



Metropolitan Nashville and Davidson County, TN

Legislation Details (With Text)

File #: BL2024-290

Type: Bill (Ordinance) **Status:** Passed

File created: 3/11/2024 **In control:** Rules, Confirmations, and Public Elections Committee

On agenda: 5/7/2024 **Final action:** 5/7/2024

Title: An ordinance to amend Chapter 2.196 of the Metropolitan Code of Laws regarding lobbying.

Sponsors: Erin Evans, Ginny Welsch, Tom Cash

Indexes:

Code sections:

Attachments: 1. Amendment No. 1 to BL2024-290

Date	Ver.	Action By	Action	Result
5/13/2024	1	Mayor	approved	
5/7/2024	1	Metropolitan Council	passed on third reading	
4/16/2024	1	Metropolitan Council	passed on second reading as amended	
4/16/2024	1	Metropolitan Council	amended	
4/16/2024	1	Rules, Confirmations, and Public Elections Committee	approved with an amendment	
4/2/2024	1	Metropolitan Council	deferred	
3/19/2024	1	Metropolitan Council	passed on first reading	
3/12/2024	1	Metropolitan Council	filed	

An ordinance to amend Chapter 2.196 of the Metropolitan Code of Laws regarding lobbying.

BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Section 2.196.040 of the Metropolitan Code of Laws is hereby amended by adding new subsection A.4.h as follows:

h. A current photograph of the lobbyist.

Section 2. That Section 2.196.050 of the Metropolitan Code of Laws is amended by amending Subsection B as follows:

B. Every person registered under this chapter shall file a written notice of withdrawal with the metropolitan clerk within five business days following the termination of a lobbying employment agreement between the lobbyist and a client. Such notice of withdrawal shall be retained by the metropolitan clerk for a period of five years, and the date of withdrawal shall be noted on the Registered Lobbyist Index posted on the metropolitan clerk's website. Lobbyists must update their registration statement within five business days of any event or circumstance that renders the registration statement inaccurate or incomplete. If a lobbyist fails to register for a subsequent year, it shall be treated as a withdrawal for each client for which the lobbyist was registered.

Section 3. That Section 2.196.060 of the Metropolitan Code of Laws is amended by deleting subsection A.3 and adding the following as subsections A.3 and A.4:

3. An itemized list, by date, beneficiary, and amount of each political contribution of more than one hundred dollars made by the lobbyist on behalf of the client or anyone acting at the specific direction of the lobbyist on behalf of the client to benefit an official in the executive branch, a member of the official's staff or immediate family, a candidate for public office, or a campaign committee or testimonial committee established for the benefit of such official. This shall not require reporting of political contributions made for candidates for state and federal office, unless such candidate at the time of the contribution was serving as an official in the legislative or executive branch.
4. Such report shall include a sworn statement from the lobbyist attesting to the accuracy.

Section 4. That Section 2.196.060 of the Metropolitan Code of Laws is amended by adding the following as subsection B.3:

3. An itemized list, by date, beneficiary, and amount of each political contribution of more than one hundred dollars made by the lobbyist or anyone acting at the specific direction of the lobbyist to benefit an official in the executive branch, a member of the official's staff or immediate family, a candidate for public office, or a campaign committee or testimonial committee established for the benefit of such official. This shall not require reporting of political contributions made for candidates for state and federal office, unless such candidate at the time of the contribution was serving as an official in the legislative or executive branch.
4. Such report shall include a sworn statement from the lobbyist attesting to the accuracy.

Section 5. That Section 2.196.060 of the Metropolitan Code of Laws is amended by adding the following as a new Subsection G, as follows:

- G. If a lobbyist fails to file all required annual lobbying and expense reports by March 1st or has failed to include the filing fee for a late report, the lobbyist shall be ineligible for registration as a lobbyist for that year. A lobbyist who fails to file all required reports shall be subject to the complaint procedures in 2.196.110.B.

Section 6. That Section 2.196.110 of the Metropolitan Code of Laws, subsection A.5, is amended by replacing the phrase "board of conduct" with "board of ethical conduct".

Section 7. That Section 2.196.110 of the Metropolitan Code of Laws is further amended by adding the following as a new Subsection B:

- B. Failure to comply with reporting requirements.
 1. If a registered lobbyist fails to file all required lobbying and expenses report with the Metropolitan Clerk by the prescribed deadline and attempts to register as a lobbyist for the subsequent year, the board of ethical conduct shall call for a hearing pursuant to the procedures in Section 2.196.120. After the hearing, the board of ethical conduct shall determine if the lobbyist should be permitted to register and whether any other actions, penalties, sanctions, or enforcements, pursuant to Section 2.196.130, are appropriate.

Section 8. That Section 2.196.120 of the Metropolitan Code of Laws, subsection A.1, is amended by replacing the phrase "board of conduct" with "board of ethical conduct".

Section 9. That Section 2.196.100 of the Metropolitan Code of Laws is amended as follows:

2.196.100 - Cooling off period.

- A. A department head, employee of the mayor's office, or employee of the council office shall not be registered as a lobbyist within twelve months of voluntary cessation of their official responsibilities in matters which were directly within their former official responsibilities or employment with metro government. For this section, "official responsibility" means direct administrative or operating authority, whether intermediate or final, either exercisable alone or with other, either personally or through subordinates, to approve, disapprove or otherwise direct metropolitan government action.
- B. An elected official shall not be registered as a lobbyist within twelve months following the voluntary termination of office or leaving elected office.

Section 10. This ordinance shall take effect from and after its final passage, the welfare of the Metropolitan Government requiring it.

Analysis

This ordinance makes various changes to Chapter 2.196 of the Metropolitan Code of Laws, which regulates lobbying.

The ordinance would require the lobbyist registration form to include a current photograph of the lobbyist.

The ordinance would clarify language in the existing code regarding the withdrawal of a lobbyist, stating that if a lobbyist fails to register for a subsequent year, it would be treated as a withdrawal for each client for which the lobbyist was registered unless a new registration is submitted.

The ordinance would require disclosure of each political contribution of more than \$100 made by the lobbyist or on behalf of their client. In addition, the ordinance would remove the requirement that a client attest to the accuracy of the disclosure reports and instead require the lobbyist to attest to the accuracy.

The ordinance would prohibit a lobbyist who has failed to file all required annual lobbying and expense reports for the previous year by March 1 from registering as a lobbyist for the current year. In addition, a lobbyist who fails to comply with the reporting requirements would be subject to a hearing before the Board of Ethical Conduct. After the hearing, the Board of Ethical Conduct would determine if the lobbyist is eligible for registration and whether any other actions, penalties, sanctions, or enforcements, pursuant to Section 2.196.130, are appropriate.

Finally, this ordinance replaces two instances of "board of conduct" with "board of ethical conduct" for clarity and consistency with the rest of the chapter.

An amendment adopted at the April 16 Council meeting made various changes to the ordinance, including removing provisions that would have extended the cooling off period from the ordinance.