

History.

Acts 2006 (1st Ex. Sess.), ch. 1, § 49; 2007, ch. 405, §§ 1, 2; 2008, ch. 898, § 1.

Compiler's Notes.

Acts 2006, ch. 1, § 1 of the extraordinary session of the 104th general assembly provided that the act is and may be cited as the "Comprehensive Governmental Ethics Reform Act of 2006."

Attorney General Opinions.

To the extent that a water and wastewater treatment authority is established by a county or metropolitan government, then it would be included within the definition of "county" in T.C.A. § 8-17-102(a)(2), OAG 07-065 (5/14/07).

8-17-103. Adoption of ethical standards.

(a) Not later than June 30, 2007, the governing body of each entity covered by this chapter shall adopt by ordinance or resolution, as appropriate, ethical standards for all officials and employees of such entity. To the extent that an issue covered by an ethical standard is addressed by a law of general application, public law of local application, local option law, or private act, any ethical standard adopted by a governing body shall not be less restrictive than such laws.

(b) By resolution of the county legislative body, any county having a population of eight hundred thousand (800,000) or more, according to the 2000 census or any subsequent federal census, may elect to include all of its administrative officials and employees and all of its legislative officials and employees within the meaning and scope of the provisions of title 3, chapter 6, part 3, as if the county officials and employees were officials and employees of state government. Upon adopting the resolution on or before June 30, 2007, the county shall be deemed to be in compliance with the requirements of this part; provided, that the county shall periodically reimburse the Tennessee ethics commission for the commission's increased costs arising from oversight and regulation of the county officials and employees.

History.

Acts 2006 (1st Ex. Sess.), ch. 1, § 49; 2007, ch. 161, § 3.

Compiler's Notes.

Acts 2006, ch. 1, § 1 of the extraordinary session of the 104th general assembly provided that the act is and may be cited as the "Com-

prehensive Governmental Ethics Reform Act of 2006."

For tables of U.S. decennial populations of Tennessee counties, see Volume 13 and its supplement.

Section to Section References.

This section is referred to in § 3-6-301.

Law Reviews.
"Official" Explanation: Defining "Official Capacity" and Related "Color of Office" Phrases in

Bribery and Extortion Law (Steven J. Mulroy),
38 U. Mem. L. Rev. 587 (2008).

8-17-104. Standards open to public inspection — Filing standards and amendments with ethics commission.

Each entity covered by this chapter shall maintain, for public inspection, the ethical standards of such entity and shall cause a copy of the adopted standards to be filed with the ethics commission. Any amendments or other modifications to the ethical standards shall also be filed with the commission as soon as practical after adoption by the governing body.

History.
Acts 2006 (1st Ex. Sess.), ch. 1, § 49.

session of the 104th general assembly provided that the act is and may be cited as the "Comprehensive Governmental Ethics Reform Act of 2006."

Compiler's Notes.
Acts 2006, ch. 1, § 1 of the extraordinary

8-17-105. Adoption of models of ethical standards.

(a) The municipal technical advisory service (MTAS) for municipalities, the county technical assistance service (CTAS) for counties, and the Tennessee School Boards Association (TSBA) for school districts, in order to provide guidance and direction, shall disseminate models of ethical standards for officials and employees of those entities. The models shall be filed with the commission. Any municipality, county or school district that adopts the ethical standards for officials and employees of local government or school districts promulgated by MTAS, CTAS or TSBA is not required to file the policy with the commission but shall notify the commission in writing that the policy promulgated by MTAS, CTAS or TSBA was adopted and the date the action was taken.

(b)(1) In order to provide guidance and direction to water, wastewater and gas authorities created by a private act or under the general law and to utility districts, the Tennessee Association of Utility Districts (TAUD) shall prepare a model of ethical standards for officials and employees of water, wastewater and gas authorities created by private act or under the general law and of utility districts. The model shall be submitted to the utility management review board for its review and approval pursuant to § 7-82-702(16). The utility management review board shall approve by order the TAUD model of ethical standards before the model may be adopted by any water, wastewater or gas authority created by a private act or under the general law or by any utility district. After the utility management review board approves the TAUD model, the TAUD model shall be filed with the commission.

(2) The governing body of a water, wastewater or gas authority created by a private act or under the general law or of a utility district that adopts ethical standards for its officials and employees shall either adopt the TAUD model of ethical standards approved by the utility management review board or must adopt ethical standards that are more stringent than the TAUD model. If a water, wastewater or gas authority created by a private act or under the general law or a utility district adopts ethical standards that are different from and more stringent than the TAUD model, the more

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stringent ethical standards shall be submitted to the utility management review board which shall make a finding by order that the ethical standards adopted are more stringent than the TAUD model.

(3) Any water, wastewater or gas authority created by a private act or under the general law or any utility district that adopts the TAUD model of ethical standards is not required to file its ethical standards with the commission but shall notify the commission in writing that the TAUD model of ethical standards was adopted and the date that action was taken.

(4) Any water, wastewater or gas authority created by a private act or under the general law or any utility district that does not adopt the TAUD model of ethical standards or ethical standards more stringent than the TAUD model shall be governed by the ethical standards established by the county legislative body of the county in which the water, wastewater or gas authority created by a private act or under the general law or the utility district has the largest number of customers.

History.

Acts 2006 (1st Ex. Sess.), ch. 1, § 49; 2007, ch. 405, § 3; 2008, ch. 898, § 2.

that the act is and may be cited as the "Comprehensive Governmental Ethics Reform Act of 2006."

Compiler's Notes.

Acts 2006, ch. 1, § 1 of the extraordinary session of the 104th general assembly provided

Section to Section References.

This section is referred to in §§ 7-82-702, 8-17-102.

8-17-106. Removal from office for failure to adopt ethical standards — Violations of standards.

(a) Members of a governing body of an entity covered by this chapter who fail to adopt ethical standards as provided in this chapter shall be subject to removal from office as provided in chapter 47 of this title.

(b) Violations of ethical standards by officials or employees of entities covered by this chapter shall be enforced in accordance with provisions of existing law; provided, that no civil penalties for a violation of title 3, chapter 6, part 3 shall be imposed by the ethics commission on an employee of entities covered by this chapter. The ethics commission shall instead refer the commission's findings and recommendations for appropriate action to the appropriate official with supervisory authority over the person.

History.

Acts 2006 (1st Ex. Sess.), ch. 1, § 49; 2007, ch. 322, § 2.

session of the 104th general assembly provided that the act is and may be cited as the "Comprehensive Governmental Ethics Reform Act of 2006."

Compiler's Notes.

Acts 2006, ch. 1, § 1 of the extraordinary

CHAPTER 18

ELIGIBILITY, COMMISSIONS, AND OATHS

Section

- 8-18-101. Eligibility to hold office.
- 8-18-102. Penalty for acceptance of office by ineligible person.
- 8-18-103. Residence of officers.
- 8-18-104. Terms of office—Filling-of-vacancies.