

PUBLIC CHAPTER NO. 1012

HOUSE BILL NO. 2609

By Representative Lynn

Substituted for: Senate Bill No. 2431

By Senators Watson, Johnson

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29 and Title 62, Chapter 26, relative to the private investigation and polygraph commission.

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

SECTION 1. Tennessee Code Annotated, Section 4-29-231(a), is amended by deleting subdivision (32) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 4-29-234(a), is amended by adding a new subdivision thereto, as follows:

() Private investigation and polygraph commission, created pursuant to § 62-26-301;

SECTION 3. Tennessee Code Annotated, Section 62-26-301(c)(1), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(1) Of the remaining two (2) members of the commission, one (1) member shall be a polygraph examiner licensed pursuant to chapter 27 of this title and one (1) member shall be a person who is not engaged in or conducting the business of or acting in the capacity of a private investigator or polygraph examiner, and who has no commercial or professional association with the private investigation or polygraph examiner professions or industries, either directly or indirectly.

SECTION 4. Tennessee Code Annotated, Section 62-26-301, is further amended by adding the following new language as a new subsection (d) and by redesignating present subsection (d) as subsection (e):

(d)

(1) Notwithstanding the provisions of § 3-6-304 or any other law to the contrary, and in addition to all other requirements for membership on the commission:

(A) Any person registered as a lobbyist pursuant to the registration requirements of title 3, chapter 6 who is subsequently appointed or otherwise named as a member of the commission shall terminate all employment and business association as a

lobbyist with any entity whose business endeavors or professional activities are regulated by the commission, prior to serving as a member of the commission. The provisions of this subdivision (1)(A) shall apply to all persons appointed or otherwise named to the commission after July 1, 2010;

(B) No person who is a member of the commission shall be permitted to register or otherwise serve as a lobbyist pursuant to title 3, chapter 6 for any entity whose business endeavors or professional activities are regulated by the commission during such person's period of service as a member of the commission. The provisions of this subdivision (1)(B) shall apply to all persons appointed or otherwise named to the commission after July 1, 2010, and to all persons serving on the commission on such date who are not registered as lobbyists; and

(C) No person who serves as a member of the commission shall be employed as a lobbyist by any entity whose business endeavors or professional activities are regulated by the commission for one (1) year following the date such person's service on the commission ends. The provisions of this subdivision (1)(C) shall apply to persons serving on the commission as of July 1, 2010 and to persons appointed to the commission subsequent to such date.

(2) A person who violates the provisions of this subsection shall be subject to the penalties prescribed in title 3, chapter 6.

(3) The bureau of ethics and campaign finance is authorized to promulgate rules and regulations to effectuate the purposes of this subsection. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and in accordance with the procedure for initiating and proposing rules by the ethics commission to the bureau of ethics and campaign finance as prescribed in § 4-55-103.

SECTION 5. The provision of this act prohibiting a member who is not engaged in the practice of private investigating or polygraph examining, and who has no direct or indirect affiliation with the private investigation or polygraph examiner professions or industries from serving on the commission shall apply to all member appointments made to the commission after July 1, 2010.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 27, 2010



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 9th day of June 2010



PHIL BREDESEN, GOVERNOR