

PUBLIC CHAPTER NO. 697

SENATE BILL NO. 3691

By Haynes, Woodson

Substituted for: House Bill No. 3381

By Odom

AN ACT to amend Tennessee Code Annotated, Title 3, Chapter 6, relative to lobbying.

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

SECTION 1. Tennessee Code Annotated, Section 3-6-114(a), is amended by deleting the first sentence in its entirety and by substituting instead the following:

The Tennessee Ethics Commission shall provide an annual ethics course on multiple dates both when the general assembly is in session and when the general assembly is not in session for both lobbyists and employers of lobbyists. Such training may be offered electronically.

SECTION 2. Tennessee Code Annotated, Section 3-6-202(a), is amended by redesignating subdivision (2) as subdivision (3) and by adding the following language as a new subdivision (2):

(2) No personal or professional financial records of the alleged violator shall be disclosed pursuant to this section upon a finding of no probable cause.

SECTION 3. Tennessee Code Annotated, Section 3-6-301, is amended by deleting subdivision (4) in its entirety and by substituting instead the following:

(4)(A) "Random audit information" means information obtained pursuant to an examination of a lobbyist's employment contract, job description or other documentation in order to determine that no contingency fee arrangement prohibited under § 3-6-304(k) is included and that the date of employment as a lobbyist is consistent with the registration statements filed by both the lobbyist and employer. "Random audit information" also means information obtained pursuant to a review of the total lobbying and lobbying-related compensation and expenses paid to the lobbyist by an employer that will be checked against the range of expenditures reported by the employer in a random audit. As provided in § 3-6-106(a)(5), information contained in statements filed with the commission for more than two (2) years shall not serve as the basis for a random audit. Nothing contained in this subdivision (4) shall prevent the commissioner, upon a finding of probable cause to believe that an employer or lobbyist has violated the provisions of this part from initiating an investigatory audit.

(B) "Investigatory audit information" means data obtained pursuant to a finding of probable cause to believe that an employer or lobbyist has violated this part, including information pertaining to the source or amount of employer or lobbyist income, expenditures, receipts, assets, liabilities, net worth, or related financial or proprietary information that is received by, recorded by, prepared by, or collected by or on behalf of the Ethics Commission during the course of any audit, investigation or other examination undertaken for the purpose of ensuring compliance with, or imposing civil or criminal sanctions for violation of, this part. "Investigatory audit information" does not include data in a form that cannot, either directly or indirectly, be associated with, or otherwise be used to identify, directly or indirectly, a particular employer or lobbyist;

SECTION 4. Tennessee Code Annotated, Section 3-6-308(c), is amended by deleting the language "audit and investigatory information" and substituting instead the language "random audit information and investigatory audit information".

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: March 24, 2008



RON RAMSEY
SPEAKER OF THE SENATE



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 7th day of April 2008



PHIL BREDESEN, GOVERNOR