

**85. A CODE OF ETHICS FOR THE TENNESSEE STATE SENATE.**

Article I

Statement of Purpose

It is the purpose of this Code of Ethics to set reasonable and practicable guidelines and standards governing the conduct of Senators in order to maintain and enhance the integrity and reputation of the Senate and to promote and protect the public interest.

Article II

Conflicts of Interest

SECTION 1. A Senator has a personal interest that conflicts with the proper discharge of the Senator's duties if:

(a) The Senator has reason to believe or expect that he or she will derive a direct monetary gain or any other advantage or suffer a direct monetary loss by reason of his or her official activity;

(b) The Senator is employed by a business entity that employs a lobbyist who seeks to influence legislative action regarding a matter before the Senate or any committee thereof; or

(c) The immediate family, as defined in T.C.A. Section 3-6-301(12), of the Senator is a lobbyist employed to influence legislative action regarding a matter before the Senate or any committee thereof.

SECTION 2.

(a) No Senator shall vote on or influence any legislation before a committee or on the floor of either House, if the Senator has a personal interest that conflicts with the proper discharge of his or her duties (as defined by Section 1 above), unless the Senator declares, either orally or in writing filed with the Chief Clerk, "It may be considered that I, have a degree of personal interest in the subject matter of this legislation, but I declare that my argument and my ultimate vote answer only to my conscience and my obligation to my constituents and the citizens of the State of Tennessee."

(b) No Senator shall violate the provisions of T.C.A. Sections 2-10-123, 3-6-304, 3-6-305, or 39-16-102, nor shall any Senator otherwise misuse the Senator's office for personal financial gain.

(c) No Senator shall solicit or accept or agree to accept any gift under circumstances wherein it could be reasonably inferred that such gift would influence the Senator in the discharge of the Senator's duties or that the gift was a reward for prior performance of such duties; provided, however, in and of itself, that mere receipt of a gift authorized by T.C.A. Sections 3-6-304 or 3-6-305, does not ordinarily give rise to any such inference.

(d) No Senator shall, by him or herself or through others, use or attempt to use improper means to influence a department, agency, board or commission of state government.

(e) No Senator shall receive compensation for an appearance before a department, agency, board or commission of state government as an expert witness.

(f) A Senator may use his or her official title or stationery in connection with a matter or proceeding before a department, agency, board, or commission of state government, but only if done without compensation and in connection with the Senator's official duties as a legislator.

(g) No Senator shall accept employment, or engage in any business, or be involved in any activity which the Senator might reasonably expect would require the Senator to disclose confidential information gained by virtue of holding the office of Senator.

(h) No Senator shall enter into any contract with any department, agency, board or commission of state government, exclusive of any county, city, metropolitan government, or other political subdivision of the state, involving services or property. However, a Senator who has entered into such a contract prior to election as a Senator may fulfill a then existing obligation under said contract.

(i) No Senator shall use the Senator's office either to grant or to obtain special privilege, exemption, or preferential treatment to or for him or herself.

(j) No Senator shall use confidential information obtained through the Senator's office or position for the benefit of himself or herself, nor shall any Senator disclose such information except in good faith and to perform a legislative duty.

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(k) No Senator shall knowingly organize or participate in any meeting held in violation of the provisions of T.C.A. Section 3-1-118. "Meeting" as used in this subsection (k) shall also include any meeting held by the senate republican caucus or the senate democratic caucus.

(l) No Senator shall, without good cause, violate applicable attendance requirements set forth in T.C.A. Section 3-6-113.

(m) No Senator shall:

(1) Initiate or file a complaint or provide information, to the Committee or the Ethics Commission, which results in an investigation, knowing that material statements in the complaint or the information are false;

(2) Initiate or file a complaint, with the Committee or the Ethics Commission, in reckless disregard of the truth or falsity of the statements contained in the complaint; or

(3) Initiate or file one or more unsubstantiated complaints, with the Committee or the Ethics Commission, which constitute abuse of process.

(n) It is unethical for any Senator:

(1) To breach a trust of the office of State Senator, whether specifically set out in this code as a breach of trust in office or not, or of a Senate employee; or

(2) To fail to report to the Ethics Committee any violation of subpart (1) of this subsection, unless so reporting would constitute an obstruction of justice under the laws of Tennessee; or

(3) By loyalty pledge, unit rule, or other formal agreement, to restrict himself or herself, or any other member of the Senate, from voting on any matters before the Senate or any of its committees except in accordance with the member's personal convictions and with the member's Oath of Office.

(o) Upon indictment, an indicted Senator, who serves as chairman, 1<sup>st</sup> vice-chairman or 2<sup>nd</sup> vice-chairman of a committee or subcommittee or of a caucus, or who holds any other position of appointive or elective leadership, may request a hearing by the Committee on Ethics to determine whether such Senator should be suspended from his or her position as long as the indictment is being actively pursued, as determined by the Committee on Ethics. If such Senator fails to make such request by the end of the tenth calendar day after the indictment, then the suspension will take effect and will continue as long as the indictment is being actively pursued, as determined by the Committee on Ethics.

The Committee shall in making its determination consider:

(1) The nature of the offense.

(2) Whether the offense involves the duties of the office of Senator or moral turpitude.

- (3) Any other action deemed relevant by the Committee.

Any Senator dissatisfied with the action of the Committee may appeal to the full Senate.

### SECTION 3.

(a) Each Senator, the Senator's spouse and the Senator's children shall timely file with the Tennessee Ethics Commission all applicable disclosure statements and amendments required by the provisions of T.C.A. Sections 2-10-127, 2-10-128, 2-10-129, and Title 8, Chapter 50, Part 5.

(b) On or before April 15 of each year, each Senator shall file with the Chief Clerk of the Senate a supplemental disclosure statement containing the following information:

- (1) Every office or directorship held by the reporting Senator or the Senator's spouse in any corporation, firm or enterprise.

- (2) A listing of all persons, firms, associations, corporations, or organizations for whom the reporting Senator or the Senator's spouse have prepared, promoted, or opposed legislation or proposed legislation for current or deferred remuneration.

- (3) A listing of the departments, agencies, boards, or commissions of state government before which the reporting Senator or the Senator's spouse [or any partnership or association disclosed by the Senator pursuant to T.C.A. Section 8-50-502(2)], practiced during the preceding calendar year and received fees in excess of one thousand five hundred dollars (\$1,500) for such practice.

- (4) A listing of the departments, agencies, boards, or commissions of state government with which the reporting Senator or the Senator's spouse [or any corporation, firm or enterprise disclosed by the Senator pursuant to T.C.A. Section 8-50-502(2)], transacted business during the preceding calendar year and received fees in excess of one thousand five hundred dollars (\$1,500) for such practice.

- (5) Such additional information as the reporting Senator might desire.

Statements filed with the Clerk pursuant to this subsection shall constitute public records and shall be maintained in the Clerk's office for as long as the Senators to whom they apply remain as members of the Senate. The provisions of this subsection do not apply if the information required by this subsection is timely submitted to the Tennessee Ethics Commission on, or as an attachment to, the consolidated disclosure form required by T.C.A. Section 2-10-128(c).

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Senators shall be careful and diligent in complying with the requirements of the general law of the state regulating campaign financial disclosures.

Article IV  
Senate Committee on Ethics

SECTION 1.

(a) The Senate Committee on Ethics shall be composed of three (3) members of the majority party and three (3) members of the minority party, appointed by the Speaker. The Committee shall have authority to render, upon request of any Senator, advisory opinions as to whether the facts and circumstances of the particular case constitute or will constitute a violation or probable violation of the Code of Ethics for the Senate or of any statute governing senatorial ethics or conduct. The identity of persons involved will be kept in confidence.

(b)(1) The Committee is authorized to receive and consider complaints alleging violations of the Code of Ethics or statutes governing senatorial ethics or conduct.

(2) The Committee may initiate an investigation upon a complaint being filed by one or more of the Committee's membership.

(3) Within thirty (30) days of receiving or initiating a complaint, by majority vote the Committee may refer the complaint to the Tennessee Ethics Commission, for investigation in accordance with T.C.A. Sections 3-6-201 through 3-6-203. The findings of the Ethics Commission should be written and should be expeditiously delivered to the Committee.

(c) The Committee shall be clothed with all powers granted to investigating committees generally by T.C.A. Title 3, Chapter 3.

SECTION 2. When receiving and considering any complaint that is not referred to the Tennessee Ethics Commission pursuant to Section 1(b), the Committee shall observe the same procedures and requirements as set forth in T.C.A. Sections 3-6-201 through 3-6-203, for complaints received and considered by the Ethics Commission.

SECTION 3. The Committee shall dismiss the complaint if it finds that no violation has occurred or, if it determines that a violation has been committed, shall make its findings and recommend to the Senate appropriate disciplinary action as allowed under the Constitution and law against the Senator found to have committed the violation. If it finds that the circumstances warrant, the Committee shall turn its evidence and findings over to the appropriate district attorney general for such civil or criminal action as he or she may determine is warranted.

SECTION 4. A decision of the Committee pertaining to the conduct of any Senator shall be in writing and signed by a majority of members of the Committee. No member of the Committee shall participate in any matter in which he or she is involved.