

SENATE BILL 1376

By Briggs

AN ACT to amend Tennessee Code Annotated, Title 3, Chapter 6, to require disclosure of gifts from non-lobbyists or non-employers of lobbyists.

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

SECTION 1. Tennessee Code Annotated, Title 3, Chapter 6, is amended by adding the following as a new part:

**3-6-401.**

(a)

(1) A candidate for public office, an official in the legislative branch, or an official in the executive branch shall not solicit, directly or indirectly, a gift as defined in § 3-6-301(10).

(2) If a candidate for public office, an official in the legislative branch, or an official in the executive branch accepts a gift that is provided by a person or entity not subject to the prohibition set forth in § 3-6-305(a), then, within seven (7) days following the receipt of the gift, the candidate or public official shall electronically report the following information to the ethics commission:

(A) Name of the official;

(B) Nature and purpose of the event, if applicable;

(C) Name, address, and business of the person or entity that provided the gift;

(D) Description of the gift; and

(E) Cost of the gift; however, if the cost of the gift is unknown and not reasonably discernible by the candidate or public official, then the

candidate or public official shall report a good faith estimate of the cost of the gift.

(b) The following are not subject to the disclosure in subsection (a):

(1) Benefits resulting from business, employment, or other outside activities of a candidate or official or the immediate family of a candidate or official, if such benefits are customarily provided to others in similar circumstances and are not enhanced due to the status of the candidate or official;

(2) Informational materials in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication;

(3) Gifts that are given for a nonbusiness purpose and motivated by close personal friendship, but only to the extent such gifts are specifically defined and authorized by the rules of the ethics commission;

(4) Sample merchandise, promotional items, and appreciation tokens, if such merchandise, items, and tokens are routinely given to customers, suppliers, or potential customers or suppliers in the ordinary course of business;

(5) Unsolicited tokens or awards of appreciation, honorary degrees, or bona fide awards in recognition of public service in the form of a plaque, trophy, desk item, wall memento, and similar items; provided, that any such item shall not be in a form that can be readily converted to cash;

(6) Opportunities and benefits made available to all members of an appropriate class of the general public, including, but not limited to:

(A) Discounts afforded to the general public or specified groups or occupations under normal business conditions, except that such discounts must not be based on the status of the candidate or official;

(B) Prizes and awards given in public contests; and

(C) Benefits of participation in events held within the state and sponsored by, or for the benefit of, charitable organizations as defined in

§ 48-101-501; provided, that such events are open to participation by persons other than candidates, officials in the executive branch, or officials in the legislative branch and any benefits received are not enhanced due to the status of the candidate or official in the executive or legislative branch; provided further, that invitations are extended to the entire membership of the general assembly;

(7) Occasional or incidental local travel for which no fare is ordinarily charged; or

(8) Any other gift with a value less than one hundred dollars (\$100).

(c) A gift accepted in violation of this section shall not be a violation of this section if the candidate or official, within the later of ten (10) days of receipt of the gift or ten (10) days of having knowledge that the gift was a violation, either does not use the gift and returns it to the donor or pays consideration of equal or greater value.

SECTION 2. This act shall take effect July 1, 2017, the public welfare requiring it.