

SENATE BILL 2852

By Tracy

AN ACT to amend Tennessee Code Annotated, Title 3, Chapter 6, Part 3, relative to lobbying compensation and expenditures by employers that are public entities.

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

SECTION 1. Tennessee Code Annotated, Section 3-6-303, is amended by redesignating subsection (b) as subsection (c) and substituting the following as subsection (b):

(b) Within forty-five (45) days following conclusion of the six-month periods ending March 31 and September 30, each school board, municipal utility, utility district, or department, agency or entity of state, county or municipal government that engages in lobbying as defined in § 3-6-301(16)(D) shall electronically file with the ethics commission the employer disclosure report. For the six-month period, the report shall disclose the following information on a single electronic form:

(1) The exact aggregate total amount of lobbyist compensation paid by the school board, municipal utility, utility district, or department, agency or entity of state, county or municipal government. For purposes of the disclosure, compensation paid to any lobbyist who performs duties for the entity in addition to lobbying and related activities shall be apportioned to reflect the lobbyist's time allocated for lobbying and related activities in this state.

(2) Excluding lobbyist compensation, the exact aggregate total amount of expenditures incurred for the purpose of influencing legislative or administrative action through public opinion or grassroots action, including, but not necessarily limited to, any such expenditures for printing, publishing, advertising, broadcasting, paid announcements, audiotapes, videotapes, compact discs,

digital video discs, infomercials, rallies, demonstrations, seminars, lectures, conferences, postage, telephone-related costs, Internet-related services, public relations services, governmental relations services, polling services, travel expenses, grants to issue groups or grassroots organizations, or any similar expense. For purposes of this disclosure, any such expenditure that is made for the purpose of achieving a multistate effect shall be apportioned equally among such states.

SECTION 2. Tennessee Code Annotated, Section 3-6-301(16)(D), in its entirety and substituting instead the following language:

(D) "Lobby" does not mean communications by an employee of a school board, municipal utility, utility district, or any department, agency or entity of state, county or municipal government; provided, however, that, if the board, utility, district, department, agency or entity employs, retains or otherwise arranges for lobbyist services in this state by a contractor, subcontractor or other representative who is not an employee of such board, utility, district, department, agency or entity, then "lobby" includes communications by the contractor, subcontractor or other representative, and the contractor, subcontractor or other representative shall comply with the lobbying registration and other provisions of this part pertaining to lobbyists; provided further, however, that the board, utility, district, department, agency or entity that employs the contractor, subcontractor or other representative is not deemed to be an employer of a lobbyist for purposes of this part but must nonetheless comply with the employer disclosure reports pursuant to § 3-6-303(b);

SECTION 3. This act shall take effect July 1, 2010, the public welfare requiring it.