

Amendment No. 3 to SB0239

**Jackson
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FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 239*

House Bill No. 344

by deleting all language after the enacting clause and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 2, Chapter 10, Part 1, is amended by adding the following new sections:

Section 2-10-121.

As used in §§ 2-10-122, 2-10-123 and 2-10-124, unless the context otherwise requires:

(1)(A) The term "consulting services" with respect to an official in the legislative branch, an official in the executive branch or the immediate family of either type of official, means the providing of advice and counsel by such official or immediate family member for compensation to anyone for the purpose of influencing legislative or administrative action including advice relative to maintaining, applying for, soliciting or entering into a contract with the state.

(B) As used in §§ 2-10-122, 2-10-123 and 2-10-124, the term "influencing legislative or administrative action" with respect to an official in the legislative branch, an official in the executive branch or an immediate family member of either type of official includes promoting, supporting, influencing, modifying, opposing or delaying any action of the legislative or executive branch which the official represents by any means including, but not limited to, the provision or use of information, statistics, studies or analyses.

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(2)(A) The term "consulting services" with respect to a municipal or county official, or the immediate family of either type of official, means the providing of advice and counsel by such official or immediate family member for compensation to anyone for the purpose of influencing legislative or administrative action of the county or municipality, including advice relative to maintaining, applying for, soliciting or entering into a contract with the municipality or county represented by such official.

(B) As used in §§2-10-122, 2-10-123 and 2-10-124, the term "influencing legislative or administrative action" with respect to a municipal or county official or an immediate family member includes promoting, supporting, influencing, modifying, opposing or delaying any action of the county or municipality which the official represents by any means, including, but not limited to, the provision or use of information, statistics, studies, or analyses.

(3) The term "immediate family" has the same meaning as such term is defined in §3-6-102(9).

(4) The term "official in the executive branch" means the governor, any member of the governor's staff or any person in the executive service as such term is defined in §8-30-208(b).

(5) The term "official in the legislative branch" has the same meaning as such term is defined in § 3-6-102(16).

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(6) The term "compensation" has the same meaning as such term is defined in §3-6-102(5)

(7) The term "municipal or county official" means a member or member-elect of the municipal or county legislative body, an employee of the municipality or county or a member of a board or commission of the county or municipality.

Section 2-10-122.

(a) Any person or entity that contracts directly or indirectly with an official of the legislative or executive branch or the immediate family of either type of official or with a municipal or county official or the immediate family of either type of municipal or county official for the provision of consulting services by such official shall disclose the following to the registry of election finance:

- (1) The person to whom the fee was paid;
- (2) The position of the person to whom the fee was paid;
- (3) The amount of the fee;
- (4) The date the services were rendered; and
- (5) A description of the services rendered.

(b) The disclosure shall be on a form prescribed by the registry of election finance and shall be filed within thirty (30) days from the date upon which the parties enter into such contract or consulting agreement.

(c) All disclosures made to the registry pursuant to this section are public records and open for inspection during regular business hours.

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(d) Upon failure to comply with the provisions of this act, the registry of election finance is empowered to assess the penalties provided in Tennessee Code Annotated, Section 3-6-112(b).

Section 2-10-123.

(a)

(1) Any official of the executive branch, member of the general assembly, member-elect of the general assembly or immediate family member of any such official who contracts directly or indirectly to perform consulting services shall make the same disclosure required by § 2-10-122. The registry of election finance may devise a new form for such disclosure of consulting fees or may modify the form required by § 2-10-122 for use by all parties required to disclose.

(2) Any municipal or county official or immediate family member of such official who contracts directly or indirectly to perform consulting services shall make the same disclosure required by § 2-10-122. The registry of election finance may devise a new form for such disclosure of consulting fees or may modify the form required by § 2-10-122 for use by all parties required to disclose.

(b) All disclosures made to the registry pursuant to this section are public records and open for inspection during regular business hours.

(c) Upon failure to comply with the provisions of this act, the registry is empowered to assess penalties provided in Tennessee Code Annotated, Section 3-6-122(b).

Section 2-10-124.

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(a) The provisions of §§2-10-121, 2-10-122, and 2-10-123 do not apply to the services or actions of a person to whom this act otherwise would apply, if such person, with respect to such service or action, files a disclosure in accordance with the provisions of Tennessee Code Annotated, Title 3, Chapter 6, Part 1.

(b) A copy of the report filed by a member of the general assembly pursuant to Section 2-10-123 may be filed in lieu of a disclosure statement required pursuant to Section 8-50-502 relative to the same income disclosed pursuant to Section 2-10-123.

SECTION 2. This act shall take effect July 1, 2001, the public welfare requiring it.