

**THE ATTACHED
AMENDMENT(S)
ARE TO BILLS
THAT WILL
BE HEARD
IN COMMITTEE
THE WEEK OF**

February 24, 2020

CONSUMER AND HUMAN RESOURCES
AMENDMENT PACKET
2/24/2020

1. HB 1672: AMENDMENT 014622
AMENDMENT 015173

House Employee Affairs Subcommittee Am. #1

Amendment No. _____

Signature of Sponsor

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

AMEND Senate Bill No. 1762

House Bill No. 1672*

by deleting the amendatory language in SECTION 4 and substituting the following:

If the bureau of workers' compensation is unable for any reason to verify that the applicant meets the qualifications set forth in this part for inclusion on the exemption registry, or if the applicant, or any person completing or submitting the application on the applicant's behalf, misstates any material information on the application, then the applicant is not eligible for exemption under this part, and any exemption previously granted to the applicant is revoked.



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Amendment No. _____

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

Signature of Sponsor

AMEND Senate Bill No. 1762

House Bill No. 1672*

by deleting the amendatory language in SECTION 4 and substituting the following:

If the bureau of workers' compensation is unable for any reason to verify that the applicant meets the qualifications set forth in this part for inclusion on the exemption registry, or if the applicant, or any person completing or submitting the application on the applicant's behalf, misstates any material information on the application, then the applicant is not eligible for exemption under this part, and any exemption previously granted to the applicant is revoked.

AND FURTHER AMEND by deleting the language "July 1, 2021" in SECTION 14 and substituting the language "March 1, 2021".



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Amendment No. _____

Martin Daniel
Signature of Sponsor

FILED
Date <u>2/21</u>
Time <u>12:30</u>
Clerk <u>DN</u>
Comm. Amdt. _____

AMEND Senate Bill No. 2322

House Bill No. 1951*

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

SECTION 1. Tennessee Code Annotated, Section 4-5-201(c), is amended by deleting the language "proposed rule" and substituting instead the language "rule to be proposed".

SECTION 2. Tennessee Code Annotated, Section 4-5-202(a), is amended by deleting subdivision (2) and substituting instead the following:

(2)

(A) The rule is promulgated as a direct informal rule, to be posted to the administrative register website within the secretary of state's website within seven (7) days of receipt, together with a statement that the agency will adopt the direct informal rule without a public hearing unless within ninety (90) days after filing of the direct informal rule with the secretary of state, a petition for a public hearing on the direct informal rule is filed by ten (10) persons who will be affected by the rule, an association of ten (10) or more members, a municipality, or by a majority vote of any standing committee of the general assembly. If an agency receives such a petition, it shall not proceed with the proposed rulemaking until it has given notice and held a hearing as provided in this section. The agency shall forward the petition to the secretary of state. The secretary of state shall not be required to compile all filings of the preceding month into one (1) document. As used in this section, "direct informal rule" means an administrative rule that makes minor, nonsubstantive modifications to an existing rule or that adds minor,

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nonsubstantive provisions as part of a new rule, including, but not limited to, clerical updates.

(B)

(i) An agency shall not promulgate a rule as direct informal rule that:

(a) May affect the rights of persons;

(b) May mandate conduct or impose fees, penalties, or fines; or

(c) A reasonable person might otherwise deem to be significant.

(ii) An agency may only promulgate a rule as a direct informal rule when the rule:

(a) Involves a minor, nonsubstantive modification, including, but not limited to, clerical updates;

(b) Is approved by the joint government operations committee of the house of representatives and the senate pursuant to subdivision (a)(2)(B)(iii);

(c) Repeals a rule; or

(d) Eliminates or reduces a fee.

(iii) An agency may petition the joint government operations committee of the house of representatives and the senate to authorize a rule to be a direct informal rule when the agency has given proper notice and held a public hearing pursuant to this part, but the rule is withdrawn to make nonsubstantive modifications to the rule prior to the review of the rule by the joint government operations committee;

SECTION 3. Tennessee Code Annotated, Section 4-5-203(a)(2), is amended by deleting the language "proposed rulemaking" and substituting instead the language "rule being proposed".

SECTION 4. Tennessee Code Annotated, Section 4-5-203(c)(2)(A), is amended by deleting the language "proposed rule" wherever it appears and substituting instead the language "rule being proposed".

SECTION 5. Tennessee Code Annotated, Section 4-5-203(d), is amended by deleting the language "proposed rulemaking" and substituting instead the language "a rule being proposed".

SECTION 6. Tennessee Code Annotated, Section 4-5-204(c)(1), is amended by deleting the language "proposed rule" and substituting instead the language "rule being proposed".

SECTION 7. Tennessee Code Annotated, Section 4-5-205(a), is amended by deleting the language "proposed rules" and substituting instead the language "rules being proposed".

SECTION 8. Tennessee Code Annotated, Section 4-5-222(a)(1)(C), is amended by deleting the language "proposed rule" and substituting instead the language "rule being proposed".

SECTION 9. Tennessee Code Annotated, Section 4-5-226(b)(2), is amended by deleting the language "proposed rules" wherever it appears and substituting instead the language "proposed rules or rulemaking hearing rules".

SECTION 10. Tennessee Code Annotated, Section 4-5-226(i)(1)(I), is amended by deleting the language "rule proposed" and substituting instead the language "rule being proposed".

SECTION 11. The department of state shall promulgate rules, where necessary, to effectuate the purposes of this act.

SECTION 12. Tennessee Code Annotated, Section 4-5-216, is amended by designating the existing language as subsection (a), and adding the following as a new subsection:

(b) A person affected or potentially affected by a rule may file suit directly to the chancery court in the county where the person resides to enjoin enforcement of a rule when the rule is not adopted in compliance with this chapter.

SECTION 13. This act shall take effect July 1, 2020, the public welfare requiring it.

Amendment No. _____
[Handwritten Signature]
Signature of Sponsor

FILED	<u>2/20</u>
Date	<u>12:30</u>
Time	<u>JW</u>
Clerk	_____
Comm. Amdt.	_____

AMEND Senate Bill No. 2769

House Bill No. 1953*

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

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 5, Part 2, is amended by adding the following as a new section:

(a) Except as provided in subsection (b), an agency shall not adopt a rule being proposed for which the fiscal note, required by § 4-5-226, or the economic impact, as provided in § 4-33-104, establishes that the rule being proposed imposes a cost on regulated persons, including another agency, a special district, or a local government, unless on or before the effective date of the rule being proposed the agency:

(1) Repeals a rule that imposes a total cost on regulated persons that is equal to or greater than the total cost imposed on regulated persons by the rule being proposed; or

(2) Amends a rule to decrease the total cost imposed on regulated persons by an amount that is equal to or greater than the cost imposed on the persons by the rule being proposed.

(b) This section does not apply to a rule that:

(1) Relates to state agency procurement;

(2) Is amended to:

(A) Reduce the burden or responsibilities imposed on regulated persons by the rule; or

(B) Decrease the persons' cost for compliance with the rule;

(3) Is adopted in response to a natural disaster;



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(4) Is necessary to receive a source of federal funds or to comply with federal law; or

(5) Is necessary to implement legislation, unless the legislature specifically states this section applies to the rule.

SECTION 2. Tennessee Code Annotated, Section 4-5-226(i)(1)(E), is amended by deleting the subdivision and substituting instead the following:

A fiscal note listing the name and title of the officer or employee responsible for preparing or approving the note and stating the following for each year of the first five (5) years that the rule will be in effect:

(i) The additional estimated cost to the state and local governments to enforce or administer the rule;

(ii) The estimated reductions in costs to the state and local governments to enforce or administer the rule;

(iii) The estimated loss or increase in revenue to the state or local governments to enforce or administer the rule; and

(iv) Whether enforcing or administering the rule will have an effect on cost or revenues of the state or local governments;

SECTION 3. This act shall take effect July 1, 2020, the public welfare requiring it.

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Amendment Pack

2/25/20

Curriculum 2/11
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Amendment No. _____
Scott Capaldi
Signature of Sponsor

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

AMEND Senate Bill No. 1739

House Bill No. 1688*

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

SECTION 1. Tennessee Code Annotated, Section 49-6-1021, is amended by deleting subsection (a) and substituting instead the following:

(a) Each LEA shall integrate:

(1) For students in kindergarten through grade three (K-3), a minimum of two (2) twenty-five minute periods of physical activity into each school day;

(2) For elementary school students other than students in kindergarten through grade three (K-3), a minimum of one hundred thirty (130) minutes of physical activity into each school week; and

(3) For middle and high school students, a minimum of ninety (90) minutes of physical activity into each school week.

SECTION 2. Tennessee Code Annotated, Section 49-6-1021(b), is amended by deleting the language "subdivision (a)(1)" and substituting instead "subdivision (a)(2)".

SECTION 3. Tennessee Code Annotated, Section 49-6-1021(d), is amended by deleting the last sentence of the subsection and substituting instead the following:

The physical activity requirements of subdivisions (a)(2) and (a)(3) may be provided in conjunction with the school's physical education program, but the physical activity requirements of subdivisions (a)(2) and (a)(3) must not replace a school's physical education program for students in any of the grades four through twelve (4-12).

SECTION 4. Tennessee Code Annotated, Section 49-6-1021(e)(1), is amended by deleting the language "elementary school" and substituting instead "elementary school, other than students in kindergarten through grade three (K-3)".



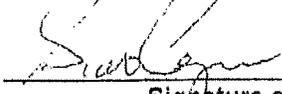
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Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 1739

House Bill No. 1688*

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

SECTION 1. Tennessee Code Annotated, Section 49-6-1021, is amended by deleting subsection (a) and substituting instead the following:

(a) Each LEA shall integrate:

- (1) For students in kindergarten through grade two (K-2), a minimum of two (2) twenty-minute periods of physical activity into each school day;
- (2) For elementary school students other than students in kindergarten through grade two (K-2), a minimum of one hundred thirty (130) minutes of physical activity into each school week; and
- (3) For middle and high school students, a minimum of ninety (90) minutes of physical activity into each school week.

SECTION 2. Tennessee Code Annotated, Section 49-6-1021(b), is amended by deleting the language "subdivision (a)(1)" and substituting instead "subdivision (a)(2)".

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to the 2020-2021 school year and each school year thereafter.



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HOUSE RESEARCH DIVISION

Health Committee Amendment ePacket

Tuesday, February 25, 2020

Amendment No. _____

Signature of Sponsor

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

AMEND Senate Bill No. 2007

House Bill No. 1998*

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

SECTION 1. Tennessee Code Annotated, Section 33-6-103, is amended by adding the following as a new subsection (d):

(d) The department may contract with any licensed community mental health agency for the provision of services under the behavioral health safety net, as long as the community mental health agency is able to sufficiently demonstrate to the department that the community mental health agency is able to provide to individuals who will be served under the behavioral health safety net all of the behavioral health services that are included within adult behavioral health services for the seriously and persistently mentally ill, as defined in § 71-5-103.

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it.



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Amendment No. _____

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

Signature of Sponsor

AMEND Senate Bill No. 2505

House Bill No. 2153*

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

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 1, Part 1, is amended by adding the following as a new section:

71-1-124.

(a) Notwithstanding any law to the contrary, the commissioner shall submit a report quarterly to the persons identified in subsection (c) detailing the department's access to and use of federal funds. The report may be submitted electronically.

(b) The report must include information, in the aggregate and per program, regarding:

(1) The amount and source of federal funds available to be spent by the department in the current fiscal year;

(2) The amount of federal funds budgeted to be spent and expected to be actually spent in the current fiscal year;

(3) The amount and percentage of federal funds set aside as reserve, both cumulatively and in the current fiscal year;

(4) Whether there are restrictions or requirements under federal law on how federal funds can be spent, and what those restrictions or requirements are;

(5) Whether there are restrictions or requirements under state law on how federal funds can be spent, and what those restrictions or requirements are;



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(6) Whether and how the restrictions or requirements described in subdivisions (b)(4)-(5) prevented the department's expenditure of federal funds; and

(7) Whether unspent federal funds available to the department carry over to the next fiscal year or are lost.

(c) Persons to whom the commissioner must submit the report include:

(1) The speakers of the house of representatives and the senate;

(2) The chief clerks of the house of representatives and the senate;

(3) The chairs of the finance, ways and means committees of the house of representatives and the senate;

(4) The executive director of the general assembly's fiscal review committee, for distribution to the members of the committee;

(5) The budget directors of the house of representatives and the senate; and

(6) The legislative librarian.

(d) For purposes of this section, "program" includes programs administered by the department for adult and family services, child support, and rehabilitation services, including:

(1) The child care benefits program;

(2) The temporary cash assistance program, through the state's temporary assistance to needy families (TANF) program;

(3) The supplemental nutrition assistance program (SNAP);

(4) Family assistance services;

(5) The child support enforcement program;

(6) Rehabilitation services; and

(7) The disability determination program.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring

it.

Amendment No. _____

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

Signature of Sponsor

AMEND Senate Bill No. 1912

House Bill No. 1917*

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

SECTION 1. Tennessee Code Annotated, Section 63-1-164(a)(1), is amended by deleting the language "acupuncture, and other such treatments" and substituting instead the language "nonopioid medicinal drugs or drug products, occupational therapy, acupuncture, interventional procedures or treatments, and other such treatments".

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.



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Amendment No. _____

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

Signature of Sponsor

AMEND Senate Bill No. 2849

House Bill No. 2161*

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

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 7, Part 1, is amended by adding the following as a new section:

(a) For purposes of this section:

(1) "Casualty insurance" has the same meaning as defined in § 56-2-201;

(2) "Certificate of insurance":

(A) Means a document or instrument prepared or issued by an insurer or insurance producer as evidence of property or casualty insurance coverage; and

(B) Does not include a policy of insurance, insurance binder, policy endorsement, or automobile insurance identification or information card;

(3) "Governmental entity" means any political subdivision of this state, including, but not limited to, any incorporated city or town, metropolitan government, county, utility district, or school district;

(4) "Insurance producer" means a person licensed to sell, solicit, or negotiate property or casualty insurance under the laws of this state;

(5) "Insurer" means a person duly licensed to transact a property or casualty insurance business in this state;



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(6) "Person" means any individual, partnership, corporation, association, or other legal entity, including any governmental entity; and

(7) "Property insurance" has the same meaning as defined in § 56-2-201.

(b) A certificate of insurance is not a policy of insurance and does not amend, extend, or alter the coverage afforded by the policy to which the certificate of insurance refers. A certificate of insurance does not confer any rights beyond what the referenced policy of insurance expressly provides.

(c) A person shall not:

(1) Prepare, issue, request, or require the issuance of a certificate of insurance that contains any false or misleading information concerning the policy of insurance referenced in the certificate of insurance;

(2) Prepare, issue, request, or require the issuance of a certificate of insurance that purports to alter, amend, or extend the coverage provided by the policy of insurance referenced in the certificate of insurance; or

(3) Alter or modify a certificate of insurance after issuance.

(d) A certificate of insurance must not warrant that the policy of insurance referenced in the certificate of insurance complies with the insurance or indemnification requirements of a contract. The inclusion of a contract number or description within a certificate of insurance does not warrant that the policy of insurance referenced in the certificate of insurance complies with the insurance or indemnification requirements of a contract.

(e) An insurer must provide a person with notice of a cancellation, nonrenewal, material change, or any similar notice concerning a policy of insurance only if the person has a right to the notice under the terms of the policy of insurance, an endorsement to the policy, or state law. The policy of insurance, an endorsement to a policy of insurance, and state law govern the terms and conditions of any notice under this subsection (e), including the required timing of the notice.

(f) This section applies to all certificates of insurance issued in connection with property insurance or casualty insurance risks located in this state, regardless of where the policyholder, insurer, insurance producer, or person requesting or requiring the issuance of a certificate of insurance is located.

(g) A certificate of insurance, or any other document or correspondence relative to a certificate of insurance, prepared, issued, requested, or required in violation of this section is void.

(h) The commissioner, in accordance with § 56-6-120, may examine and investigate the activities of any person that the commissioner reasonably believes engaged in, or is currently engaging in, an act or practice prohibited by this section.

(i) If a person intentionally violates this section, then the commissioner may take any of the following actions:

(1) Issue an order requiring the person to cease and desist from the actions constituting the violation; and

(2) Assess a civil penalty of not more than one thousand dollars (\$1,000) per violation.

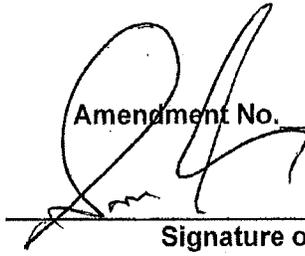
(j) This section does not limit the authority of the commissioner to investigate conduct, enforce compliance, or issue penalties under this title.

(k) The commissioner may promulgate rules pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, to carry out this section.

SECTION 2. For the purpose of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2020, the public welfare requiring it, and applies to certificates of insurance executed, amended, or renewed on or after that date.

2/12/2020

2:24

Amendment No. _____


 Signature of Sponsor

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

AMEND Senate Bill No. 1743

House Bill No. 1556*

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

SECTION 1. Tennessee Code Annotated, Section 71-5-107(a), is amended by adding the following as a new subdivision:

(27)

(A)

(i) Services within the practice of acupuncture performed by a person who is authorized by title 63, chapter 6, part 10, to engage in the practice of acupuncture;

(ii) Services within the practice of chiropractic performed by a person who is authorized by title 63, chapter 4, to engage in the practice of chiropractic;

(iii) Services within occupational therapy practice performed by a person who is authorized by title 63, chapter 13, to engage in occupational therapy practice; and

(iv) Services within the practice of physical therapy performed by a person who is authorized by title 63, chapter 13, to engage in the practice of physical therapy;

(B) Notwithstanding any law to the contrary, the amount, duration, and scope of the services described in subdivisions (a)(27)(A)(i)-(iv) must not be limited in any way for a recipient:

(i) Who is undergoing active cancer treatment, undergoing palliative care treatment, or receiving hospice care;



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(ii) With a diagnosis of sickle cell disease;

(iii) To whom opioids are being administered during the patient's treatment at any facility licensed under title 68, chapter 11, or any hospital licensed under title 33, chapter 2, part 4;

(iv) Who is receiving treatment from a healthcare practitioner who is a pain management specialist, as defined in § 63-1-301, or who is collaborating with a pain management specialist in accordance with § 63-1-306(a)(3);

(v) Who is receiving treatment in an outpatient setting of a hospital exempt under § 63-1-302(2) that holds itself out to the public as a pain management clinic;

(vi) With a diagnosed opioid use disorder who is receiving treatment from a healthcare practitioner practicing under 21 U.S.C. § 823(g); or

(vii) Who suffered a severe burn or major physical trauma and for whom sound medical judgment would determine that the risk of adverse effects from the pain exceeds the risk of the development of a substance use disorder or overdose event. As used in this subdivision (a)(27)(B)(vii), "severe burn" means an injury sustained from thermal or chemical causes resulting in second degree or third degree burns, and "major physical trauma" means a serious injury sustained due to blunt or penetrating force that results in serious blood loss, fracture, significant temporary or permanent impairment, or disability;

SECTION 2. For the purpose of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2021, the public welfare requiring it.



HOUSE RESEARCH DIVISION

PH Subcommittee Amendment ePacket

Tuesday, February 25, 2020

Amendment No. _____

Jeremy Faison
Signature of Sponsor

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

AMEND Senate Bill No. 2465

House Bill No. 2568*

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

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 15, Part 2, is amended by adding Sections 2 through 10 as new sections.

SECTION 2. As used in this section and Sections 3 through 10:

(1) "Abortion" means the use or prescription of any instrument, medicine, drug, or other substance or device to intentionally:

(A) Kill the unborn child of a woman known to be pregnant; or

(B) Terminate the pregnancy of a woman known to be pregnant,

with an intention other than:

(i) After viability, to produce a live birth and preserve the life and health of the child born alive; or

(ii) To remove a dead unborn child;

(2) "Chemical abortion" means the use or prescription of an abortion-inducing drug dispensed with intent to cause the death of the unborn child;

(3) "Medical emergency" means a condition that, in reasonable medical judgment, so complicates the medical condition of the pregnant woman as to necessitate the immediate abortion of her pregnancy to avert the death of the pregnant woman or for which a delay will create serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions. No condition is a medical emergency if based on a claim or diagnosis that the woman will engage in conduct that the



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woman intends to result in the death or in substantial and irreversible physical impairment of a major bodily function of the woman; and

(4) "Stable internet website" means a website that, to the extent reasonably practicable, is safeguarded from having its content altered other than by the department of health.

SECTION 3.

(a) This section applies to a private office, ambulatory surgical treatment center, as defined in § 68-11-201, or other facility, as defined in § 68-11-201, or clinic, if more than fifty (50) elective abortions were provided in the private office, ambulatory surgical treatment center, facility, or clinic, other than abortions necessary to prevent the death of the pregnant woman, during the previous calendar year. Each private office, ambulatory surgical treatment center, facility, or clinic shall conspicuously post a sign in a location described in subsection (c) in a manner clearly visible to patients, which reads as follows:

Recent developing research has indicated that mifepristone alone is not always effective in ending a pregnancy. It may be possible to avoid, cease, or even reverse the intended effects of a chemical abortion utilizing mifepristone if the second pill has not been taken. Please consult with a healthcare professional immediately.

(b) The sign required pursuant to subsection (a) must be printed with lettering that is legible and at least three quarters of an inch (0.75") boldfaced type.

(c) A private office or an ambulatory surgical treatment center shall post the required sign in each patient waiting room and patient consultation room used by patients on whom abortions are performed. A hospital or any other facility that is not a private office or ambulatory surgical treatment center shall post the required sign in each patient admission area used by patients on whom abortions are performed.

SECTION 4.

(a) Except in the case of a medical emergency, a chemical abortion involving the two-drug process of dispensing mifepristone first and then misoprostol shall not be performed or induced or attempted to be performed or induced unless the woman is informed by the physician who is to perform the abortion at least forty-eight (48) hours before the abortion, that:

(1) It may be possible to reverse the intended effects of a chemical abortion utilizing mifepristone if the woman changes her mind, but that time is of the essence; and

(2) Information on and assistance with reversing the effects of a chemical abortion utilizing mifepristone is available on the department of health website.

(b) After the first drug involved in the two-drug process is dispensed in a chemical abortion utilizing mifepristone, the physician or an agent of the physician shall provide written medical discharge instructions to the pregnant woman, which must include the following statement:

Recent developing research has indicated that mifepristone alone is not always effective in ending a pregnancy. It may be possible to avoid, cease, or even reverse the intended effects of a chemical abortion utilizing mifepristone if the second pill has not been taken. Please consult with a healthcare professional immediately.

SECTION 5. When a medical emergency compels the performance of an abortion, the physician shall inform the woman prior to the abortion, if possible, of the medical indications supporting the physician's professional medical judgment that an abortion is necessary to prevent the woman's death or that a delay of forty-eight (48) hours will create serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions.

SECTION 6.

(a) Within ninety (90) days after the effective date of this act, the department of health shall publish, in English and in each language that is the primary language of two percent (2%) or more of this state's population, and make available on the department's website as provided in subsection (b), the printed materials required by this subsection (a) in a manner that ensures that the information is easily understood by the general public. The materials must be designed to inform the woman of the possibility of reversing the effects of a chemical abortion utilizing mifepristone if the woman changes her mind and information on and assistance with the resources that may be available to help reverse the effects of a chemical abortion.

(b) The department of health shall develop and maintain a stable internet website to provide the information described in subsection (a). The department shall not collect or retain any information regarding website visitors or users. The department shall monitor the website on a daily basis to prevent and correct tampering. The website must be maintained at a minimum resolution of seventy (70) dots per inch. All pictures appearing on the website must be a minimum of two hundred (200) by three hundred (300) pixels. All letters on the website must be a minimum of twelve-point font. All information and pictures must be accessible with an industry standard browser, requiring no additional plugins.

SECTION 7. Any person who knowingly or recklessly performs or induces or attempts to perform or induce an abortion in violation of Sections 3 through 6 commits a Class E felony. No penalty may be assessed against the woman upon whom the abortion is performed or induced or attempted to be performed or induced. No penalty or civil liability may be assessed for failure to comply with Section 4(a)(2) unless the department of health has made the information available on the website at the time the physician is required to inform the woman.

SECTION 8. The department of health shall assess any private office, ambulatory surgical treatment center, or other facility or clinic that fails to post a sign required by Section 3 in negligent violation of Section 3 a civil penalty of ten thousand dollars (\$10,000). Each day on

which an abortion, other than in the case of a medical emergency, is performed in any private office, ambulatory surgical treatment center, or other facility or clinic during which the required sign is not posted is a separate violation.

SECTION 9.

(a) Any person upon whom an abortion has been performed that was not in compliance with Sections 3-6, the father of the unborn child who was the subject of the abortion, or if the woman was younger than eighteen (18) years of age at the time of the chemical abortion or has died as a result of the chemical abortion, the grandparent of the unborn child may bring an action against the person who performed the abortion in knowing or reckless violation of this act for actual and punitive damages. Any person, upon whom an abortion that was in violation of Sections 3-6 has been attempted, may bring an action against the person who attempted to perform the abortion in knowing or reckless violation of this act for actual and punitive damages. A court shall not award damages to a plaintiff if the pregnancy resulted from the plaintiff's criminal conduct.

(b) If judgment is rendered in favor of the plaintiff in any action brought pursuant to this section, then the court shall also award the plaintiff reasonable attorney's fees. If judgment is rendered in favor of the defendant and the court finds that the plaintiff's suit was frivolous and brought in bad faith, then the court shall award the defendant reasonable attorney's fees.

SECTION 10. In each civil or criminal proceeding brought under Section 7, 8, or 9, the court shall rule whether the anonymity of any woman upon whom an abortion has been performed or attempted must be preserved from public disclosure if the woman does not give her consent to such disclosure. The court, upon motion or sua sponte, shall make such a ruling and, upon determining that the woman's anonymity must be preserved, shall issue orders to the parties, witnesses, and counsel and direct the sealing of the record and exclusion of individuals from courtrooms or hearing rooms to the extent necessary to safeguard the woman's identity from public disclosure. The order must be accompanied by specific written findings explaining

why the anonymity of the woman must be preserved from public disclosure, why the order is essential to that end, how the order is narrowly tailored to serve that interest, and why no reasonable, less restrictive alternative exists. In the absence of written consent of the woman upon whom an abortion has been performed or attempted, anyone who brings an action under Section 9 shall do so under a pseudonym. This section must not be construed to conceal the identity of the plaintiff or witnesses from the defendant.

SECTION 11. This act does not affect a provider's legal obligations pursuant to § 39-15-202.

SECTION 12. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end the provisions of this act are severable.

SECTION 13. This act shall take effect July 1, 2020, the public welfare requiring it.

Amendment No. _____

W. R. M. Jay
Signature of Sponsor

FILED
Date <u>2020</u>
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 89

House Bill No. 132*

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

SECTION 1. Tennessee Code Annotated, Section 71-3-502(j)(3)(D), is amended by designating the existing language as subdivision (i) and inserting the following as subdivision (ii):

Beginning August 1, 2020, and each year thereafter, the department shall provide a bonus subsidy payment equal to the twelve-month average of the total reimbursement from the previous year to each participating child care agency with a child care quality rating of three (3) stars that accepts the department's child care assistance subsidy payments, subject to available funding in the department's budget.

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it.



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Amendment No. _____

FILED
Date <u>2019</u>
Time _____
Clerk _____
Comm. Amdt. _____

Signature of Sponsor

AMEND Senate Bill No. 89

House Bill No. 132*

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

SECTION 1. The commissioner of human services shall study the current child care subsidy bonus payment structure used by the department to incentivize continuity of quality services for children and families. The commissioner shall review and analyze the effectiveness and limitations of the current incentive structure, including the indicators used to measure quality of services delivered in child care settings. The commissioner shall report the results of this study, including any observations and recommendations, to the health committee of the house of representatives and the health and welfare committee of the senate no later than January 1, 2020.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.



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HB 0420
SMITH

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 420 - SB 460

February 22, 2020

SUMMARY OF ORIGINAL BILL: Adds the Comptroller of the Treasury to the list of recipients to whom the Department of Education (DOE) is required to submit an annual report on virtual education programs.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (014835): Deletes all language after the enacting clause. Requires DOE to annually report on student placement and teacher effectiveness for each school year, beginning with the 2019-2020 school year. Requires DOE to compile and report the information to the State Board of Education (SBE) and to the Education Committees of the Senate and the House of Representatives. Requires DOE to publish the report on its website. Adds "equitable student access to effective teachers" to the criteria on which the school grading system is based.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- DOE can comply with the proposed legislation using existing resources.
- DOE will be able to amend its policies in accordance with the provisions of this legislation during the normal course of business; therefore, any fiscal impact is estimated to be not significant.
- No significant impact to state or local operations.

Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 2160

House Bill No. 2229*

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, is amended by adding the following as a new part:

49-6-2801. Definitions.

As used in this part:

(1) "Department" means the department of education;

(2) "Educator preparation provider" means a Tennessee educator preparation provider, approved by the state board, responsible for managing, operating, or coordinating programs for the preparation and licensure of teachers and other school personnel;

(3) "Reading diagnostic" means a uniform tool that screens and monitors a student's progress in the foundational reading skills of, at a minimum, phonemic awareness, phonics, fluency, vocabulary, and oral reading;

(4) "Science of reading" means a method of teaching students to read that includes systematic phonics instruction, that is implemented with a focus on phonemic awareness, phonics, vocabulary development, fluency, and oral reading that enables students to develop the reading skills required to meet the Tennessee academic standards and the developmental expectations for the student's respective grade level, as defined by the department;

(5) "Significant reading deficiency" means results of a student's reading diagnostic tests do not meet the minimum skill levels of reading competency, as defined by the department of education, in the areas of phonemic awareness,



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phonics, vocabulary development, reading fluency, and oral reading skills for the student's grade level; and

(6) "State board" means the state board of education.

49-6-2802. Literacy Instruction.

(a) Notwithstanding § 49-1-314, each local education agency (LEA) is responsible for implementing instructional programs based on the English language arts standards adopted by the state board that include the science of reading when teaching students in grades kindergarten through two (K-2) to read. The department may conduct reviews of the instructional programming used by each LEA to teach reading to students in grades kindergarten through two (K-2) to verify that the instructional programming is based on the science of reading.

(b) To ensure all textbooks and instructional materials used to teach students to read are based on the science of reading, LEAs shall provide students in grades kindergarten through two (K-2), textbooks and instructional materials from the list of textbooks and instructional materials approved for adoption by the state board as outlined in § 49-6-2202, unless a waiver is granted pursuant to § 49-6-2206. Subject to available funding, the department may provide funding for the purchase and utilization of textbooks and instructional materials to assist LEAs in implementing subsection (a) and this subsection (b).

(c) Notwithstanding § 49-6-6002(a), LEAs shall administer to students in grades kindergarten through two (K-2) a reading diagnostic selected by the department to benchmark literacy skills and growth. The reading diagnostic must be administered three (3) times each school year during the administration windows set by the department. An LEA shall administer the reading diagnostic to any student in the third grade who has a significant reading deficiency, as measured by the results of the last reading diagnostic administered to the student in second grade. Except for the screenings required by the RTI² framework adopted by the state board of education, the dyslexia screenings provided in § 49-1-229, and optional assessments offered by the

department, the reading diagnostic replaces literacy assessments mandated and administered at the LEA level in all grades kindergarten through two (K-2). An LEA that seeks to implement additional literacy assessments to students must submit a written request to the department for approval. An LEA shall not administer literacy assessments that are not approved by the department.

(d) LEAs must submit the results of the reading diagnostic required under subsection (c) to the department, in a manner specified by the department, no later than two (2) weeks after the close of the common administration window during which the reading diagnostic was administered.

(e) A student with a significant reading deficiency, as measured by the most recently administered reading diagnostic, must be provided with additional instructional supports that address the student's academic needs and the student's significant reading deficiency. A student in the third grade shall not be promoted to the next grade level unless the student has shown a basic understanding of curriculum and ability to perform the skills required in the subject of reading as demonstrated by the student's grades or standardized test results; provided, however, that a student may be promoted if the student participates in a reading intervention program that is based on the science of reading before the beginning of the next school year.

(f) LEAs may request an exemption from subsection (a) if the percentage of third-grade students who are enrolled in the LEA and proficient in English language arts, as measured by the Tennessee comprehensive assessment program (TCAP) tests:

- (1) Is at least fifteen (15) percentage points above the state average;
- (2) Is more than fifty-five percent (55%) at each school; and
- (3) For each student group referenced in the state's accountability model, is at least fifteen (15) percentage points above the percentage of the statewide peer group in reading proficiency.

(g) For each school year, the department shall publish a list of the LEAs that are eligible for the exemption described in subsection (f). The department may adjust the

third-grade reading proficiency percentages required for an exemption under subsection (f) to reflect changes in statewide reading proficiency.

49-6-2803. Educator preparation programs.

(a) By August 1, 2021:

(1) Educator preparation providers must provide teaching candidates seeking a license or endorsement authorizing the candidate to teach students in any of the grades kindergarten through two (K-2) with:

(A) Training on how to teach students to read based on the science of reading;

(B) Training on how to differentiate instruction for teaching students with advanced reading skills and students with significant reading deficiencies;

(C) Training on dyslexia identification and on providing effective instruction for teaching students with dyslexia using appropriate scientific research and brain-based multisensory intervention methods and strategies in alignment with the training required in § 49-6-3004(c)(1)(A);

(D) Training on how to implement reading instruction using high-quality instructional materials;

(E) Instruction on behavior management, trauma-informed principles and practices for the classroom, and other developmentally appropriate supports to ensure students can effectively access literacy instruction; and

(F) Instruction on how to understand and use student reading data;

(2) The state board, in consultation with the department, shall promulgate revisions to the current state board rules regarding the approval of educator preparation providers to effectuate the provisions of this section; and

(3) The department may develop additional policies for educator preparation providers consistent with this section.

(b) Effective August 1, 2022:

(1) A candidate seeking a teaching license or endorsement that authorizes the candidate to teach students in grades kindergarten through two (K-2) must provide a certificate documenting passage of a Tennessee reading instruction test developed or identified by the department that tests the candidate's knowledge of the science of reading before receiving a teacher license. The department shall determine the score that constitutes passage of the Tennessee reading instruction test required under this subdivision (b)(1). The Tennessee reading instruction test should be included in the educator preparation provider's program for any candidate seeking a teacher license or endorsement that authorizes the candidate to teach students in any of the grades kindergarten through two (K-2) and shall not constitute any additional cost for applicants for a teacher license;

(2) An instructor for an educator preparation provider teaching coursework in any program that includes candidates seeking a teacher license or endorsement that authorizes the candidate to teach students in any of the grades kindergarten through two (K-2) must have an active Tennessee teacher license, unless the licensure requirement is waived by the commissioner, or the commissioner's designee. If the instructor has no teacher license or the instructor's teacher license has expired, then the instructor must pass the Tennessee reading instruction test required in subdivision (b)(1);

(3) An education preparation provider's program that includes candidates seeking an instructional leader license must include instruction on the science of reading, and program participants must pass the Tennessee reading instruction test required in subdivision (b)(1);

(4) Subject to available funding, the department may issue competitive grants to education preparation providers to assist in the implementation of this section; and

(5) Notwithstanding subdivision (b)(1):

(A) Candidates enrolled in a state-board-approved post-baccalaureate educator preparation program who have demonstrated content knowledge in accordance with state board rule and policy must document passage of a Tennessee reading instruction test prior to renewal or advancement of the initial license; and

(B) Applicants for an initial Tennessee teacher or instructional leader license who possess an active professional-level license in a state that has a reciprocal agreement with the state board pursuant to § 49-5-109 must document passage of a Tennessee reading instruction test prior to renewal or advancement of the initial license.

(c) By July 1, 2023, the department, in partnership with the state board and the Tennessee higher education commission, shall provide a report to the chairs of the education committees of the senate and house of representatives regarding the implementation of this section.

(d)

(1) No later than December 31, 2020, the department shall complete a study of the following:

(A) A landscape analysis of literacy in Tennessee, including current practices, student achievement, instructional programming, and remediation services provided in schools and LEAs randomly selected through an audit model;

(B) The effectiveness and relevance of current coursework related to literacy instruction, including guiding standards and course sequences, instruction regarding serving the educational needs of special

student populations, and instructional and pedagogical expertise generally; and

(C) A joint analysis with the Tennessee higher education commission regarding affordability of educator preparation providers, including tuition affordability for future educators, costs relative to peer institutions in other states, student loan and debt burden of educator preparation provider graduates, an assessment of financial barriers that may prevent postsecondary students and career changers from pursuing teaching as a profession, and the ability to reduce the costs of offering educator preparation and credentials.

(2) Educator preparation providers approved by the state board must participate in the study.

(3) The results of the study and any resulting recommendations must be reported to the commissioner and presented to the state board.

(4) By March 1, 2021, the department, in partnership with the Tennessee higher education commission, shall provide a report to the chairs of the education committees of the senate and house of representatives regarding the findings of the study. The report must be posted on the department's website.

49-6-2804. Accountability.

(a) By June 30, 2020, the department shall convene an advisory group of stakeholders to advise the department on the meaningful integration of third-grade reading proficiency into the performance goals and measures established pursuant to § 49-1-602 for schools and LEAs.

(b) In consultation with the advisory group convened under subsection (a), the department shall review changes to the accountability performance designations required by § 49-1-602 for schools and LEAs serving students in any of the grades kindergarten through three (K-3) regarding the weight attributed to the third-grade reading proficiency levels demonstrated by student performance on the Tennessee

comprehensive assessment program (TCAP) tests or successor tests approved by the state board. Upon completing the review, if the department, after consultation with the advisory group, believes that revisions to the accountability performance designations under § 49-1-602 are warranted, then the department shall submit the revisions to the state board for approval and to the United States department of education, if required.

49-6-2805. Professional development and support.

(a) As used in this section, "literacy instructor" means any person who provides literacy instruction to public school students in any of the grades pre-kindergarten through five (pre-k-5), including classroom teachers, instructional coaches, and paraprofessionals.

(b)

(1) By June 30, 2022, the department shall provide two (2) separate literacy-related trainings that are required for all literacy instructors serving any student in any of the grades pre-kindergarten through five (pre-k-5). These trainings may be provided at the regional or local level, as determined by the department.

(2) The first training required under this subsection (b) must focus on instruction on the science of reading.

(3) The second training required under this subsection (b) must focus on the implementation of programmatic and instructional materials concerning literacy. The training must address how to teach the identified reading programs, as well as the instructional materials required for implementation.

(c) At the conclusion of the training required in subsection (b), a literacy instructor earns a literacy certificate upon demonstrating proficiency in the topics of the training, or proficiency on the Tennessee reading instruction test provided pursuant to § 49-6-2803(b)(1). The literacy certificate must be based on the level of mastery demonstrated, as determined by the department. For a licensed teacher who is a literacy instructor and does not earn the literacy certificate, a mentor teacher who has

earned the literacy certificate must be assigned by the LEA to support the teacher. Subject to available funding, the mentor teacher may receive a stipend as outlined by the department. A literacy instructor who does not earn the literacy certificate after participating in the training required under subsection (b) may be required to participate in the training the following year.

(d) A literacy instructor who demonstrates prior training in, and implementation of, a reading program based on the science of reading, may, in lieu of participating in the training required in subsection (b), take the Tennessee reading instruction test provided pursuant to § 49-6-2803(b)(1), or participate in an abbreviated version of the trainings listed in subsection (b), as determined by the department.

(e) An LEA may apply for and receive literacy-related implementation and coaching support from service providers approved by the department. Implementation and coaching support must be awarded through a competitive grant process established by the department. The department shall evaluate each service provider based upon work outcomes measured by student achievement. LEAs shall cooperate with the service provider to measure teacher implementation and student achievement. The department shall not award a grant for a term of more than three (3) years.

Implementation and coaching support must gradually decrease over the term of the grant. After the term of the grant expires, all training must be conducted through educator preparation providers and verified through educator credentialing processes and exams.

SECTION 2. Tennessee Code Annotated, Section 49-6-3115, is amended by deleting the section in its entirety.

SECTION 3. The headings in this act are for reference purposes only and do not constitute part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication that contains this act.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

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Amendment No. _____
[Signature]
Signature of Sponsor

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

AMEND Senate Bill No. 1739

House Bill No. 1688*

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

SECTION 1. Tennessee Code Annotated, Section 49-6-1021, is amended by deleting subsection (a) and substituting instead the following:

(a) Each LEA shall integrate:

(1) For students in kindergarten through grade two (K-2), a minimum of two (2) fifteen-minute periods of physical activity into each school day;

(2) For elementary school students other than students in kindergarten through grade two (K-2), a minimum of one hundred thirty (130) minutes of physical activity into each school week; and

(3) For middle and high school students, a minimum of ninety (90) minutes of physical activity into each school week.

SECTION 2. Tennessee Code Annotated, Section 49-6-1021(b), is amended by deleting the language "subdivision (a)(1)" and substituting instead "subdivision (a)(2)".

SECTION 3. Tennessee Code Annotated, Section 49-6-1021(d), is amended by designating the existing language as subdivision (1) and adding the following as a new subdivision:

(2) One (1) of the two (2) periods of physical activity required for each school day under subdivision (a)(1) for students in kindergarten through grade two (K-2) may be satisfied by the students' participation in a physical education class, if the class meets for a minimum of fifteen (15) minutes. An LEA shall not replace a physical education class for students in kindergarten through grade two (K-2) with a period of physical activity under subdivision (a)(1).



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SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to the 2020-2021 school year and each school year thereafter.

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TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1688 - SB 1739

February 22, 2020

SUMMARY OF ORIGINAL BILL: Requires Local Education Agencies (LEAs) to increase the total amount of physical activity required for students from 130 minutes for elementary students and 90 minutes for middle and high school students each school week to two 25-minute periods of physical activity each day for each school. Removes the requirement for LEAs to have physical education classes taught by a licensed teacher with an endorsement in physical education or by a specialist in physical education. Removes the requirement for the Office of Coordinated School Health in the Department of Education to provide an annual report on physical activity.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (015065): Deletes all language after the enacting clause. Requires a minimum of two 15-minute periods of physical activity during each school day for students in kindergarten through grade two (K-2). Authorizes that one of the two periods of physical activity required for each school day for students in K-2 may be satisfied by the student's participation in a physical education class. Prohibits an LEA from replacing a physical education class for students in K-2 with a period of physical activity in this section.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- The amended bill will require two 15-minute periods of physical activity for students in K-2 that will require adult supervision, but does not stipulate that licensed and certified physical education teachers must oversee the activity periods.
- It is assumed that LEAs will be able to comply with the proposed legislation using existing staff and resources; therefore, any fiscal impact is considered not significant.

HB 1688
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TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1688 - SB 1739

February 22, 2020

SUMMARY OF ORIGINAL BILL: Requires Local Education Agencies (LEAs) to increase the total amount of physical activity required for students from 130 minutes for elementary students and 90 minutes for middle and high school students each school week to two 25-minute periods of physical activity each day for each school. Removes the requirement for LEAs to have physical education classes taught by a licensed teacher with an endorsement in physical education or by a specialist in physical education. Removes the requirement for the Office of Coordinated School Health in the Department of Education to provide an annual report on physical activity.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (015065): Deletes all language after the enacting clause. Requires a minimum of two 15-minute periods of physical activity during each school day for students in kindergarten through grade two (K-2). Authorizes that one of the two periods of physical activity required for each school day for students in K-2 may be satisfied by the student's participation in a physical education class. Prohibits an LEA from replacing a physical education class for students in K-2 with a period of physical activity in this section.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- The amended bill will require two 15-minute periods of physical activity for students in K-2 that will require adult supervision, but does not stipulate that licensed and certified physical education teachers must oversee the activity periods.
- It is assumed that LEAs will be able to comply with the proposed legislation using existing staff and resources; therefore, any fiscal impact is considered not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/alh



HOUSE RESEARCH DIVISION

FL&R Subcommittee Amendment ePacket

Tuesday, February 25, 2020

Amendment No. _____

Kevin O'Connell

Signature of Sponsor

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

AMEND Senate Bill No. 2312

House Bill No. 2350*

by deleting subsection (q) from the amendatory language of Section 10 and substituting instead the following:

(q) Nothing in this part requires a certificate of need for any actions in a county that, as of January 1, 2020:

(1) Is designated as an economically distressed eligible county by the department of economic and community development pursuant to § 67-6-104; and

(2) Has no actively licensed hospital located within the county.



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Amendment No. _____

B. R. H. Ramsey

Signature of Sponsor

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

AMEND Senate Bill No. 2312

House Bill No. 2350*

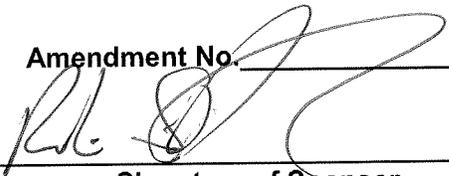
by deleting subsection (s) in Section 10 and redesignating subsequent subsections accordingly.



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Amendment No. _____


Signature of Sponsor

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

AMEND Senate Bill No. 2312

House Bill No. 2350*

by deleting the amendatory language of SECTION 1 and substituting instead the following:

As used in this part:

(1) "Agency" and "health services and development agency" mean the agency created by this part to develop the criteria and standards to guide the agency when issuing certificates of need; to conduct studies related to health care, including needs assessments; and to administer the certificate of need program and related activities;

(2) "Certificate of need" means a permit granted by the health services and development agency to any person for those services specified as requiring a certificate of need under § 68-11-1607 at a designated location;

(3) "Conflict of interest" means any matter before the agency in which the member or employee of the agency has a direct or indirect interest that is in conflict or gives the appearance of conflict with the discharge of the member's or employee's duties;

(4) "Department" means the department of health;

(5) "Direct interest" means a pecuniary interest in the persons involved in a matter before the agency, and applies to the agency member or employee, the agency member's or employee's relatives, or an individual with whom or business in which the member or employee has a pecuniary interest. As used in this subdivision (5), "relative" means a spouse, parent, child, stepparent, stepchild, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, or nephew by blood, marriage, or adoption;



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(6) "Ex parte communications" means communications in violation of § 4-5-304 or § 68-11-1607(d);

(7) "Facility" means any real property owned, leased, or used by a healthcare institution for any purpose, other than as an investment;

(8) "Healthcare institution":

(A) Means any agency, institution, facility, or place, whether publicly or privately owned or operated, that provides health services and that is one (1) of the following: nursing home; hospital; ambulatory surgical treatment center; intellectual disability institutional habilitation facility; home care organization or any category of service provided by a home care organization for which authorization is required under part 2 of this chapter; outpatient diagnostic center; rehabilitation facility; residential hospice; or nonresidential substitution-based treatment center for opiate addiction; and

(B) Does not include:

(i) Ground ambulances;

(ii) Homes for the aged;

(iii) Any premises occupied exclusively as the professional practice office of a physician licensed pursuant to title 63, chapter 6, part 2 and title 63, chapter 9, or dentist licensed by the state and controlled by the physician or dentist;

(iv) Administrative office buildings of public agencies related to healthcare institutions;

(v) Christian Science sanatoriums operated, or listed and certified, by the First Church of Christ Scientist, Boston, Massachusetts;

(vi) A mental health residential treatment facility; or

(vii) A mental health hospital;

(9) "Health service" means clinically related services, such as diagnostic, treatment, or rehabilitative services, and includes those services specified as requiring a certificate of need under § 68-11-1607;

(10) "Home care organization" means any entity licensed as such by the department that is staffed and organized to provide "home health services" or "hospice services," as defined by § 68-11-201, to patients in either their regular or temporary place of residence;

(11) "Indirect interest" means a personal interest in the persons involved in a matter before the agency that is in conflict with the discharge of the agency member's or employee's duties;

(12) "Letter of intent" means the form prescribed by the agency that requires a brief project description, location, estimated project cost, owner of the project, and description of services to be performed;

(13) "Licensed beds" means the number of beds licensed by the agency having licensing jurisdiction over the facility;

(14) "Needs assessment" means an annual report that measures access to health care in this state, particularly as to emergency and primary care; identifies access gaps; and serves to inform the criteria and standards for the issuance of certificates of need;

(15) "Nonresidential substitution-based treatment center for opiate addiction" includes, but is not limited to, stand-alone clinics offering methadone, products containing buprenorphine such as Subutex and Suboxone, or products containing any other formulation designed to treat opiate addiction by preventing symptoms of withdrawal;

(16) "Nursing home" has the same meaning as defined in § 68-11-201;

(17) "Nursing home bed" means:

(A) Any licensed bed within a nursing home, regardless of whether the bed is certified for medicare or medicaid services; and

(B) Any bed at a healthcare institution used as a swing bed under 42 C.F.R. § 485.645;

(18) "Patient" includes, but is not limited to, any person who has an acute or chronic physical or mental illness or injury; who is convalescent, infirm, or has an intellectual or physical disability; or who is in need of obstetrical, surgical, medical, nursing, psychiatric, or supervisory care;

(19) "Pediatric patient" means a patient who is seventeen (17) years of age or younger;

(20) "Person":

(A) Means any individual, trust or estate, firm, partnership, association, stockholder, joint venture, corporation or other form of business organization, the state of Tennessee and its political subdivisions or parts of political subdivisions, and any combination of persons specified in this subdivision (20), public or private; and

(B) Does not include the United States or any agency or instrumentality of the United States, except in the case of voluntary submission to the rules established pursuant to this part;

(21) "Planning division" and "state health planning division" means the state health planning division of the department, which is created by this part to develop the state health plan and to conduct other related studies;

(22) "Rehabilitation facility" means an inpatient or residential facility that is operated for the primary purpose of assisting in the rehabilitation of physically disabled persons through an integrated program of medical and other services that is provided under professional supervision;

(23) "Review cycle" means the timeframe set for the review and initial decision on applications for certificate of need applications that have been deemed complete, with the fifteenth day of the month being the first day of the review cycle; and

(24) "State health plan" means the plan that is developed by the state health planning division pursuant to this part.

AND FURTHER AMEND by deleting subdivision (1) from the amendatory language of SECTION 6 and substituting instead the following:

(1) Develop criteria and standards to guide the agency when issuing certificates of need, and that are:

(A) Based, in whole or in part, upon input the agency received during development of the criteria and standards from the division of TennCare, or its successor; the departments of health, mental health and substance abuse services, and intellectual and developmental disabilities; the health and welfare committee of the senate; and the health committee of the house of representatives;

(B) Evaluated and updated not less than annually;

(C) Adopted by the agency, in whole or in part, during a public meeting and only after the agency has provided an opportunity for written and in-person public comment; and

(D) Not subject to the rule promulgation process found in the Uniform Administrative Procedures Act, compiled in title 4, chapter 5;

AND FURTHER AMEND by deleting the amendatory language of SECTION 7 and substituting instead the following:

(c) The executive director has the following duties:

(1) Administer the development of criteria and standards to guide the agency when issuing certificates of need;

(2) Administer the certificate of need program;

(3) Conduct studies related to health care;

(4) Represent the agency before the general assembly;

(5) Oversee the issuance of responses to requests for determination regarding the applicability of this part;

(6) Issue exemptions from the requirement that a certificate of need be obtained for the relocation of existing or certified facilities providing healthcare services and healthcare institutions under § 68-11-1607(a)(4);

(7) Issue exemptions from the voiding of a certificate of need and any activity authorized by the certificate of need pursuant to § 68-11-1609(i), if the actions the certificate of need authorizes are not performed for a continuous period of one (1) year after the certificate of need is implemented;

(8) Keep a written record of all proceedings and transactions of the agency, which must be open to public inspection during regular office hours;

(9) Prepare the agenda, including consent and emergency calendars, and notice to the general public of all meetings and public hearings of the agency;

(10) Employ personnel, within the agency's budget, to assist in carrying out this part;

(11) Carry out all policies and rules that are promulgated by the agency and supervise the expenditure of funds; and

(12) Submit a proposal to the general assembly no later than October 1, 2020, detailing objectives, governance, costs, and implementation timeline of a state all payer claims database.

AND FURTHER AMEND by deleting subsection (a) from the amendatory language of SECTION 10 and substituting instead the following:

(a) No person shall perform the following actions in this state, except after applying for and receiving a certificate of need for the same:

(1) The construction, development, or other establishment of any type of healthcare institution as described in this part. However, a certificate of need is not required for the establishment of an outpatient diagnostic center in any county with a population in excess of one hundred seventy-five thousand (175,000), according to the 2010 federal census or any subsequent federal census;

(2) In the case of a healthcare institution, any change in the bed complement, regardless of cost, that:

(A) Increases by one (1) or more the number of nursing home beds;

(B) Redistributes beds from any category to acute, rehabilitation, child and adolescent psychiatric, adult psychiatric, or long-term care; or

(C) Relocates beds to another facility or site;

(3) Initiation of any of the following healthcare services: burn unit, neonatal intensive care unit, open heart surgery, organ transplantation, cardiac catheterization, linear accelerator, home health, hospice, or opiate addiction treatment provided through a nonresidential substitution-based treatment center for opiate addiction;

(4)

(A) A change in the location of existing or certified facilities providing healthcare services and healthcare institutions;

(B) However, the executive director may issue an exemption for the relocation of existing healthcare institutions and approved services when the executive director determines:

(i) That at least seventy-five percent (75%) of patients to be served are reasonably expected to reside in the same zip codes as the existing patient population; and

(ii) That the relocation would not reduce access to consumers, particularly those in underserved communities; those who are uninsured or underinsured; women and racial and ethnic minorities; TennCare or medicaid recipients; and low income groups. The executive director must notify the agency of any exemption granted pursuant to this subdivision (a)(4)(B); and

(C) The relocation of the principal office of a home health agency or hospice within its licensed service area does not require a certificate of need;

(5) Initiation of magnetic resonance imaging:

(A) In any county with a population in excess of one hundred seventy-five thousand (175,000), according to the 2010 federal census or any subsequent federal census, only for providing magnetic resonance imaging to pediatric patients; and

(B) In any county with a population of one hundred seventy-five thousand (175,000) or less, according to the 2010 federal census or any subsequent federal census, for providing magnetic resonance imaging to any patients;

(6) Increasing the number of magnetic resonance imaging machines, in any county with a population of one hundred seventy-five thousand (175,000) or less, according to the 2010 federal census or any subsequent federal census, by one (1) or more, except for replacing or decommissioning an existing machine;

(7) Establishing a satellite emergency department facility or a satellite inpatient facility by a hospital at a location other than the hospital's main campus; and

(8) Initiation of positron emission tomography in any county with a population of one hundred seventy-five thousand (175,000) or less, according to the 2010 federal census or any subsequent federal census. However, a provider of positron emission tomography established without a certificate of need pursuant to this subdivision (a)(8) must become accredited by the American College of Radiology within two (2) years of the date of licensure.

AND FURTHER AMEND by deleting subsection (g) from the amendatory language of SECTION 10 and substituting instead the following:

(g) After a person holding a certificate of need has completed the actions for which a certificate of need was granted, the time to complete activities authorized by the certificate of need expires.

AND FURTHER AMEND by deleting subdivision (m)(2) from the amendatory language of SECTION 10 and substituting instead the following:

(2) In any county with a population in excess of one hundred seventy-five thousand (175,000), according to the 2010 federal census or any subsequent federal census, any person who initiates magnetic resonance imaging services shall notify the agency in writing that imaging services are being initiated and shall indicate whether pediatric patients will be provided imaging services.

AND FURTHER AMEND by deleting subsection (o) from the amendatory language of SECTION 10 and substituting instead the following:

(o) After receiving a certificate of need, an outpatient diagnostic center shall become accredited by the American College of Radiology in the modalities provided by that facility within a period of time set by rule by the agency as a condition of receiving a certificate of need. An outpatient diagnostic center established without a certificate of need in a county with a population of one hundred seventy-five thousand (175,000) or less, according to the 2010 federal census or any subsequent federal census, must become accredited by the American College of Radiology in the modalities provided by that facility within two (2) years of the date of licensure.

AND FURTHER AMEND by deleting subsection (r) from the amendatory language of SECTION 10 and substituting instead the following:

(r) Nothing in this part requires a certificate of need to establish a home care organization limited to providing home care services under the federal Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) (42 U.S.C. § 7384, et seq.), or any subsequent amendment, revision, or modification to the EEOICPA. Any license issued by the department for services under the EEOICPA must be limited to the provision of only those services. Any home care organization providing

services without a certificate of need pursuant to this subsection (r) must be accredited by the Joint Commission.

AND FURTHER AMEND by deleting subsection (s) from the amendatory language of SECTION 10 and substituting instead the following:

(s) Nothing in this part requires a certificate of need to establish a home care organization limited to providing home care services to patients under eighteen (18) years of age. Any license issued by the department for the provision of home care services to patients under eighteen (18) years of age must be limited to the provision of only those services. Any home care organization providing services without a certificate of need pursuant to this subsection (s) must be accredited by the Joint Commission.

AND FURTHER AMEND by adding the following to SECTION 10 as a new subsection (u):

(u) Nothing in this part requires a certificate of need to establish or operate an ambulatory surgical treatment center or free-standing emergency department in a county with a population in excess of one hundred seventy-five thousand (175,000), according to the 2010 federal census or any subsequent federal census.

AND FURTHER AMEND by deleting from subsection (b) in SECTION 12 the language "Until the agency adopts its own criteria and standards by rule" and substituting instead the language "Until the agency adopts its own criteria and standards".

AND FURTHER AMEND by deleting subsection (c) from the amendatory language of SECTION 12 and substituting instead the following:

(c) Activity authorized by a certificate of need must be completed within a period not to exceed three (3) years for hospital projects, and two (2) years for all other projects, from the date of its issuance and after such time the certificate of need authorization expires. However, the agency may, in granting the certificate of need, allow longer periods of validity for certificates of need for good cause shown. Subsequent to granting the certificate of need, the agency may extend a certificate of need for a period upon application and good cause shown, accompanied by a nonrefundable reasonable filing fee, as prescribed by rule. A certificate of need

authorization that has been extended expires at the end of the extended time period. The decision whether to grant an extension is within the sole discretion of the agency and is not subject to review, reconsideration, or appeal.

AND FURTHER AMEND by deleting subsection (d) from the amendatory language of SECTION 12 and substituting instead the following:

(d) If the time period authorized by a certificate of need has expired, then the certificate of need authorization is void. No revocation proceeding is required. No license or occupancy approval may be issued by the department of health or the department of mental health and substance abuse services for any activity for which a certificate of need has become void.

AND FURTHER AMEND by deleting subsection (i) from the amendatory language of SECTION 12 and substituting instead the following:

(i)

(1) Notwithstanding any law to the contrary, and except as provided in subdivision (i)(2), a certificate of need and any activity it authorizes becomes void if the actions it authorizes have not been performed for a continuous period of one (1) year after the date the certificate of need is implemented. With respect to a home care organization, this subsection (i) applies to each county for which the home care organization is licensed. No revocation proceeding is required. The department of health and the department of mental health and substance abuse services shall not issue or renew a license for any activity for which certificate of need authorization has become void.

(2) The executive director may issue a temporary exemption to subdivision (i)(1) in response to a written request that provides sufficient cause for ceasing the activity authorized by the certificate of need for a period of time, in the discretion of the executive director. The executive director shall notify the agency of any exemptions issued under this subdivision (i)(2).

AND FURTHER AMEND by deleting the amendatory language of SECTION 14 and substituting instead the following:

(i) All costs of the contested case proceeding and any appeals, including the administrative law judge's costs and deposition costs, such as expert witness fees and reasonable attorney's fees, must be assessed against the losing party in the contested case. If there is more than one (1) losing party, then the costs must be divided equally among the losing parties. Costs must not be assessed against the agency.

AND FURTHER AMEND by deleting SECTION 24 and substituting instead the following:

SECTION 24. Tennessee Code Annotated, Section 68-11-1625, is amended by deleting the language "department of finance and administration" wherever it appears and substituting instead the language "department of health"; by deleting subdivision (d)(2) and renumbering the remaining subdivisions accordingly; and by deleting subsections (e) and (f).

AND FURTHER AMEND by deleting SECTION 26 and substituting instead the following:

SECTION 26. Tennessee Code Annotated, Section 68-11-1628, is amended by deleting the section.

AND FURTHER AMEND by deleting SECTION 27 and substituting instead the following:

SECTION 27. Tennessee Code Annotated, Section 68-11-1629, is amended by deleting the section.

SECTION 28. Tennessee Code Annotated, Section 68-11-1631, is amended by deleting the section.

SECTION 29. Tennessee Code Annotated, Section 68-11-1632, is amended by deleting the section.

SECTION 30. Tennessee Code Annotated, Section 68-11-1633, is amended by deleting the section and substituting the following:

(a) In consultation with the department of health, the department of mental health and substance abuse services, and the department of intellectual and developmental disabilities, and subject to § 68-11-1609(h), the agency shall develop measures by rule for assessing quality for entities that, on or after July 1, 2016, receive a

certificate of need under this part. In developing quality measures, the agency may seek the advice of stakeholders with respect to certificates of need for specific institutions or services.

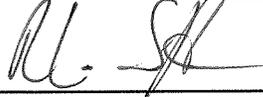
(b) If the agency determines that an entity has failed to meet the quality measures developed under this section, then the agency shall refer that finding to the board for licensing healthcare facilities or the department of mental health and substance abuse services, whichever is appropriate, for appropriate action on the license of the entity under part 2 of this chapter.

(c) If the agency determines that an entity has failed to meet any quality measure imposed as a condition for a certificate of need by the agency, then the agency may impose penalties pursuant to § 68-11-1617 or revoke a certificate of need pursuant to § 68-11-1619.

SECTION 31. Tennessee Code Annotated, Section 68-11-1634, is amended by deleting the section.

SECTION 32. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 2312

House Bill No. 2350*

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

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 11, is amended by deleting part 16 in its entirety.

SECTION 2. On the effective date of this act, any rules promulgated or filed pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, by the health services and development agency are repealed.

SECTION 3. On the effective date of this act, any moneys remaining in the health services and development agency fund, created or referenced in title 68, chapter 11, part 16, and in the state health planning reserve account, created in § 68-11-1625, revert to the general fund, and the health services and development agency fund and the state health planning reserve account cease to exist.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

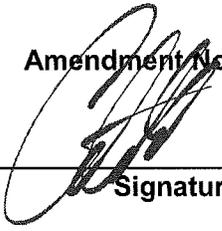


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Amendment No. _____



Signature of Sponsor

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Date _____
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Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 2527

House Bill No. 2660*

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

SECTION 1. Tennessee Code Annotated, Section 39-11-622, is amended by deleting subsection (b) and substituting instead the following:

(b) As used in this section:

(1) "Defendant" means a person who uses or threatens to use force against another and asserts that the force used or threatened is permitted by §§ 39-11-611 – 39-11-614 or § 29-34-201; and

(2) "Plaintiff" means the person, personal representative, or heirs of a person against whom force was used or threatened who files a civil action against the defendant that is based upon the same facts or set of events that resulted in the use or threatened use of force.

(c)

(1) If a criminal investigation or criminal proceedings are conducted based upon the defendant's use or threatened use of force, a civil action that is based upon the defendant's use or threatened use of force or the results of the defendant's use or threatened use of force may not proceed until the final conclusion of the criminal investigation or criminal proceeding, if a stay of the proceedings is requested by the defendant. If the defendant requests a stay of proceedings and the court determines that a relevant criminal investigation or criminal proceeding is ongoing, the court shall grant a stay of proceedings until the conclusion of the investigation or proceeding.



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(2) A criminal investigation or criminal proceeding shall be deemed concluded if:

(A) The charge or charges against the defendant are dismissed or retired based on the merits of the case;

(B) A no true bill is returned by a grand jury on the charge or charges against the defendant;

(C) A verdict is returned, whether by the judge following a bench trial or by a jury; or

(D) The defendant is arrested and released without being charged and the district attorney general or chief officer of the investigating law enforcement agency provides the court with written notification that the defendant will not be charged with an offense or the investigation is no longer actively occurring.

(d) If a plaintiff files a civil action against a defendant, the defendant may assert in any responsive pleading or by motion in writing pursuant to the Rules of Civil Procedure that:

(1) The defendant's use of force or threatened use of force was justified and permitted by §§ 39-11-611 – 39-11-614 or § 29-34-201;

(2) The defendant has immunity from the civil action pursuant to this section;

(3) Because of the defendant's immunity, the claim does not state a cause of action upon which relief can be granted; and

(4) The defendant requests an immunity hearing to determine if the civil action should be dismissed for this reason.

(e)

(1) If an immunity hearing is requested, or ordered upon the court's own motion, the court shall expedite the hearing and hear the matter and issue a

decision within forty (40) days of the hearing being requested or ordered. Either party may request additional time beyond the forty-day period to prepare, in which case the court shall order, for good cause shown, that the hearing be reset on the first docket following the time period granted for the stay.

(2) From the time the immunity hearing is ordered, all aspects of and procedures relating to the civil action shall be stayed.

(3) All applicable parties shall be given notice and may appear and present evidence at the immunity hearing. The sole issue at the immunity hearing is whether the defendant used force or threatened the use of force in a manner permitted by §§ 39-11-611 – 39-11-614 or § 29-34-201 and is therefore immune from civil action pursuant to this section.

(4) The burden of proof at the hearing shall be initially on the defendant to present sufficient admissible evidence to fairly raise the issue of whether the use of force was justified under §§ 39-11-611 – 39-11-614 or § 29-34-201. If the court finds that the permissible use of force has been fairly raised, a presumption of immunity is created and the burden of proof shifts to the plaintiff to demonstrate that the civil action is not barred by this section.

(5)

(A) If the court determines by a preponderance of evidence that the defendant's use of force or threatened use of force was justified under §§ 39-11-611 – 39-11-614 or § 29-34-201, the court shall dismiss the civil action with prejudice for failure to state a claim upon which relief can be granted and may issue other orders as is consistent with the defendant's immunity from civil liability conferred by subsection (a).

(B) If the court determines that the defendant is not entitled to civil immunity under this subsection (e), the action shall remain stayed pursuant to subdivision (c)(1). Once the criminal investigation or criminal

proceeding is concluded and the stay is lifted, the civil action may continue. The defendant shall not be precluded from asserting at any other point in the civil action that the use of force was justified.

(f) If the court dismisses the civil action pursuant to subdivision (e)(5)(A) or otherwise determines that the defendant is entitled to civil immunity under this section, the court shall award the defendant attorney's fees, court costs, compensation for loss of income, and all expenses incurred by the defendant in defense of the civil action.

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it, and shall apply to civil actions filed on or after that date.

Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 2194

House Bill No. 2261*

by deleting subsection (c) in the amendatory language of Section 6 and substituting instead the following:

(c) Upon receiving an application for a certificate of employability, the department shall notify any known victims of crimes perpetrated by the defendant by sending notice to the last known address of such victims, if known.



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(A) If the enhanced handgun carry permit holder's permit is suspended or revoked, the permit holder shall deliver, in person or by mail, any permits to the department within thirty (30) days of the suspension or revocation.

(B) If the department does not receive the enhanced handgun carry permit holder's suspended or revoked permits within thirty (30) days of the suspension or revocation, the department shall send notice to the permit holder that:

(i) The permit holder has thirty (30) days from the date of the notice to deliver any permits, in person or by mail, to the department; and

(ii) If the permit holder fails to deliver the suspended or revoked permits to the department within thirty (30) days of the date of the notice, the department will suspend the permit holder's driver license.

(C) If the department does not receive the enhanced handgun carry permit holder's suspended or revoked permits within thirty (30) days of the date of the notice provided by the department, the department shall suspend the permit holder's driver license in the same manner as provided in § 55-50-502.

SECTION 2. Tennessee Code Annotated, Section 39-17-1351(o), is amended by deleting subdivision (o)(1)(D) and substituting instead the following:

(D) The permit number and issuance date.

SECTION 3. Tennessee Code Annotated, Section 39-17-1351(o), is amended by deleting subdivision (o)(2) in its entirety.

SECTION 4. Tennessee Code Annotated, Section 39-17-1351(p), is amended by deleting the subsection in its entirety.

SECTION 5. Tennessee Code Annotated, Section 39-17-1351(q)(1), is amended by deleting the first sentence of the subdivision and substituting instead the language:

At any time prior to the expiration of a permit issued prior to January 1, 2021, a permit holder may apply to the department for the renewal of the permit by submitting, under oath, a renewal application.

SECTION 6. Tennessee Code Annotated, Section 39-17-1351(q), is amended by deleting the language "displaying a receipt for the renewal application fee" and substituting instead the language "displaying proof".

SECTION 7. Tennessee Code Annotated, Section 39-17-1351(q)(2)(A), is amended by deleting the subdivision and substituting instead the following:

If the handgun carry permit holder's permit is not expired at the time the permit holder applies for renewal, the permit holder shall only be required to comply with the renewal provisions of subdivision (q)(1).

SECTION 8. Tennessee Code Annotated, Section 39-17-1351(q), is amended by adding the following as a new subdivision:

(4) Any permit renewed on or after January 1, 2021, shall not expire and shall continue to be valid for the life of the permit holder in the same manner provided in subdivision (n)(2).

SECTION 9. Tennessee Code Annotated, Section 39-17-1351(x), is amended by deleting the subsection.

SECTION 10. In order to allow the department of safety to promulgate rules, regulations, and procedures required by this act, this act shall take effect upon becoming a law. For all other purposes, this act shall take effect January 1, 2021, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 2556

House Bill No. 2108*

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

SECTION 1. Tennessee Code Annotated, Section 39-17-1359, is amended by adding the following language as a new subdivision (a)(3):

(3) Subdivision (a)(1) does not prohibit a commissioned law enforcement officer from carrying a firearm when the officer is on or off duty.

SECTION 2. Tennessee Code Annotated, Section 39-17-1359, is amended by deleting the second sentence of subdivision (b)(3)(B)(i) and substituting instead the following:

The sign shall also include the phrases "As authorized by T.C.A. § 39-17-1359" and "All law enforcement officers are exempt".

SECTION 3. Tennessee Code Annotated, Section 39-17-1359, is amended by deleting the second sentence of subdivision (b)(3)(C)(i) and substituting instead the following:

The sign shall also include the phrases "As authorized by T.C.A. §§ 39-17-1351, 39-17-1359, and 39-17-1366" and "All law enforcement officers are exempt".

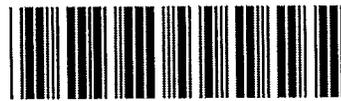
SECTION 4. Tennessee Code Annotated, Section 39-17-1311, is amended by deleting subdivision (b)(1)(D) and substituting instead the following:

(D) Officers of the state, or of any county, city, or town, charged with the enforcement of the laws of the state, regardless of whether the officer is on duty;

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

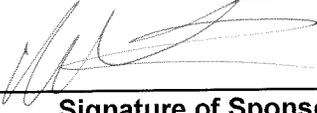


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Date _____
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AMEND Senate Bill No. 2195

House Bill No. 2262*

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

SECTION 1. Tennessee Code Annotated, Section 16-22-103(4)(A)(i)(c), is amended by deleting the subdivision and substituting instead the following:

(c) The person committed a felony involving the use of force against the person of another; or

SECTION 2. Tennessee Code Annotated, Section 40-35-104(c)(9), is amended by deleting the language "alternative to incarceration" and substituting instead the language "alternative to incarceration, including, but not limited to, day reporting centers,".

SECTION 3. Tennessee Code Annotated, Section 40-35-104(c)(9), is amended by adding the following language at the end of the subdivision:

As used in this section, "day reporting center" means a highly structured, non-residential, and phase-based program that combines supervision, treatment, and reentry services for moderate to high-risk offenders with a substance abuse issue or mental health issue.

SECTION 4. Tennessee Code Annotated, Section 40-35-104, is amended by adding the following as a new subsection (f):

(f) The court shall strongly consider utilizing available and appropriate sentencing alternatives for any defendant who, as appropriately documented, including through a presentence investigation under § 40-35-207(a)(10), has a behavioral health need, such as a mental illness as defined in § 33-1-101, or is chemically dependent as defined in § 16-22-103. The court has sole discretion whether to utilize available sentencing alternatives under this subsection (f).



SECTION 5. Tennessee Code Annotated, Section 40-35-303(c)(1), is amended by adding the following language at the end of the subdivision:

The period of probation imposed shall not exceed eight (8) years for a felony offense. If the court imposes a period of probation for more than one (1) conviction, the total period of probation imposed shall not exceed eight (8) years.

SECTION 6. Tennessee Code Annotated, Section 40-35-308(c), is amended by deleting the subsection and substituting instead the following:

(c)

(1) Notwithstanding the actual sentence imposed under § 40-35-303(c), at the conclusion of a probation revocation hearing, the court shall have the authority to extend the defendant's period of probation supervision for a period not in excess of one (1) year upon determining on the record that:

(A) The defendant has repeatedly and intentionally failed to comply with court-ordered treatment programming;

(B) The defendant has intentionally violated the conditions of probation regarding contact with the victim or the victim's family; or

(C) The defendant has intentionally failed to comply with restitution orders despite having the ability to pay the restitution owed, and extending the period of probation would be more effective than other available options in ensuring that the defendant pays the remaining amount of restitution owed.

(2) If the court makes at least one (1) of the determinations in subdivision (c)(1), the court may extend probation for additional periods not in excess of one (1) year each.

SECTION 7. Tennessee Code Annotated, Section 40-35-310(a), is amended by deleting the subsection and substituting instead the following:

(a) The trial judge shall possess the power, at any time within the maximum time that was directed and ordered by the court for the suspension, after a proceeding as provided in § 40-35-311, to revoke and annul the suspension. The trial judge may order the original judgment to be in full force and effect from the date of the revocation of the suspension and may reduce the original judgment by the amount of time the defendant has successfully served on probation and suspension of sentence prior to the violation or a portion of that amount of time. If the trial judge revokes the suspension due to conduct by the defendant that has resulted in a judgment of conviction against the defendant during the defendant's period of probation, the trial judge may order that the term of imprisonment imposed by the original judgment be served consecutively to any sentence that was imposed upon the conviction.

SECTION 8. Tennessee Code Annotated, Section 40-35-310(b), is amended by deleting the language "restore the original judgment" and substituting instead the language "restore the original judgment, which may be reduced by an amount of time not to exceed the amount of time the defendant has successfully served on probation and suspension of sentence prior to the violation,".

SECTION 9. Tennessee Code Annotated, Section 40-35-311(d), is amended by redesignating the existing language as subdivision (d)(1) and adding the following language as subdivisions (d)(2) and (3):

(2) Notwithstanding subdivision (d)(1), the trial judge shall not revoke probation, temporarily under subdivision (e)(1) or otherwise, based upon one (1) instance of technical violation or violations.

(3) As used in this section, "technical violation" means an act that violates the terms or conditions of probation but does not constitute a new felony or Class A misdemeanor.

SECTION 10. Tennessee Code Annotated, Section 40-35-311(e), is amended by deleting the subsection in its entirety and substituting instead the following:

(e)

(1) If the trial judge revokes the defendant's probation and suspension of sentence based upon a finding, by a preponderance of the evidence, that the defendant engaged in conduct that violated the conditions of probation and suspension but did not constitute a new felony or Class A misdemeanor, the trial judge may temporarily revoke the probation and suspension of sentence by order duly entered upon the minutes of the court, and:

(A) Impose a term of incarceration not to exceed:

(i) Fifteen (15) days for a first, second, or third revocation;

or

(ii) One (1) year or the remainder of the sentence,

whichever is shorter, for a fourth or subsequent revocation; or

(B) Resentence the defendant for the remainder of the unexpired term to any community-based alternative to incarceration authorized by chapter 36 of this title; provided, that the violation of probation and suspension is a technical violation and does not involve the commission of a new offense.

(2) If the trial judge revokes the defendant's probation and suspension of sentence based upon a finding, by a preponderance of the evidence, that the defendant has committed a new felony or Class A misdemeanor, the trial judge may revoke the probation and suspension of sentence by order duly entered upon the minutes of the court, and cause the defendant to commence the execution of the judgment as originally entered, which may be reduced by an amount of time not to exceed the amount of time the defendant has successfully served on probation and suspension of sentence prior to the violation.

(3) If the trial judge revokes the defendant's probation and suspension of sentence, the defendant has the right to appeal.

SECTION 11. Tennessee Code Annotated, Section 40-35-313(a)(1)(B)(i), is amended by deleting subdivisions (d) and (e) and substituting instead the following:

(d) Has not previously been convicted of:

(1) A felony for which a sentence of confinement was served; or

(2) A Class A misdemeanor within the previous fifteen (15) years for which a sentence of confinement was served; and

(e) Has not, within the previous fifteen (15) years or on more than one (1) occasion, been granted judicial diversion under this chapter or pretrial diversion.

SECTION 12. Tennessee Code Annotated, Section 40-36-105(8), is amended by deleting the language "accountability" and substituting instead the language "accountability and to measure the efficiency of all programs, including evaluating community corrections programs using the data provided by community corrections grant recipients pursuant to § 40-36-305(a)".

SECTION 13. Tennessee Code Annotated, Section 40-36-305(a), is amended by redesignating the first sentence of the subsection as subdivision (a)(1) and the last two sentences of the subsection as subdivision (a)(2), and adding the following language in subdivision (a)(1) after the language "defining program effectiveness":

and must collect and provide annually to the department of correction any information required by the department to evaluate the program under § 40-36-105(8), including, but not limited to:

(A) The number of individuals admitted to the program;

(B) The average caseload for caseload-bearing employees of the program;

(C) The number of successful completions of the program;

(D) The average time for an individual to successfully complete the program;

(E) The number of individuals in the program who have incurred a new arrest, new conviction, or revocation of a community correction sentence,

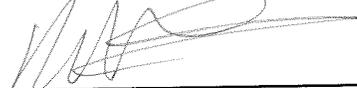
including the type of arrest, conviction, or revocation and the underlying conduct resulting in the arrest, conviction, or revocation; and

(F) The average time an individual spends in the program before an arrest, conviction, or revocation.

SECTION 14. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end the provisions of this act shall be severable.

SECTION 15. Sections 5-10 of this act shall take effect July 1, 2020, the public welfare requiring it, and apply to probation and diversion determinations made on or after that date. All other sections of this act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 2194

House Bill No. 2261*

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

SECTION 1. This act shall be known and may be cited as the "Reentry Stabilization Act of 2020."

SECTION 2. Tennessee Code Annotated, Title 40, Chapter 35, Part 5, is amended by adding the following as a new section:

40-35-5__.

(a) There is created within the department of correction the office of reentry services.

(b) The purpose of the office is to promote the successful reentry of criminal offenders whose sentences have expired, including, but not limited to:

(1) Serving as a clearinghouse of resources to assist in successful reentry;

(2) Coordinating the provision of post-release resources and services to offenders and related persons;

(3) Using case workers to serve as a point of contact to offenders and related persons to encourage successful reentry; and

(4) Working with other departments, agencies, and entities, including nonprofit public benefit corporations, to coordinate reentry services for offenders and related persons.

(c) Any department, agency, board, commission, or other division of state government may provide staff and other assistance to the office, and all departments,



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agencies, boards, commissions, and other divisions of state government must fully cooperate with the office and provide staff support and other assistance as reasonably required, subject to existing law.

SECTION 3. Tennessee Code Annotated, Section 40-28-115(i), is amended by deleting the language "ten (10)" and substituting instead "six (6)".

SECTION 4. Tennessee Code Annotated, Section 40-28-116(b), is amended by deleting the period at the end of the subsection and substituting instead the following:

; except that the board shall not require a condition or limitation to be completed prior to release on parole unless the department of correction recommends completion of the condition or limitation prior to release on parole.

SECTION 5. Tennessee Code Annotated, Section 40-28-122(c)(1), is amended by deleting the subdivision and substituting instead the following:

(1) The board shall, within a reasonable time, act upon the charges, and may, if it sees fit:

(A) For a revocation of parole that does not involve a new felony or Class A misdemeanor, require the prisoner to temporarily serve a term of incarceration not to exceed:

(i) Fifteen (15) days for a first, second, or third revocation; or

(ii) One (1) year, or the remainder of the prisoner's sentence,

whichever is shorter, for a fourth or subsequent revocation; or

(B) For a revocation of parole that involves a new felony or Class A misdemeanor, require the prisoner to serve out in prison the balance of the maximum term for which the prisoner was originally sentenced, calculated from the date of delinquency, or such part thereof, as it may determine, or impose a punishment as it deems proper, subject to § 40-28-123.

SECTION 6. Tennessee Code Annotated, Section 40-29-107, is amended by deleting subsections (a) through (l), substituting instead the following, and redesignating the remaining subsections accordingly:

(a) The department of correction shall develop a certificate of employability application that may be submitted by a defendant who has been convicted of a felony offense. A defendant may apply for a certificate of employability no more than fifteen (15) days prior to the expiration of a defendant's incarceration or at any time during or after a defendant's period of probation or parole. The department shall issue a certificate of employability to a defendant if:

(1) Since the defendant's conviction for a felony, the defendant has demonstrated a strong work ethic and an honest character;

(2) The defendant pursued technical and educational opportunities, where appropriate, during or, if applicable, after the defendant's incarceration;

(3) The defendant has not been convicted of a violent offense, as defined in § 40-35-120(d), or, if the defendant has been convicted of a violent offense, at least five (5) years have passed since the defendant was released from incarceration for the violent offense and the defendant has not been convicted of a new criminal offense during that time; and

(4) Granting the certificate of employability would not pose an unreasonable risk to public safety or the safety of any individual.

(b) At least thirty (30) days before issuing a certificate of employability to a defendant, the department shall notify the district attorney general in the judicial district in which the defendant was convicted so that the district attorney general may provide any comments regarding whether a certificate should be issued.

(c) A district attorney general who receives notification that the department may issue a certificate of employability under this section shall notify any known victims of

crimes perpetrated by the defendant by sending notice to the last known address of such victims, if known.

(d) The commissioner of correction, or an assistant commissioner who has been designated by the commissioner, has the sole discretion to determine whether the criteria under subsection (a) for issuing a certificate of employability have been met.

(e) The department shall revoke a certificate of employability issued under this section if the defendant to whom the certificate of employability was issued is convicted of a felony offense committed subsequent to the issuance of the certificate of employability.

(f) A cause of action may not be brought against the state based upon the department of correction's issuance or revocation of a certificate of employability.

SECTION 7. Tennessee Code Annotated, Title 40, Chapter 29, Part 1, is amended by adding the following as a new section:

40-29-1__.

(a) A cause of action may not be brought against an employer or contracting party for negligent hiring, training, retention, or supervision of an employee or independent contractor based solely upon the fact that the employee or independent contractor has been previously convicted of a criminal offense.

(b) In a cause of action against an employer or contracting party for negligent hiring, training, retention, or supervision of an employee or independent contractor, evidence that the employee or independent contractor has been previously convicted of a criminal offense is not admissible.

(c) Subsections (a) and (b) do not apply when:

(1)

(A) The employer or contracting party knew or reasonably should have known of the employee's or independent contractor's prior conviction; and

(B) The employee or independent contractor was previously convicted of:

(i) An offense that was committed while performing duties substantially similar to those reasonably expected to be performed in the employment or under the contract, or under conditions substantially similar to those reasonably expected to be encountered in the employment or under the contract; or

(ii) A violent offense, as defined in § 40-35-120(d), or a violent sexual offense, as defined in § 40-39-202; or

(2)

(A) The cause of action concerns the misuse by an employee or independent contractor of the funds or property of a person other than the employer or contracting party;

(B) On the date the employee or independent contractor was hired, the employee or independent contractor had been previously convicted of an offense an element of which includes fraud or the misuse of funds or property; and

(C) The employer or contracting party should have reasonably foreseen that the position for which the employee or independent contractor was being hired would involve managing the funds or property of a person other than the employer or contracting party.

(d) This section does not create a cause of action or expand an existing cause of action.

SECTION 8. Tennessee Code Annotated, Section 40-35-503, is amended by adding the following as new subsections:

(i)

(1) Notwithstanding subsection (b), there is a presumption that an eligible inmate must be released on parole, except for good cause shown, upon the inmate reaching the inmate's release eligibility date or any subsequent parole hearing.

(2) For purposes of this subsection (i), "eligible inmate" means an inmate who:

(A)

(i) Is currently serving a sentence for a Class E or Class D felony offense; or

(ii) Is currently serving a sentence for a nonviolent felony offense, as defined in § 40-36-102;

(B) Is determined to be low risk to reoffend or most appropriately supervised in the community under the most recent validated risk and needs assessment performed under § 41-1-126;

(C) Has successfully completed the programming recommended by the department of correction based on a validated risk and needs assessment performed under § 41-1-126 or can complete any recommended programming while on parole supervision; and

(D) Has not received a serious disciplinary violation, as determined by the commissioner of correction, within one (1) year of the inmate's parole hearing.

(j) Upon declining to grant parole in any case, the board shall state in writing the reason for declining parole and how the inmate can improve the inmate's chance of being released on parole in the future.

SECTION 9. Tennessee Code Annotated, Section 40-35-503(b)(2), is amended by adding the following language before the semicolon:

, except that the board's finding that the release from custody at the time would depreciate the seriousness of the crime or promote disrespect for the law shall not be the sole basis for denying parole

SECTION 10. Tennessee Code Annotated, Section 40-35-503(g), is amended by deleting the second sentence of the subsection.

SECTION 11. Tennessee Code Annotated, Title 40, Chapter 35, Part 5, is amended by adding the following as a new section:

40-35-506.

(a) As used in this section:

(1) "Eligible inmate" means an inmate who:

(A) Is serving a felony sentence for an offense that occurred on or after July 1, 2020;

(B) Is eligible for parole consideration;

(C) Has one (1) year or less remaining until expiration of all sentences that the inmate is serving or set to serve or reaches the inmate's release eligibility date with less than one (1) year remaining until expiration;

(D) Does not have an active detainer for new or untried charges or sentences to serve in other jurisdictions;

(E) Has not been classified as maximum or close custody for disciplinary reasons for at least two (2) years; and

(F) If the inmate has previously had the inmate's probation or parole revoked, has served at least six (6) months since returning to custody after revocation of probation or parole; and

(2) "Ineligible inmate" means an inmate who:

(A) Is serving a felony sentence for an offense that occurred on or after July 1, 2020;

(B) Does not satisfy all of the criteria listed in subdivisions

(a)(1)(B)-(F);

(C) Does not have an active detainer for new or untried charges or sentences to serve in other jurisdictions; and

(D) Is incarcerated when the inmate's sentence expires.

(b)

(1) The department of correction shall determine whether an inmate is an eligible inmate. Notwithstanding § 40-35-503, an eligible inmate shall be released on mandatory reentry supervision one (1) year prior to the inmate's sentence expiration date as calculated by the department or, if the inmate is not eligible for parole one (1) year prior to the inmate's sentence expiration date, upon reaching the inmate's release eligibility date. Upon release, an eligible inmate shall be subject to mandatory reentry supervision until the inmate's sentence expiration date. The release shall be under the terms and conditions established by the department of correction. The board of parole shall issue a certificate of mandatory reentry supervision to such offenders.

(2) Eligible inmates released on mandatory reentry supervision shall be considered released on parole and shall be supervised and subject to violations or revocation under title 40, chapter 28 to the same extent as discretionary parolees. All provisions relative to imposition of graduated sanctions under title 40, chapter 28 apply to eligible inmates released on mandatory reentry supervision.

(3) Upon the issuance of a violation warrant regarding an eligible inmate, the inmate shall not earn credit toward completion of the sentence until the removal of the delinquency.

(4) Mandatory reentry supervision for eligible inmates is not a commutation of sentence or any other form of executive clemency.

(c) Notwithstanding § 40-35-111, upon expiration of an ineligible inmate's sentence of confinement, the inmate must be released and subject to mandatory reentry supervision for a period of one (1) year following the inmate's sentence expiration date under conditions to be prescribed by the department of correction. Noncriminal, technical violations of supervision conditions by ineligible inmates shall not result in revocation of supervision or incarceration. The mandatory reentry supervision period must be calculated by the department of correction.

(d) Mandatory reentry supervision under this section constitutes release into the community under the direct or indirect supervision of any state or local governmental authority or a private entity contracting with the state or a local government for purposes of § 40-35-114(13).

SECTION 12. Tennessee Code Annotated, Section 40-35-210, is amended by adding the following new subsection:

(g) When the court imposes a sentence for a defendant who has been convicted of a felony offense that occurred on or after July 1, 2020, the court shall specify in its order that the defendant may be subject to an additional year of mandatory reentry supervision pursuant to § 40-35-506 if, at the time of release, the defendant is an ineligible offender, as defined in § 40-35-506.

SECTION 13. Tennessee Code Annotated, Title 40, Chapter 35, Part 5, is amended by adding the following as a new section:

40-35-507.

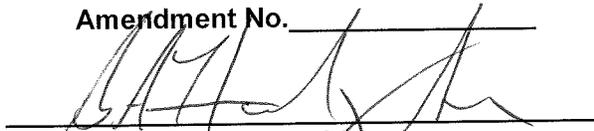
Prior to expiration of a defendant's sentence and release from incarceration or parole supervision, the defendant must be assigned a caseworker from the office of reentry services created by Section 1 of this act. A defendant has no obligations with respect to the office of reentry services. Any interaction between the defendant and the office of reentry services and the office's caseworkers is voluntary on the part of the defendant and provided only to assist in the defendant's successful reentry.

SECTION 14. Tennessee Code Annotated, Section 62-76-104(b)(4)(B), is amended by deleting the language "there shall be a rebuttable presumption that the conviction relates to the fitness of the applicant, licensee, certificate holder, or registrant engaged in the applicable occupation, profession, business, or trade" and substituting instead:

the licensing authority shall, based upon the factors in subdivision (b)(4)(A), determine whether granting or renewing a license, certificate, or registration to the applicant, licensee, certificate holder, or registrant would increase the risk that individual poses to public safety. If granting or renewing a license, certificate, or registration to the applicant, licensee, certificate holder, or registrant would substantially increase the risk that individual poses to public safety, the licensing authority shall not grant or renew the license, certificate, or registration.

SECTION 15. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end the provisions of this act shall be severable.

SECTION 16. Sections 3-5 and 8-11 of this act shall take effect July 1, 2020, the public welfare requiring it, and apply to parole determinations made on or after that date. Section 13 of this act shall take effect January 1, 2021, the public welfare requiring it. Sections 6 and 7 of this act shall take effect upon becoming law, the public welfare requiring it, and apply to actions accruing on or after that date. All other sections of this act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

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

AMEND Senate Bill No. 1722*

House Bill No. 2368

by inserting the following new sections immediately preceding the last section and renumbering the subsequent section accordingly:

SECTION __. Tennessee Code Annotated, Section 39-14-105(a)(3), is amended by deleting the subdivision and substituting instead the following:

(3)

(A) A Class D felony if the value of the property or services obtained is two thousand five hundred dollars (\$2,500) or more but less than ten thousand dollars (\$10,000); and

(B) Notwithstanding subdivision (a)(1) or (2), a Class D felony if:

(i) The value of the property obtained is less than ten thousand dollars (\$10,000);

(ii) The property obtained is a firearm as defined in § 39-11-106;

and

(iii) The property was obtained from a law enforcement vehicle;

SECTION __. Tennessee Code Annotated, Section 39-14-105(d), is amended by deleting the language "Notwithstanding subsection (a), theft" and substituting instead "Theft".



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Clerk _____
Comm. Amdt. _____

Amendment No. _____

Bill Rye

Signature of Sponsor

AMEND Senate Bill No. 1080

House Bill No. 997*

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

SECTION 1. Tennessee Code Annotated, Title 66, Chapter 7, is amended by adding the following as a new section:

(a) A landlord or the landlord's designee shall inspect the landlord's residential property for the presence of any abandoned animals before permitting a subsequent tenant to take occupancy of the residential property.

(b) If, during an inspection conducted under subsection (a), a landlord or designee discovers an abandoned animal on the residential property, the landlord or designee shall notify the county or municipal animal shelter, dog pound, or animal control agency; private humane society; state, county, or municipal law enforcement agency; or any combination thereof, that temporarily houses stray, unwanted, or injured animals of the presence of each abandoned animal.

SECTION 2. Tennessee Code Annotated, Title 66, Chapter 28, Part 1, is amended by adding the following as a new section:

(a) A landlord or the landlord's designee shall inspect the landlord's residential property for the presence of any abandoned animals before permitting a subsequent tenant to take occupancy of the residential property.



(b) If, during an inspection conducted under subsection (a), a landlord or designee discovers an abandoned animal on the residential property, the landlord or designee shall notify the county or municipal animal shelter, dog pound, or animal control agency; private humane society; state, county, or municipal law enforcement agency; or any combination thereof, that temporarily houses stray, unwanted, or injured animals of the presence of each abandoned animal.

SECTION 3. This act shall take effect July 1, 2019, the public welfare requiring it.

Amendment No. _____

Mary Latta

Signature of Sponsor

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

AMEND Senate Bill No. 1818*

House Bill No. 2585

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

SECTION 1. Tennessee Code Annotated, Section 39-13-513, is amended by deleting subdivision (d) and substituting instead the following:

(d) Notwithstanding this section to the contrary, if it is determined after a reasonable detention for investigative purposes that a person suspected of or charged with a violation of this section is under eighteen (18) years of age, that person shall be immune from prosecution for prostitution as a juvenile or adult. A law enforcement officer who takes a person under eighteen (18) years of age into custody for a suspected violation of this section shall, if the person is suspected to be a human trafficking victim or has been the victim of commercial sexual exploitation, provide the minor with the telephone number for the Tennessee human trafficking resource center hotline, notify the department of children's services, and release the minor to the custody of a parent or legal guardian or transport the minor to a shelter care facility designated by the juvenile court judge to facilitate the release of the minor to the custody of a parent or legal guardian.

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it.



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Amendment No. _____

Patsy Haywood

Signature of Sponsor

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

AMEND

House Joint Resolution No. 822*

by deleting subdivision (5) from the amendatory language and substituting instead the following:

(5) The right, upon request, to reasonable notice of any release, transfer, or escape of an accused or convicted person;



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Amendment No. _____


Signature of Sponsor

FILED
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Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 2742

House Bill No. 2171*

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

SECTION 1. Tennessee Code Annotated, Title 24, Chapter 1, Part 2, is amended by adding the following language as a new section:

(a) Except as provided in subsection (d) or unless a report of abuse is otherwise required by law, an advocate shall not be compelled to disclose any of the following in a judicial, legislative, or administrative proceeding:

- (1) A communication, including verbal, written, or otherwise stored information, received by the advocate from a victim;
- (2) Records regarding the victim stored by the advocate in the course of business;
- (3) Counseling the victim received;
- (4) Crisis intervention services the victim received; or
- (5) The location of the shelter that accommodated the victim.

(b) The victim may waive the privilege of the communication in subsection (a) only by express written consent. A victim's consent is not implied when the victim is a party to any judicial, legislative, or administrative proceeding. The privilege terminates upon the death of the victim.

(c) This section does not limit the defendant's right of cross-examination of the advocate in a proceeding when the advocate testifies with the written consent of the victim, or is otherwise compelled to testify by law or the court pursuant to subsection (d).



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(d) An advocate shall not disclose a confidential communication received by the advocate from a victim except:

(1) To other advocates of the victim services provider and third-party providers, with the victim's written consent, when and to the extent necessary to facilitate the delivery of services to the victim;

(2) To a law enforcement agency to the extent necessary to protect the victim or another individual from a substantial risk of imminent and serious physical injury;

(3) To make a report regarding child abuse or neglect as required by § 37-1-403, child sexual abuse as required by § 37-1-605, or elder abuse as required by § 39-15-509;

(4) To disclose any confidential communications relevant to a claim or defense if the victim files a lawsuit against an advocate or a victim services provider; or

(5) Upon an order of the court compelling disclosure if, upon the motion of a party, the court determines that:

(A) The information sought is relevant and material evidence of the facts and circumstances involved in an alleged criminal act which is the subject of a criminal proceeding;

(B) The probative value of the information outweighs the harmful effect of disclosure, if any, on the victim, the advocate relationship, and the treatment services; and

(C) The information cannot be obtained by reasonable means from any other source.

(e) For purposes of this section:

(1) "Advocate" means an employee or volunteer of a domestic violence shelter, crisis line, or victim's services provider that provides services for victims

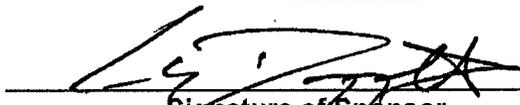
of domestic violence, sexual assault, stalking, or human trafficking who has completed a minimum of twenty (20) hours of relevant training from a victim services provider; and

(2) "Victim" means a person seeking assistance because the person is a domestic abuse victim as defined by § 36-3-601, a victim of an offense under title 39, chapter 13, part 5, a trafficked person as defined by § 39-13-314, or a victim of stalking as defined by § 39-17-315, regardless of where or how the person seeks or receives services.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring

it.

Amendment No. 014475


Signature of Sponsor

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

AMEND Senate Bill No. 1568

House Bill No. 1583*

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

SECTION 1. Tennessee Code Annotated, Section 40-39-211(c), is amended by deleting the subsection and substituting instead the following:

(c)

(1) While mandated to comply with the requirements of this part, no sexual offender or violent sexual offender, whose victim was a minor, shall knowingly reside or conduct an overnight visit at a residence in which a minor resides or is present. Notwithstanding this subsection (c), the offender may reside, conduct an overnight visit, or be alone with a minor if the offender is the parent of the minor, unless:

(A) The offender's parental rights have been or are in the process of being terminated as provided by law;

(B) Any minor or adult child of the offender was a victim of a sexual offense or violent sexual offense committed by the offender; or

(C) The offender has been convicted of a sexual offense or violent sexual offense and the following conditions have been satisfied:

(i) The victim of the sexual offense or violent sexual offense was a minor twelve (12) years of age or less; and



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(ii) A circuit court, exercising its jurisdiction over civil matters, has found by clear and convincing evidence that the offender presents a danger of substantial harm to the minor.

(2) For purposes of subdivision (c)(1)(C):

(A) The district attorney general for the judicial district in which the minor resides may petition the court to make a finding described in subdivision (c)(1)(C)(ii) at any time the offender is required to register pursuant to this part;

(B) The offender must be provided notice and an opportunity to be heard;

(C) When determining whether the offender poses a danger of substantial harm to a minor, the court may consider the facts and circumstance of the offense, the offender's most recent efforts to rehabilitate, compliance with community supervision as provided in § 39-13-524 if applicable, any violations of this part as specified in § 40-39-208, and other relevant evidence;

(D) All files and records of the court in the proceeding must be treated as confidential and shall not be open to the public or disclosed to the public, but are open to:

(i) The judge, officers, and professional staff of the court;

(ii) The parties to the proceeding and their counsel and representatives;

(iii) Any parent or legal guardian of the minor other than the offender;

(iv) The offender's registering agency; and

(v) With permission of the court, any other person or agency having a legitimate interest in the proceeding;

(E) The court must enter a written order stating its findings. If the court finds that the offender presents a danger of substantial harm to the minor, the district attorney general shall provide the court's finding to the offender's registering agency;

(F) No sooner than two (2) years after the date of entry of the circuit court's order, the offender may petition the court for reconsideration of a finding that the offender presents a danger of substantial harm to the minor. The offender must show, by clear and convincing evidence, that the offender no longer presents a danger of substantial harm to the minor; and

(G) An appeal from a final order or judgment under subdivision (c)(1)(C)(ii) may be made to the court of appeals. A finding that the offender presents a danger of substantial harm to the minor shall remain in effect pending the outcome of the appeal.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

**Employee Affairs
Subcommittee
Amendment Packet
2/25/2020**

Amendment No. _____

BT (MT)

Signature of Sponsor

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

AMEND Senate Bill No. 1944*

House Bill No. 2054

by deleting the language "positive drug test" wherever it appears and substituting instead the language "positive urine drug test".

AND FURTHER AMEND by adding the following language to the end of the amendatory language in Section 6:

This subsection (e) does not apply to:

- (1) Employees of private businesses;
- (2) Employees of the federal government; or
- (3) Employees who are subject to drug testing based on federal law.

AND FURTHER AMEND by deleting the amendatory language of Section 7 and substituting instead the following:

Any drug test used for action pursuant to this section must comply with the requirements of title 50, chapter 9, including, for any state or local government employee, the requirements of § 50-9-111(e).

AND FURTHER AMEND by deleting the period at the end the amendatory language of Section 8 and substituting instead the following:

when applied to a state or local government employee.

AND FURTHER AMEND by adding the following to the end of the amendatory language in Section 10:

(c) This section does not apply to employees who are subject to drug testing based on federal law.



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Amendment No. _____

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Signature of Sponsor

FILED
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Clerk _____
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AMEND Senate Bill No. 2520*

House Bill No. 2708

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

SECTION 1. Tennessee Code Annotated, Title 50, is amended by adding the following as a new chapter:

50-10-101.

This chapter shall be known and may be cited as the "Tennessee Pregnant Workers Fairness Act."

50-10-102.

As used in this chapter:

- (1) "Commissioner" means the commissioner of labor and workforce development;
- (2) "Employer" means a person employing fifteen (15) or more employees;
- (3) "Reasonable accommodation" may include:
 - (A) Making existing facilities used by employees readily accessible and usable;
 - (B) Providing more frequent, longer, or flexible breaks;
 - (C) Providing a private place, other than a bathroom stall, for the purpose of expressing milk;
 - (D) Modifying food or drink policy;
 - (E) Providing modified seating or allowing the employee to sit more frequently if the job requires standing;



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- (F) Providing assistance with manual labor and limits on lifting;
 - (G) Authorizing a temporary transfer to a vacant position;
 - (H) Providing job restructuring or light duty, if available;
 - (I) Acquiring or modifying of equipment, devices, or an employee's work station;
 - (J) Modifying work schedules; and
 - (K) Allowing flexible scheduling for prenatal visits; and
- (4) "Undue hardship" means an action requiring significant difficulty or expense.

50-10-103.

(a) An employer is not required to do the following unless the employer does or would do so for another employee or a class of employees that need a reasonable accommodation:

- (1) Hire new employees that the employer would not have otherwise hired;
- (2) Discharge an employee, transfer another employee with more seniority, or promote another employee who is not qualified to perform the new job;
- (3) Create a new position, including a light duty position for the employee, unless a light duty position would be provided for another equivalent employee;
- (4) Compensate an employee for more frequent or longer break periods, unless the employee uses a break period that would otherwise be compensated; or
- (5) Construct a permanent, dedicated space for expressing milk.

(b) It is an unlawful employment practice for an employer to:

(1) Fail or refuse to make reasonable accommodations for medical needs arising from pregnancy, childbirth, or related medical conditions of an applicant for employment or an employee, unless the employer demonstrates that the accommodation would impose an undue hardship on the operation of the business of the employer;

(2) Require an employee to take leave under a leave law or policy adopted by the employer if another reasonable accommodation can be provided to the known limitations for medical needs arising from the employee's pregnancy, childbirth, or related medical conditions; or

(3) Take adverse action against an employee in the terms, conditions, or privileges of employment for requesting or using a reasonable accommodation to the known limitations for medical needs arising from the employee's pregnancy, childbirth, or related medical conditions, including, but not limited to, counting an absence related to pregnancy under no fault attendance policies.

(c) An employer may, if required of other employees with medical conditions, request that an employee with a medical need relating to pregnancy, childbirth, or related medical conditions provide medical certification from a healthcare professional if the employee is requesting a reasonable accommodation related to temporary transfer to a vacant position, job restructuring, or light duty, or an accommodations that requires time away from work. During the time period in which an employee is making good faith efforts to obtain medical certification, an employer must begin engaging in a good faith interactive process with the employee to determine if a reasonable accommodation can be provided absent undue hardship. An employer shall not take adverse action against an employee related to the employee's need for accommodation while the employee is engaging in good faith efforts to obtain medical certification.

50-10-104.

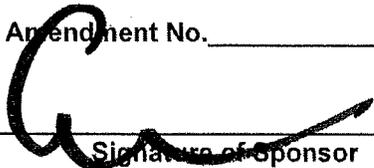
(a) The commissioner shall enforce this chapter and may promulgate rules to effectuate this chapter in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(b) Any person adversely affected by an act in violation of this chapter may bring a civil action in the chancery court or circuit court in the jurisdiction where the alleged violation occurred. In the action, a court may issue back pay, compensatory damages, prejudgment interest, reasonable attorney's fees, and any legal or equitable relief that will effectuate the purpose of this chapter.

(c) A civil action under this chapter must be commenced no later than one (1) year from the date of termination of employment or the date of the adverse employment action. An employee is not required to pursue an administrative action or remedy prior to filing suit under this section.

SECTION 2. For purposes of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2020, the public welfare requiring it.

Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 1835

House Bill No. 1548*

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

SECTION 1. Tennessee Code Annotated, Title 15, Chapter 2, is amended by adding the following as a new section:

The month of April is observed as "Barber, Beauty, and Health Month" in this state to recognize the contributions of Tennesseans to the health and beauty industry, to honor those persons who work in the health and beauty industry, to recognize those persons who work to help this state become the best in the nation for natural hair care and cosmetology, and to remind Tennesseans of the importance of maintaining proper health and wellness.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.



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014665

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1548 - SB 1835

February 13, 2020

SUMMARY OF ORIGINAL BILL: Designates the month of April as “Health and Beauty Month”.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (014665): Deletes all language after the enacting clause. Designates the month of April as “Barber, Beauty, and Health Month”.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumption for the bill as amended:

- The proposed legislation does not declare a legal holiday as defined in Tenn. Code Ann. § 15-1-101; therefore, the fiscal impact to state or local government is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner".

Krista Lee Carsner, Executive Director

/jem

**THE ATTACHED
AMENDMENTS ARE TO
BILLS THAT WILL BE
HEARD IN THE
PROPERTY AND
PLANNING
SUBCOMMITTEE ON
FEBRUARY 25, 2020.**

RECEIVED
FEB 20 2020
BY: _____

Property + Planning sub.

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

Amendment No. _____

John B Holsclaw 4
Signature of Sponsor

3:06 PM

AMEND Senate Bill No. 2663

House Bill No. 2776*

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

SECTION 1. Tennessee Code Annotated, Section 6-54-118, is amended by adding the following sentence at the end of subdivision (a)(1):

In counties recognized by the department of economic and community development as tier 4 counties at the time of capital investment, economic development for purposes of this section includes providing incentives in a manner approved by the governing body of the municipality to promote the development of single-family housing.

SECTION 2. Tennessee Code Annotated, Section 7-53-101(15), is amended by adding the following as a new subdivision:

(J) In counties recognized by the department of economic and community development as tier 4 counties, incentives pursuant to a program approved by the governing body of the municipality to promote the development of single-family housing.

SECTION 3. This act shall take effect upon becoming law, the public welfare requiring it.



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✓ Property + Planning

RECEIVED
FEB 13 2020
BY: _____

Amendment No. _____

Signature of Sponsor

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

AMEND Senate Bill No. 2516

House Bill No. 1627*

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

SECTION 1. Tennessee Code Annotated, Section 67-5-2509(c), is amended by adding the following language as a new subdivision (7):

(7)

New

(A) In lieu of the sale to private purchasers as provided in §§ 67-5-2507 and 67-5-2508, the proper officers of the state, the county, and the municipality, or any or all of the officers who have an interest in the property, may convey the property to a land bank created under the Tennessee Local Land Bank Program, compiled in title 13, chapter 30. A land bank acquiring property pursuant to this subdivision (c)(7) may convey the property to a veteran meeting the conditions specified in this subdivision (c)(7), under any terms deemed appropriate to the board of directors of the land bank.

(B) In order to receive property under this subdivision (c)(7), a veteran must:

- (i) Have been a resident of the county where the land is located for a minimum period of one (1) year;
- (ii) Provide documentation to the officers verifying the veteran's income does not exceed one hundred fifty thousand dollars (\$150,000) per year; and
- (iii) Agree in writing to bring the property into compliance with all applicable local building codes and ordinances within twelve (12) months


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of acquiring the property and to abide by all other terms and conditions as specified in this subdivision (c)(7) and in a written agreement to convey property.

(C) A veteran may request conveyance of up to two (2) properties within a five-year period upon demonstration of the veteran's ability to comply with the terms and conditions established by the officers.

(D) If a veteran receives two (2) properties within a five-year period, then one (1) property must be occupied by the veteran for a minimum of five (5) years.

(E) Except for property that must be occupied by the veteran for a minimum period of five (5) years under subdivision (c)(7)(D), a veteran may:

(i) Use the property as a primary residence;

(ii) Maintain the property as rental property for the veteran's benefit;

(iii) Resell the property after the property has been brought into compliance with local building codes and ordinances; or *→ or 12 months after convey. (Taken out)*

(iv) Donate the property to another veteran or a federally chartered veterans organization certified as a tax exempt entity under § 501(c)(3) of the Internal Revenue Code (26 U.S.C. § 501(c)(3)).

New

(F) If the veteran acquiring property under this subdivision (c)(7) fails to comply with this subdivision (c)(7) or the agreement entered pursuant to subdivision (c)(7)(B)(iii), the interest in the property shall revert to the land bank that conveyed the property to the veteran. Any improvements made by the veteran to the property shall be forfeited. The land bank may be awarded court costs and attorney's fees in any action required to reacquire the property.

New

(G) As used in this subsection (c), "veteran" means a Tennessee resident who is a former member of the United States armed forces or a former member of a reserve or Tennessee national guard unit who was called into active

military service of the United States, as defined in § 58-1-102, and who served honorably, as defined in § 49-7-102.

SECTION 2. This act shall be known as the "Veterans Stability Act of Tennessee."

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring
it.

Safety & Funding Subcommittee

Tuesday, February 25, 2020

Amendment Packet

4 Total

Amendment No. _____

Mark White
Signature of Sponsor

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

AMEND Senate Bill No. 2090

House Bill No. 2110*

by deleting the language "shall" in subdivision (f)(2) of the amendatory language of Section 1 and substituting instead the language "may".



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015202

Amendment No. _____

Pat Marshall

Signature of Sponsor

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

AMEND Senate Bill No. 2836

House Bill No. 2365*

by deleting subdivisions (a)(4)-(5) in the amendatory language of Section 5 and substituting instead the language:

(4) Not transport hazardous materials regulated under the Hazardous Materials Transportation Act (49 U.S.C. § 5103) that are required to be placarded under 49 CFR Part 172, Subpart F.

AND FURTHER AMEND by adding the word "and" after the semi-colon at the end of subdivision (a)(3) in the amendatory language of Section 5.



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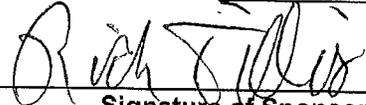


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FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____



 Signature of Sponsor

AMEND Senate Bill No. 1775*

House Bill No. 2201

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

SECTION 1. Tennessee Code Annotated, Section 55-4-403(a), is amended by deleting the subsection and substituting the following:

(a) Transport of mobile homes may only take place between sunrise and sunset, Monday through Saturday, except for the holidays enumerated in § 55-7-205(1)(2)(B).

SECTION 2. Tennessee Code Annotated, Section 55-4-405, is amended by deleting the section and substituting the following:

(a) A permit is required for the transport of any mobile home exceeding one hundred twenty feet (120') in length, including towing vehicle. Permits issued pursuant to this section must be issued on a single trip or blanket permit basis.

(b)

(1) The single trip fee for this permit is twenty-five dollars (\$25.00).

(2) The blanket trip fee for this permit is two thousand dollars (\$2,000).

SECTION 3. Tennessee Code Annotated, Section 55-4-406, is amended by deleting the section and substituting the following:

(a) A permit is required for the transport of any mobile home exceeding eight feet six inches (8' 6") in width. Transport of mobile homes exceeding eighteen feet (18') in width are not permitted. Permits authorized pursuant to this section may be issued on either a short-term basis or an annual basis. Short-term permits are valid for six (6) days from the date of issuance. Annual permits are valid for three hundred sixty-five (365) days from the date of issuance.

(b) The fee schedule for permits issued pursuant to this section is as follows:



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014359

(1) For short-term, eight feet six inches (8' 6") wide to fourteen feet (14') wide – fifty dollars (\$50.00);

(2) For short-term, eight feet six inches (8' 6") wide to eighteen feet (18') wide – one hundred dollars (\$100);

(3) For annual permit, eight feet six inches (8' 6") wide to fourteen feet (14') wide – one thousand dollars (\$1,000); and

(4) For annual permit, eight feet six inches (8' 6") wide to eighteen feet (18') wide – two thousand dollars (\$2,000).

SECTION 4. Tennessee Code Annotated, Section 55-4-410, is amended by deleting the section and substituting the following:

(a) The department of transportation is authorized to promulgate rules and regulations prescribing safety precautions and equipment to be utilized by those transporting mobile homes subject to this part.

(b) The transporter and the seller of the mobile home, if the seller is a different person or entity than the transporter, moving a mobile home that is subject to this part have the affirmative duty to determine that:

(1) The undercarriage for the manufactured home is equipped with adequate brakes that are operated from the towing vehicle;

(2) The route traveled allows safe passage of the mobile home, based upon the height and width of the mobile home; and

(3) The rear escort vehicle is a vehicle weighing more than two thousand (2,000) pounds with a manufacturer's gross vehicle weight rating up to nineteen thousand five hundred (19,500) pounds when towing a home maneuverability device, and is properly licensed. The rear escort vehicle must be used to escort one (1) or more other permitted vehicles, when required, due to the size or character of the permitted vehicle or load, in accordance with the conditions set forth in a permit issued by the department of transportation permit office.

(c) The affirmative duty created pursuant to this section is primarily the transporter's duty. The seller is secondarily liable. The affirmative duty to determine the safe passage may be met by use of a front escort vehicle having protrusions equal to the height and width of the mobile home.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it, and applies to permits issued and transports occurring on and after the effective date of this act.



February 19, 2020

SUMMARY OF ORIGINAL BILL: Deletes the authorization to charge monitoring inspection fees applicable to each new manufactured home built in this state.

FISCAL IMPACT OF ORIGINAL BILL:

Decrease State Revenue - \$628,400/FY20-21 and Subsequent Years
/Manufactured Housing Fund

SUMMARY OF AMENDMENT (014359): Deletes all language after the enacting clause. Prohibits the transport of mobile homes during holidays in which excess weight or size permits are prohibited, rather than during every legal holiday. Creates a blanket permit for transport of mobile homes exceeding 120' in length for a fee of \$2,000. Increases, from 16' to 18', the maximum width of transport of any mobile home. Requires the transporter of the mobile home to ensure that the rear escort vehicle is licensed and weighs more than 2,000 pounds with a manufacturer's gross vehicle weight rating up to 19,500 pounds.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Revenue - \$1,000/FY20-21 and Subsequent Years

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 55-4-405, a permit to transport a mobile home exceeding 120' in length requires a single trip permit for \$25.00.
- The proposed legislation creates a blanket permit option for transports of mobile homes exceeding 120' in length for \$2,000.
- The expiration date for the new blanket permit is not provided; however, it is assumed the blanket permit for mobile homes exceeding 120' in length will be administered the same as the annual permit option for mobile homes exceeding 8' 6" in width, also for \$2,000.
- It is unknown how many single trip permits are issued to the same transporter annually; however, it is assumed that a single transporter would not purchase a blanket trip permit option unless they required enough individual single trip permits to amount, at a minimum, to the blanket trip permit fee (therefore, likely resulting in a decrease in

permit fee revenue), or unless the purchase is made simply due to convenience (which could result in an increase or decrease in state revenue). The net impact on state permit fee revenue from this provision is estimated to be not significant.

- Pursuant to Tenn. Code Ann. § 55-4-406, transport of a mobile home exceeding 16' in width is prohibited.
- The proposed legislation increases the width limit for mobile home transport to 18'.
- Based on information provided by the Department of Transportation (DOT), 273 permits for transport of mobile homes exceeding 8'6" in width were issued in FY19-20.
- It is unknown how many permits were denied for transport of a mobile home exceeding 16' in width.
- It is estimated that DOT would annually issue 10 additional short-term permits for transport of mobile homes between 16' and 18' in width for a fee of \$100 each.
- Pursuant to Tenn. Code Ann. § 55-4-411(c), the DOT retains permit fee revenue only equal to the expenses incurred to administer the program. The remaining balance is allocated to the General Fund.
- The DOT can issue additional permits within existing resources; therefore, permit fee revenue from the proposed legislation will be allocated to the General Fund.
- A recurring increase in state revenue of \$1,000 (10 permits x \$100 fee) in FY20-21 and subsequent years.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

/agr

Amendment No. _____
Rick Silla

Signature of Sponsor

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

AMEND Senate Bill No. 1775*

House Bill No. 2201

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

SECTION 1. Tennessee Code Annotated, Section 55-4-403(a), is amended by deleting the subsection and substituting the following:

(a) Transport of mobile homes may only take place between sunrise and sunset, Monday through Saturday, except for the holidays enumerated in § 55-7-205(1)(2)(B).

SECTION 2. Tennessee Code Annotated, Section 55-4-405, is amended by deleting the section and substituting the following:

(a) A permit is required for the transport of any mobile home exceeding one hundred twenty feet (120') in length, including towing vehicle. Permits issued pursuant to this section must be issued on a single trip or annual permit basis.

(b)

- (1) The single trip fee for this permit is twenty-five dollars (\$25.00).
- (2) The fee for an annual permit is two thousand dollars (\$2,000).

SECTION 3. Tennessee Code Annotated, Section 55-4-406, is amended by deleting the section and substituting the following:

(a) A permit is required for the transport of any mobile home exceeding eight feet six inches (8' 6") in width. Transport of mobile homes exceeding eighteen feet (18') in width are not permitted. Permits authorized pursuant to this section may be issued on either a short-term basis or an annual basis for movements not exceeding sixteen feet (16') in width. Movements in excess of sixteen feet (16') in width may be permitted only on a single-trip basis and shall be escorted in accordance with § 55-4-110. Single-trip



permits are valid for six (6) days from the date of issuance. Annual permits are valid for three hundred sixty-five (365) days from the date of issuance.

(b) The fee schedule for permits issued pursuant to this section is as follows:

(1) For single-trip, eight feet six inches (8' 6") wide to fourteen feet (14') wide – fifty dollars (\$50.00);

(2) For single-trip, eight feet six inches (8' 6") wide to sixteen feet (16') wide – one hundred dollars (\$100);

(3) For single-trip, in excess of sixteen feet (16') wide to eighteen feet (18') wide – two hundred dollars (\$200);

(4) For annual permit, eight feet six inches (8' 6") wide to fourteen feet (14') wide – one thousand dollars (\$1,000); and

(5) For annual permit, eight feet six inches (8' 6") wide to sixteen feet (16') wide – two thousand dollars (\$2,000).

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it, and applies to permits issued and transports occurring on and after the effective date of this act.

K-12 2/25
Cepicky

Amendment No. _____
Scott Cepicky
Signature of Sponsor

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

AMEND Senate Bill No. 2035

House Bill No. 2002*

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

SECTION 1. Tennessee Code Annotated, Section 49-1-104(b), is amended by designating the existing language as subdivision (1) and adding the following as new subdivisions:

(2) In establishing the maximum caseload standards for special education and related service personnel under this subsection (b), the state board of education and the department of education shall consider the workload associated with:

- (A) Providing specially designed instruction, including:
 - (i) Direct instruction to meet IEP goals or objectives; and
 - (ii) Indirect services, including:
 - (a) Consultation with general education teachers;
 - (b) Adaptation of curricular materials;
 - (c) Coordination with other service providers;
 - (d) Collaboration among special education service providers to discuss student progress and to determine the necessary next steps for individual students; and
 - (e) Dedicated planning time for co-teaching;
- (B) Implementing inclusionary practices, including:
 - (i) Co-teaching;
 - (ii) Supported instruction; and
 - (iii) Push-in services; and


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015011



February 22, 2020

SUMMARY OF ORIGINAL BILL: Requires the State Board of Education (SBE), in consultation with the Department of Education (DOE), to update and revise the maximum class size and caseload standards for instructional personnel and teachers that develop or implement a student's Individualized Education Program (IEP). Authorizes DOE to grant a waiver from the maximum class sizes, average class sizes, or caseload standards. Requires a local education agency's (LEA's) request for a waiver to include workload calculations demonstrating the need for a waiver. Requires LEAs to include certain criteria in a request for a waiver. Requires DOE to grant an LEA a waiver if certain conditions are met.

FISCAL IMPACT OF ORIGINAL BILL:

Other Fiscal Impact - In the event that the SBE sets standards requiring class sizes to be reduced by five students there will be a recurring increase in state expenditures up to \$118,300,000 and a mandatory recurring increase in local matching expenditures up to \$5,494,000.*

SUMMARY OF AMENDMENT (015011): Deletes all language after the enacting clause and rewrites the bill such that the only substantive changes are to: 1) remove the instructions for calculating workloads; 2) remove the requirement for an LEA to include workload calculations demonstrating the need for a waiver; and 3) require an LEA to include a description of the LEA's efforts to recruit and retain adequate staff to meet the maximum caseload standards in a request for a waiver.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Current law, Tenn. Code Ann. § 49-1-104 requires SBE and DOE to establish standards to address class sizes in all classrooms that include students with disabilities and students eligible for special education services.
- This legislation will require consideration of additional criteria in establishing class size standards.

- Consideration of additional criteria may lead to a reduction in class size standards.
- The precise decrease in class size standards adopted, if any, by SBE is dependent on multiple unknown factors and cannot be reasonably determined.
- The precise number of waivers issued cannot be reasonably determined.
- In the event that the SBE sets standards requiring class sizes to be reduced by five students, based on information provided by DOE, the fiscal impact will be as follows:
 - A recurring increase in state expenditures of up to \$118,300,000;
 - A mandatory recurring increase in local matching expenditures of up to \$5,494,000.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

/alh

Amendment No. _____

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

Signature of Sponsor

AMEND Senate Bill No. 1813*

House Bill No. 1855

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

SECTION 1. Tennessee Code Annotated, Section 49-1-221, is amended by deleting subsection (b) and substituting instead the following:

(b) Each LEA shall install the technology selected according to the LEA's internet acceptable use policy under subdivision (a)(1)(C) that blocks all access at the district level to:

- (1) Material that the LEA deems to be harmful to juveniles;
- (2) Child pornography; and
- (3) Obscenity, as determined by community standards.

(c) Each LEA shall review the LEA's internet acceptable use policy, as well as the technology installed by the LEA to filter or block internet access at the district level as required under subsection (b), no later than January 1, 2021, and annually thereafter, to ensure that the LEA's internet acceptable use policy and the technology selected and installed by the LEA pursuant to subdivision (a)(1)(C) and subsection (b) are up to date in light of technological advancements and comply with the federal Children's Internet Protection Act (Pub. L. No. 106-554), as applicable.

(d) Each LEA shall ensure that all LEA computers that connect to an authenticated LEA network are installed with up to date anti-virus or spam removal software.

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it.



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014672

Amendment No. _____


Signature of Sponsor

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

AMEND Senate Bill No. 2480

House Bill No. 2558*

by deleting subdivision () (ii) in Section 2 and substituting instead the following:

(ii) A restaurant under this subdivision (30)() is not required to meet any gross revenue percentage requirements for food service as a prerequisite to the issuance of a restaurant license to serve liquor by the drink; provided, however, that a restaurant applying for a renewal of its license under this subdivision (30)() must pay the appropriate license fee due under § 57-4-301(b)(1)(W) when the gross revenue from the previous year derived from food sales is fifty percent (50%) or less than the gross revenue from the sale of alcoholic beverages;



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Amendment No. _____


Signature of Sponsor

FILED
Date <u>2/24/2020</u>
Time <u>9:48 AM</u>
Clerk <u>DKS</u>
Comm. Amdt. _____

AMEND Senate Bill No. 2482

House Bill No. 2480*

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

SECTION 1. Tennessee Code Annotated, Section 57-4-101(a) is amended by adding the following new subdivision (22):

(22) Food hall, as defined in Section 2, to those in attendance at the food hall, subject to further provisions of this chapter.

SECTION 2. Tennessee Code Annotated, Title 57, Chapter 4, Part 1, is amended by adding the following new section:

(a) As used in this chapter, "food hall" means a public place kept, used, maintained, advertised, and held out to the public as a place where meals are served and where meals are actually and regularly served; with adequate and sanitary kitchens, dining room equipment, and a seating capacity of at least one thousand two hundred (1,200) people at tables, counters, and other places for dining; having a sufficient number and kind of persons to prepare, cook, and serve suitable food for guests; and located in a facility or designated area having the following characteristics upon completion of construction:

(1) The facility has at least ninety thousand square feet (90,000 sq. ft.) in a multi-level mixed-used commercial building which includes restaurants, bars, and a rooftop with a live music venue;

(2) The facility includes at least twenty (20) separate points of sale, contiguous or noncontiguous, that regularly prepare and sell food;

(3) The easternmost corner of the structure that houses the facility is approximately:



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(A) One thousand four hundred (1,400) feet southwest of a public park that is adjacent to a navigable waterway;

(B) One thousand one hundred (1,100) feet southeast of a public park that is adjacent to a public library constructed in 2001;

(C) Five hundred (500) feet northwest of a public park that contains a walkway recognizing professionals in the music industry; and

(D) One thousand five hundred (1,500) feet southwest of a railway station providing commuter rail service that employs standard gauge locomotives and coaches;

(4) The property that houses the facility is across a public street from a live performance venue that was originally constructed in 1892 as a religious facility;

(5) The property that houses the facility is adjacent to a facility originally constructed in 1925 that houses the Grand Lodge of Free and Accepted Masons of Tennessee;

(6) The facility is located in a mixed used development located at the intersection of a federal highway and a municipal street; and

(7) The facility is located in a county with a metropolitan form of government having a population of not less than five hundred thousand (500,000), according to the 2010 federal census or any subsequent federal census.

(b) The premises of a food hall means any or all of the property that constitutes the food hall, except any other separately licensed premises that is located in the food hall. The licensee may operate multiple points of sale with different business names within the food hall. The licensee shall designate the premises and each point of sale to be licensed by the commission by filing a drawing of the premises, which may be amended by the licensee filing a new drawing. The points of sale may be noncontiguous within the licensed premises. The entire designated premises is covered under one (1)

license issued under this section. The licensee does not have to prepare or sell food as a condition of the license.

(c) A licensee licensed as a food hall may grant a franchise for the provision of alcoholic beverages to any person that regularly prepares and sells food on the food hall premises. The holder of the franchise is deemed to be a food hall under this section, and such franchisee is not required to obtain its own license; provided, that prior notice and disclosures must be given to the commission, on such forms or in such manner as may be prescribed by the commission, and the licensee shall pay the commission for each franchisee licensed under this section a two hundred dollar (\$200) annual privilege tax. Upon renewal of the food hall license by the licensee, and payment of the annual privilege tax for each franchise by the licensee, the franchise is deemed renewed.

(d) A restaurant, as defined in § 57-4-102(30)(A), which qualifies for a restaurant license under § 57-4-102(30), may be located within the premises of a food hall; provided, that the defined premises of such restaurant may be open for public ingress and egress within the premises of the food hall. Such restaurant may store its inventory of beer and alcoholic beverages on the licensed premises of the restaurant or food hall pursuant to subsection (g).

(e)

(1) Except as specifically set forth in this subsection (e), the commission shall enforce this chapter against each point of sale on the premises of the food hall and shall not cite, penalize, or take any other adverse action against a point of sale for any violation committed by another point of sale within a common licensed area on the premises of the food hall. There is a rebuttable presumption of liability for a specific point of sale for any underage sale based on the specific type of container, brand of beer or wine, or the name or logo on the labeled or unlabeled glassware or cup provided to the minor or other such violation. In the absence of a container, glassware, or cup identifying the point of sale, the commission may determine which point of sale to cite for an underage sale or

other such violation. If the commission is unable to determine which point of sale committed a violation after conducting a reasonable investigation, the commission may issue a citation to one (1) or more points of sale that share the common licensed area where the violation occurred. If the licensee or multiple franchisees commit multiple violations of § 57-4-203(b), § 57-4-203(c), or other prohibited offenses that jeopardize public safety which are of the same or similar nature during a twelve-month period, the commission may suspend or revoke the license after written notice and an opportunity to implement remedial measures.

(2)

(A) In determining whether the license may be suspended or revoked, the commission shall consider whether:

(i) The licensee has a commercially reasonable written policy to enforce the provisions of § 57-4-203(b), § 57-4-203(c), or other prohibited offenses that jeopardize public safety;

(ii) The licensee provides commercially reasonable training for all employees engaged in the sale and service of beer and alcohol;

(iii) The citation primarily results from an employee violating a written policy; and

(iv) The employee that violates the written policy is either terminated or suspended without pay.

(B) Upon consideration of the factors identified under subdivision (e)(2)(A), the commission shall impose a fine, suspension, or revocation against the point of sale.

(f) Notwithstanding § 57-4-101(p), any licensee licensed under this section may serve wine, high gravity beer, and beer in its original container, and spirit-based beverages in original containers that do not exceed three hundred seventy five milliliters (375 ml) and an alcohol content that does not exceed fifteen percent (15%) by volume,

in unlabeled cups or glassware, or in labeled cups or glassware identifying the licensee as the entity selling the alcoholic beverages or beer for on-premise consumption anywhere within the food hall. Any franchisee licensed under subsection (c) and any restaurant licensed under subsection (d) shall comply with the requirements of § 57-4-101(p); provided, that a sticker identifying the licensee, which is reasonably designed to stay affixed to a container, shall comply with § 57-4-101(p).

(g) The licensee or any of its franchisees licensed under subsection (c) or a restaurant licensed under subsection (d) may store beer and alcoholic beverages in one (1) or more central storage locations in the food hall; provided, that if the restaurant, franchisee, and food hall share the same storage area, the restaurant's inventory of beer and alcoholic beverages must be stored in a separately locked cage or other storage area. Notwithstanding any other provision in this chapter, the licensee, franchisee, or restaurant licensed under subsection (d) may transport beer and alcoholic beverages anywhere in the food hall, including, but not limited to, the premises of a separately licensed restaurant, public hallways, and areas that are restricted to the public for the purposes of transporting inventory within the food hall.

(h) Notwithstanding chapter 5 of this title to the contrary, the premises of any facility licensed under this section means for beer permitting purposes any or all of the property that constitutes the food hall, except any other permitted premises that is located in the food hall. The permittee may operate multiple points of sale with different business names within the facility, which may be contiguous or noncontiguous. The permittee shall designate the points of sale to be permitted by the local beer board by filing a drawing of the premises, which may be amended by the permittee filing a new drawing. The entire designated premises is covered under one (1) beer permit issued under chapter 5 of this title. The permittee may grant a franchise for the provision of beer on its premises, and the holder of the franchise is not required to obtain its own beer permit; provided, that the franchisee's premises qualifies as an additional point of sale under this section and the franchisee has been approved by the commission under

subsection (c). For enforcement purposes, the local beer board shall treat each point of sale in the facility separately for violations of chapter 5 of this title and local beer ordinances. The local beer board shall not cite a point of sale for violations committed by another point of sale within a common licensed area. There is a rebuttable presumption of liability for a specific point of sale for any underage sale based on the specific type of container, brand of beer, or wine, unlabeled or labeled cup or glassware, or logo on the cup or glassware provided to the minor or such other violation. In the absence of a container, glass, or cup identifying the point of sale, the local beer board may determine which point of sale to cite for an underage sale or other such violation. If the local beer board is unable to determine the violator after conducting a reasonable investigation, the local beer board may issue a citation to one (1) or more points of sale that share the common licensed area where the violation occurred.

(i) Notwithstanding § 57-4-203(e)(1), a licensee licensed under this section and a franchisee licensed under subsection (c) may sell and distribute wine in any unsealed container for consumption on the licensed premises.

(j) The facility, landlord, tenant, or any licensee located in a food hall shall provide periodic security throughout the entire licensed premises.

SECTION 3. Tennessee Code Annotated, Section 57-4-301(b)(1) is amended by adding the following new subdivision (x):

(x) Food Hall	\$2000
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SECTION 4. Tennessee Code Annotated, Section 57-4-201(b)(1), is amended by deleting the language "restaurant, club" and substituting instead the language "restaurant, food hall, club".

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

Amendment No. _____

Signature of Sponsor _____

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

AMEND Senate Bill No. 2492

House Bill No. 1930*

by inserting the following new section immediately preceding the last section and renumbering the subsequent section accordingly:

SECTION __. Tennessee Code Annotated, Section 57-4-102(27), is amended by adding the following new subdivisions:

- () A commercially operated facility possessing each of the following characteristics:
 - (i) Has a marina with at least eighty-five (85) boat slips on Dale Hollow Lake at the confluence of the East and West Forks of the Obey River;
 - (ii) Has a restaurant with seating for approximately eighty (80) patrons;
 - (iii) Has assorted boats and at least twelve (12) cabins available for rent;
 and
 - (iv) Is located in a county having a population not less than five thousand (5,000) and not more than five thousand one hundred (5,100), according to the 2010 federal census or any subsequent federal census;
- () A commercially operated facility possessing each of the following characteristics:
 - (i) Is located approximately one (1) mile from Dale Hollow Lake, containing an area of ninety (90) acres;
 - (ii) Has a six-thousand-square-foot barn with a commercial kitchen used for events;
 - (iii) Has at least two (2) cabins for rent; and



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(iv) Is located on Bolestown Road in a county having a population not less than five thousand (5,000) and not more than five thousand one hundred (5,100), according to the 2010 federal census or any subsequent federal census;

() A commercially owned marina containing all of the following characteristics:

(i) Is located on at least twenty-five (25) acres of land located off Livingston Boat Dock Road in a county having a population of not less than seven thousand eight hundred fifty-one (7,851) and not more than seven thousand eight hundred sixty-five (7,865), according to the 2010 federal census or any subsequent federal census;

(ii) Has a two-story restaurant that seats at least one hundred eighty (180) people;

(iii) Has at least three hundred fifty-five (355) boat slips and a full-service marina on Dale Hollow Lake; and

(iv) Includes at least ten (10) rental cabins;

() A commercially owned marina containing all of the following characteristics:

(i) Is located on at least forty (40) acres of land located off state highway 294 in a county having a population of not less than seven thousand eight hundred fifty-one (7,851) and not more than seven thousand eight hundred sixty-five (7,865), according to the 2010 federal census or any subsequent federal census;

(ii) Has a restaurant that seats at least fifty (50) people;

(iii) Has approximately three hundred fifty (350) boat slips and a full-service marina on Dale Hollow Lake; and

(iv) Includes at least eleven (11) rental cabins;

Amendment No. _____

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

Signature of Sponsor

AMEND Senate Bill No. 2492

House Bill No. 1930*

by inserting the following new section immediately preceding the last section and renumbering the subsequent section accordingly:

SECTION ___. Tennessee Code Annotated, Section 57-4-102(27), is amended by adding the following as a new subdivision:

- (i) A commercially operated facility that:
 - (a) Is located on approximately two hundred seventy (270) acres of land and sits approximately nineteen (19) miles south of highway 24 in a county with a population of not less than forty-five thousand (45,000) and not more than forty-five thousand one hundred (45,100), according to the 2010 and any subsequent federal census;
 - (b) Is located on property that is separately licensed to produce, bottle, and store distilled spirits;
 - (c) Is located on property that offers tours and tastings, as well as the retail sale of merchandise and bottles of spirits and contains the global headquarters for a premium Tennessee whiskey company;
 - (d) Is located on property that includes a welcome center, three (3) tasting rooms, distillery building, barrel storage facilities, a pond, museum, bar, restaurant, commercial kitchen, miniature golf course, and live music venue;
 - (e) Is located on property that serves as a horse breeding and training facility;



(f) Is located on property that is a production site and a venue for weddings, meetings, conferences, concerts, and special events; and

(g) Has a restaurant that serves lunch and dinner, and caters for events with seating for at least forty-five (45) guests;

(ii) The commission and any beer board having jurisdiction over the facility may issue one (1) or more licenses to one (1) or more different persons or entities that meet the qualifications of this subdivision (27)(); provided, that the persons or entities obtaining licenses under this subdivision (27)() (ii) and any manufacturer licensed under § 57-3-202 comply with the requirements of § 57-4-110;

(iii) The premises of a facility licensed under this subdivision (27)() means any or all of the property that constitutes the facility; provided, that the premises shall not include the premises of a manufacturer licensed under § 57-3-202 or any other facility licensed under this subdivision (27)(), except as authorized pursuant to § 57-4-101(p). The licensee shall designate the premises to be licensed by the commission by filing a drawing of the premises, which may be amended by the licensee filing a new drawing; and

(iv) Notwithstanding any provision of chapter 5 of this title to the contrary, the premises of any facility licensed under this subdivision (27)() means for beer permitting purposes any or all of the property that constitutes the facility; provided, however, that the premises shall not include the premises of a licensee under § 57-3-202 or any other facility licensed under this subdivision (27)(), except as authorized pursuant to § 57-4-101(p). The beer permittee shall designate the premises to be permitted by the local beer board by filing a drawing of the premises, which may be amended by the beer permittee filing a new drawing;

Amendment No. _____

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

Signature of Sponsor

AMEND Senate Bill No. 2492

House Bill No. 1930*

by inserting the following new section immediately preceding the last section and renumbering the subsequent section accordingly:

SECTION __. Tennessee Code Annotated, Section 57-4-102(27), is amended by adding the following as a new subdivision:

() A commercially operated restaurant, resort, and boat dock with fuel having the following characteristics:

(i) Possesses at least twenty (20) acres of U.S. corps of engineers leased water and water frontage on Old Hickory Lake and two thousand feet (2000') of river channel at the southeast corner of the confluence of Old Hickory Lake and State Highway 109;

(ii) Has operated for at least sixty (60) straight years on this site;

(iii) Possesses at least sixty-five (65) full service paved camp sites;

(iv) Possesses boat slips for at least two hundred fifty (250) boats; and

(v) Is located on at least ten (10) acres of real property at that site;



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Amendment No. _____

Signature of Sponsor _____

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

AMEND Senate Bill No. 2492

House Bill No. 1930*

by inserting the following new section immediately preceding the last section and redesignating the subsequent section accordingly:

SECTION __. Tennessee Code Annotated, Section 57-4-102(27), is amended by adding the following as a new subdivision:

A commercially operated facility possessing all of the following characteristics:

- (i) Is located on U.S. Highway 421 South approximately three hundred (300) yards from a city that has adopted alcoholic beverages for consumption on the premises and retail package sales through a referendum of the voters;
- (ii) Has been in operation as an inn since 2018 with at least five (5) available rooms for rent;
- (iii) Has a dining area with seating capacity for at least forty (40) persons that is open to the public with a menu of prepared food available for patrons; and
- (iv) Is located in a county having a population of not less than eighteen thousand two hundred (18,200) nor more than eighteen thousand three hundred (18,300), according to the 2010 federal census or any subsequent federal census;



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Amendment No. _____

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

Signature of Sponsor

AMEND Senate Bill No. 2492

House Bill No. 1930*

by inserting the following new section immediately preceding the last section and redesignating the subsequent section accordingly:

SECTION __. Tennessee Code Annotated, Section 57-4-102(27), is amended by adding the following as a new subdivision:

- () A commercially operated facility that:
 - (i) Includes an eighteen-hole golf course, a seven-thousand-square-foot clubhouse with a pro shop, banquet room, and restaurant with seating for at least forty (40) patrons;
 - (ii) Contains at least one hundred (100) acres and less than two hundred (200) acres; and
 - (iii) Is located less than one (1) mile from Fort Loudon Lake on Kingston Pike in a county having a population of not less than four hundred thirty-two thousand two hundred (432,200) nor more than four hundred thirty-two thousand three hundred (432,300), according to the 2010 federal census or any subsequent federal census;



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Amendment No. _____

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

Signature of Sponsor

AMEND Senate Bill No. 2492

House Bill No. 1930*

by inserting the following new section immediately preceding the last section and redesignating the subsequent section accordingly:

SECTION __. Tennessee Code Annotated, Section 57-4-102(27), is amended by adding the following new subdivision:

(_) A commercially operated independent and assisted living facility possessing the following characteristics:

(i) Is located in a county having a population of not less than nine hundred thousand (900,000), according to the 2010 federal census or any subsequent federal census;

(ii) Has both independent and assisted living facilities available and provides memory care and respite service;

(iii) Has several full-service restaurants and dining rooms to service the residents but that are also open to the public and that serve three (3) chef-prepared meals per day;

(iv) Has a complete wellness and fitness facility available that accommodates physical and occupational therapy;

(v) Has complete recreational facilities for its residents;

(vi) Has not less than one hundred thirty-five (135) individual living unit apartments for residents;

(vii) Does not discriminate against any patron on the basis of gender, race, religion, or national origin; and



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(viii) Has a full-service barber and beauty salon;

Amendment No. _____

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Signature of Sponsor

AMEND Senate Bill No. 2492

House Bill No. 1930*

by inserting the following new section immediately preceding the last section and redesignating the subsequent section accordingly:

SECTION __. Tennessee Code Annotated, Section 57-4-102(27), is amended by adding the following as a new subdivision:

()

(i) A commercially operated facility having all of the following characteristics:

(a) The facility is located on approximately five hundred (500) acres of land;

(b) The facility is located less than three (3) miles north of an area designated as The South Cumberland State Park consisting of approximately thirty thousand (30,000) acres that is open to the public;

(c) The facility is located within five (5) miles of Interstate 24 in a county having a population of not less than thirteen thousand seven hundred (13,700) nor more than thirteen thousand seven hundred fifty (13,750), according to the 2010 federal census or any subsequent federal census;

(d) The facility includes two (2) cabins, a tiny house, a stage, three (3) fishing ponds, a check-in facility, a bathhouse, fifty (50) RV hookups, multiple hiking trails, frisbee golf, and a wedding pavilion;



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(e) The facility serves as a venue for weddings, meetings, and conferences; and

(f) The facility has two (2) event centers that can accommodate at least one hundred fifty (150) guests at each center;

(ii) The premises of any facility licensed under this subdivision (27)() means any or all of the property that constitutes the facility. The licensee shall designate the premises to be licensed by the commission by filing a drawing of the premises, which may be amended by the licensee filing a new drawing. The entire designated premises is covered under one (1) license issued under this subdivision (27)();

(iii) Notwithstanding any provision of chapter 5 of this title to the contrary, the premises of any facility licensed under this subdivision (27)() means, for beer permitting purposes, any or all of the property that constitutes the facility. The beer permittee shall designate the premises to be permitted by the local beer board by filing a drawing of the premises, which may be amended by the beer permittee filing a new drawing. The entire designated premises is covered under one (1) beer permit issued under chapter 5 of this title;

(iv) The requirements of § 57-5-105(b)(1) do not apply to any facility licensed under this subdivision (27)(); and

(v) Any facility licensed under this subdivision (27)() may seek an additional license as a caterer under this chapter;

Amendment No. _____

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

Signature of Sponsor

AMEND Senate Bill No. 2492

House Bill No. 1930*

by inserting the following new section immediately preceding the last section and renumbering the subsequent section accordingly:

SECTION __. Tennessee Code Annotated, Section 57-4-102(27), is amended by adding the following new subdivisions:

- () A commercially operated facility having the following characteristics:
 - (i) Contains a restaurant in a free-standing building with retail space and consisting of approximately three thousand square feet (3,000 sq. ft.); and
 - (ii) Is located at the intersection of state highways 46 and 100 in a county having a population of not less than twenty-four thousand six hundred seventy-six (24,676) nor more than twenty-four thousand seven hundred (24,700), according to the 2010 federal census or any subsequent federal census;
- () A commercially operated facility having the following characteristics:
 - (i) Contains a full-service restaurant with seating for at least twenty-nine patrons inside and fourteen (14) patrons outside and that does not use a freezer or a fryer; and
 - (ii) Is located less than one thousand feet (1,000') from a United States Post Office and approximately one mile (1 mi.) from a state natural area featuring a small remnant forest having old growth forest characteristics in a county having a population of not less than twenty-four thousand six hundred seventy-six (24,676) nor more than twenty-four thousand seven hundred (24,700), according to the 2010 federal census or any subsequent federal census;



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() A commercially operated facility having the following characteristics:

(i) Contains a full-service restaurant that features live music and that is adjacent to a custom motorcycle shop; and

(ii) Is located less than three hundred feet (300') from a United States Post Office and approximately one mile (1 mi.) from a state natural area featuring a small remnant forest having old growth forest characteristics in a county having a population of not less than twenty-four thousand six hundred seventy-six (24,676) nor more than twenty-four thousand seven hundred (24,700), according to the 2010 federal census or any subsequent federal census;

Amendment No. _____

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

Signature of Sponsor

AMEND Senate Bill No. 2492

House Bill No. 1930

by inserting the following new section immediately preceding the last section and renumbering the subsequent section accordingly:

SECTION __. Tennessee Code Annotated, Section 57-4-102(27), is amended by adding the following language as a new subdivision:

() A commercially operated facility possessing each of the following characteristics:

- (i) Contains a restaurant that has been in operation since at least 2012 with at least forty-two (42) seats inside and seventy-five (75) seats outside;
- (ii) Contains a banquet hall that is used for weddings, banquets, meetings, and other events and is at least three thousand square feet (3,000 sq. ft.); and
- (iii) Is located approximately seven hundred (700) yards from state highway 641 South and is adjacent to a winery in a county having a population of not less than thirty-two thousand three hundred one (32,301) nor more than thirty-two thousand four hundred (32,400), according to the 2010 federal census or any subsequent federal census;



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Amendment No. _____

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

Signature of Sponsor

AMEND Senate Bill No. 2492

House Bill No. 1930*

by inserting the following new section immediately preceding the last section and by redesignating the subsequent section accordingly:

SECTION __. Tennessee Code Annotated, Section 57-4-102(13), is amended by adding the following new subdivision:

() "Community theater" also means a theater possessing each of the following characteristics:

- (i) The theater began operating in 1965;
- (ii) The theater is the only major nonprofit professional performing arts resource in rural Tennessee, and one (1) of the ten (10) largest professional theaters in rural America;
- (iii) The theater serves more than one hundred forty-five thousand (145,000) visitors annually with two (2) indoor and two (2) outdoor stages;
- (iv) The theater provides young audience productions, a comprehensive dance program, a concert series, and touring shows;
- (v) The theater was the recipient of the Governor's Arts Award for the state of Tennessee in 1984;
- (vi) The theater is operated by a nonprofit corporation that is exempt from taxation under § 501(c) of the Internal Revenue Code of 1954 (26 U.S.C. § 501(c)), as amended, where no member, officer, agent, or employee of the theater is paid, or directly or indirectly receives, in the form of salary or other compensation, any profits from the sale of alcoholic beverages beyond the amount of the salary as may be fixed by its governing body for the reasonable



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performance of the person's assigned duties. All profits from the sale of alcoholic beverages by the nonprofit corporation must be used for the operation, renovation, refurbishing, and maintenance of the theater, and in furtherance of the purposes of the organization. Alcoholic beverages may be sold before, during, and after performances, and may be consumed inside any auditorium or performance hall within the theater, or on theater property contiguous to an outdoor performance stage; and

(vii) The theater is located in a city having a population of not less than ten thousand seven hundred ninety (10,790) and not more than ten thousand seven hundred ninety-nine (10,799), according to the 2010 federal census or any subsequent federal census;

Amendment No. _____

Patsy Haywood

Signature of Sponsor

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

AMEND

House Joint Resolution No. 822*

by deleting the language "(5) The right, upon request, to reasonable notice of any release or escape of an accused;" and substituting instead the following:

(5) The right, upon request, to reasonable notice of any release, transfer, or escape of an accused or convicted person;

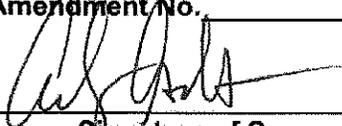


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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____


 Signature of Sponsor

AMEND Senate Bill No. 2305*

House Bill No. 2633

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

SECTION 1. Tennessee Code Annotated, Title 62, Chapter 19, is amended by adding the following as a new section:

(a) A gallery license is required when a person desires to own and operate an auction house, auction barn, or auction gallery for the purpose of selling consigned or purchased goods at a fixed location. If the auction house, auction barn, auction gallery, or any other type of auction operating at a fixed location is owned and operated by a licensed auctioneer, then no further licensure under this chapter is required.

(b) A gallery license holder may sign consignment agreements, issue closing statements, and collect and disperse funds. The gallery license holder shall hire a licensed auctioneer to call bids at all auctions. The gallery license holder is responsible for all auction activities that take place on the auction site and shall not conduct auctions off the designated site. A gallery license does not give the license holder the right to call bids or act as an auctioneer at any time.

(c) An active gallery license holder on June 30, 2019, may continue to practice by renewing the gallery license. A new gallery license shall not be granted.

(d) A gallery license expires two (2) years after the date of issuance. A gallery license that is not renewed prior to its expiration date is not eligible for renewal.

(e) A gallery license holder shall complete continuing education requirements, except as provided in § 62-19-106(e).

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring

it.



Amendment No. _____

Rush Becken
Signature of Sponsor

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

AMEND Senate Bill No. 2112*

House Bill No. 2175

by deleting SECTION 3 and substituting instead the following:

SECTION 3. Tennessee Code Annotated, Section 45-2-401(a), is amended by deleting the subsection and substituting the following:

(a)

(1) The affairs of a state bank must be managed by a board of directors, which shall exercise its powers and be responsible for the discharge of its duties.

(2) The charter or bylaws may establish a variable range for the size of the board of directors by fixing a minimum of not less than five (5) members and a maximum of not more than twenty-five (25) members. If a variable range is established, then the number of directors may be fixed or changed from time to time, within the minimum and maximum, by the shareholders or the board of directors; however, unless the charter or bylaws provide otherwise, only the shareholders may change the range for the size of the board or change from a fixed to a variable-range size board or vice versa.

(3) Each bank director must, during each director's whole term of service, be a citizen of the United States.

(4) A majority of the directors must reside in a state in which the bank has a branch location or within one hundred (100) miles of the location of any branch, for at least one (1) year immediately preceding their election and during their term of service as a director. However, the commissioner may waive the residency requirement of this subdivision (a)(4) if the commissioner finds that:



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(A) The business experience and ability of each proposed director is relevant to the bank, its market, and the type of services the bank provides or intends to provide; and

(B) The waiver of the residency requirement will support the safety and soundness of the bank.

(5) The bylaws of the bank may specify other qualifications for directors.

(6) Any director who becomes disqualified shall resign the office, but, upon removal of the disqualification, is eligible for election. The board of directors or the commissioner may remove a director who is disqualified. An action taken by a director prior to resignation or removal is not subject to attack on the ground of the director's disqualification.

AND FURTHER AMEND by deleting SECTION 4 and substituting instead the following:

SECTION 4. Tennessee Code Annotated, Section 45-2-218, is amended by adding the following language as a new subsection:

(g) Notwithstanding any law to the contrary, the name, address, and zip code of each incorporator does not need to be set forth in a restated charter.

Amendment No. _____

Timothy Hill
Signature of Sponsor

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

AMEND Senate Bill No. 2866

House Bill No. 1905*

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

SECTION 1. Tennessee Code Annotated, Section 45-5-403(b), is amended by adding the following as a new subdivision:

(7)

(A) In addition to any other charges permitted for the making of an installment loan under this part, a registrant may collect a closing fee at the time of the making of the loan for the purpose of preparing and executing the documents for, and verifying compliance with, the federal Truth in Lending Act (15 U.S.C. § 1601 et seq.), this section, and all other applicable statutes. The closing fee may be for an amount up to four percent (4%) of the amount financed, but must not be more than fifty dollars (\$50.00). The closing fee may be paid from the proceeds of the amount borrowed or added to the amount financed. This subdivision (b)(7) must not increase or otherwise change the loan amounts described in subdivisions (b)(1)(A)-(H).

(B) If a loan, upon which a closing fee has been charged, is prepaid in full by any means within ninety (90) days of the date of the loan, then the registrant must refund or credit the borrower with a pro rata portion of the closing fee. However, the registrant may retain up to twenty-five dollars (\$25.00) of the closing fee regardless of when the loan is prepaid.

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it, and shall apply to contracts or agreements entered into, amended, or renewed on or after that date.



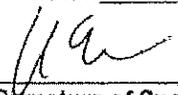
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**The Attached
Amendments Are To
Bills That Will Be
Heard on the
Commerce Full
Committee Calendar
on
Tuesday, February 25,
2020**

Amendment No. _____



Signature of Sponsor

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Date _____
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Clerk _____
Comm. Amdt _____

AMEND Senate Bill No. 1934

House Bill No. 1838*

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

SECTION 1. Tennessee Code Annotated, Title 7, Chapter 51, is amended by adding the following as a new part:

7-51-2101. Part definitions.

As used in this part:

(1) "Policy" means an ordinance, resolution, regulation, code, or any other requirement imposed by a political subdivision of this state; and

(2) "Political subdivision" means a municipality; public corporation; body politic; authority; district; metropolitan government; county; agency, department, or board of the aforementioned entities; or any other form of local government.

7-51-2102. Prohibited policies.

(a) A political subdivision of this state shall not adopt a policy that prohibits, or has the effect of prohibiting, the connection or reconnection of a utility service based upon the type or source of energy to be delivered to an individual customer.

(b) This section does not limit the ability of a political subdivision:

(1) To choose utility services for properties owned by the political subdivision; or

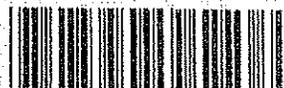
(2) To comply with the terms and conditions of a contract between the political subdivision and the Tennessee valley authority.

7-51-2103. Conflict with federal law.



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If this part conflicts with federal law requirements pertaining to the connection or reconnection of a utility service based upon the type or source of energy to be delivered to an individual customer, then the federal law controls.

SECTION 2. The headings to sections in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

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Amendment No. _____

Pat Marsh
 Signature of Sponsor

AMEND Senate Bill No. 2455*

House Bill No. 2733

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

SECTION 1. Tennessee Code Annotated, Section 65-1-101, is amended by deleting the section and substituting instead the following:

(a) There is created the Tennessee public utility commission consisting of seven (7) part-time commissioners. The commissioners must be appointed as follows:

(1) One (1) commissioner must be appointed by the governor;

(2) Two (2) commissioners must be appointed by the speaker of the senate;

(3) Two (2) commissioners must be appointed by the speaker of the house of representatives; and

(4) Two (2) commissioners must be appointed by joint agreement among the governor, the speaker of the senate, and the speaker of the house of representatives.

(b)

(1) In making appointments pursuant to subsection (a), the governor, the speaker of the senate, and the speaker of the house of representatives shall strive to ensure that the Tennessee public utility commission is composed of commissioners who are diverse in professional or educational background, ethnicity, geographic residency, perspective, and experience. Except as otherwise provided in subdivision (b)(2), each commissioner of the commission must have at a minimum a bachelor's degree and at least three (3) years'



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experience in a regulated utility industry, in executive level management, or in one (1) or more of the following fields:

- (A) Economics;
- (B) Law;
- (C) Finance;
- (D) Accounting; or
- (E) Engineering.

(2) One (1) appointee made by the speaker of the senate in subdivision (a)(2) and one (1) appointee made by the speaker of the house of representatives in subdivision (a)(3) must be a public member with no experience in a regulated utility industry.

(c)

(1) The term of office of each commissioner commences on July 1, following such commissioner's appointment.

(2) The commissioners of the commission are state officers, continue to serve until the commissioner's successor is appointed, and serve six-year terms as follows:

(A) The term of the commissioner appointed pursuant to subdivision (a)(1) expires every six (6) years, beginning with the first term to end on June 30, 2017, and subsequent terms to end every six (6) years thereafter;

(B) The terms of commissioners appointed pursuant to subdivisions (a)(2) and (3) expire every six (6) years, beginning with the first terms to end on June 30, 2014, and subsequent terms to end every six (6) years thereafter; and

(C) The terms of the commissioners appointed pursuant to subdivision (a)(4) expire every six (6) years, beginning with the first term

to end on June 30, 2018, and subsequent terms to end every six (6) years thereafter.

(d)

(1) All appointments of the commissioners must be confirmed by joint resolution adopted by each house of the general assembly within ninety (90) days after the appointment, if the general assembly is in session. If the general assembly is not in session, appointment must be confirmed within ninety (90) days after the general assembly next convenes following the appointment.

(2) Any vacancy on the commission must be filled by the original appointing authority for such position to serve the unexpired term, and each appointment must be confirmed in the same manner as the original appointment. If, however, the general assembly is not in session and a vacancy occurs, the appropriate appointing authority shall fill such vacancy by appointment and the appointee serves the unexpired term, unless the appointment is not confirmed within ninety (90) days after the general assembly convenes following the appointment to fill such vacancy.

SECTION 2. Tennessee Code Annotated, Section 65-1-104(d), is amended by deleting the first two sentences and substituting instead the following:

The chair shall assign each matter before the commission to a panel of four (4) voting members from among the commissioners. The remaining three (3) voting members of the commission, who are not assigned to a particular panel, shall not vote or deliberate regarding such matters.

SECTION 3. Tennessee Code Annotated, Section 65-1-105(b), is amended by deleting the language "five (5)" and substituting instead the language "seven (7)".

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it. Notwithstanding any provision of this act to the contrary, initial terms for the two additional commissioner positions created pursuant to this act begin July 1, 2020.

Amendment No. _____

Pat Marsh

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AMEND Senate Bill No. 2455*

House Bill No. 2733

by deleting Section 2 and substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 65-1-104(d), is amended by deleting the first two sentences and substituting instead the following:

The chair shall assign each matter before the commission to a panel of five (5) voting members from among the commissioners. The remaining two (2) voting members of the commission, who are not assigned to a particular panel, shall not vote or deliberate regarding such matters.

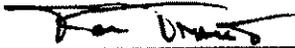


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AMEND Senate Bill No. 1915

House Bill No. 1946*

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

SECTION 1. Tennessee Code Annotated, Title 62, Chapter 76, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Honorably discharged veteran" means any person who has been honorably discharged from the army, navy, air force, marine corps, or coast guard, or any person who has been honorably discharged from a reserve component as defined in 10 U.S.C. § 10101, having performed active federal service in the armed forces of the United States;

(2) "Licensing authority" means a state board, agency, or commission, attached to the division of regulatory boards, as listed in § 4-3-1304(a), with the authority to impose training, education, or licensure fees to practice in an occupation regulated under this title; and

(3) "Member of the armed forces" means a member of the United States armed forces or a member of a reserve or Tennessee national guard unit who is in, or was called into, active service or active military service of the United States, as defined in § 58-1-102.

(b) Members of the United States armed forces and persons who are honorably discharged veterans are eligible to receive equivalent credit toward the receipt of an occupational license regulated under this title relating to the training received while serving in the armed forces. In order to receive credit in accordance with this subsection



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(b), the member of the armed forces or honorably discharged veteran shall submit to the applicable licensing authority as evidence of training a certificate from:

(1) The United States department of defense; or

(2) The United States department of veterans affairs.

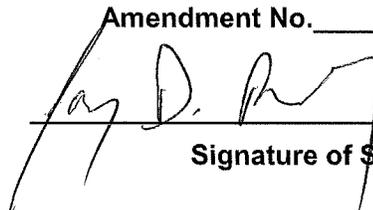
(c) Any person aggrieved by a decision of a licensing authority concerning eligibility for equivalent credit under this section may appeal to the commissioner of commerce and insurance, or the commissioner's designee, for a determination of whether the training meets the requirements for licensure. An appeal under this subsection (c) must be conducted in the same manner as is provided in § 4-5-322, for a contested case hearing under the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(d) The commissioner of commerce and insurance, in collaboration with the commissioner of veterans services, shall promulgate rules to effectuate this section. All rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. For the purpose of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2021.

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 Signature of Sponsor

AMEND Senate Bill No. 1911*

House Bill No. 1965

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

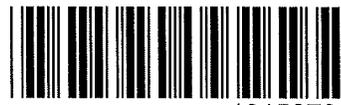
SECTION 1. Tennessee Code Annotated, Section 69-3-108, is amended by adding the following as a new subsection:

Watershed activities conducted in accordance with a site-specific design developed through full application of the Natural Resource Conservation Service (NRCS) Conservation Practice Standard 580 (Tennessee) and NRCS Engineering Field Handbook, Chapter 16 Streambank and Shoreline Protection, and subject to NRCS oversight as a federal action, do not result in pollution and do not require compensatory mitigation. Such watershed activities shall be regulated under a general permit for aquatic alterations pursuant to subsection (l). The commissioner shall draft an initial general permit authorizing such watershed activities, conduct public notice in accordance with the board's rules, and issue the initial general permit no later than December 31, 2020. Thereafter, the commissioner shall ensure timely renewal of the general permit.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.



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 Signature of Sponsor

AMEND Senate Bill No. 1801

House Bill No. 1842*

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

SECTION 1. Tennessee Code Annotated, Section 67-4-1602, is amended by adding the following as a new, appropriately designated subdivision:

() "Used tire" means a tire that has been previously used in the regular operation of a motor vehicle;

SECTION 2. Tennessee Code Annotated, Section 67-4-1602, is amended by deleting the language "new tires" wherever it appears and substituting instead the language "new tires or used tires".

SECTION 3. Tennessee Code Annotated, Section 67-4-1603(a), is amended by deleting the language "new tires" and substituting instead the language "new tires or used tires".

SECTION 4. Tennessee Code Annotated, Section 67-4-1605, is amended by deleting the language "new tires" and substituting instead the language "new tires or used tires".

SECTION 5. Tennessee Code Annotated, Section 67-4-1606(b), is amended by deleting the language "new tires" and substituting instead the language "new tires or used tires".

SECTION 6. Tennessee Code Annotated, Section 67-4-1609, is amended by deleting the language "new tires" and substituting the language "new tires or used tires".

SECTION 7. Tennessee Code Annotated, Section 67-4-1610(b)(1)(A), is amended by deleting the language "to such county to be used for beneficial end use of waste tires in accordance with § 68-211-867 and not used for any other purposes" and substituting instead the language "to such county to be used for illegal waste tire dumping enforcement, waste tire



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collection days, or beneficial end use of waste tires in accordance with § 68-211-867, and not used for any other purposes".

SECTION 8. Tennessee Code Annotated, Section 67-4-1610(b)(1)(B), is amended by deleting the language "to the county through additional grants, unrelated to the tire grant contract, for beneficial end use of waste tires in accordance with § 68-211-867 and not used for any other purposes" and substituting instead the language "to the county through additional grants, unrelated to the tire grant contract, for illegal waste tire dumping enforcement, waste tire collection days, or beneficial end use of waste tires in accordance with § 68-211-867, and not used for any other purposes".

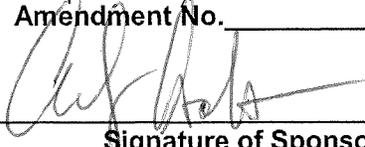
SECTION 9. Tennessee Code Annotated, Section 68-211-867, is amended by adding the following as a new subsection:

The comptroller of the treasury shall conduct an annual audit of the tire pre-disposal program on a time interval to be determined by the comptroller, with the results of the audit to be submitted to the chair of the environment, agriculture and natural resources committee of the senate and the chair of the agriculture and natural resources committee of the house of representatives within twenty (20) business days of completion of the audit.

SECTION 10. This act shall take effect on July 1, 2020, the public welfare requiring it, and shall apply to sales of used tires occurring on or after that date and to any pre-disposal fee received by the commissioner of revenue or the department of environment and conservation after such effective date regardless of when the fee was imposed.

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AMEND Senate Bill No. 2050*

House Bill No. 2486

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

SECTION 1. Tennessee Code Annotated, Section 53-7-202, is amended by deleting the section and substituting the following:

As used in this part:

(1) "Animal food manufacturer" means any person engaged in the business of manufacturing or processing animal food derived wholly or in part from carcasses, or parts or products of the carcasses, of poultry or livestock;

(2) "Capable of use as human food" means any carcass or part or product of a carcass of any animal or poultry that is not:

(A) Denatured or otherwise identified as required by rules promulgated by the commissioner to deter its use as human food; or

(B) Naturally inedible by humans;

(3) "Carcass" means all parts, including viscera of a slaughtered animal or poultry, that are capable of being used for human food;

(4) "Color additive" has the same meaning as defined in § 53-1-102;

(5) "Commissioner" means the commissioner of agriculture, or the commissioner's designee;

(6) "Container" and "package" include any box, can, tin, cloth, plastic, or any other receptacle, wrapper, or cover;

(7) "Custom slaughterer" means a person engaged for profit in this state in the business of slaughtering or dressing animals for human consumption that are not to be



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sold or offered for sale through a commercial outlet, and may include the boning or cutting up of carcasses of such animals and the grinding, chopping, and mixing of the carcasses of animals;

(8) "Federal Food, Drug and Cosmetic Act" means the federal act compiled at 21 U.S.C. § 301 et seq., as amended;

(9) "Federal Meat Inspection Act" means the federal act compiled in 21 U.S.C. § 601 et seq., and the imported meat provisions of the Tariff Act of 1930, § 306(b) and (c), as amended (21 U.S.C. § 620);

(10) "Federal Poultry Products Inspection Act" means the federal act compiled in 21 U.S.C. § 451 et seq.;

(11) "Food additive" has the same meaning as defined in § 53-1-102;

(12) "Immediate container" means any consumer package, or any other container in which an article, not consumer packaged, is packed;

(13) "Inspection service" means the official government service within the department of agriculture of this state designated by the commissioner as having the responsibility for carrying out this part;

(14) "Inspector" means:

(A) An employee or official of this state authorized by the commissioner to perform any inspection functions under this part; and

(B) An employee or official of a county or municipal government authorized by the commissioner to perform any inspection functions under this part pursuant to an agreement between the commissioner and the county or municipal government;

(15) "Intrastate commerce" means commerce within this state;

(16) "Label" means a display of written, printed, or graphic material upon any article or the immediate container, excluding packaged liners, of any article;

(17) "Labeling" means all labels and other written, printed, or graphic material:

(A) Upon any article or any of its containers or wrappers; or

(B) Accompanying the article;

(18) "Livestock" means cattle, sheep, swine, goats, or rabbits;

(19)

(A) "Meat" means the edible part of the muscle of livestock or deer that is skeletal or that is found in the tongue, in the diaphragm, in the heart, or in the esophagus, with or without the accompanying and overlying fat, and the portions of bone, skin, sinew, nerve, and blood vessels that normally accompany the muscle tissue and that are not separated from it in the process of dressing; and

(B) "Meat" does not include the muscle found in the lips, snout, or ears;

(20) "Meat broker" means any person engaged in the business of buying or selling carcasses, parts of carcasses, meat, or meat food products of livestock or poultry, on commission or otherwise negotiating purchases or sales of such articles other than for the person's own account or as an employee of another person;

(21)

(A) "Meat food product" means any product capable of use as human food that is made wholly, or in part, from any meat or other portion of the carcass of any livestock; and

(B) "Meat food product" does not include products that contain meat or other portions of carcasses only in a relatively small proportion or historically have not been considered by consumers as products of the meat food industry, and which are exempted by the commissioner under conditions that the commissioner prescribes to assure that the meat or other carcass portions contained in the products are not adulterated and that the products are not represented as meat food products;

(22) "Misbranded" means a product that is misbranded under § 53-1-105;

(23) "Official certificate" means any certificate authorized by rules of the commissioner for issuance by an inspector or other person performing official functions under this part;

(24) "Official device" means any device authorized by the commissioner for use in applying any official mark;

(25) "Official establishment" means any establishment in this state, as determined by the commissioner, at which inspection of the slaughter of livestock or poultry or the processing of livestock, deer, or poultry carcasses or parts of livestock, deer, or poultry carcasses, meat food products, or poultry products, is maintained under the authority of this part;

(26) "Official inspection legend" means any symbol prescribed by rules of the commissioner showing that an article passed inspection in accordance with this part;

(27) "Official mark" means the official inspection legend or any other symbol prescribed by rules of the commissioner to identify the status of any article, poultry, or animal under this part;

(28) "Pesticide chemical" has the same meaning as defined in the Federal Food, Drug and Cosmetic Act (21 U.S.C. § 321);

(29) "Poultry" means any live or slaughtered domesticated bird;

(30)

(A) "Poultry product" means any poultry carcass, or part of a poultry carcass, or any product made wholly or in part from a poultry carcass or part of a poultry carcass; and

(B) "Poultry product" does not include products that contain poultry ingredients only in a relatively small proportion or historically have not been considered by consumers as products of the poultry food industry, and which are exempted by the commissioner under conditions that the commissioner

prescribes to assure that the poultry ingredients contained in the products are not adulterated and that the products are not represented as poultry products;

(31) "Processed" means slaughtered, canned, salted, stuffed, rendered, boned, cut up, or otherwise manufactured;

(32) "Raw agricultural commodity" means any food in its raw or natural state, including all fruits that are washed, colored, or otherwise treated in their unpeeled natural form prior to marketing;

(33) "Renderer" means any person engaged in the business of rendering carcasses, parts of carcasses, or products of the carcasses of poultry or livestock, except rendering conducted under inspection or exemption pursuant to this part;

(34) "Shipping container" means any container used or intended for use in packaging the product packed in an immediate container; and

(35) "Unwholesome" means:

(A) Unsound, injurious to health, containing any biological residue not permitted by rules prescribed by the commissioner, or otherwise rendered unfit for human food;

(B) Consisting, in whole or in part, of any filthy, putrid, or decomposed substance;

(C) Processed, packed, or held under unsanitary conditions whereby any livestock, deer, or poultry carcass or part of any livestock, deer, or poultry carcass or any meat food product or poultry product may have become contaminated with filth or may have been rendered injurious to health;

(D) Produced, in whole or in part, from livestock or poultry that is diseased, dead, dying, or disabled and that has died otherwise than by slaughter;

(E) Produced, in whole or in part, from deer that is diseased, dying, or disabled and that has died otherwise than by lawful harvest; or

(F) Packaged in a container composed of any poisonous or deleterious substance that may render the contents injurious to health.

SECTION 2. Tennessee Code Annotated, Section 53-7-203, is amended by deleting the section and substituting the following:

(a)

(1) For the purpose of preventing the use in intrastate commerce, as provided in this part, of meat and meat food products that are adulterated, the commissioner shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of all livestock before they are allowed into any slaughtering, packing, meat canning, rendering, or similar establishment in this state in which slaughtering and processing of meat and meat food products of such animals are conducted solely for intrastate commerce, and all livestock found on such inspection to show symptoms of disease must be set apart and slaughtered separately from all other livestock; and, when so slaughtered, the carcasses of such animals are subject to a careful examination and inspection, pursuant to rules promulgated by the commissioner.

(2) For the purpose of preventing the use in intrastate commerce, as provided in this part, of poultry or poultry products that are adulterated, the commissioner shall, where and to the extent considered necessary by the commissioner, cause to be made, by inspectors appointed for that purpose, an examination and inspection of all live poultry before they are allowed to enter into any slaughtering, packing, meat canning, rendering, or similar establishment in this state in which slaughtering and processing of poultry and poultry products of such birds are conducted solely for intrastate commerce; and all birds found on inspection to show symptoms of disease must be set apart and slaughtered separately from all other birds, and, when slaughtered, the carcasses of such

birds are subject to careful examination and inspection, pursuant to rules promulgated by the commissioner.

(b)

(1) For the purposes described in subsection (a), the commissioner shall cause to be made by inspectors appointed for that purpose, a postmortem examination and inspection of the carcasses and parts thereof of all livestock and poultry capable of use as human food to be processed at any slaughtering, meat canning, salting, packing, rendering, or similar establishment in this state in which such articles are processed solely for intrastate commerce.

(2) The carcasses and parts of animal carcasses found to be not adulterated must be marked, stamped, tagged, or labeled as "inspected and passed".

(3)

(A) The carcasses and parts of animal carcasses found to be adulterated must be marked, stamped, tagged, or labeled as "inspected and condemned".

(B) All carcasses and parts of animal carcasses inspected and condemned must be destroyed for food purposes by the establishment in the presence of an inspector.

(4)

(A) When the inspectors determine it to be necessary, the inspectors must reinspect carcasses or parts of carcasses to determine whether, since the first inspection, the articles have become adulterated.

(B) If any carcass or part of a carcass is found to be adulterated upon reinspection, it must be destroyed for food purposes by the establishment in the presence of an inspector.

(5) The commissioner may remove inspectors from any establishment that fails to destroy any condemned carcass or part of a carcass.

(c) Subsections (a) and (b) apply to:

(1) All carcasses or parts of carcasses of livestock and poultry or the meat, meat food products, poultry, or poultry products thereof that are capable of use as human food that may be brought into any slaughtering, meat canning, salting, packing, rendering, or similar establishment where inspection under this part is maintained, and the examination and inspection must occur before the carcasses or parts of carcasses are allowed to enter into any department where such articles are to be treated and processed for meat food products or poultry products; and

(2) All meat food products or poultry products which, after having been issued from any slaughtering, meat canning, salting, packing, rendering, or similar establishment are returned to the issuing establishment or to any similar establishment where inspection under this part is maintained.

(d) The commissioner may limit the entry of carcasses, parts of carcasses, meat, meat food products, poultry products, and other materials into any establishment at which inspection under this part is maintained under such conditions as the commissioner prescribes by rule to assure that allowing the entry of such articles into inspected establishments is consistent with the purposes of this part.

(e)

(1) Nothing in this part requires inspection at any establishment for the slaughter of livestock or poultry or the processing of any carcasses or parts or products of such animals or birds which are not intended for use as human food, but such articles must, prior to their offer for sale or transportation in intrastate commerce, unless naturally inedible by humans, be denatured or otherwise

identified as prescribed by the commissioner's rules to deter their use for human food.

(2) It is a violation of this part for any person to buy, sell, transport, or offer for sale or transportation or receive for transportation in intrastate commerce any carcasses, parts of carcasses, meat, meat food products, or poultry products of any animals or birds that are not intended for use as human food unless they are denatured or otherwise identified as required by the commissioner's rules, or are naturally inedible by humans.

SECTION 3. Tennessee Code Annotated, Section 53-7-204, is amended by deleting the section and substituting the following:

No person may engage in business in or for intrastate commerce as a meat broker, renderer, or animal food manufacturer, or engage in business in intrastate commerce as a wholesaler of any carcasses or parts or products of the carcasses of any livestock or poultry, whether intended for human food or other purposes, or engage in business as a public warehouseman storing any such articles in or for intrastate commerce or engage in the business of buying, selling, or transporting in intrastate commerce any dead, dying, disabled, or diseased animals or birds of the specified kinds or parts of the carcasses of any such animals or birds that died otherwise than by slaughter, unless, when required by rules of the commissioner and in such manner as the commissioner prescribes by rule, the person has registered with the commissioner the person's name and the address of each place of business at which, and all trade names under which, the person conducts such business.

SECTION 4. Tennessee Code Annotated, Section 53-7-205, is amended by deleting the section and substituting the following:

No person engaged in the business of buying, selling, or transporting in intrastate commerce, dead, dying, disabled, or diseased animals or any parts of the carcasses of any animals that died otherwise than by slaughter may buy, sell, transport, offer for sale

or transportation, or receive for transportation in such commerce any dead, dying, disabled, or diseased livestock or poultry or parts of the carcasses of any such animals or birds that died otherwise than by slaughter unless such transaction or transportation is made in accordance with any rules promulgated by the commissioner to assure that such animals or birds or the unwholesome parts or products thereof will be prevented from being used for human food purposes.

SECTION 5. Tennessee Code Annotated, Section 53-7-206, is amended by deleting the section and substituting the following:

(a)

(1) For the purposes set forth in § 53-7-203, the commissioner shall cause to be made by inspectors appointed for that purpose an examination and inspection of all meat food products and poultry products processed in any slaughtering, meat canning, salting, packing, rendering, or similar establishment where such articles are processed solely for intrastate commerce.

(2) For the purposes of conducting any examination and inspection under subdivision (a)(1), the inspectors have access at all times, by day or night, whether the establishment is open or not, to every part of the establishment where the articles are being inspected.

(3)

(A) The inspectors shall mark, stamp, tag, or label as "Tennessee inspected and passed" all products found to be not adulterated.

(B)

(i) The inspectors shall mark, label, stamp, or tag as "Tennessee inspected and condemned" all products found adulterated.

(ii) All condemned meat food products or poultry products must be destroyed for food purposes.

(iii) The commissioner may remove inspectors from any establishment that fails to destroy condemned meat food products or poultry products.

(b) When any meat, meat food product, or poultry product processed for intrastate commerce that has been inspected and marked "Tennessee inspected and passed" is placed or packed in any container in any establishment where inspection under this part is maintained, the person processing the product shall cause a label to be attached to the container, which label must state that the contents thereof have been "Tennessee inspected and passed" under this part, and no inspection and examination of meat, meat food products, or poultry products deposited or enclosed in containers in any establishment where inspection under this part is maintained is complete until such meat, meat food products, or poultry products have been sealed or enclosed in the container under the supervision of an inspector.

(c) All carcasses, parts of carcasses, meat, meat food products, and poultry products inspected at any establishment under this part and found to be not adulterated must at the time such articles leave the establishment bear, in distinctly legible form, directly thereon or on their containers, both shipping container and immediate container, as the commissioner may prescribe by rule, such information as will ensure that the articles are not misbranded.

(d) Whenever the commissioner determines it to be necessary for the protection of the public, the commissioner may prescribe by rule definitions and standards of identity or composition for articles subject to this part and standards of fill of containers and styles and sizes of types of containers for such articles not inconsistent with any standards established under the federal Food, Drug and Cosmetic Act, the federal Meat Inspection Act, or the federal Poultry Products Inspection Act. The commissioner shall consult with the United States secretary of agriculture prior to promulgating any rules under this subsection (d).

(e) No article subject to this part may be sold or offered for sale by any person in intrastate commerce under any name or other marking or labeling that is false or misleading or in any container of a misleading form or size; however, established trade names and other marking and labeling and containers that are not false or misleading and that are approved by the commissioner are permitted.

(f)

(1) If the commissioner has reason to believe that any marking or labeling or the size or form of any container in use or proposed for use with respect to any article subject to this part is false or misleading, the commissioner may direct that such use be discontinued or withheld unless the marking, labeling, or container is modified in such manner as the commissioner may prescribe so that it will not be false or misleading.

(2) If any person using or proposing to use the marking, labeling, or container does not accept the determination of the commissioner, such person may request a hearing before the commissioner, but the use of the marking, labeling, or container shall, if the commissioner so directs, be discontinued or withheld pending hearing and final determination by the commissioner.

(3) A final determination issued by the commissioner under subdivision (f)(2) is conclusive unless, within thirty (30) days after receipt of notice of the final determination, the person adversely affected by the final determination files a complaint in the circuit court of the county where the person resides or where the person's principal place of business is located, or in the circuit court for Davidson County, and such court is vested with jurisdiction and it shall set the matter for hearing upon thirty (30) days' written notice to the commissioner and, thereupon, take testimony and examine the facts of the case and determine, without the intervention of a jury, whether or not the questioned marking or labeling or the size or form of any container in use or proposed for use with respect to any

article subject to this part is false or misleading, and the court's determination shall, in the absence of fraud, corruption, bad faith, or gross abuse of discretion, be final.

(g) The commissioner shall cause to be made by experts in sanitation or by other competent inspectors the inspection of all slaughtering, meat canning, salting, packing, rendering, or similar establishments in which livestock and poultry are slaughtered and the meat, meat products, and poultry products thereof are processed solely for intrastate commerce as may be necessary to inform the commissioner concerning the sanitary conditions of such establishments and to prescribe the rules of sanitation under which such establishments must be maintained. Where the sanitary conditions of any such establishment are such that the meat, meat food products, or poultry products are rendered adulterated, the commissioner shall refuse to allow the meat, meat food products, or poultry products to be labeled, marked, stamped, or tagged as "Tennessee inspected and passed".

(h) The commissioner shall cause an examination and inspection of all livestock and poultry and the food products thereof slaughtered and processed in establishments described in subsection (g) for the purposes of intrastate commerce to be made during the nighttime as well as during the daytime when the slaughtering of animals or birds or the processing of food products therefrom is conducted during the nighttime.

(i) One (1) inspector may be assigned to two (2) or more establishments where few animals or birds are slaughtered or where small quantities of carcasses, meat, poultry, meat food products, or poultry products are processed. When inspector assignments are made, the commissioner shall designate the days and hours when slaughtering and processing will be done.

SECTION 6. Tennessee Code Annotated, Section 53-7-207, is amended by deleting the section and substituting the following:

It is a violation of this part for any person, with respect to any livestock or poultry, or any carcasses, parts of carcasses, meat, meat food products, or poultry products of any such animals, to do the following:

(1) Slaughter any such animals or birds or process any such articles that are capable of being used as human food at any establishment processing such articles solely for intrastate commerce, except in compliance with the requirements of this part;

(2) Sell, transport, offer for sale or transportation, or receive for transportation in intrastate commerce any such articles that are capable of use as human food and are adulterated or misbranded at the time of the sale, transportation, offer for sale or transportation, or receipt for transportation;

(3) Sell, transport, offer for sale or transportation, or receive for transportation in intrastate commerce any articles required to be inspected under this part unless the articles have been inspected and passed inspection;

(4) Do, with respect to any such articles that are capable of use as human food, any act while the articles are being transported in intrastate commerce or held for sale after such transportation that is intended to cause or has the effect of causing the article to be adulterated or misbranded; or

(5) Sell, transport, offer for sale or transportation, or receive for transportation in commerce or from an official establishment any slaughtered poultry from which the blood, feathers, feet, head, or viscera have not been removed in accordance with rules promulgated by the commissioner.

SECTION 7. Tennessee Code Annotated, Section 53-7-208, is amended by deleting the section and substituting the following:

(a) It is a violation of this part for any person to make any device containing any official mark or simulation thereof or any label bearing any such mark or simulation, or

any form of official certificate or simulation thereof, except as authorized by the commissioner.

(b) It is a violation of this part for any person to do the following:

(1) Forge any official device, mark, or certificate;

(2) Use any official device, mark, or certificate or simulation thereof or alter, detach, deface, or destroy any official device, mark, or certificate without authorization from the commissioner;

(3) Fail to use or to detach, deface, or destroy any official device, mark, or certificate contrary to the rules promulgated by the commissioner;

(4) Knowingly possess, without promptly notifying the commissioner, any official device or any counterfeit, simulated, forged, or improperly altered official certificate or any device or label or any carcass of any animal or part or product of a carcass bearing any counterfeit, simulated, forged, or improperly altered official mark;

(5) Knowingly make any false statement in any shipper's certificate or other nonofficial or official certificate provided for in the rules promulgated by the commissioner; or

(6) Knowingly represent that any article has been inspected and passed or exempted under this part when the article has not been inspected and passed or exempted.

SECTION 8. Tennessee Code Annotated, Section 53-7-209, is amended by deleting the section and substituting the following:

(a) The commissioner shall appoint, from time to time, inspectors to make examination and inspection of all livestock and poultry, the inspection of which is required by this part, and of all carcasses and parts of carcasses, meats, meat food products, and poultry products, and of the sanitary conditions of all establishments where such meat, meat food products, and poultry products are processed.

(b) An inspector shall refuse to stamp, mark, tag, or label any carcasses, parts of carcasses, meat, meat food products, and poultry products processed in any establishment until the articles are inspected and found to be not adulterated.

(c) Inspectors shall perform such duties as are required by this part and by the rules promulgated by the commissioner.

(d) The commissioner shall promulgate rules as are necessary for the efficient execution of all inspections and examinations made under this part.

SECTION 9. Tennessee Code Annotated, Section 53-7-210, is amended by deleting the section and substituting the following:

Whenever any carcass, part of a carcass, meat, meat food product, poultry, or poultry product or any product exempted from the definition of a meat food product or any dead, dying, disabled, or diseased livestock or poultry is found by any authorized representative of the commissioner upon any premises where it is held for purposes of, or during or after distribution in, intrastate commerce and there is reason to believe that any such article is adulterated or misbranded and is capable of use as human food or that it has not been inspected, in violation of this part or of the federal Meat Inspection Act or the federal Food, Drug and Cosmetic Act, or that such article or animal has been or is intended to be distributed in violation of any such laws, the commissioner may detain the article or animal for a period not to exceed twenty (20) days, pending action under § 53-7-211 or notification of any federal authorities having jurisdiction over such articles or animal, and must not be moved by any person from the place at which it is located when detained until it is released by the commissioner. The commissioner may require the removal of all official marks from an article or animal before it is released, unless it appears to the satisfaction of the commissioner that the article or animal is eligible to retain such marks.

SECTION 10. Tennessee Code Annotated, Section 53-7-211, is amended by deleting the section and substituting the following:

(a)

(1) Any carcass, part of a carcass, meat, meat food product, or poultry product of any of the animals or birds subject to inspection under this part, or any such animal or bird that is dead, dying, disabled, or diseased that is being transported in intrastate commerce or held for sale in this state after such transportation and that is or has been processed, sold, transported, or otherwise distributed or offered or received for distribution in violation of this part or is capable of use as human food and is adulterated or misbranded or in any other way is in violation of this part, is subject to seizure and condemnation at any time by writ of attachment for condemnation.

(2) A writ of attachment for condemnation must issue upon the sworn complaint of the commissioner or the commissioner's authorized agent, taken by an officer authorized to administer an oath, to the effect that the carcass, part of a carcass, meat, meat food product, or poultry product is adulterated or misbranded or has not been inspected and examined as required by this part.

(3) A sworn complaint upon which a writ of attachment for condemnation issues may be amended at any stage of the proceedings.

(4) A writ of attachment for condemnation is returnable in five (5) days to the court issuing it, which court shall hear and decide whether the allegations of the complaint are true and whether the article or product must be condemned and confiscated.

(5) A hearing must not be had until five (5) days' notice of the date for the hearing is served on the owner, the owner's agent, or other party having an interest in the article or product, except as otherwise provided in this section.

Service of a copy of the writ of attachment for condemnation showing the returns of the attaching officer is sufficient notice for the purposes of this subdivision

(a)(5).

(6) A writ of attachment for condemnation may be executed by the commissioner or by any sheriff in this state.

(7) Upon the seizure of the article or product described in the sworn complaint, the officer or person executing the writ shall return the writ to the court with such officer's or person's return on the writ and, within five (5) days after the return, the court shall make up an issue between the state as plaintiff and the property seized as defendant.

(8) If the owner or the owner's agent cannot be found in this state, then service may be perfected by posting a copy of the writ in a conspicuous place upon the premises where the articles or products were found and seized, and by mailing a copy of the writ by registered or certified mail to the last known address of the owner or the owner's agent.

(9) If, upon the return day of a writ of attachment for condemnation, the owner of the article or product, the owner's agent, or other party having an interest in the article or product who was notified fails to appear and show cause why the articles or products should not be condemned, then a judgment of condemnation and confiscation must, upon default, be entered by the court on the basis of the sworn complaint.

(10) If the owner, owner's agent, or other party having an interest in the article or product, on or before the return day of the writ of attachment for condemnation, or on another day that the court, upon application of any such party may determine, files an answer upon oath denying the allegations of adulteration or misbranding or affirming that such articles or products were inspected and examined in accordance with the requirements of this part, as applicable, the issue may be determined by the court after hearing all of the evidence offered by or on behalf of all the parties to the proceeding.

(11) Any party to a proceeding under subdivision (a)(10) may demand a jury trial of any issue of fact and, if a jury trial is demanded, the judgment entered by the court must be in accordance with the facts as found by the jury; provided, however, that the court may set aside the jury's verdict where the verdict is manifestly contrary to the evidence or the law.

(b)

(1) Any article or animal that is condemned under subsection (a) must, after entry of the judgment, be disposed of by destruction or sale as the court directs and the proceeds, if sold, less the court costs and fees and storage and other proper expenses as determined by the court, must be paid into the treasury of this state.

(2) No article or animal may be sold under subdivision (b)(1) if the sale is contrary to this part, the federal Meat Inspection Act, or the federal Food, Drug and Cosmetic Act; provided, that upon the execution and delivery of a good and sufficient bond conditioned that the article or animal will not be sold or otherwise disposed of contrary to this part or federal law, the court may order the delivery of the article or animal to the owner, subject to such supervision by the commissioner as is necessary to insure compliance with this part and any other applicable laws.

(3) When a judgment of condemnation is entered against an article or animal and the article or animal is released under bond or destroyed, the court shall order the person, if any, intervening as claimant of the article or animal, to pay court costs and fees and storage and other proper expenses as determined by the court.

(c) This section does not derogate from authority for condemnation or seizure conferred by other provisions of the laws of this state.

SECTION 11. Tennessee Code Annotated, Section 53-7-212, is amended by deleting the section and substituting the following:

(a) The commissioner may for such period or indefinitely, as the commissioner deems necessary to effectuate the purposes of this part, refuse to provide, or withdraw, inspection service under this part with respect to any establishment if the commissioner determines, after opportunity for a hearing is accorded to the applicant for or recipient of such service, that the applicant or recipient is unfit to engage in any business requiring inspection under this part because the applicant or recipient or anyone responsibly connected with the applicant or recipient has been convicted in any federal or state court of any felony or of one (1) or more violations of any law other than a felony based upon the acquiring, handling, or distributing of unwholesome, mislabeled, or deceptively packaged food or upon fraud in connection with transactions in food.

(b) This section does affect any other provisions of this part regarding the withdrawal of inspection services from establishments failing to maintain sanitary conditions or failing to destroy condemned carcasses, parts, meat, meat food products, or poultry products as required by this part.

(c) For the purpose of this section, a person is "responsibly connected with the applicant or recipient" if the person is a partner, officer, director, holder or owner of ten percent (10%) or more of the voting stock, or an employee in a managerial or executive capacity of the applicant or recipient.

(d) The determination and order of the commissioner under this section is final and conclusive unless the affected applicant for or recipient of inspection service applies for judicial review within thirty (30) days after the effective date of the commissioner's order. Judicial review of the commissioner's order must be upon the record upon which the determination and order by the commissioner are based.

SECTION 12. Tennessee Code Annotated, Section 53-7-214, is amended by deleting the section and substituting the following:

(a) The following classes of persons shall keep records of all transactions involved in their businesses:

(1) Any persons who engage for intrastate commerce in the business of slaughtering any livestock or poultry or processing, freezing, packaging, or labeling any carcasses or parts or products of carcasses of any such animals or birds for use as human food or animal food;

(2) Any meat brokers, wholesalers, or other persons who engage in the business of buying, selling, or transporting in intrastate commerce, or storing in or for intrastate commerce, any carcasses, or parts or products of carcasses of any livestock or poultry; and

(3) Any persons who engage in business in or for intrastate commerce as renderers or engage in the business of buying, selling, or transporting in interstate commerce any dead, dying, disabled, or diseased livestock or poultry or parts of the carcasses of any such animals or birds that died other than by slaughter.

(b) All records required to be maintained by this section must be maintained for such period of time as the commissioner prescribes by rule.

(c) All persons who are subject to the requirements of this section shall, at all reasonable times, upon notice by the commissioner, afford the commissioner and any authorized representative of the United States secretary of agriculture accompanied by the commissioner access to their places of business and opportunity to examine the person's facilities, inventory, and records, to copy all records, and to take reasonable samples of their inventory upon payment of the fair market value for the sampled amount.

SECTION 13. Tennessee Code Annotated, Section 53-7-217, is amended by deleting subsection (c).

SECTION 14. Tennessee Code Annotated, Section 53-7-218, is amended by deleting the section and substituting the following:

(a) The commissioner may:

(1) Gather and compile information concerning, and investigate, the organization, business, conduct, practices, and management of any person engaged in intrastate commerce and the relation of such person to other persons; and

(2)

(A) Require, by general or special order, persons engaged in intrastate commerce to file annual and special reports or answers in writing to specific questions, furnishing to the commissioner such information as the commissioner may require as to the organization, business, conduct, practices, management, and relation to other persons of the person filing such reports or answers.

(B) Reports and answers submitted under this subdivision (a)(2):

(i) Must be made under oath or otherwise as the commissioner prescribes by rule;

(ii) Must be filed with the commissioner within such reasonable period of time as the commissioner prescribes by rule, unless an extension of time is granted by the commissioner; and

(iii) Must be kept confidential by the commissioner, except that the reports and answers may be used without claim of privilege in any judicial proceeding brought for the violation of any provision of this part, or in which compliance with this part is sought to be enforced and in which the person who furnished the report or answer is involved as a party or as owner of any article or product involved in the judicial proceeding.

(b)

(1) The commissioner shall, at all reasonable times, have access to any documentary evidence of any person being investigated or proceeded against under this part for the purpose of examining and copying the documentary evidence.

(2) The commissioner may require the attendance and testimony of witnesses and the production of all documentary evidence of any person relating to any matter under investigation under this part by subpoena.

(3) The commissioner may sign subpoenas and may administer oaths and affirmations, examine witnesses, and receive evidence. In case of a refusal to obey a subpoena issued to any person under this part, any circuit court of this state within the jurisdiction in which the person refusing to obey the subpoena resides or is found may issue to such person, upon application by the commissioner, an order requiring such person to appear before the court to show cause why such person should not be held in contempt for refusal to obey the subpoena. Failure to obey a subpoena may be punished as contempt of court.

(c) Upon application of the attorney general and reporter at the request of the commissioner, the circuit courts have jurisdiction to issue writs of mandamus commanding any person to comply with this part or any order of the commissioner made pursuant to this part.

(d)

(1) The commissioner may order testimony to be taken by deposition in any proceeding or investigation pending under this part at any stage of such proceeding or investigation.

(2) A deposition may be taken before any person designated by the commissioner and having power to administer oaths.

(3) Deposition testimony must be reduced to writing by the person taking the deposition or under the person's direction and must be subscribed by the deponent.

(4) Any person may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the commissioner.

(e) Witnesses summoned before the commissioner must be paid the same fees and mileage that are paid witnesses in the courts of this state, and witnesses whose depositions are taken and the persons taking the depositions are entitled to the same fees as are paid for like services in the courts of this state.

(f) No person may be excused from attending and testifying or from producing documentary evidence before the commissioner or in compliance with a subpoena of the commissioner in any cause on the ground of self-incrimination. No person may be prosecuted or subjected to any penalty for forfeiture for or on account of any transaction, matter, or thing concerning which the person is compelled, after having claimed the person's privilege against self-incrimination, to testify or produce evidence, documentary or otherwise; except, that any person testifying is not exempt from prosecution for perjury committed while testifying.

SECTION 15. Tennessee Code Annotated, Title 53, Chapter 7, Part 2, is amended by adding the following as new sections:

53-7-221.

(a) The commissioner is designated as the state agency responsible for cooperating with the United States secretary of agriculture under the federal Meat Inspection Act and the federal Poultry Products Inspection Act. The commissioner shall cooperate with the United States secretary of agriculture in developing and administering the meat and poultry inspection program of this state under this part to assure that its requirements will be at least equal to those imposed by the federal Meat Inspection Act

and the federal Poultry Products Inspection Act and in developing and administering the program of this state under this part in a manner that will effectuate the purposes of this part and federal law.

(b) The commissioner may accept from the United States secretary of agriculture advisory assistance in planning and developing the state program, technical and laboratory assistance and training, and financial and other aid for administration of the program.

(c) The commissioner may spend public funds of this state appropriated for administration of this part to pay fifty percent (50%) of this state's estimated total cost of the cooperative programs developed under this section.

(d) The commissioner may recommend to the United States secretary of agriculture such officials or employees of this state as the commissioner designates for appointment to the advisory committee provided for in 21 U.S.C. § 661(a)(4), and the commissioner shall serve as the representative of the governor of this state for consultation with the United States secretary of agriculture under 21 U.S.C. § 661(c), unless the governor designates another representative.

(e) For the purpose of preventing and eliminating burdens on intrastate commerce with respect to meat and poultry and meat products and poultry products, the jurisdiction of the commissioner within the scope of this part is exclusive, and no county or municipal board of health or other county or municipal agency has any power or jurisdiction to regulate the slaughtering of any livestock or poultry or the processing or transportation of the carcasses or parts thereof or the meat, meat products, and poultry products of such animals or birds, nor shall any county or municipal board of health or other county or municipal agency have any power or jurisdiction with regard to the inspections provided for in this part, nor with respect to any other activity committed to the authority of the commissioner by this part.

(f)

(1) In carrying out this part, the commissioner may cooperate with all other branches of government, county and municipal, and with county and municipal health departments or other agencies and may conduct such examinations, investigations, and inspections as provided for in this part and as the commissioner determines practical through any officer or employee of the state or any municipality or county in the state qualified for such purpose.

(2) The commissioner may contract with any municipal or county health departments to carry out the duties and requirements of this part. Any municipal or county health department may contract with the commissioner for the purpose of meeting the requirements of this part.

(g) This section does not preclude or restrict any municipality or county from the exercise of its police powers with regard to the establishment and maintenance of the facilities at which the activities regulated by this part are conducted.

53-7-222.

(a) The commissioner shall, by rule and under such conditions as to sanitary standards, practices, procedures, and reasonable volume limitations as the commissioner prescribes, exempt from specific provisions of this part:

(1) The slaughtering by any person of animals of the person's own raising and the processing by such person and transportation of the carcasses, parts of carcasses, meat, meat food products, poultry, and poultry products of such animals exclusively for use by such person, members of the person's household, and the person's nonpaying guests and employees;

(2)

(A) The slaughtering by any person of animals of the person's own raising and the processing by such person and transportation of the carcasses or parts of carcasses, not to include meat food products or poultry products, where the carcasses or parts of carcasses are sold

directly to household consumers, restaurants, hotels, and boardinghouses for use in their own dining rooms or in the preparation of meals for sale directly to consumers only.

(B) No exemption under subdivision (a)(2) applies:

(i) To any person who engages in slaughtering any of the animals as to which inspection is required by this part or buying or selling of carcasses or parts of carcasses, other than those produced by animals or birds of their own raising; or

(ii) If the value of the annual sales of such person of the articles claimed to be exempt under subdivision (a)(2) exceeds two hundred dollars (\$200); and

(3) The custom slaughter by any person of livestock or poultry delivered by the owner of animal for custom slaughter and the processing by a custom slaughterer and transportation of the carcasses, parts of carcasses, meat, meat food products, and poultry products of such animals or birds exclusively for use in the household of the owner by the owner, members of the owner's household, and the owner's nonpaying guests and employees.

(b) The provisions of this part requiring inspection of the slaughter of animals and the processing of carcasses, parts of carcasses, meat, meat food products, and poultry products do not apply to operations of types traditionally and usually conducted at retail stores and restaurants, when conducted at any retail store or restaurant or similar retail type establishment for sale in normal retail quantities or service of such articles to consumers at such establishments.

(c) The provisions of this part requiring inspection of the slaughter of animals and poultry and the processing of carcasses, parts of carcasses, meat, meat food products, and poultry products do not apply to articles that have been or are to be processed as required by recognized religious dietary laws to the extent that the

commissioner determines that such articles may be exempted without jeopardy to the purpose and intent of this part.

(d) The slaughter of animals and processing of articles referred to in subdivisions (a)(2) and (a)(3) and subsections (b) and (c) must be conducted in accordance with any sanitary conditions and reasonable volume limitations that the commissioner prescribes by rules, and a violation of any such rule is a violation of this part.

(e) The adulteration and misbranding provisions of this part, other than the requirement of the inspection legend, apply to articles that are exempt from inspection or examination under this section.

53-7-223.

Any meat, meat food products, poultry, or poultry products that have been inspected and passed by inspectors of the United States department of agriculture are exempt from the meat and poultry inspection provisions of this part unless such products are further processed, in which event the products are subject to all other provisions and requirements of this part.

53-7-224.

The requirements of this part apply to persons, establishments, animals, and articles regulated under the federal Meat Inspection Act or the federal Poultry Products Inspection Act only to the extent provided for in such acts.

53-7-225.

(a) Unless specifically provided otherwise in this part, the circuit courts of this state are vested with jurisdiction specifically to enforce and to prevent and restrain violations of this part or any rule promulgated under this part by temporary restraining order, permanent injunction, or otherwise.

(b) Petitions for injunctive relief authorized by this section must be filed in the circuit court of the county of residence of the person who violates this part.

(c) Any action commenced under this section based upon facts furnished by the commissioner or others having knowledge thereof may be brought in the name of this state by the attorney general and reporter, subject to the approval of the attorney general and reporter. The attorney general and reporter shall, upon request, be assisted by the district attorney general of the judicial circuit in which injunctive proceedings are filed.

53-7-226.

It is competent evidence in any civil action brought for damages against any person regulated by this part to prove that such person violated this part or any rule promulgated under this part where such act or omission is proximately related to the injury or loss for which damages are claimed, but proof of any acts or omissions that may constitute a violation of this part or of any rule promulgated under this part does not constitute prima facie proof of negligence in any such action against the party from whom damages are sought.

53-7-227.

(a) It is a Class E felony offense for any person to intentionally, knowingly, or recklessly forcibly assault, resist, oppose, impede, intimidate, or interfere with any person while engaged in or on account of the performance of such person's official duties under this part. Notwithstanding § 40-35-111, the maximum term of imprisonment for an offense under this subsection (a) is three (3) years and the maximum fine is five thousand dollars (\$5,000).

(b) It is a Class D felony offense for any person to commit an offense under subsection (a) with use of a deadly weapon, as defined in § 39-11-106. Notwithstanding § 40-35-111, the maximum term of imprisonment for an offense under this subsection (b) is ten (10) years and the maximum fine is ten thousand dollars (\$10,000).

53-7-228.

It is a Class E felony offense for any person to neglect or refuse to attend and testify, or to answer any lawful inquiry, or to produce documentary evidence, if in such person's power to do so, pursuant to a subpoena or lawful requirement of the commissioner. Notwithstanding § 40-35-111, the maximum term of imprisonment for an offense under this section is one (1) year and the maximum fine is five thousand dollars (\$5,000).

53-7-229.

(a) It is a Class E felony for any person to knowingly:

(1) Make or cause to be made any false entry or statement of fact in any report required to be made under this part;

(2) Make or cause to be made any false entry in any account, record, or memorandum kept by any person subject to this part;

(3) Neglect or fail to make or to cause to be made full, true, and correct entries in any account, record, or memorandum kept by any person subject to this part of all facts and transactions appertaining to the person's business;

(4) Remove out of the jurisdiction of this state or willfully mutilate, alter, or by any other means falsify any documentary evidence of any person subject to this part; or

(5) Refuse to submit to the commissioner, or to the commissioner's authorized agent, for the purpose of inspection and making copies any documentary evidence of any person subject to this part that is in such person's possession or control.

(b) Notwithstanding § 40-35-111, the maximum term of imprisonment for an offense under subsection (a) is one (1) year and the maximum fine is five thousand dollars (\$5,000).

53-7-230.

If any person fails to file an annual or special report as required by this part within the time fixed by the commissioner by rule and such failure continues for thirty (30) days after notice of such failure to file, the commissioner shall assess a civil penalty against the person in the amount of twenty-five dollars (\$25.00) for each day of the continuance of such failure to file.

53-7-231.

It is a Class A misdemeanor for any officer or employee of this state to make public any information obtained by the commissioner without proper authority, unless directed by a court. Notwithstanding § 40-35-111, the maximum fine for an offense under this section is five thousand dollars (\$5,000).

53-7-232.

(a) Any violation of this part for which no other criminal penalty is specified is a Class A misdemeanor offense. Notwithstanding § 40-35-111, the maximum fine for an offense under this subsection (a) is one thousand dollars (\$1,000).

(b) A person is not subject to prosecution under this section for receiving for transportation or transporting any article or animal in violation of this part if such receipt or transportation was made in good faith, unless the person refuses to furnish, upon request of the commissioner, the name and address of the person from whom the person received the article or animal and copies of any documents to the delivery of the article or animal to such person.

(c) Nothing in this part requires the commissioner to report for prosecution or for the institution of a proceeding for condemnation or injunctive relief minor violations of this part whenever the commissioner determines that the public interest will be adequately served by other remedies and procedures.

53-7-233.

A carcass, part of any carcass, meat, meat food product, or poultry product is adulterated if:

(1) It bears or contains any poisonous or deleterious substance that may render it injurious to health. In cases where the substance is not an added substance, the article is not adulterated under this section if the quantity of the substance in or on the article would not ordinarily render it injurious to health;

(2) It bears or contains any added poisonous or added deleterious substance, other than a pesticide chemical in or on a raw agricultural commodity, a food additive, or a color additive, which may, in the commissioner's judgment, make the article unfit for human food;

(3) It is, in whole or in part, a raw agricultural commodity that bears or contains a pesticide chemical that is unsafe under Section 408 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 346a);

(4) It bears or contains any food additive that is unsafe under Section 409 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 348);

(5) It bears or contains any color additive that is unsafe under Section 706 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 379e);

(6) It bears or contains a pesticide chemical, food additive, or color additive, the use of which in or on the article is prohibited by rule of the commissioner in establishments at which inspection is maintained under this part;

(7) It consists, in whole or in part, of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food;

(8) It has been processed, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

(9) It is, in whole or in part, the product of an animal or poultry that died otherwise than by slaughter;

(10) Its container is composed, in whole or in part, of any poisonous or deleterious substance that may render the contents injurious to health;

(11) It has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect under Section 409 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 348);

(12) Any valuable constituent has been in whole or in part omitted or abstracted from the article;

(13) Any substance has been substituted in whole or in part for the article;

(14) Damage to or inferiority of the article has been concealed in any manner;

(15) Any substance has been added to, or mixed or packed with, the article to increase the article's bulk or weight, or reduce the article's quality or strength, or make the article appear of greater value than it is; or

(16) It is margarine containing animal fat and any of the raw materials used in the article consisted in whole or in part of any filthy, putrid, or decomposed substance.

53-7-234.

This part is cumulative with and does not repeal or supersede §§ 53-1-102 – 53-1-105, and 53-1-207. In the event of any conflict between this part and title 68, chapter 1 or title 68, chapter 2, this part controls.

SECTION 16. For the purposes of promulgating rules and taking all other administrative actions necessary to implement this act, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2021, the public welfare requiring it.



HOUSE RESEARCH DIVISION

MH&SA Subcommittee Amendment ePacket

Wednesday, February 26, 2020

Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 2175

House Bill No. 2244*

by deleting the amendatory language of Section 1 and substituting instead the following:

(f) Notwithstanding subsections (a) and (b), a state-owned or state-operated hospital or treatment resource that receives a person transported under § 33-6-406 shall have a licensed physician, a licensed advance practice nurse working under the supervision of and in collaboration with a licensed physician, or a licensed physician assistant working under the supervision of and in collaboration with a licensed physician examine the person to determine whether the person is subject to admission under § 33-6-403. If the person is subject to admission under § 33-6-403, then the licensed physician, licensed advance practice nurse, or licensed physician assistant shall complete a certificate of need for the emergency diagnosis, evaluation, and treatment showing the factual foundation for the conclusions on each item of § 33-6-403, and the person who took the service recipient to the hospital or treatment resource may then apply for the admission for the purpose of emergency diagnosis, evaluation, and treatment. A licensed physician shall evaluate an individual admitted to a hospital or treatment resource pursuant to this subsection (f) within twenty-four (24) hours of the individual's admission.



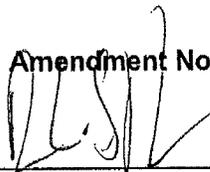
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Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 2132

House Bill No. 2162*

by adding the following new language to the end of Section 1:

(e) Notwithstanding § 56-7-1005, this section does not apply to:

(1) The TennCare program under title 71, chapter 5, part 1, or any successor
medicaid program under title 71, chapter 5; or

(2) The CoverKids Act of 2006, compiled in title 71, chapter 3, part 11, or any
successor program.



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Amendment No. _____

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

Signature of Sponsor

AMEND Senate Bill No. 1892

House Bill No. 1699*

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

SECTION 1. Tennessee Code Annotated, Section 56-7-1002, is amended by adding the following as a new subsection (h) and redesignating the existing subsection (h) accordingly:

(h) Telehealth is subject to utilization review under the Health Care Service Utilization Review Act, compiled in chapter 6, part 7 of this title.

SECTION 2. Tennessee Code Annotated, Section 56-7-1002(a), is amended by adding the following as a new subdivision:

() "Originating site" means the location where a patient is located pursuant to subdivision (a)(6)(A) and that originates a telehealth service to another qualified site;

SECTION 3. Tennessee Code Annotated, Section 56-7-1002(e), is amended by deleting the language "A health insurance entity shall provide coverage for healthcare services" and substituting instead the language "A health insurance entity shall provide coverage and reimbursement for healthcare services".

SECTION 4. Tennessee Code Annotated, Section 56-7-1002(f), is amended by deleting the subsection and substituting the following:

(f) Except as provided in SECTION 6, this section does not require a health insurance entity to pay total reimbursement for a telehealth encounter, including the use of telehealth equipment, in an amount that exceeds the amount that would be paid for the same service provided by a healthcare services provider in an in-person encounter.

SECTION 5. Tennessee Code Annotated, Section 56-7-1002(h), is amended by deleting the subsection and substituting the following:



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(h)

(1) This section does not apply to accident-only, specified disease, hospital indemnity, plans described in § 1251 of the Patient Protection and Affordable Care Act, Public Law 111-148, as amended and § 2301 of the Health Care and Education Reconciliation Act of 2010, Public Law 111-152, as amended (both in 42 U.S.C. § 18011), plans governed by the Employee Retirement Income Security Act of 1974 (ERISA) (29 U.S.C. § 1001 et seq.), medicare supplement, disability income, long-term care, or other limited benefit hospital insurance policies.

(2) This section does apply to the basic health plans authorized under title 8, chapter 27, parts 1, 2, 3, and 7.

SECTION 6. Tennessee Code Annotated, Section 56-7-1002, is amended by adding the following as a new subsection:

A health insurance entity shall reimburse an originating site hosting a patient as part of a telehealth encounter an originating site fee in accordance with Centers for Medicare and Medicaid services telehealth services rule 42 C.F.R. § 410.78 and the amount established for the medicare telehealth originating facility fee for calendar year 2020 as of November 15, 2019, published in the Federal Register at 84 F.R. 62568.

SECTION 7. Tennessee Code Annotated, Section 56-7-1003, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Health insurance entity" has the same meaning as defined in § 56-7-109 and includes managed care organizations participating in the medical assistance program under title 71, chapter 5;

(2) "Healthcare services" has the same meaning as defined in § 56-61-102;

(3) "Healthcare services provider" means an individual acting within the scope of a valid license issued pursuant to title 63 or any state-contracted crisis service provider employed by a facility licensed under title 33;

(4) "Healthcare system" means two (2) or more healthcare organizations as defined in § 63-1-150, that are affiliated through shared ownership or pursuant to a contractual relationship that controls payment terms and service delivery;

(5) "Practice group" means two (2) or more healthcare services providers that share a common employer for the purposes of the healthcare services providers' clinical practice;

(6) "Provider-based telemedicine":

(A) Means the use of Health Insurance Portability and Accessibility Act (HIPAA) (42 U.S.C. § 1320d et seq.) compliant real-time, interactive audio, video telecommunication, or electronic technology, or store-and-forward telemedicine services, used over the course of an interactive visit by a healthcare services provider to deliver healthcare services to a patient within the scope of practice of the healthcare services provider when:

(i) The healthcare services provider is at a qualified site other than the site where the patient is located and has access to the relevant medical record for that patient;

(ii) The patient is located at a location the patient deems appropriate to receive the healthcare service that is equipped to engage in the telecommunication described in this section; and

(iii) The healthcare services provider makes use of HIPAA compliant real-time, interactive audio, video telecommunication or electronic technology, or store-and-forward telemedicine services to deliver healthcare services to a patient within the scope of

practice of the healthcare services provider as long as the healthcare services provider, the healthcare services provider's practice group, or the healthcare system has established a provider-patient relationship by submitting to a health insurance entity evidence of an in-person encounter between the healthcare service provider, the healthcare services provider's practice group, or the healthcare system and the patient within eighteen (18) months prior to the interactive visit; and

(B) Does not include:

- (i) An audio-only conversation;
- (ii) An electronic mail message or phone text message;
- (iii) A facsimile transmission;
- (iv) Remote patient monitoring; or
- (v) Healthcare services provided pursuant to a contractual relationship between a health insurance entity and an entity that facilitates the delivery of provider-based telemedicine as the substantial portion of the entity's business;

(7) "Qualified site" means the primary or satellite office of a healthcare services provider, a hospital licensed under title 68, a facility recognized as a rural health clinic under federal medicare regulations, a federally qualified health center, a facility licensed under title 33, or any other location deemed acceptable by the health insurance entity; and

(8) "Store and forward telemedicine services":

(A) Means the use of asynchronous computer-based communications between a patient and healthcare services provider at a distant site for the purpose of diagnostic and therapeutic assistance in the care of patients; and

(B) Includes the transferring of medical data from one (1) site to another through the use of a camera or similar device that records or stores an image that is sent or forwarded via telecommunication to another site for consultation.

(b) Healthcare services provided through a provider-based telemedicine encounter must comply with state licensure requirements promulgated by the appropriate licensure boards. Provider-based telemedicine providers are held to the same standard of care as healthcare services providers providing the same healthcare service through in-person encounters.

(c) A provider-based telemedicine provider who seeks to contract with or who has contracted with a health insurance entity to participate in the health insurance entity's network is subject to the same requirements and contractual terms as any other healthcare services provider in the health insurance entity's network.

(d) A health insurance entity:

(1) Shall provide coverage under a health insurance policy or contract for covered healthcare services delivered through provider-based telemedicine;

(2) Shall reimburse a healthcare services provider for a healthcare service covered under an insured patient's health insurance policy or contract that is provided through provider-based telemedicine without any distinction or consideration of the geographic location or any federal, state, or local designation, or classification of the geographic area where the patient is located;

(3) Shall not exclude from coverage a healthcare service solely because it is provided through provider-based telemedicine and is not provided through an in-person encounter between a healthcare services provider and a patient; and

(4) Shall reimburse healthcare services providers who are out-of-network for provider-based telemedicine care services under the same reimbursement policies applicable to other out-of-network healthcare services providers.

(e) A health insurance entity shall provide coverage and reimbursement for healthcare services provided during a provider-based telemedicine encounter in a manner that is consistent with what the health insurance policy or contract provides for in-person encounters for the same service, and shall reimburse for healthcare services provided during a provider-based telemedicine encounter without distinction or consideration of the geographic location, or any federal, state, or local designation or classification of the geographic area where the patient is located.

(f) This section does not require a healthcare services provider to submit a claim for reimbursement to a health insurance entity for provider-based telemedicine services performed under subsection (e).

(g) This section does not require a health insurance entity to pay total reimbursement for a provider-based telemedicine encounter in an amount that exceeds the amount that would be paid for the same service provided by a healthcare services provider for an in-person encounter.

(h) Any provisions not required by this section are governed by the terms and conditions of the health insurance policy or contract.

(i) Provider-based telemedicine is subject to utilization review under the Health Care Service Utilization Review Act, compiled in chapter 6, part 7 of this title.

(j)

(1) This section does not apply to accident-only, specified disease, hospital indemnity, plans described in § 1251 of the Patient Protection and Affordable Care Act, Public Law 111-148, as amended and § 2301 of the Health Care and Education Reconciliation Act of 2010, Public Law 111-152, as amended (both in 42 U.S.C. § 18011), plans governed by the Employee Retirement Income Security Act of 1974 (ERISA) (29 U.S.C. § 1001 et seq.), medicare supplement, disability income, long-term care, or other limited benefit hospital insurance policies.

(2) This section does apply to the basic health plans authorized under title 8, chapter 27, parts 1, 2, 3, and 7.

SECTION 8. Tennessee Code Annotated, Title 56, Chapter 7, Part 10, is amended by adding the following as a new section:

(a) As used in this section, "remote patient monitoring services" means using digital technologies to collect medical and other forms of health data from a patient and then electronically transmitting that information securely to healthcare providers in a different location for interpretation and recommendation.

(b) A health insurance entity shall consider any remote patient monitoring service a covered medical service if the same service is covered by medicare. The appropriate parties shall negotiate the rate for these services in the manner in which is deemed appropriate by the parties.

(c) Remote patient monitoring services are subject to utilization review under the Health Care Service Utilization Review Act, compiled in chapter 6, part 7 of this title.

(d) This section does not apply to a health incentive program operated by a health insurance entity that utilizes an electronic device for physiological monitoring.

SECTION 9. Tennessee Code Annotated, Section 63-1-155(a), is amended by deleting subdivision (2) and substituting instead the following:

(2) "Telehealth", "telemedicine", and "provider-based telemedicine" mean, notwithstanding any restriction imposed by § 56-7-1002 or § 56-7-1003:

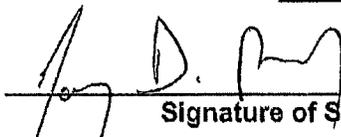
(A) The use of real-time audio, video, or other electronic media and telecommunication technology that enables interaction between a healthcare provider and a patient; or

(B) Store-and-forward telemedicine services, as defined in § 56-7-1002, for the purpose of diagnosis, consultation, or treatment of a patient in another location where there may be no in-person exchange.

SECTION 10. This act shall take effect July 1, 2021, the public welfare requiring it, and shall apply to insurance policies or contracts issued, entered into, renewed, or amended on or after that date.

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Amendment No. _____


Signature of Sponsor

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

AMEND Senate Bill No. 2078*

House Bill No. 2184

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

SECTION 1. Tennessee Code Annotated, Section 71-5-1504(c), is amended by deleting the subsection and substituting the following:

(c) If the quarterly transport data is not adequate or available for the calculation of assessments, then the bureau shall use total transports submitted to the office of emergency medical services for calendar year 2019. If neither the quarterly transport data nor total transports submitted to the office of emergency medical services are adequate or available, then the bureau shall use the annual cost and utilization report submitted pursuant to § 71-5-1507. The adequacy and availability of the data must be determined solely by the bureau.

SECTION 2. Tennessee Code Annotated, Section 71-5-1504, is amended by deleting subsections (f) and (g).

SECTION 3. Tennessee Code Annotated, Section 71-5-1508(d), is amended by deleting the subsection and substituting instead the following:

The ground ambulance provider assessment established by this part terminates on June 30, 2021.

SECTION 4. Tennessee Code Annotated, Title 71, Chapter 5, Part 15, is amended by adding the following as a new § 71-5-1507 and redesignating the existing § 71-5-1507 and subsequent sections:

71-5-1507.



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(a) For the purposes of this part, all ambulance providers shall file an annual cost and utilization report reflecting the most recently completed calendar year.

(b) The submitted cost and utilization report must include:

(1) Specified data on any vehicle owned or operated by the ambulance provider that is used for the purposes of patient transport;

(2) Total number of manual ambulance stretchers;

(3) Total number of hydraulic ambulance stretchers;

(4) Information regarding twelve-lead cardiac capabilities;

(5) Revenue data by payer type;

(6) Total transport data by payer type; and

(7) Any additional information that is required by the bureau.

(c) The cost and utilization report must be filed with the bureau no later than May 31 of each calendar year and must contain data from the previous calendar year. The bureau shall assess a penalty of one hundred dollars (\$100) for each day that an ambulance provider does not submit a cost and utilization report in compliance with this section. However, the bureau may waive, in whole or in part, any penalty upon a determination that there is good cause for the waiver. The penalty imposed by this section supersedes any penalty imposed under § 12-4-304.

(d) The comptroller of the treasury is granted audit authority to test the accuracy of any and all cost and utilization reports submitted to the bureau for the purposes of this assessment.

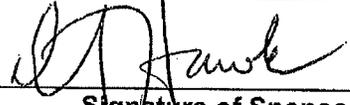
SECTION 5. Tennessee Code Annotated, Section 71-5-1503(b)(3), is amended by deleting the language "fund created in § 71-5-1507" and substituting the language "fund created in § 71-5-1508".

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

2/24/20

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Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 2775

House Bill No. 2502*

by deleting subdivision (3) from the amendatory language of SECTION 1.



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HOUSE EDUCATION COMMITTEE

AMENDMENT PACKET

FOR

February 26, 2020

Amendment No. _____

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

Signature of Sponsor

AMEND Senate Bill No. 1593

House Bill No. 1589*

by deleting § 49-6-2309(a) in the amendatory language of Section 2 and substituting instead the following:

(a) A school shall provide a United States department of agriculture reimbursable meal to each student who requests one and qualifies for free or reduced-price meals under the eligibility rules promulgated by the state board of education pursuant to § 49-6-2303(2) and (3), unless the student's parent or guardian directs the school, in writing, to withhold the meal.

AND FURTHER AMEND by adding the following as a new subsection (e) in § 49-6-2309 in the amendatory language of Section 2:

(e) This section does not prohibit or inhibit a school from referring a student's parent or guardian to the department of children's services for investigation of suspected child abuse or neglect.

AND FURTHER AMEND by deleting the language "or stigmatize" in § 49-6-2310(a)(1) in the amendatory language of Section 2.

AND FURTHER AMEND by deleting from § 49-6-2310(a)(3) in the amendatory language of Section 2 the language "Prohibit a student who cannot pay for a meal, or who has accumulated a meal debt," and substituting instead "Prohibit a minor student who cannot pay for a meal, or who has accumulated a meal debt, except as provided in subsection (b),".

AND FURTHER AMEND by deleting § 49-6-2310(b) in the amendatory language of Section 2 and substituting instead the following:

(b) A school may ask a student who does not qualify for free or reduced-price meals under the eligibility rules promulgated by the state board of education pursuant to



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§ 49-6-2303(2), and who is lawfully employed and, through such employment, receives an income in an amount that exceeds the amount of the accumulated meal debt, to pay the meal debt if the student's parent or guardian fails to pay the meal debt, before the student may participate in a school-related event or activity, graduate or participate in a graduation ceremony, or receive a diploma.

(c) A school shall direct communications about a student's meal debt to the student's parent or guardian and not to the student, except as provided in subsection (b). This subsection (c) does not prohibit a school from sending a student home with a letter addressed to the student's parent or guardian regarding a meal debt that is owed to the school.

(d) A school shall inform a student's parent or guardian, and not the student, that the parent or guardian may be referred to the department of children's services for investigation of suspected child abuse or neglect if the school reasonably believes that the accumulation of a meal debt, or the parent's or guardian's decision to withhold a United States department of agriculture reimbursable meal from a student who otherwise qualifies for one under the eligibility rules promulgated by the state board of education pursuant to § 49-6-2303(2) and (3), may be due to child abuse or neglect.

AND FURTHER AMEND by deleting § 49-6-2311 in the amendatory language of Section 2 and substituting instead the following:

49-6-2311.

A school shall not require a student's parent or guardian to pay fees or costs from collection agencies hired to collect a meal debt if the meal debt was accumulated for meals provided to a student who qualified for free or reduced-price meals under the eligibility rules promulgated by the state board of education pursuant to § 49-6-2303(2) at the time the meal debt was accumulated.



HB 1589 - SB 1593

February 3, 2020

SUMMARY OF ORIGINAL BILL: Creates the Tennessee Anti-Lunch Shaming Act. Prohibits a local education agency (LEA) from withholding student records or diplomas for a meal debt. Requires schools to provide a reimbursable meal to each student who requests one. Prohibits a school from requiring a student to throw away a meal after the meal has been served to the student because of the student's inability to pay for the meal, or because the student has accumulated a meal debt. Prohibits schools from stigmatizing students for non-payment of meals. Prohibits schools from holding students personally responsible for meal debts. Requires schools to contact parents of students who owe money on five or more meals during a school year.

FISCAL IMPACT OF ORIGINAL BILL:

Other Fiscal Impact – To the extent schools recover fewer outstanding debts for student meals as a result of this legislation, there would be additional forgone local revenue of unknown amounts for schools. Otherwise, the fiscal impact of the legislation is considered not significant.

SUMMARY OF AMENDMENT (013808): Deletes and adds new language to the original bill such that the only substantive changes are to: 1) require schools to provide a reimbursable meal to each student who requests one and qualifies for free or reduced-price meals; 2) authorize a school to refer a student's parent or guardian to the Department of Children's Services (DCS) for investigation of child abuse or neglect; 3) establish that only minor students who cannot pay for a meal, or who have accumulated a meal debt, are protected against schools from prohibiting participation in school activities, graduation, or receiving a diploma; 4) authorize a school to ask a student who does not qualify for free or reduced-price meals, and who meets certain criteria for employment and income, to pay the meal debt before the student may participate in school-related activities, graduate, or receive a diploma; and 5) prohibit a school from requiring a student's parent or guardian to pay fees or costs from collection agencies hired to collect a meal debt if the student qualified for free or reduced price meals.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- No significant impact to state government operations.
- LEAs and their schools will be able to provide a reimbursable meal in accordance with the provisions of this legislation during the normal course of business; therefore any fiscal impact is estimated to be not significant.
- The legislation requires schools to contact parents of students that owe money for five or more unpaid meals, which may be an effective means in recovering funds for unpaid meals; however, it prohibits schools from withholding important documents from students that owe money for meals such as transcripts and diplomas.
- To the extent schools recover fewer outstanding debts for unpaid meals, there will be an increase in forgone local revenue; however, due to unknown factors such as the number of students affected, the extent of unpaid meals, the extent of uncollected funds for meals under current law and under the provisions of this legislation, the extent and timing of any such impacts cannot be determined.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



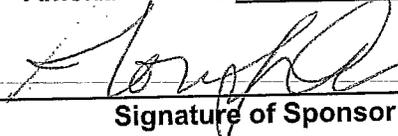
Krista Lee Carsner, Executive Director

/alh

Education 2/12
G. Johnson

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

Amendment No. _____



 Signature of Sponsor

AMEND Senate Bill No. 1593

House Bill No. 1589*

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

SECTION 1. This act shall be known and may be cited as the "Tennessee Anti-Lunch Shaming Act."

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 6, Part 23, is amended by adding the following as new sections:

49-6-2308.

As used in this section and §§ 49-6-2309 – 49-6-2311:

(1) "Meal application" means an application for free or reduced-price meals pursuant to the national school lunch program created by the National School Lunch Act (42 U.S.C. §§ 1751-1769) or the school breakfast program created by the Child Nutrition Act of 1966 (42 U.S.C. §§ 1771-1789); and

(2) "School":

(A) Means any public elementary or secondary school that receives state financial assistance; and

(B) Includes a local education agency.

49-6-2309.



(a) A school shall provide a United States department of agriculture reimbursable meal to each student who requests one, unless the student's parent or guardian directs the school, in writing, to withhold the meal.

(b) A school shall not require a student to throw away a meal after the meal has been served to the student because of the student's inability to pay for the meal, or because the student has accumulated a meal debt.

(c) If a student accumulates a meal debt equal to the cost of five (5) or more meals provided to the student during the school year, then the student's school shall attempt, on at least two (2) separate occasions, to contact the student's parent or guardian to discuss the reasons for the meal debt and to offer any available assistance, including assisting the parent or guardian with filling out a meal application.

(d) Nothing in this section or §§ 49-6-2310 – 49-6-2311 prohibits a school from collecting a meal debt from a student's parent or guardian if the school has complied with subsections (a) and (c).

49-6-2310.

(a) A school shall not:

(1) Publicly identify or stigmatize a student who cannot pay for a meal, or who has accumulated a meal debt, which includes, but is not limited to, requiring a student to wear a wristband or hand stamp, segregating the student from the student's classmates, or providing the student with an alternative meal;

(2) Require a student who cannot pay for a meal, or who has accumulated a meal debt, to do chores or other work as payment for meals; or

(3) Prohibit a student who cannot pay for a meal, or who has accumulated a meal debt, from:

(A) Participating in a school-related event or activity;

(B) Graduating or participating in a graduation ceremony; or

(C) Receiving a diploma.

(b) A school shall direct communications about a student's meal debt to the student's parent or guardian and not to the student. This subsection (b) does not prohibit a school from sending a student home with a letter addressed to the student's parent or guardian regarding a meal debt that is owed to the school.

49-6-2311.

A school shall not require a student's parent or guardian to pay fees or costs from collection agencies hired to collect a meal debt.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.



February 11, 2020

SUMMARY OF ORIGINAL BILL: Creates the Tennessee Anti-Lunch Shaming Act. Prohibits a local education agency (LEA) from withholding student records or diplomas for a meal debt. Requires schools to provide a reimbursable meal to each student who requests one. Prohibits a school from requiring a student to throw away a meal after the meal has been served to the student because of the student's inability to pay for the meal, or because the student has accumulated a meal debt. Prohibits schools from stigmatizing students for non-payment of meals. Prohibits schools from holding students personally responsible for meal debts. Requires schools to contact parents of students who owe money on five or more meals during a school year.

FISCAL IMPACT OF ORIGINAL BILL:

Other Fiscal Impact – To the extent schools recover fewer outstanding debts for student meals as a result of this legislation, there would be additional forgone local revenue of unknown amounts for schools. Otherwise, the fiscal impact of the legislation is considered not significant.

SUMMARY OF AMENDMENT (014606): Deletes all language after the enacting clause and rewrites the bill without making any substantive changes to the legislation.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- No significant impact to state government operations.
- LEAs and their schools will be able to provide a reimbursable meal in accordance with the provisions of this legislation during the normal course of business; therefore any fiscal impact is estimated to be not significant.
- The legislation requires schools to contact parents of students that owe money for five or more unpaid meals, which may be an effective means in recovering funds for unpaid meals; however, it prohibits schools from withholding important documents from students that owe money for meals such as transcripts and diplomas.

- To the extent schools recover fewer outstanding debts for unpaid meals, there will be an increase in forgone local revenue; however, due to unknown factors such as the number of students affected, the extent of unpaid meals, the extent of uncollected funds for meals under current law and under the provisions of this legislation, the extent and timing of any such impacts cannot be determined.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

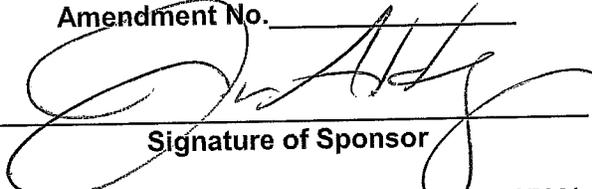


Krista Lee Carsner, Executive Director

/alh

Education 8/13
Hodges

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____


 Signature of Sponsor

AMEND Senate Bill No. 1593

House Bill No. 1589*

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

SECTION 1. This act shall be known and may be cited as the "Tennessee Anti-Lunch Shaming Act."

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 6, Part 23, is amended by adding the following as new sections:

49-6-2308.

As used in this section and §§ 49-6-2309 – 49-6-2311:

(1) "Meal application" means an application for free or reduced-price meals pursuant to the national school lunch program created by the National School Lunch Act (42 U.S.C. §§ 1751-1769) or the school breakfast program created by the Child Nutrition Act of 1966 (42 U.S.C. §§ 1771-1789); and

(2) "School":

(A) Means any public elementary or secondary school that receives state financial assistance; and

(B) Includes a local education agency.

49-6-2309.

(a) A school must provide a United States department of agriculture reimbursable meal to each student who requests one, unless the student's parent or guardian directs the school, in writing, to withhold the meal.



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014460

(b) A school shall not require a student to throw away a meal after the meal has been served to the student because of the student's inability to pay for the meal, or because the student has accumulated a meal debt.

(c) If a student accumulates a meal debt equal to the cost of five (5) or more meals provided to the student during the school year, then the student's school shall attempt, on at least two (2) separate occasions, to contact the student's parent or guardian to discuss the reasons for the meal debt and to offer any available assistance, including assisting the parent or guardian with filling out a meal application.

(d) Nothing in this section or §§ 49-6-2310 – 49-6-2311 prohibits a school from collecting a meal debt from a student's parent or guardian if the school has complied with subsections (a) and (c).

49-6-2310.

(a) A school shall not:

(1) Publicly identify a student who cannot pay for a meal, or who has accumulated a meal debt, which includes, but is not limited to, requiring a student to wear a wristband or hand stamp, segregating the student from the student's classmates, or providing the student with an alternative meal;

(2) Require a student who cannot pay for a meal, or who has accumulated a meal debt, to do chores or other work as payment for meals; or

(3) Prohibit a student who cannot pay for a meal, or who has accumulated a meal debt, from:

(A) Participating in a school-related event or activity;

(B) Graduating or participating in a graduation ceremony; or

(C) Receiving a diploma.

(b) A school must direct communications about a student's meal debt to the student's parent or guardian and not to the student. This subsection (b) does not

prohibit a school from sending a student home with a letter addressed to the student's parent or guardian regarding a meal debt that is owed to the school.

49-6-2311.

(a) A school that violates § 49-6-2309(b) or any provision of § 49-6-2310 is subject to a civil penalty of not less than fifty dollars (\$50.00) for each violation. The fine may be imposed by the state board of education as part of an administrative proceeding initiated by a student's parent or guardian, or by a court of competent jurisdiction.

(b) Any fine assessed against a school under this section must be credited toward any meal debt accumulated by the student against whom the violation of § 49-6-2309(b) or any provision of § 49-6-2310 was directed. If the fine exceeds the amount of the student's meal debt, then the fine must be credited to the student's account.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring

it.



February 11, 2020

SUMMARY OF ORIGINAL BILL: Creates the Tennessee Anti-Lunch Shaming Act. Prohibits a local education agency (LEA) from withholding student records or diplomas for a meal debt. Requires schools to provide a reimbursable meal to each student who requests one. Prohibits a school from requiring a student to throw away a meal after the meal has been served to the student because of the student's inability to pay for the meal, or because the student has accumulated a meal debt. Prohibits schools from stigmatizing students for non-payment of meals. Prohibits schools from holding students personally responsible for meal debts. Requires schools to contact parents of students who owe money on five or more meals during a school year.

FISCAL IMPACT OF ORIGINAL BILL:

Other Fiscal Impact – To the extent schools recover fewer outstanding debts for student meals as a result of this legislation, there would be additional forgone local revenue of unknown amounts for schools. Otherwise, the fiscal impact of the legislation is considered not significant.

SUMMARY OF AMENDMENT (014460): Deletes all language after the enacting clause and rewrites the original bill such that the only substantive changes are to: 1) authorize the State Board of Education to impose a civil penalty of not less than \$50 on a school for any violation of the requirements contained in the original bill; 2) require any fine assessed against a school under this section to be credited toward a meal debt accumulated by a student; and 3) require a fine that exceeds a student's meal debt to be credited toward the student's account.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- No significant impact to state government operations.
- LEAs and their schools will be able to provide a reimbursable meal in accordance with the provisions of this legislation during the normal course of business; therefore any fiscal impact is estimated to be not significant. The legislation requires schools to

contact parents of students that owe money for five or more unpaid meals, which may be an effective means in recovering funds for unpaid meals; however, it prohibits schools from withholding important documents from students that owe money for meals such as transcripts and diplomas.

- To the extent schools recover fewer outstanding debts for unpaid meals, there will be an increase in forgone local revenue; however, due to unknown factors such as the number of students affected, the extent of unpaid meals, the extent of uncollected funds for meals under current law and under the provisions of this legislation, the extent and timing of any such impacts cannot be determined.
- While it is unknown how many schools may violate the requirements of the original bill, it is estimated that the impact of any related fines will be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

/alh

Untimely Filed

*Ed Full
Ragan*

Amendment No. _____

John D Ragan

Signature of Sponsor

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

AMEND Senate Bill No. 1593

House Bill No. 1589*

by adding the following as a new section in the amendatory language of Section 2:

49-6-2312.

Beginning with the 2020-2021 school year, the state shall provide lunch to all public school students at no cost to the students or the students' parents or guardians.



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014806



February 18, 2020

SUMMARY OF ORIGINAL BILL: Creates the Tennessee Anti-Lunch Shaming Act. Prohibits a local education agency (LEA) from withholding student records or diplomas for a meal debt. Requires schools to provide a reimbursable meal to each student who requests one. Prohibits a school from requiring a student to throw away a meal after the meal has been served to the student because of the student's inability to pay for the meal, or because the student has accumulated a meal debt. Prohibits schools from stigmatizing students for non-payment of meals. Prohibits schools from holding students personally responsible for meal debts. Requires schools to contact parents of students who owe money on five or more meals during a school year.

FISCAL IMPACT OF ORIGINAL BILL:

Other Fiscal Impact – To the extent schools recover fewer outstanding debts for student meals as a result of this legislation, there would be additional forgone local revenue of unknown amounts for schools. Otherwise, the fiscal impact of the legislation is considered not significant.

SUMMARY OF AMENDMENT (014806): Adds language to the original bill to require the state to provide lunch for all public school students at no cost to the student or the student's parents or guardians.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures – \$341,028,500/FY20-21 and Subsequent Years

Other Fiscal Impact – To the extent schools recover fewer outstanding debts for student meals as a result of this legislation, there would be additional forgone local revenue of unknown amounts for schools.

Assumptions for the bill as amended:

- The legislation requires schools to contact parents of students that owe money for five or more unpaid meals, which may be an effective means in recovering funds for unpaid meals; however, it prohibits schools from withholding important documents from students that owe money for meals such as transcripts and diplomas.
- To the extent schools recover fewer outstanding debts for unpaid meals, there will be an increase in forgone local revenue; however, due to unknown factors such as the number

of students affected, the extent of unpaid meals, the extent of uncollected funds for meals under current law and under the provisions of this legislation, the extent and timing of any such impacts cannot be determined.

- The United States Department of Agriculture (USDA) operates the National School Lunch Program (NSLP), which is a meal assistance program that provides reduced or free lunches for children in public and nonprofit private schools and residential child care institutions.
- The Department of Education (DOE) administers the NSLP and provides payments to participating schools funded through meal reimbursement payments from USDA.
- NSLP payments are based on the number of participating students at each school and the meal reimbursement rates determined by USDA.
- Based on data from USDA and NSLP reimbursement payments, it is estimated that it will cost the state an average of \$3.50 to provide one free lunch.
- It is estimated that there are currently 965,549 students in public schools.
- Based on data from DOE, the NSLP student participation in 2018-19 was approximately 449,945 students.
- It is estimated that the state will need to provide free lunches to the remaining 515,604 (965,549 - 449,945) students who are currently paying for a lunch.
- It is further estimated that 50 percent, or 224,972 (449,945 x 50%) students, participating in the NSLP receive free lunches, and 224,973 (449,945 x 50%) students receive reduced lunches.
- Federal guidelines establish that 40 cents is the maximum that a school can charge a student for reduced-price lunch.
- To provide students a free lunch who are currently paying for a reduced-price lunch through the NSLP, will increase state expenditures by \$89,989 each school day (224,973 x \$0.40).
- It is estimated that the cost to provide students who are not participating in the NSLP with a free lunch will increase state expenditures by \$1,804,614 each school day (515,604 x \$3.50).
- The total increase to state expenditures is estimated to be \$1,894,603 per school day (\$89,989 + \$1,804,614).
- An average of 180 days where lunch will be provided in a given school year.
- The total recurring increase in state expenditures is estimated to be \$341,028,540 (\$1,894,603 x 180) in FY20-21 and subsequent years.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

/alh

Untimely Filed

*Ed Hill
Ragan*

Amendment No. _____

John D Ragan

Signature of Sponsor

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

AMEND Senate Bill No. 1593

House Bill No. 1589*

by deleting Section 2 and substituting instead the following:

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 6, Part 23, is amended by adding the following as a new section:

49-6-2308.

Beginning with the 2020-2021 school year, the state shall provide lunch to all public school students at no cost to the students or the students' parents or guardians.





February 18, 2020

SUMMARY OF ORIGINAL BILL: Creates the Tennessee Anti-Lunch Shaming Act. Prohibits a local education agency (LEA) from withholding student records or diplomas for a meal debt. Requires schools to provide a reimbursable meal to each student who requests one. Prohibits a school from requiring a student to throw away a meal after the meal has been served to the student because of the student's inability to pay for the meal, or because the student has accumulated a meal debt. Prohibits schools from stigmatizing students for non-payment of meals. Prohibits schools from holding students personally responsible for meal debts. Requires schools to contact parents of students who owe money on five or more meals during a school year.

FISCAL IMPACT OF ORIGINAL BILL:

Other Fiscal Impact – To the extent schools recover fewer outstanding debts for student meals as a result of this legislation, there would be additional forgone local revenue of unknown amounts for schools. Otherwise, the fiscal impact of the legislation is considered not significant.

SUMMARY OF AMENDMENT (014834): Deletes all language of the original bill except Section 1 which named the bill the *Tennessee Anti-Lunch Shaming Act* and Section 3 containing the effective date clause. Adds language to require the state to provide lunch for all public school students at no cost to the student or the student's parents or guardians.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures – \$341,028,500/FY20-21 and Subsequent Years

Assumptions for the bill as amended:

- The United States Department of Agriculture (USDA) operates the National School Lunch Program (NSLP), which is a meal assistance program that provides reduced or free lunches for children in public and nonprofit private schools and residential child care institutions.

- The Department of Education (DOE) administers the NSLP and provides payments to participating schools funded through meal reimbursement payments from USDA.
- NSLP payments are based on the number of participating students at each school and the meal reimbursement rates determined by USDA.
- Based on data from USDA and NSLP reimbursement payments, it is estimated that it will cost the state an average of \$3.50 to provide one free lunch.
- It is estimated that there are currently 965,549 students in public schools.
- Based on data from DOE, the NSLP student participation in 2018-19 was approximately 449,945 students.
- It is estimated that the state will need to provide free lunches to the remaining 515,604 (965,549 - 449,945) students who are currently paying for a lunch.
- It is further estimated that 50 percent, or 224,972 (449,945 x 50%) students, participating in the NSLP receive free lunches, and 224,973 (449,945 x 50%) students receive reduced lunches.
- Federal guidelines establish that 40 cents is the maximum that a school can charge a student for reduced-price lunch.
- To provide students a free lunch who are currently paying for a reduced-price lunch through the NSLP, will increase state expenditures by \$89,989 each school day (224,973 x \$0.40).
- It is estimated that the cost to provide students who are not participating in the NSLP with a free lunch will increase state expenditures by \$1,804,614 each school day (515,604 x \$3.50).
- The total increase to state expenditures is estimated to be \$1,894,603 per school day (\$89,989 + \$1,804,614).
- An average of 180 days where lunch will be provided in a given school year.
- The total recurring increase in state expenditures is estimated to be \$341,028,540 (\$1,894,603 x 180) in FY20-21 and subsequent years.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

/alh

Amendment No. _____

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

Signature of Sponsor

AMEND Senate Bill No. 2352

House Bill No. 1655*

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 30, is amended by adding the following as new sections:

49-6-3026.

(a) A student who participates in an activity or program sponsored by 4-H must be credited as present by the school in which the student is enrolled in the same manner as an educational field trip. Notwithstanding § 49-6-3022, a school principal, or the principal's designee, shall not count a student absent for participating in an activity or program sponsored by 4-H.

(b) A student must have the opportunity to make up any school work missed while the student was participating in an activity or program sponsored by 4-H, and shall not have the student's class grades adversely affected for lack of attendance or participation due to the student's participation in an activity or program sponsored by 4-H.

(c) Notwithstanding subsection (a), a school principal, or the principal's designee, shall not credit a student who participates in an activity or program sponsored by 4-H as present if the student's participation in an activity or program sponsored by 4-H occurs during the schedule established by the commissioner of education for the administration of the Tennessee comprehensive assessment program (TCAP) tests.

49-6-3027.



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014555

(a) A student who participates in basic training required by a branch of the United States armed forces must be credited as present by the school in which the student is enrolled in the same manner as an educational field trip.

(b) Notwithstanding subsection (a), a student may only be credited as present for purposes of this section for up to ten (10) days of basic training.

(c) A student must have the opportunity to make up any school work missed while the student was participating in basic training, and shall not have the student's class grades adversely affected for lack of attendance or participation due to the student's participation in basic training. This subsection (c) does not prohibit or impair a student from receiving high school credit toward graduation for completing basic training under § 49-6-1209, or require a student to complete additional school work before the student may substitute credit for basic training for the credits identified in § 49-6-1209.

(d) Notwithstanding subsection (a), a school principal, or the principal's designee, shall not credit a student who participates in basic training as present if the student's participation in basic training occurs during the schedule established by the commissioner of education for the administration of the Tennessee comprehensive assessment program (TCAP) tests.

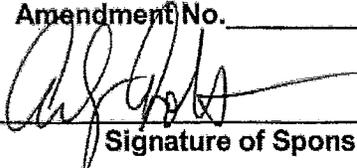
SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to the 2020-2021 school year and each school year thereafter.

Ed Full write

Holt

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

Amendment No. _____



 Signature of Sponsor

AMEND Senate Bill No. 2352

House Bill No. 1655*

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 30, is amended by adding the following as new sections:

49-6-3026.

(a) A student who participates in an activity or program sponsored by 4-H must be credited as present by the school in which the student is enrolled in the same manner as an educational field trip. Notwithstanding § 49-6-3022, a school principal, or the principal's designee, shall not count a student absent for participating in an activity or program sponsored by 4-H.

(b) A student must have the opportunity to make up any school work missed while the student was participating in an activity or program sponsored by 4-H, and shall not have the student's class grades adversely affected for lack of attendance or participation due to the student's participation in an activity or program sponsored by 4-H.

(c) Notwithstanding subsection (a), a school principal, or the principal's designee, shall not credit a student who participates in an activity or program sponsored by 4-H as present if the student's participation in an activity or program sponsored by 4-H occurs during:

- (1) The schedule established by the commissioner of education for the administration of the Tennessee comprehensive assessment program (TCAP) tests; or



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(2) Any period of time for which the student has been suspended, expelled, or assigned to an alternative school or alternative program under part 34 of this chapter if the student's suspension, expulsion, or assignment to an alternative school or alternative program would otherwise preclude the student from participating in an educational field trip.

49-6-3027.

(a) A student who participates in basic training required by a branch of the United States armed forces must be credited as present by the school in which the student is enrolled in the same manner as an educational field trip.

(b) Notwithstanding subsection (a), a student may only be credited as present for purposes of this section for up to ten (10) days of basic training.

(c) A student must have the opportunity to make up any school work missed while the student was participating in basic training, and shall not have the student's class grades adversely affected for lack of attendance or participation due to the student's participation in basic training. This subsection (c) does not prohibit or impair a student from receiving high school credit toward graduation for completing basic training under § 49-6-1209, or require a student to complete additional school work before the student may substitute credit for basic training for the credits identified in § 49-6-1209.

(d) Notwithstanding subsection (a), a school principal, or the principal's designee, shall not credit a student who participates in basic training as present if the student's participation in basic training occurs during:

(1) The schedule established by the commissioner of education for the administration of the Tennessee comprehensive assessment program (TCAP) tests; or

(2) Any period of time for which the student has been suspended, expelled, or assigned to an alternative school or alternative program under part 34 of this chapter if the student's suspension, expulsion, or assignment to an

alternative school or alternative program would otherwise preclude the student from participating in an educational field trip.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to the 2020-2021 school year and each school year thereafter.

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1655 - SB 2352

February 24, 2020

SUMMARY OF ORIGINAL BILL: Requires a public school to credit a student as present if the student participates in a non-school-sponsored extracurricular activity and certain criteria are met. Requires the student's parent or legal guardian to submit a written notice to the principal or principal's designee of the student's intent to participate in a non-school-sponsored extracurricular activity at least seven business days prior to the event. Requires a public school to credit a student as present, for up to 10 days, if the student participates in basic training required by a branch of the United States armed forces. Requires a principal or principal's designee to excuse a student's absence for up to 10 days if the student participates in an educational enhancement opportunity that meets certain conditions. Requires a student to have the opportunity to make up any school work missed during the excused absence related to an educational enhancement opportunity.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (015248): Deletes all language after the enacting clause. Requires a public school to credit a student as present if the student participates in an activity or program sponsored by 4-H. Requires a public school to credit a student as present, for up to 10 days, if the student participates in basic training required by a branch of the United States armed forces. Requires a student to have the opportunity to make up any school work missed while the student was participating in an activity or program sponsored by 4-H or while in basic training. Prohibits a school principal or principal's designee from crediting a student who participates in an activity or program sponsored by 4-H or in basic training if the participation occurs during the Tennessee Comprehensive Assessment Tests (TCAP) or during any period of time for which the student has been suspended, expelled, or assigned to an alternative school or alternative program if it would otherwise preclude the student from participating in an educational field trip.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Public schools will be able to comply with the proposed legislation within existing resources.
- Public schools will be able to amend their policies in accordance with the provisions of this legislation during the normal course of business; therefore, any fiscal impact is estimated to be not significant.
- The proposed legislation may increase the average daily attendance (ADA) which affects the split of local taxes for education in multi-system counties; this may result in a larger share of local tax revenue for schools where ADA increases. Any net impact to local government is not significant.
- The proposed legislation would not affect average daily membership (ADM) which is based on student enrollment and is the primary driver of funds generated by the Basic Education Program (BEP); therefore, there will be no impact to BEP funding.
- No impact to state or local operations.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



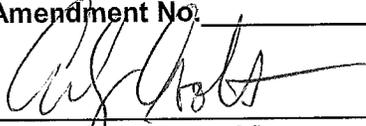
Krista Lee Carsner, Executive Director

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Time _____
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Comm. Amdt. _____

Amendment No. _____



 Signature of Sponsor

AMEND Senate Bill No. 2033

House Bill No. 1657*

by deleting the language "commissioner of education" in subsection (b) in the amendatory language of Section 1 and substituting instead the language "state board of education".

AND FURTHER AMEND by deleting Section 2 and substituting instead the following:

SECTION 2. For the state board of education to prescribe rules for the proper care, display, and observance of the United States flags and the official Tennessee state flags that must be displayed on every public school building in this state, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2020, the public welfare requiring it.



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012716



February 15, 2020

SUMMARY OF ORIGINAL BILL: Requires, in addition to the United States flag, the Tennessee state flag to be displayed on each public school building in the state. Requires local boards of education to purchase the flags at wholesale prices, through a competitive bidding process, out of public school funds. Requires the Commissioner of the Department of Education (DOE) to specify the size and quality of the Tennessee state flags that school districts may purchase and to prescribe rules for the proper care, display, and observance of the flags.

FISCAL IMPACT OF ORIGINAL BILL:

Increase Local Expenditures – Exceeds \$42,600/FY20-21*

SUMMARY OF AMENDMENT (012716): Deleted and replaces language in the original bill such that the only substantive change is to require the State Board of Education (SBE), instead of the Commissioner of DOE, to specify the size and quality of the Tennessee state flags that school districts may purchase and to prescribe rules for the proper care, display, and observance of the flags.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- SBE and local boards of education will be able to comply with the proposed legislation within existing resources.
- SBE and local boards of education will be able to amend their policies in accordance with the provisions of this legislation during the normal course of business; therefore, any fiscal impact is estimated to be not significant.
- The proposed legislation will require local boards of education to incur a one-time cost for the purchase of a Tennessee state flag as approved by SBE.
- It is not known how many schools currently display a Tennessee state flag; however, it is assumed that all schools will need to purchase a flag to meet SBE's size and quality specifications.

- Based on information provided by the Department of General Services, the cost per flag is estimated to be at least \$23.63.
- There are approximately 1,803 public schools in Tennessee.
- It is estimated that the proposed legislation will create a mandatory one-time increase in local expenditures that will exceed \$42,605 (1,803 x \$23.63) in FY20-21.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

/alh

Amendment No. _____

Signature of Sponsor

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Date _____
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Comm. Amdt. _____

AMEND Senate Bill No. 2774

House Bill No. 2634*

by deleting subdivision (b)(3) in the amendatory language of Section 1 and substituting instead the following:

(3) The department of education determines, prior to the medical placement decision, that the residential mental health facility's educational programs or instructional services meet the same requirements as a Category I special purpose school, as applicable, pursuant to the state board of education's rules;



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Amendment No. _____

Debra Moody
Signature of Sponsor

AMEND Senate Bill No. 2262

House Bill No. 1975*

by deleting subdivision (a)(2) in the amendatory language of Section 1 and substituting instead the following:

(2) Being identified by the department of children's services, after having exhausted or waived all due process rights available to the licensed teacher or administrator, as having committed child abuse, severe child abuse, child sexual abuse, or child neglect; or



Amendment No. _____

Signature of Sponsor

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AMEND Senate Bill No. 1616

House Bill No. 1617*

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

SECTION 1. Tennessee Code Annotated, Section 49-5-406(b), is amended by deleting the language "fourteen (14) days" and substituting instead the language "five (5) business days".

SECTION 2. Tennessee Code Annotated, Section 49-5-406(b), is further amended by designating the existing language as subdivision (1) and adding the following as a new subdivision (2):

(2) As used in this subsection (b), "business day" means a day other than a Saturday, Sunday, or legal holiday. For purposes of computing the time within which a person must respond to an employment notification under this subsection (b), the three-business-day period begins with the first business day after the date on which the person received the employment notification.

SECTION 3. This act shall take effect July 1, 2020, the public welfare requiring it, and shall apply to offers of employment made on or after that date.



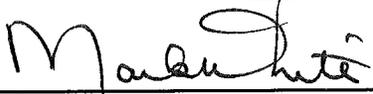
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Amendment No. _____


 Signature of Sponsor

AMEND Senate Bill No. 1616

House Bill No. 1617*

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

SECTION 1. Tennessee Code Annotated, Section 49-5-406(b), is amended by deleting the language "fourteen (14) days" and substituting instead the language "five (5) business days".

SECTION 2. Tennessee Code Annotated, Section 49-5-406(b), is further amended by designating the existing language as subdivision (1) and adding the following as a new subdivision (2):

(2) As used in this subsection (b), "business day" means a day other than a Saturday, Sunday, or legal holiday. For purposes of computing the time within which a person must respond to an employment notification under this subsection (b), the five-business-day period begins with the first business day after the date on which the person received the employment notification.

SECTION 3. This act shall take effect July 1, 2020, the public welfare requiring it, and shall apply to offers of employment made on or after that date.



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TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM



HB 1617 - SB 1616

February 19, 2020

SUMMARY OF ORIGINAL BILL: Decreases, from 14 days to 3 days, the period of time in which a person offered a teaching position is required to accept or reject an employment offer in writing to the local board of education or director of schools.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (015028): Deletes and replaces all language after the enacting clause such that the only substantive change is to decrease, from 14 days to 5 business days, the period of time in which a person offered a teaching position is required to accept or reject an employment offer in writing to the local board of education or director of schools.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Local education agencies will be able to amend their policies in accordance with the provisions of this legislation during the normal course of business; therefore, any fiscal impact is estimated to be not significant.
- No significant impact to state or local operations.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

Krista Lee Carsner, Executive Director

/alh

Amendment No. _____

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

Signature of Sponsor

AMEND Senate Bill No. 2578

House Bill No. 1822*

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 10, is amended by adding the following language as a new section:

(a) LEAs that serve any of the grades three through twelve (3-12) may offer advanced courses in mathematics in each of the grades three through twelve (3-12) served.

(b) If an LEA offers advanced courses in mathematics, then a student achieving a benchmark score as determined by the state board of education on the end-of-grade or end-of-course test for the mathematics course in which the student was most recently enrolled must be enrolled in an advanced course for the next mathematics course in which the student will enroll, if an advanced mathematics course is offered at the school in which the student is enrolled.

(c) LEAs may administer diagnostic assessments to a student in grades three through twelve (3-12) to determine the mathematics course in which the student should be placed if the student did not take an end-of-grade or end-of-course test in the mathematics course in which the student was most recently enrolled.

(d) An LEA shall not remove a student who qualifies for placement in an advanced mathematics course under this section from an advanced mathematics course in which the student is enrolled unless the student's parent or guardian requests in writing for the parent's student to be removed from the advanced course after being



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informed in writing that the student's placement was determined by the student's achievement on the previous end-of-grade or end-of-course test.

(e) By October 1, 2021, and each October 1 thereafter, the department of education shall submit a report to the education committees of the senate and the house of representatives containing data collected on the number and demographics of students who were eligible for advanced math courses, and of those students, the number and demographics of those who were placed in advanced math courses and were not placed in advanced math courses. The report must include information on the type and format of advanced math courses offered by each LEA and any feedback provided by LEAs on the implementation of this section. Disclosure under this subsection (e) must comply with the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. 1232g); § 10-7-504; the Data Accessibility, Transparency and Accountability Act, compiled in chapter 1, part 7 of this title; and all other relevant state and federal privacy laws.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring

it.

Amendment No. _____

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

Signature of Sponsor

AMEND Senate Bill No. 2578

House Bill No. 1822*

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 10, is amended by adding the following as a new section:

(a) If an LEA offers an Algebra I course to students, then a student who achieves a benchmark score, as determined by the LEA, on the student's seventh grade Tennessee comprehensive assessment program (TCAP) test in mathematics must be enrolled in an Algebra I course in the upcoming school year, if the LEA has space and staff available to enroll the student in an Algebra I course.

(b)

(1) Each LEA shall notify the parent of each student who the LEA has space and staff available to enroll in an Algebra I course in the upcoming school year, and who achieved the benchmark score on the student's seventh grade TCAP test in mathematics, that, based on the student's test score, the parent's student will be enrolled in an Algebra I course in the upcoming school year.

(2) The notice required under subdivision (b)(1) must:

(A) Be provided in writing;

(B) Inform the student's parent that the student must remain enrolled in the Algebra I course unless the student's parent requests, in writing, for the parent's student to be removed from the course; and

(C) Provide the date by which a parent must submit a written request to the LEA to remove the parent's student from the course.



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(c) An LEA shall not remove a student who is enrolled in an Algebra I course under this section from the course unless the student's parent timely submits a request in writing to the LEA asking for the parent's student to be removed from the course.

(d) As used in this section, "parent" means the parent, guardian, person who has custody of the child, or individual who has caregiving authority under § 49-6-3001.

(e) By October 1, 2021, and each October 1 thereafter, the department of education shall submit a report to the education committees of the senate and house of representatives containing data collected by the department on the number and demographics of students qualified, under this section, to enroll in an Algebra I course, and of those students, the number and demographics of the students who were enrolled in an Algebra I course compared with the number and demographics of the students who were not enrolled in an Algebra I course. The report must include information on the type and format of the Algebra I courses offered by each LEA and any feedback received from LEAs on the implementation of this section. Disclosure under this subsection (e) must comply with the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. 1232g); § 10-7-504; the Data Accessibility, Transparency and Accountability Act, compiled in chapter 1, part 7 of this title; and all other relevant privacy laws.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to the 2020-2021 school year and each school year thereafter.

Ed Full
Dunn

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

Amendment No. _____

Bill Dunn

Signature of Sponsor

AMEND Senate Bill No. 2343

House Bill No. 1993*

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

SECTION 1. Tennessee Code Annotated, Section 49-2-128, is amended by deleting the section and substituting instead:

(a) Before the start of each school year, an LEA shall identify each school that, based on the school's capacities at the building, grade, class, and program levels, has space available to enroll and serve additional students. In determining available space at the class level, an LEA may use the class size averages specified in § 49-1-104.

(b)

(1) An LEA shall post the number of spaces available for enrollment in each school by grade, class, and program levels on the LEA's website at least fourteen (14) days before the beginning of the open enrollment period under subsection (c). An LEA shall not include in the number of spaces available for enrollment under this subdivision (b)(1) the number of enrollment spaces that are reserved by the LEA pursuant to subdivision (b)(2).

(2) An LEA may reserve a reasonable number of enrollment spaces each school year from the number of spaces, if any, determined by the LEA to be available for enrollment for purposes of this section, to accommodate the potential enrollment of students who may relocate within the respective school zone, students who may have a sibling enrolled at the respective school, and students who may have a parent who teaches at the respective school.



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(c) Before the start of each school year, each LEA shall conduct an open enrollment period of at least thirty (30) days during which a parent or guardian of a student residing within the LEA may apply for enrollment of the parent's or guardian's student in a school that the student is not zoned to attend. During the open enrollment period, a parent or guardian may submit an application for transfer to a school identified by the LEA as having space available to enroll and serve additional students.

(d) At the end of the open enrollment period, an LEA shall approve an application for transfer if space is available for the student at the requested school. If the number of applications for transfer to a school exceeds the number of spaces available for enrollment in the school at the building, grade, class, or program level, as identified by the LEA according to subsection (b), then the LEA shall conduct a lottery to select the students who may transfer to the school.

(e) If an LEA grants a transfer to a student, then the parent or guardian of the student is responsible for transportation to the new school. The student must maintain satisfactory attendance, behavior, and effort to remain in the new school.

(f)

(1) An LEA shall not deny a student who is zoned to attend or who was enrolled in a school during the previous school year enrollment and attendance in the school.

(2)

(A) An LEA shall not admit a nonresident student seeking to transfer into the LEA from outside the LEA under §§ 49-6-3104 and 49-6-3105 before all applications for transfer under subsection (c) have been acted upon according to subsection (d).

(B) Notwithstanding subdivision (f)(2)(A), an LEA may enroll a nonresident student pursuant to § 49-6-3113 before all applications for

transfer under subsection (c) have been acted upon according to
subsection (d).

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring
it, and shall apply to the 2020-2021 school year and each school year thereafter.

Amendment No. _____

Signature of Sponsor

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

AMEND Senate Bill No. 1637*

House Bill No. 2407

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

SECTION 1. Tennessee Code Annotated, Section 49-6-6001, is amended by adding the following language as a new subsection (l):

(l) A student whose individualized education program (IEP), section 504 plan under the Rehabilitation Act of 1973 (29 U.S.C. § 701 et seq.), or individual learning plan (ILP) allows for testing accommodations shall be allowed to use the same testing accommodations while taking an assessment under the Tennessee comprehensive assessment program (TCAP) or an end-of-course assessment, required by the state board of education under subsection (a), as long as the accommodation does not invalidate the assessment.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.



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Amendment No. _____

Signature of Sponsor

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

AMEND Senate Bill No. 1735

House Bill No. 1687*

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

SECTION 1. Tennessee Code Annotated, Section 49-1-314, is amended by deleting the section and substituting instead the following:

Each LEA is responsible for developing and implementing the instructional programs under the state standards adopted by the state board that:

- (1) Best fit the LEA's students' educational needs;
- (2) Achieve levels of proficiency or advanced mastery;
- (3) Vigorously promote individual teacher creativity and autonomy; and
- (4) Incorporate science and social studies concepts into the English

language arts instruction for students in kindergarten through grade two (K-2).

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to the 2020-2021 school year and each school year thereafter.



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TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1687 - SB 1735

February 15, 2020

SUMMARY OF ORIGINAL BILL: Requires the State Board of Education (SBE) to abolish all academic standards for science and social studies for students in kindergarten through grade two (K-2). Authorizes the subjects of science and social studies to be incorporated into the curriculum aligned with the academic standards for English language arts for students in K-2.

CORRECTED FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$320,100/FY20-21

Decrease State Expenditures – \$106,700/Each FY21-22 through FY23-24

SUMMARY OF AMENDMENT (014847): Deletes all language after the enacting clause. Establishes that local education agencies (LEAs) are responsible for developing and implementing the instructional programs under the state standards adopted by SBE that meet certain student and teacher goals and incorporate science and social studies concepts into the English language arts for students in K-2.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- LEAs will be able to comply with the proposed legislation within existing resources.
- LEAs will be able to amend their policies in accordance with the provisions of this legislation during the normal course of business; therefore, any fiscal impact is estimated to be not significant.
- No significant impact to state or local operations.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive style with a large initial 'K' and 'C'.

Krista Lee Carsner, Executive Director

/alh

Ed Full 2/26
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Amendment No. _____
Scott Cepicky
Signature of Sponsor

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

AMEND Senate Bill No. 2284

House Bill No. 2335*

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

SECTION 1.

The department of education shall survey all LEAs, public charter schools, and state special schools to determine whether there is a sufficient number of speech-language pathologists licensed by the state board of education to meet the needs of students with speech, language, or communication needs in the public schools of this state. The department shall also survey and collect information on the licensed speech-language pathologists' caseloads and workloads, including the number of students evaluated, observed, and assisted per week and the amount of time per week that the pathologists spend in direct contact with students, in individual education program (IEP) meetings, traveling between schools, and completing documentation. The department shall report its findings and recommendations to the education committees of the senate and house of representatives by January 15, 2021.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring

it.



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TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2335 - SB 2284

February 23, 2020

SUMMARY OF ORIGINAL BILL: Requires the Department of Education (DOE) to survey all local education agencies (LEAs), public charter schools, and state special schools to determine whether there is a sufficient number of speech language pathologists licensed by the State Board of Education to meet the needs of students with speech disorders in the public schools of the state. Requires DOE to survey and collect information on licensed speech-pathologists' caseloads and workloads. Requires DOE to report its findings and recommendations to the Education Committees of the Senate and House of Representatives by January 15, 2021.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (015012): Deletes and replaces all language after the enacting clause without making any substantive changes to the legislation.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note

Assumptions for the bill as amended:

- DOE will conduct the required surveys and report its findings and recommendations utilizing existing resources without a significant increase in state expenditures.
- No significant impact to state or local operations.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner".

Krista Lee Carsner, Executive Director

/alh

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Amendment No. _____
[Signature]
Signature of Sponsor

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

AMEND Senate Bill No. 1738

House Bill No. 1691*

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

SECTION 1. Tennessee Code Annotated, Section 49-6-201(b), is amended by deleting subdivision (3) and substituting instead the following:

- (3) Children entering kindergarten must be five (5) years of age on or before:
 - (A) August 15 for the 2020-2021 school year;
 - (B) July 21 for the 2021-2022 school year;
 - (C) June 26 for the 2022-2023 school year; and
 - (D) June 1 for the 2023-2024 school year and each school year thereafter;

SECTION 2. Tennessee Code Annotated, Section 49-6-3001(a), is amended by deleting the subsection and substituting instead the following:

- (a) The public schools are free to all persons residing within the state who are above five (5) years of age or who will become five (5) years of age on or before:
 - (1) August 15 for the 2020-2021 school year;
 - (2) July 21 for the 2021-2022 school year;
 - (3) June 26 for the 2022-2023 school year; and
 - (4) June 1 for the 2023-2024 school year and each school year thereafter.

SECTION 3. Tennessee Code Annotated, Section 49-6-3001(b)(1), is amended by deleting the language "on or before August 31 for the 2013-2014 school year and on or before



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August 15 for all school years thereafter" and substituting instead the language "on or before the date provided for the respective school year in subsection (a)".

SECTION 4. Tennessee Code Annotated, Section 49-6-3001(b)(2), is amended by deleting subdivision (B) and substituting instead the following:

(B) Notwithstanding subdivision (b)(2)(A), if the director of schools finds through evaluation and testing, at the request of the parent or legal guardian, that a child is sufficiently mature emotionally and academically, then the child may be permitted to enter kindergarten if the child is five (5) years of age on or before:

- (i) September 30 for the 2020-2021 and 2021-2022 school years;
- (ii) August 31 for the 2022-2023 school year; and
- (iii) July 31 for the 2023-2024 school year and each school year

thereafter.

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

**THE ATTACHED
AMENDMENTS ARE TO
BILLS THAT WILL BE
HEARD IN THE CITIES
AND COUNTIES
SUBCOMMITTEE ON
WEDNESDAY FEBRUARY
26TH, 2020.**

Amendment No. _____

Martin Cannon
Signature of Sponsor

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

AMEND Senate Bill No. 2754

House Bill No. 2140*

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

SECTION 1. Tennessee Code Annotated, Section 5-5-102, is amended by deleting subdivision (c)(1) and substituting instead the following:

(1) Notwithstanding any law to the contrary, a county employee is disqualified from serving as a member of the county legislative body for the county that employs such county employee, by reason of being a county employee. A member of a county legislative body who is a county employee on November 1, 2020, is not disqualified and may continue in office as a member of the county legislative body pursuant to this subdivision (c)(1) for the remainder of the member's term. A member of a county legislative body who is a county employee on November 1, 2020, who is reelected to the county legislative body on or after that date, without any interruption in holding such office, may continue in office as a member of the county legislative body.

SECTION 2. Tennessee Code Annotated, Section 5-1-210(4), is amended by deleting the subdivision and substituting instead the following:

(4) For the size, method of election, qualification for holding office, method of removal, and procedures of the county legislative body with such other provisions with respect to such body as are normally related to the organization, powers, and duties of governing bodies in counties; provided, however, that a county employee is disqualified from serving as a member of the county legislative body for the county that employs such county employee, by reason of being a county employee; provided, further, that a member of a county legislative body who is a county employee on November 1, 2020, is



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not disqualified and may continue in office as a member of the county legislative body for the remainder of the member's term. A member of a county legislative body who is a county employee on November 1, 2020, who is reelected to the county legislative body on or after that date, without any interruption in holding such office, may continue in office as a member of the county legislative body.

SECTION 3. Tennessee Code Annotated, Section 2-12-102(b), is amended by adding the following language at the end of the subsection:

As used in this subsection (b), "qualifies as a candidate for any public office" means when a person has made a formal announcement of candidacy; has filed a petition seeking nomination for election to public office; or has received contributions or made expenditures or given consent for a campaign committee to receive contributions or make expenditures for the person's election to public office.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 5. This act shall take effect November 1, 2020, the public welfare requiring it, and shall apply to any election or vacancy occurring on or after such date.

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

Amendment No. _____
Pat March

 Signature of Sponsor

AMEND Senate Bill No. 1993

House Bill No. 1978*

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

SECTION 1. Tennessee Code Annotated, Title 7, is amended by adding the following language as a new chapter:

7-70-101. Short title.

This chapter shall be known and may be cited as the "Permit Freedom Act."

7-70-102. Chapter definitions.

As used in this chapter:

- (1) "Applicant" means a person submitting an application for governmental approval;
- (2) "Application" means a written request submitted by an applicant to a local governmental entity for governmental approval;
- (3) "Federal governmental entity" means any component of the United States government;
- (4) "Governmental approval" means a license, certificate, registration, certification, permit, fee, or other form of permission required from a governmental entity related to the use of a person's property or to the operation of a business;
- (5) "Local government" means any county, municipality, city, or other political subdivision of this state;



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(6) "Local governmental entity" means any component of a local government with authority to issue or enforce, or collect fees for, governmental approvals; and

(7) "State governmental entity" means any component of the executive branch of this state.

7-70-103. Required response time by a local governmental entity to an application for governmental approval; required notices.

(a)

(1) Notwithstanding any law to the contrary, if governmental approval is required from a local governmental entity, then the local governmental entity must provide the applicant, in clear and unambiguous language, the criteria the local governmental entity uses to grant or deny an application for that governmental approval. The determination of what constitutes clear and unambiguous language is a judicial question, without deference to the party defending the governmental approval.

(2) A local governmental entity shall make a final determination with regard to an application within a time period deemed appropriate by the local governmental entity, but not to exceed one hundred twenty (120) days, following the local governmental entity receiving the application, unless another time period is provided in state law. *New* [The local governmental entity shall inform applicants of the time period in which the local government is required to make its final determination.]

(3) If a local governmental entity does not deny an application within the time period described in subdivision (a)(2), then the application is deemed approved and the local governmental entity must grant the applicant the governmental approval.

(4) If the local governmental entity denies the application within the time period described in subdivision (a)(2), then the local governmental entity must provide the applicant with a denial notice, either in writing or electronically, that clearly states the reason for the denial.

(b) An applicant shall submit an application, in writing, to the local governmental entity on a form provided by the local governmental entity, if a form exists. An application, not on a form provided by the local governmental entity, must clearly identify on the first page of the application the specific governmental approval being sought. An application may also be submitted through the local governmental entity's online portal or website, if available. An application is not complete if the application is not in compliance with this subsection (b).

(c) An applicant may designate a person to act on the applicant's behalf regarding an application. Any action taken by, or notice given to, the applicant's designee related to the application is deemed taken by, or given to, the applicant.

(d)

(1) The time period described in subdivision (a)(2) begins upon the local governmental entity's receipt of an application. If a local governmental entity receives an application that does not contain all items required by state law, or ordinance, resolution, or policy of the local governmental entity, along with any applicable application fee, then the local governmental entity shall send a notice, either in writing or electronically, to the applicant within twenty-one (21) calendar days of receipt of the incomplete application describing the missing items needed to complete the application.

(2) The time period described in subdivision (a)(2) starts over if the applicant provides an amended application with the missing items described in subdivision (d)(1). If no amended application is received by the local

governmental entity within the time period described in subdivision (a)(2), then the local governmental entity may deny the application.

(e) If an application requires the approval of more than one (1) local governmental entity, then the time period described in subdivision (a)(2) begins for all local governmental entities on the day an application is received by the initial local governmental entity. The local governmental entity receiving the application shall forward copies of the application to all other local governmental entities whose approval is required.

(f)

(1) A local governmental entity's final determination, including conditional approval, meets the time period described in subdivision (a)(2) if the local governmental entity proves through documentation the final determination was sent to the applicant within the time period described in subdivision (a)(2).

(2) If the local governmental entity grants the applicant conditional approval, then the local governmental entity must provide the conditions to the applicant in clear and unambiguous language. The determination of what constitutes clear and unambiguous language is a judicial question, without deference to the party defending the governmental approval.

(3) A local governmental entity may revoke or rescind its final determination of conditional approval if the applicant fails to satisfy the conditions. The local governmental entity's decision to revoke or rescind its approval under these circumstances does not give rise to a claim under § 7-70-104, that the local governmental entity failed to meet the time period described in subdivision (a)(2).

(g) The time period described in subdivision (a)(2) does not begin to run if a state law, federal law, or court order requires a process to occur before the local governmental entity makes a final determination on the application, and the time period

prescribed in the state law, federal law, or court order prohibits a local governmental entity from making a final determination on the application within the time period described in subdivision (a)(2). In situations described in this subsection (g), the time period described in subdivision (a)(2) begins after completion of the last process required in the applicable state law, federal law, or court order. The final determination by the local governmental entity is not a process for purposes of this subsection (g).

(h) The time period described in subdivision (a)(2) does not begin to run if an application submitted to a local governmental entity requires prior approval of a state or federal governmental entity. In situations described in this subsection (h), the time period described in subdivision (a)(2) begins after the required prior approval is granted.

(i) An applicant may request, in writing, that the local governmental entity grant an extension of the time period described in subdivision (a)(2). The local governmental entity shall approve or deny the extension request and notify the applicant of the local governmental entity's decision within twenty-one (21) calendar days upon receipt of the extension request.

(j)

(1) If an applicant receives a denial notice from the local governmental entity, and resubmits the application, addressing the items described in the denial notice within thirty (30) days of receipt of the denial notice, then the local governmental entity must reconsider the revised application and not assess any application fee to the applicant for the revised application.

(2) A local governmental entity shall approve or deny the revised application within thirty (30) calendar days from the time the revised application is received by the local governmental entity. Any denial of the revised application is limited to the deficiencies cited in the denial notice or deficiencies that relate to changes in the revised application that were not contained in the original application.

(k) A local governmental entity shall process all applications on a nondiscriminatory basis.

7-70-104. Applicant's right to petition court.

(a) If a local governmental entity does not issue a final determination on an application within the time periods set forth in § 7-70-103, then the applicant may file a petition for a writ of mandamus directing the local governmental entity to grant the governmental approval. Venue lies in the court of the county where the applicable local governmental entity keeps its office and does business.

(b) At all times, the burden of proof to demonstrate that the local governmental entity has met the time periods set forth in § 7-70-103 is on the local governmental entity.

(c) The petitioner has a right to discovery as set forth in the Tennessee Rules of Civil Procedure. If the petitioner exercises the right to discovery, then the court must hold the evidentiary hearing within thirty (30) days following completion of discovery as certified in writing by the petitioner.

(d) The court may hear testimony from witnesses, compel production of documents, and admit relevant admissible evidence that was not considered by the local governmental entity.

(e) If a local governmental entity does not issue a final determination within the time periods set forth in § 7-70-103, and prior to the applicant filing a petition for a writ of mandamus, or while waiting for issuance of the writ by the relevant court, then the local governmental entity shall not enforce any ordinance, resolution, penalty, or other measure against the applicant for operating without governmental approval.

(f) If the local governmental entity enforces any ordinance, resolution, penalty, or other measure against the applicant for operating without governmental approval, despite the local governmental entity's failure to issue a final determination within the

time periods set forth in § 7-70-103, that failure to issue a final determination operates as an affirmative defense for the applicant in any administrative or legal proceeding.

SECTION 2. The headings to sections in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 3. This act shall take effect on July 1, 2020, the public welfare requiring it, and shall apply to applications submitted on or after that date.

✓ CJC

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Amendment No. _____
[Signature]
Signature of Sponsor

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 2484 House Bill No. 1645*

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

SECTION 1. Tennessee Code Annotated, Section 57-5-108, is amended by deleting subsections (n), (o), and (p) and substituting instead the following subsection:

(n) A county, municipal, or metropolitan beer board or committee shall not impose a fine or other penalty on a permittee based solely on the fact that the commission imposed a fine or penalty on the permittee.

SECTION 2. Tennessee Code Annotated, Section 57-4-202, is amended by deleting subsections (b)-(e).

SECTION 3. Tennessee Code Annotated, Section 57-1-214, is amended by deleting subdivisions (a)(2)-(5).

SECTION 4. Tennessee Code Annotated, Section 57-1-214, is amended by deleting the language "In any county other than those included in §§ 57-4-202(d) and 57-5-108(p), if" wherever it appears and substituting instead the language "If".

SECTION 5. Tennessee Code Annotated, Section 57-5-104(a), is amended by designating the existing language as subdivision (a)(1) and adding the following as a new subdivision (a)(2):

(2) Notwithstanding subdivision (a)(1), in any county having a metropolitan form of government and a population of not less than five hundred thousand (500,000), according to the 2010 federal census or any subsequent federal census, the beer board of the county shall set the amount of the application fee, which must be approved by the legislative body, in an amount not to exceed two thousand five hundred dollars (\$2,500). The beer board shall set different amounts depending on the size and type of



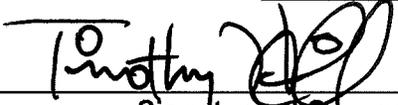
establishment. The fee is nonrefundable regardless of whether an application is approved or denied.

SECTION 6. Tennessee Code Annotated, Section 57-5-104(b)(1), is amended by designating the existing language as subdivision (b)(1)(A) and adding the following as a new subdivision (b)(1)(B):

(B) Notwithstanding subdivision (b)(1)(A), in any county having a metropolitan form of government and a population of not less than five hundred thousand (500,000), according to the 2010 federal census or any subsequent federal census, the beer board of the county shall set the amount of the annual privilege tax, which must be approved by the legislative body, in an amount not to exceed five hundred dollars (\$500). The beer board shall set different amounts depending on the size and type of establishment.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.

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

Amendment No. _____


 Signature of Sponsor

AMEND Senate Bill No. 343*

House Bill No. 534

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

SECTION 1. Tennessee Code Annotated, Section 68-11-255, is amended by deleting the section and substituting the following:

(a) As used in this section and in § 36-1-142:

(1) "Department" means the department of children's services unless otherwise provided in this section;

(2) "Facility" means a hospital as defined in § 68-11-201, birthing center as defined in § 68-11-201, community health clinic, outpatient walk-in clinic, fire department that is staffed twenty-four (24) hours a day, law enforcement facility that is staffed twenty-four (24) hours a day, or emergency medical services facility;

(3) "Member of the professional medical community" means a licensed or permitted individual that is capable of rendering corrective action to human life-threatening illness or injury and is at the facility when the facility receives possession of an infant pursuant to subsection (b); and

(4) "Newborn safety incubator" means an enclosed, locked, and monitored receptacle that meets safety requirements as determined by rule by the department of health.

(b) A facility shall receive possession of an infant left on facility premises if the infant:



(1) Was born within the preceding seventy-two-hour period, as determined within a reasonable degree of medical certainty;

(2) Is left in an unharmed condition; and

(3)

(A) Is voluntarily left with a facility employee or member of the professional medical community at the facility by an individual who purports to be the infant's mother and who does not express an intention to return for the infant; or

(B) Is voluntarily left by a mother in a newborn safety incubator provided by the facility.

(c) A facility employee or a member of the professional medical community at the facility shall inquire, whenever possible, about the medical history of the mother or infant and, whenever possible, shall seek the identity of the mother, infant, or the father of the infant. The facility shall also inform the mother that she is not required to respond but that the information will facilitate the adoption of the infant. Information obtained concerning the identity of the mother, infant, or other parent must be kept confidential and may only be disclosed to the department for use consistent with this section, § 36-1-142, and § 36-2-318. The facility may provide the parent with contact information regarding relevant social service agencies; shall provide the mother with the name, address, and phone number of the department contact person; and shall encourage the mother to involve the department in the relinquishment of the infant. If practicable, the facility shall also provide the mother with both orally delivered and written information concerning the requirements of this section, § 36-1-142, and § 36-2-318 relating to recovery of the infant and abandonment of the infant.

(d) A facility employee or member of the professional medical community at the facility shall perform any act necessary to protect the infant's physical health and safety.

(e) As soon as reasonably possible, and no later than twenty-four (24) hours after receiving the infant, the facility shall contact the department but shall not do so before the mother leaves the facility. Upon receipt of notification, the department shall immediately assume care, custody, and control of the infant.

(f) If an infant is received by a facility pursuant to subdivision (b)(3)(B), then a facility employee or member of the professional medical community at the facility does not have to inquire about, or provide, any information from or to the mother otherwise required by subsection (c).

(g) Notwithstanding any law to the contrary, a facility, facility employee, or member of the professional medical community is immune from any criminal or civil liability for damages as a result of any actions taken pursuant to this section and § 36-1-142, and a person shall not predicate any lawsuit on those actions. However, this section and § 36-1-142 do not abrogate any existing standard of care for medical treatment or preclude a cause of action based upon violation of the existing standard of care for medical treatment.

(h) A criminal prosecution must not be based upon an individual's act of voluntarily delivering an unharmed infant at a facility pursuant to this section if the individual acts in full compliance with this section.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring

it.

Amendment No. _____

Mary Rette

Signature of Sponsor

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

AMEND Senate Bill No. 2743

House Bill No. 1852*

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

SECTION 1. Tennessee Code Annotated, Section 37-1-116(j), is amended by adding the following new subdivision:

(5) Upon a security breach at a secure detention or correctional facility designated, operated, or approved by the court for confinement of juveniles, the on-site facility supervisor-in-charge shall immediately report the security breach to the department of children's services and the chief law enforcement officer of the county in which the facility is located. The report shall include the facts of the security breach, the time when the breach occurred, and the circumstances under which the breach occurred, together with the particular description of any person involved in the breach, including the person's age, size, complexion, race, and color of hair and eyes. As used in this subdivision (j)(5), "security breach" means entry into a secure detention or correctional facility by an adult or child who is not authorized to do so. An on-site facility supervisor-in-charge who fails to comply with the reporting requirement of this subdivision (j)(5) may be charged with the offense of permitting or facilitating escape under § 39-16-607.

SECTION 2. Tennessee Code Annotated, Section 37-1-116(j)(4), is amended by deleting the language "appropriate facility or departmental official" and substituting instead "on-site facility supervisor-in-charge", deleting the language "report the escape to" and substituting instead "report the escape to the department of children's services and", and adding the following language at the end of the subdivision:



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An on-site facility supervisor-in-charge who fails to comply with the reporting requirement of this subdivision (j)(4) may be charged with the offense of permitting or facilitating escape under § 39-16-607.

SECTION 3. Tennessee Code Annotated, Section 37-5-105(4), is amended by adding the following new subdivision:

(C) The annual report shall contain information about any escape, attempted escape, security breach, as defined in § 37-1-116(j)(5), or attempted security breach that has occurred in the previous calendar year at a secure detention or correctional facility designated, operated, or approved by a juvenile court for confinement of juveniles. The information shall include the facts of the escape, security breach, or attempt, the time when the escape, breach, or attempt occurred, and the circumstances under which the escape, breach, or attempt occurred.

SECTION 4. This act shall take effect July 1, 2020, the public welfare requiring it.

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

Amendment No. _____

John D. Ragan

 Signature of Sponsor

AMEND Senate Bill No. 2795

House Bill No. 2412*

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

SECTION 1. Tennessee Code Annotated, Section 34-1-106(b), is amended by adding the following language at the end of the subsection:

If, after reasonable effort, a postal address cannot be ascertained, a notification may be published in a newspaper of general circulation in the county where the petition is filed, or if there is no newspaper of general circulation published in the county, notice may be posted at the county courthouse, except where such petitions are filed by or on behalf of a regional mental health institute owned and operated by the department of mental health and substance abuse services or by or on behalf of the department of intellectual and developmental disabilities pertaining to an individual receiving home and community based waiver services or intermediate care facility/intellectual disability (ICF/ID) services.

SECTION 2. Tennessee Code Annotated, Section 34-1-108(c)(3), is amended by adding the following sentence at the end of the subdivision:

If, after reasonable effort, a postal address cannot be ascertained, a notification may be published on the secretary of state's website and in a newspaper of general circulation in the county where the petition is filed, or if there is no newspaper of general circulation published in the county, notice may be posted at the county courthouse, except where such petitions are filed by or on behalf of a regional mental health institute owned and operated by the department of mental health and substance abuse services or by or on behalf of the department of intellectual and developmental disabilities pertaining to an



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individual receiving home and community-based waiver services or intermediate care facility/intellectual disability (ICF/ID) services.

SECTION 3. Tennessee Code Annotated, Section 34-3-105, is amended by adding the following as a new subsection (f):

(f) Reports submitted under this section are confidential and are not open for inspection by the public.

SECTION 4. Tennessee Code Annotated, Section 34-3-106(6), is amended by deleting the subdivision and substituting instead the following:

(6) Request a protective order placing under seal the respondent's financial information and any health information not otherwise protected by § 34-3-105(f).

SECTION 5. Any court forms that do not comply with this act may be used until current supplies are exhausted and new forms prepared.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 2192

House Bill No. 2259*

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

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 1, Part 1, is amended by adding the following as a new section:

37-1-___. Quality Statewide Data Collection.

(a) As used in this section:

(1) "Delinquent case" means a court proceeding concerning an alleged delinquent act or delinquent acts resulting in a charge or charges against a child arising out of a single episode;

(2) "Diversion" means the resolution of a delinquent case or unruly case through informal adjustment, pretrial diversion, or judicial diversion;

(3) "Episode" means a delinquent act or group of delinquent acts occurring as part of a continuous sequence, which may involve multiple victims;

(4) "Original offense" means a prior delinquent case or unruly case resulting in:

(A) Informal adjustment;

(B) Pretrial diversion;

(C) Judicial diversion; or

(D) Adjudication that the child was delinquent or unruly;

(5) "Out-of-home placement" means a court-ordered removal of a child from the child's residence while awaiting a court hearing or as part of an order of disposition in a delinquent case or unruly case, including, but not limited to, transfer of temporary legal custody or grant of permanent guardianship that



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results in a change of residence, commitment to the department of children's services, or placement in an institution, home, or other facility operated under the direction of the court or other local public authority;

(6) "Probation" means a court-ordered disposition in a delinquent case or unruly case in which a child is retained in the community, rather than removed to an out-of-home placement. Probation may be unsupervised or supervised by the court, the department of children's services, any person or agency designated by the court, or the court of another state, under conditions and limitations prescribed by the court in consultation with the supervising authority;

(7) "Re-offense" means a subsequent case in which a child is adjudicated delinquent or found unruly based upon conduct occurring within twelve (12) months of the ending date of the diversion, probation, or out-of-home placement resulting from the original offense; and

(8) "Unruly case" means a proceeding concerning an act or set of acts that result in a child being alleged to be an unruly child.

(b) A probation violation is included as part of the delinquent case or unruly case that resulted in the court order placing the child on probation; provided, that if the probation placement resulted from more than one (1) case, the violation must be included only as part of the case containing the most serious offense. A failure to appear is included as part of the delinquent case or unruly case that resulted in the court order requiring the child's appearance; provided, that if the order requiring the child's appearance resulted from more than one (1) case, the violation must be included only as part of the case containing the most serious offense.

(c) Juvenile courts shall assign each child alleged to be delinquent or unruly a unique child identification (ID) number, which the court shall use with respect to each proceeding involving that child.

(d) Each juvenile court, through the juvenile court clerk or juvenile court staff, shall, each month, in a format prescribed by the administrative office of the courts, report to the administrative office of the courts the following information:

(1) Each new delinquent case or unruly case in which a child is charged, including:

- (A) The date the case was filed or opened;
- (B) The statutory offense or offenses charged;
- (C) The child's unique child ID number;
- (D) The unique case or docket number, which shall not be the child's unique child ID number; and
- (E) The child's name, date of birth, race, sex, ethnicity, and social security number.

(2) For each case reported pursuant to subdivision (d)(1), the following information, as applicable, along with the unique case or docket number:

- (A) For cases that result in diversion, the date the child was placed on diversion, the type of diversion, the ending date for the diversion, and whether the diversion was successfully completed;
- (B) The date the child was adjudicated delinquent or found unruly, and on which offenses, or the date the case was dismissed;
- (C) For cases in which the child was adjudicated delinquent, the date the child's validated risk and needs assessment was completed pursuant to § 37-1-164;
- (D) The date the case was closed, transferred to another juvenile court, transferred to the criminal court of competent jurisdiction, dismissed, or otherwise disposed of;
- (E) For cases that result in probation, the date the child was placed on probation, the type of probation, the ending date of the probation, and whether the probation was successfully completed;

(F) For cases that result in a court-ordered out-of-home placement, the date of the out-of-home placement, the type of out-of-home placement, and the ending date of the out-of-home placement;

(G) Any post-adjudication detention ordered pursuant to § 37-1-131(a)(3), including the length of detention ordered; and

(H) For cases that result in a petition alleging a probation violation, the date the violation petition was filed, whether the violation petition resulted in diversion or adjudication, the date of the diversion or adjudication, the type of diversion or, if there was an adjudication, whether the violation was sustained or dismissed.

(e) The department of mental health and substance abuse services shall, each month, regarding cases in which a juvenile court refers a child to receive services provided by grantees funded through appropriations to the department under the Juvenile Justice Reform Act of 2018, report to the administrative office of the courts the following information:

(1) The number of children served;

(2) The age, race, sex, and county of residence of the children served;

and

(3) In the case of each child, whether the services were successfully completed or terminated due to unsuccessful completion.

(f) Identifying information received by the administrative office of the courts is confidential; must not be published, released, or otherwise disseminated; and must be maintained in accordance with state and federal laws and regulations regarding confidentiality. The administrative office of the courts may make such data available to properly concerned agencies and individuals, or to any person upon request, but any such publication or release of data must be limited to nonidentifying information. The administrative office of the courts shall develop guidelines and procedures to expunge

identifying information collected on juveniles; provided, that such expunction may occur only after the juvenile reaches the age that is beyond jurisdiction of the juvenile court.

(g) Nothing in this section mandates any change in a county's decision regarding the division of reporting responsibility between the juvenile court clerk and the youth services officer or any other juvenile court staff member.

SECTION 2. Tennessee Code Annotated, Section 37-1-164, is amended by adding the following as a new subsection (f):

(f) The administrative office of the courts may provide to each juvenile court having jurisdiction over a child charged with a delinquent or unruly offense the results of any validated risk and needs assessment concerning that child completed by another juvenile court; provided, that the judge or magistrate of the court having jurisdiction shall not access, review, or otherwise utilize such results before adjudication.

SECTION 3. Tennessee Code Annotated, Section 37-1-506, is amended by deleting the section.

SECTION 4. Tennessee Code Annotated, Section 37-1-185(1), is amended by deleting the language "§ 37-1-506 and other" and substituting instead the language "any".

SECTION 5. The heading to Section 1 in this act is for reference purposes only and does not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the heading in any compilation or publication containing this act.

SECTION 6. This act shall take effect July 1, 2020, the public welfare requiring it.

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

Amendment No. _____

John D. Ragan

 Signature of Sponsor

AMEND Senate Bill No. 2795

House Bill No. 2412*

by deleting the language "on the secretary of state's website and" in Section 2.

AND FURTHER AMEND by adding the following new Section 5 immediately after Section 4 and renumbering the existing Sections 5 and 6 accordingly:

SECTION 5. Tennessee Code Annotated, Section 34-1-114, is amended by adding the following language as a new subsection:

(c) Notwithstanding subsections (a) and (b), the petitioner shall be responsible for the court costs necessary for initiating the proceedings, including filing fees and costs associated with required notices and publication. At any point in the proceedings, in the court's discretion, such costs may be charged according to subsection (a) and the petitioner may be reimbursed.



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Amendment No. _____

May Little

Signature of Sponsor

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

AMEND Senate Bill No. 2032*

House Bill No. 2588

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

SECTION 1. Tennessee Code Annotated, Section 36-6-408(a), is amended by deleting the subsection and substituting instead the following:

(a) In an action where a permanent parenting plan is or will be entered, each parent shall attend a parent educational seminar as soon as possible after the filing of the complaint. The seminar may be divided into sessions, which in the aggregate must not be less than four (4) hours in duration, and the minor children must be excluded from attending the seminar. The seminar must be educational in nature and not designed for individual therapy. The seminar must educate parents concerning how to protect and enhance the child's emotional development and inform the parents regarding the legal process. The seminar must include:

(1) At least one (1) thirty-minute video on adverse childhood experiences created:

(A) By the department of children's services in conjunction with the Tennessee commission on children and youth; or

(B) As part of the Building Strong Brains Tennessee public awareness campaign; and

(2) A discussion of alternative dispute resolution, marriage counseling, the judicial process, and common perpetrator attitudes and conduct involving domestic violence.



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SECTION 2. Tennessee Code Annotated, Section 36-6-408, is amended by inserting the following language as a new subsection:

() The requirement of attendance by parents at the parent educational seminar may be waived upon motion by either party and the agreement of the court upon the showing of good cause.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.



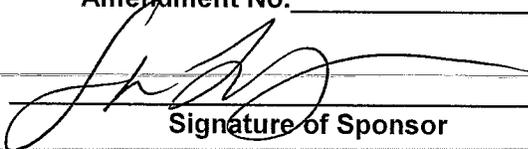
HOUSE RESEARCH DIVISION

Finance, Ways & Means Subcommittee Amendment Packet

February 26th, 2020

MP
2:54
2/24/2020
Lynn

Amendment No. _____


Signature of Sponsor

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

AMEND Senate Bill No. 2301

House Bill No. 2131*

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

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 12, Part 1, is amended by adding the following as a new section:

(a) The building that houses the Tennessee state museum located at 1000 Rosa L. Parks Boulevard is designated as the "Bill Haslam Center".

(b) The state museum shall erect suitable markers or affix suitable signs designating the museum as the "Bill Haslam Center". The state museum shall fund all costs related to the signage.

SECTION 2. Tennessee Code Annotated, Section 4-12-203, is amended by deleting "Tennessee state museum located at 1000 Rosa L. Parks Boulevard" and substituting instead "Bill Haslam Center located at 1000 Rosa L. Parks Boulevard".

SECTION 3. Tennessee Code Annotated, Section 4-12-302, is amended by deleting "Tennessee state museum located at 1000 Rosa L. Parks Boulevard" and substituting instead "Bill Haslam Center located at 1000 Rosa L. Parks Boulevard".

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.



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Ramsey

MP

2/12/2020

11:35am

Amendment No. _____

Dr. Rh Ramsey

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1638

House Bill No. 1678*

by deleting from subdivision (i)(b) in Section 1 the language "situated to the east of the Cumberland River and".



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Amendment No. _____

Ron M. Dart

Signature of Sponsor

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

AMEND Senate Bill No. 2669

House Bill No. 2676*

by deleting all language after the caption and substituting instead the following:

WHEREAS, it is the intent of the General Assembly to streamline and reduce the number of taxes that are levied in this State; and

WHEREAS, eliminating the professional privilege tax is expected to boost consumer spending by those previously subject to the tax, benefiting both private enterprise and local and state sales and use tax revenues; and

WHEREAS, fiscal considerations and prudence impact the scope and breadth of tax cuts the General Assembly proposes in any given fiscal year, and it may take multiple years of cuts before a tax is completely eliminated; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Section 67-4-1702, is amended by deleting the section in its entirety and substituting instead the following:

There is levied a tax on the privilege of engaging in the following vocations, professions, businesses, or occupations:

(1) Persons licensed or registered as agents under title 48, chapter 1;

and

(2) Persons licensed or registered as broker-dealers under title 48,

chapter 1.

SECTION 2. Tennessee Code Annotated, Section 67-4-1703, is amended by deleting subsections (a) and (b) and substituting instead the following:

(a)



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(1) For purposes of this part, the tax year begins on June 1 of each year and ends on May 31 of the following year. The privilege tax established by this part is due and payable on June 1 of each tax year. Taxes paid after June 1 are delinquent.

(2) The privilege tax imposed by this part shall be:

For any tax year ending on or before May 31, 2021 \$400

For any tax year ending on or after May 31, 2022 \$200

(b) Any person who is licensed or registered for two (2) or more professions taxed pursuant to this part shall not be required to pay more than one (1) tax in an amount set by subsection (a).

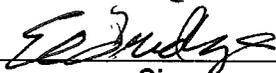
SECTION 3. Tennessee Code Annotated, Section 67-4-1708, is amended by deleting subsection (b) in its entirety.

SECTION 4. Tennessee Code Annotated, Section 67-4-1710, is amended by deleting the section in its entirety.

SECTION 5. This act shall take effect July 1, 2020, the public welfare requiring it.

Eldridge

Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 2532

House Bill No. 2413*

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

SECTION 1. Tennessee Code Annotated, Section 55-8-140, is amended by designating existing language as subsection (a) and adding the following as a new subsection (b):

(b) Notwithstanding subdivision (a)(1), the driver of a vehicle intending to make a right turn from a state highway onto an intersecting road, highway, or driveway is authorized to move onto the paved shoulder of the highway prior to making the turn in order to permit vehicles following the vehicle making the turn to proceed; provided, that sufficient area on the paved shoulder exists to do so safely.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.



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Amendment No. _____

Michal A. Curcio

Signature of Sponsor

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

AMEND Senate Bill No. 2731

House Bill No. 2515*

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

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 7, Part 2, is amended by adding the following language as a new section:

(a) Effective July 1, 2020, there are created fifteen (15) additional assistant district attorney general positions, three (3) legal secretary positions, and two (2) criminal investigator positions to be designated in judicial districts as provided in this section.

(b)

(1) The executive director of the district attorneys general conference shall prepare a report that contains the director's recommendations as to the specific judicial districts in which the additional assistant district attorney general positions, legal secretary positions, and criminal investigator positions created pursuant to subsection (a) should be designated. The report must be prepared in consultation with the comptroller.

(2) By September 1, 2020, the executive director of the district attorneys general conference shall file a report prepared pursuant to subdivision (b)(1) with the speaker of the senate, the speaker of the house of representatives, the chair of the judiciary committee of the senate, and the chair of the judiciary committee of the house of representatives. Upon the filing of such report, the district attorneys general recommended by the report to receive additional assistant district attorney general positions, legal secretary positions, and criminal



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investigator positions are authorized to interview and employ persons to fill the positions.

SECTION 2. Tennessee Code Annotated, Title 8, Chapter 7, Part 2, is amended by adding the following language as a new section:

(a) Effective July 1, 2020, there are created eighteen (18) alternative sentencing coordinator positions to be designated in judicial districts as provided in this section.

(b)

(1) The executive director of the district attorneys general conference shall prepare a report that contains the director's recommendations as to the specific judicial districts in which the alternative sentencing coordinator positions created pursuant to subsection (a) should be designated. The report must be prepared in consultation with the comptroller.

(2) By September 1, 2020, the executive director of the district attorneys general conference shall file a report prepared pursuant to subdivision (b)(1) with the speaker of the senate, the speaker of the house of representatives, the chair of the judiciary committee of the senate, and the chair of the judiciary committee of the house of representatives. Upon the filing of such report, the district attorneys general recommended by the report to receive an alternative sentencing coordinator position are authorized to interview and employ persons to fill the positions.

(c) The duties of the alternative sentencing coordinator include, but are not limited to:

(1) Developing and maintaining a thorough understanding of the alternative sentencing options available in the judicial district, including an accurate inventory of treatment facilities and space availability;

(2) Developing and maintaining a thorough understanding of drug courts, including participation in training or certification programs approved through the local court and the district attorneys general conference;

(3) Providing education and public awareness of programs and treatment opportunities available for offenders, as directed by the district attorney general and in coordination with the district attorneys general conference;

(4) Assessing, after the return of an indictment or presentation, whether an offender's alleged criminal conduct was directly linked to controlled substance abuse;

(5) Identifying offenders who have a willingness and likelihood of successful participation in alternative sentencing, including treatment and other intervention;

(6) Recommending to the district attorney general those offenders who should be considered for alternative sentencing; and

(7) Creating and maintaining an up-to-date list of offenders receiving alternative sentencing.

SECTION 3. Tennessee Code Annotated, Title 8, Chapter 14, Part 1, is amended by adding the following language as a new section:

(a) Effective July 1, 2020, there are created four (4) additional assistant district public defender positions and eleven (11) legal secretary positions to be designated in judicial districts as provided in this section.

(b)

(1) The executive director of the district public defenders conference shall prepare a report containing the director's recommendations as to the specific judicial districts in which the additional assistant district public defender positions and legal secretary positions created pursuant to subsection (a) should be designated. The report must be prepared in consultation with the comptroller.

(2) By September 1, 2020, the executive director of the district public defenders conference shall file a report prepared pursuant to subdivision (b)(1) with the speaker of the senate, the speaker of the house of representatives, the chair of the judiciary committee of the senate, and the chair of the judiciary committee of the house of representatives. Upon the filing of such report, the district public defenders recommended by the report to receive additional assistant district public defender positions and legal secretary positions are authorized to interview and employ persons to fill the positions.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

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

Amendment No. _____

Micky A. Curcio

 Signature of Sponsor

AMEND Senate Bill No. 2734

House Bill No. 2517*

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

SECTION 1. Tennessee Code Annotated, Section 39-17-432(a), is amended by deleting the language "and mandatory minimum sentences required" and substituting instead "sentences authorized".

SECTION 2. Tennessee Code Annotated, Section 39-17-432(b)(1), is amended by deleting the subdivision and substituting instead the following:

(1) A violation of § 39-17-417, or a conspiracy to violate the section, may be punished one (1) classification higher than is provided in § 39-17-417(b)-(i) if the violation or the conspiracy to violate the section occurs:

(A) On the grounds or facilities of any school; or

(B) Within five hundred feet (500') of or within the area bounded by a divided federal highway, whichever is less, the real property that comprises a public or private elementary school, middle school, secondary school, preschool, child care agency, public library, recreational center, or park.

SECTION 3. Tennessee Code Annotated, Section 39-17-432(b)(2), is amended by deleting the language "shall also be" and substituting instead "may also be".

SECTION 4. Tennessee Code Annotated, Section 39-17-432(b)(3), is amended by deleting the language "but shall be subject to" and substituting instead "but may be subject to".

SECTION 5. Tennessee Code Annotated, Section 39-17-432, is amended by deleting subsections (c), (d), (e), and (f).



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SECTION 6. Tennessee Code Annotated, Section 49-2-116(c), is amended by deleting the subsection and substituting instead the following:

(c) A school safety zone is the territory extending five hundred feet (500') from school property or within the area bounded by a divided federal highway, whichever is less.

SECTION 7. Tennessee Code Annotated, Section 49-2-116(d), is amended by deleting the subsection and substituting instead the following:

(d) The director of schools, with the approval of the board of education, may develop a method of marking school safety zones, including the use of signs. Signs or other markings shall be located in a visible manner on or near each school indicating that such area is a school safety zone, that such zone extends five hundred feet (500') from school property or within the area bounded by a divided federal highway, whichever is less, and that the delivery or sale of a controlled substance or controlled substance analogue to a minor in the school safety zone may subject the offender to an enhanced punishment. The state board of education shall assist the LEA in complying with the posting provisions of this subsection (d).

SECTION 8. This act shall take effect July 1, 2020, the public welfare requiring it, and applies to offenses committed on or after that date.

Amendment No. _____


Signature of Sponsor

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

AMEND Senate Bill No. 2734

House Bill No. 2517*

by inserting the following new section immediately preceding the last section and renumbering the subsequent section accordingly:

SECTION __. Tennessee Code Annotated, Section 39-17-432, is amended by deleting subsection (g) and substituting instead the following:

(g) The sentence of a defendant who, as the result of a single act, violates both subsection (b) and § 39-17-417(k), may be enhanced under both subsection (b) and § 39-17-417(k) for each act. The state may elect to seek enhancement of the defendant's sentence under subsection (b), § 39-17-417(k), or both, and shall provide notice of the election pursuant to § 40-35-202.



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

Amendment No. _____



 Signature of Sponsor

AMEND Senate Bill No. 1582*

House Bill No. 1667

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

SECTION 1. Tennessee Code Annotated, Section 37-1-131, is amended by deleting subsection (d) and substituting instead the following:

(d)

(1) Notwithstanding this section to the contrary, a juvenile who is adjudicated delinquent for conduct that, if committed by an adult, would constitute one (1) of the offenses set out in subdivision (d)(3) shall be committed to the department of children's services for a period of not less than one (1) year; provided, that for the offenses listed in subdivisions (d)(3)(D) and (E), a court may, upon a finding of good cause, order a commitment for a term of less than one (1) year or decline to order a commitment.

(2) The commitment required by subdivision (d)(1) must be the least restrictive disposition permissible for an applicable juvenile, and nothing in this subsection (d) prohibits the court from:

(A) Transferring a juvenile to whom this section applies to adult court to stand trial as an adult as provided in § 37-1-134;

(B) Extending the term of commitment beyond the one-year minimum required by this subsection (d); or

(C) Any other dispositional alternative more restrictive than this subsection (d).

(3) The offenses to which this subsection (d) applies are:

(A) First degree murder, as prohibited by § 39-13-202;



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- (B) Second degree murder, as prohibited by § 39-13-210;
- (C) Voluntary manslaughter, as prohibited by § 39-13-211;
- (D) Criminally negligent homicide, as prohibited by § 39-13-212;
- (E) Reckless homicide, as prohibited by § 39-13-215;
- (F) Rape, as prohibited by § 39-13-503;
- (G) Aggravated rape, as prohibited by § 39-13-502;
- (H) Rape of a child, as prohibited by § 39-13-522; and
- (I) Aggravated rape of a child, as prohibited by § 39-13-531.

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it, and shall apply to all offenses committed on or after that date.

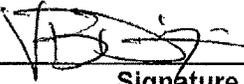
**THE ATTACHED
AMENDMENTS ARE TO
BILLS THAT WILL BE
HEARD IN THE LOCAL
GOVERNMENT
COMMITTEE ON
WEDNESDAY FEBRUARY
26TH, 2020.**

3:00 PM

RECEIVED
FEB 24 2020
BY: _____



Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 2431

House Bill No. 1963*

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

SECTION 1. Tennessee Code Annotated, Section 6-54-1008, is amended by deleting subsection (c) and substituting instead the following:

Citations issued upon absentee property owners may be served via certified mail sent to the physical address of the recorded owner of the property, as evidenced by the deed to the property where the person resides or by other public record.

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it.



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Amendment No. _____

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

Signature of Sponsor

AMEND Senate Bill No. 2298

House Bill No. 2363*

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

SECTION 1. Tennessee Code Annotated, Section 2-19-132, is amended by deleting the section in its entirety.

SECTION 2. Tennessee Code Annotated, Section 2-2-143, is amended by deleting the section in its entirety.

SECTION 3. Tennessee Code Annotated, Section 2-2-142, is amended by deleting current subsections (a), (b), (e), (f), and (g) in their entireties and adding the following subsections as designated:

(a) For the purposes of this section, the term "voter registration drive" means to collect voter registration applications from another person and submit the collected application to the county or state election commission for the purposes of registering that person to vote, but does not include state or county governmental entities operating in the course and scope of their official duties.

(b) The coordinator of elections shall offer free voluntary training to individuals or organizations who conduct voter registration drives. The training shall, at a minimum, summarize the laws and procedures regarding voter registration. A list of those individuals or organizations who complete the training may be published on the secretary of state's website or published by any other means deemed appropriate by the secretary of state.

(e) Any person or organization collecting a voter registration form submitted by an applicant during a voter registration drive shall, within fifteen (15) calendar days of



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receipt of the form, deliver or mail the form to the county election commission in which the applicant resides according to the address on the application or to the state election commission; provided, that if the date of the receipt of the form is within fifteen (15) calendar days of the voter registration deadline, the submitted forms must be delivered or mailed no later than the voter registration deadline. For the purposes of this subsection (e), a form shall be considered mailed on the date of the postmark stamped on the cover in which such document was mailed.

(f) Any person or organization other than a federal, state, or county governmental entity operating in the course and scope of its official duties who conducts a voter registration drive or operates an online voter registration platform is prohibited from copying, photographing, or in any way retaining, electronically or physically, personal identifying information collected on a voter registration application or entered into the online voter registration platform, including name, date and place of birth, residential address, mailing address, email, phone number, and signature for any purpose other than voter participation, voter engagement, or voter turnout unless the person or organization informs the applicant how the applicant's personal information will be used by the person or organization and the applicant expressly consents in writing or electronically. The social security number provided on the voter registration application or entered into the online voter registration platform is confidential and shall not be copied, photographed, or in any way retained, electronically or physically, by any person other than election officials in their official capacity.

(g)

(1) The state election commission may impose a maximum civil penalty up to fifty dollars (\$50.00) for each violation of subsection (c), (d), (e), or (f).

(2) For any violation or violations, the state election commission shall send, by return mail, receipt requested, an assessment letter to the person or organization in a form sufficient to advise the person or organization of the

factual basis of the violation or violations, the total civil penalty, and the date a response to the letter must be filed. Refusal of or failure to timely claim an assessment letter sent by return mail, receipt requested, constitutes acceptance of the assessment letter for purposes of service.

(3) To request a waiver of reduction in or to in any way contest a penalty imposed by the state election commission, a person or organization shall file a petition with the state election commission. Such petition may be considered as commencing a contested case proceeding under the Uniform Administrative Procedures Act, pursuant to title 4, chapter 5.

(h) Any person or organization who provides or publishes erroneous or incorrect information regarding the qualifications to vote, the requirements to register to vote, whether an individual voter is currently registered to vote or eligible to register to vote, voter registration deadlines, or polling dates, times, and locations shall, upon discovery, immediately notify the appropriate county election commission and the coordinator of elections.

(i) The coordinator of elections and the state election commission are authorized to adopt policies or procedures and to promulgate rules and regulations to effectuate the provisions of this section.

SECTION 4. Tennessee Code Annotated, Section 2-2-137, is amended by adding the following subdivision to subsection (b):

(4) The cyber security practices in place to protect the integrity of the voter registration process.

SECTION 5. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end the provisions of this act shall be severable.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring

it.

Amendment No. _____

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

Signature of Sponsor

AMEND Senate Bill No. 2299

House Bill No. 2364*

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

SECTION 1. Tennessee Code Annotated, Title 2, Chapter 19, Part 1 is amended by adding the following as a new section:

(a) A person commits an offense who, with intent to deceive or disseminate information that person knows to be incorrect, provides or publishes false or misleading information regarding the qualifications to vote, the requirements to register to vote, whether an individual voter is currently registered to vote or eligible to register to vote, voter registration deadlines, or polling dates, times, and locations.

(b) A violation of subsection (a) is a Class E felony.

SECTION 2. Tennessee Code Annotated, Section 2-19-118, is amended by deleting the section and substituting instead the following:

(a) A person commits an offense who, before, during, or after an election:

(1) Intentionally tampers, interferes, or attempts to interfere with the correct operation of, or damages in order to prevent the use of, a voting machine, electronic poll book, voting device, voting system, vote tabulating device, or ballot tally software program source codes;

(2) Intentionally tampers with, interferes with, attempts to interfere with, obtains unauthorized access to, or attempts to obtain unauthorized access to the official voter registration database, including, but not limited to, attempts to obtain plans, security codes, passwords, combinations, or computer programs used to protect electronic information and government property or information that would



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identify those areas of structural or operational vulnerability that would permit unlawful disruption to, or interference with the official voter registration database;

(3) Knowingly and without authorization makes or has in the person's possession a key to a voting machine, voting system, tabulator, or ballot box that will be used in an election in this state;

(4) Intentionally substitutes or attempts to substitute forged or counterfeit election results; or

(5) Intentionally and without authorization, directly or indirectly, alters, damages, destroys, or attempts to alter, damage, or destroy or causes disruption to the proper operation of any election website maintained, hosted, or administered by a state or county governmental entity or a third party on behalf of or under contract with a state or county governmental entity.

(b) A violation of subsection (a) is a Class D felony.

SECTION 3. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end the provisions of this act shall be severable.

SECTION 4. This act shall take effect upon becoming law, the public welfare requiring it.

THE FOLLOWING
AMENDMENT WILL BE
HEARD IN PUBLIC SERVICE
& EMPLOYEES
SUBCOMMITTEE

February 25, 2020

3:30 PM

HHR IV

Amendment No. _____
Matthew R. Quinn
Signature of Sponsor

FILED
Date <u>2/25/2020</u>
Time <u>8:13</u>
Clerk <u>DKS</u>
Comm. Amdt. _____

AMEND Senate Bill No. 981*

House Bill No. 1103

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

SECTION 1. Tennessee Code Annotated, Title 12, Chapter 4, is amended by adding the following as a new part:

12-4-1101. This part shall be known and may be cited as the "Public Contracts for Legal Services Act."

12-4-1102. As used in this part:

(1) "Contingent fee" means that part of a fee for legal services, under a contingent fee contract, the amount or payment of which is contingent on the outcome of the matter for which the services were obtained;

(2) "Contingent fee contract" means a contract for legal services under which the amount or the payment of the fee for the services is contingent in whole or in part on the outcome of the matter for which the services were obtained;

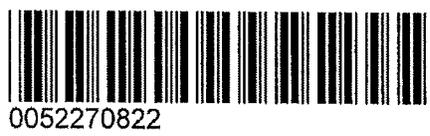
(3) "Issue of statewide concern" means any conduct or harm that is more likely than not to adversely affect the interests of citizens of at least five (5) counties of this state; and

(4) "Political subdivision" means a municipal corporation, county, city, metropolitan government, town, or any other political subdivision of this state.

12-4-1103.

(a) Political subdivisions shall not enter into contingent fee contracts, except as provided by § 12-4-1104.

(b) A political subdivision shall not select or award a contract to which this part applies on the basis of competitive bids submitted for the contract or for the services, but



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must make the selection and award on the basis of demonstrated competence, qualifications, and experience to perform the services sought and for a fair and reasonable price.

12-4-1104.

(a) A political subdivision may enter into a contingent fee contract for legal services only if the governing body of the political subdivision:

(1) Before or along with giving the written notice of a meeting required by title 8, chapter 44, part 1, makes available to the public a statement setting forth:

(A) The reasons for pursuing the matter the attorney or law firm may be retained to pursue and the result that is hoped to be achieved by pursuing the matter;

(B) The competence, qualifications, and experience demonstrated by any attorney or law firm the political subdivision may retain;

(C) The nature of any relationship, including the genesis of the relationship, between the political subdivision, the governing body, or any member of the governing body and any attorney or law firm the political subdivision may retain;

(D) The reasons why the political subdivision cannot pursue the matter using its resources without retaining an outside attorney or law firm on a contingent fee basis;

(E) The reasons the legal services cannot reasonably be obtained from attorneys in private practice under a contract providing for the payment of hourly fees without contingency; and

(F) An explanation of why entering into a contingent fee contract for legal services is in the best interest of the people who are served by the political subdivision; and

(2) Approves the contract in an open meeting called for the purpose of considering the need for obtaining the legal services, the terms of the contract with the attorney or law firm, the competence, qualifications, and experience of the attorney or law firm, and the reasons why the contract is in the best interest of the people who are served by the political subdivision.

(b) The contract is a public record, as that term is defined in § 10-7-503, and the contract must not be withheld from a requestor under § 10-7-504 or any other exception from required disclosure.

12-4-1105.

(a) Before a political subdivision may finally execute a contract to which this part applies, it must submit the contract to the attorney general and reporter, along with:

(1) A description of the matter to be pursued by the political subdivision;

(2) A description of the interest this state or any other governmental entity may have in the matter; and

(3) A copy of the notice required by § 12-4-1104(a)(1) and a statement of how and when the notice was provided to the public.

(b) The attorney general may refuse to approve the political subdivision's request for approval of the contract if the attorney general finds:

(1) Pursuit of the action by the political subdivision usurps or interferes with the attorney general's statutory or constitutional obligations, including:

(A) The trial and direction of all civil litigated matters and administrative proceedings in which the state or any officer, department, agency, board, commission, or instrumentality of the state may be interested, defined in § 8-6-109(b)(1); and

(B) The duty to exercise discretion to defend the constitutionality and validity of all private acts and general laws of local application enacted by the general assembly and of administrative rules or regulations of this state;

(2) The attorney general has the authority to pursue the matter the political subdivision is considering pursuing;

(3) The matter relates to an issue of statewide concern and the attorney general's pursuit of the matter in lieu of the political subdivision's pursuit of the matter is in the state's best interest; or

(4) The political subdivision failed to comply with the requirements of § 12-4-1104, or that the findings made by the political subdivision to justify pursuing the matter are not supported by the documents provided by the political subdivision.

(c) Unless the political subdivision has requested expedited consideration for reasons provided at the time it submits the contract to the attorney general for review, the attorney general may take up to ninety (90) days to approve or disapprove the contract.

(d) Upon disapproval of a political subdivision's request for approval of a contract, the attorney general shall submit a report to the speaker of the house of representatives and the speaker of the senate, stating:

(1) The contract was disapproved and the reason for its disapproval; and

(2) The manner in which the attorney general plans to address the issue of statewide concern identified in the contract.

(e) All reports submitted by the attorney general pursuant to subsection (d) are subject to executive review. Prior to disapproving a contingent fee contract, the attorney general must receive the consent of the governor, or an appropriately designated member of the governor's cabinet.

12-4-1106. A contract entered into or an arrangement made in violation of this part is void as against public policy.

SECTION 2. The change in law made by this act applies only to a contract for legal services executed by a political subdivision on or after the effective date of this act. A contract for legal services executed by a political subdivision before the effective date of this act is

governed by the law applicable before the effective date of this act, and that law continues in effect for that purpose.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

FILED
Date <u>2/10/11 10:20</u>
Time <u>8:13</u>
Clerk <u>PKS</u>
Comm. Amdt. _____

AMEND Senate Bill No. 981*

House Bill No. 1103

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

SECTION 1. Tennessee Code Annotated, Title 12, Chapter 4, is amended by adding the following as a new part:

12-4-1101. This part shall be known and may be cited as the "Public Contracts for Legal Services Act."

12-4-1102. As used in this part:

(1) "Contingent fee" means that part of a fee for legal services, under a contingent fee contract, the amount or payment of which is contingent on the outcome of the matter for which the services were obtained;

(2) "Contingent fee contract" means a contract for legal services under which the amount or the payment of the fee for the services is contingent in whole or in part on the outcome of the matter for which the services were obtained;

(3) "Issue of statewide concern" means any conduct or harm that is more likely than not to adversely affect the interests of citizens of at least five (5) counties of this state; and

(4) "Political subdivision" means a municipal corporation, county, city, metropolitan government, town, or any other political subdivision of this state.

12-4-1103.

(a) Political subdivisions shall not enter into contingent fee contracts, except as provided by § 12-4-1104.

(b) A political subdivision shall not select or award a contract to which this part applies on the basis of competitive bids submitted for the contract or for the services, but



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must make the selection and award on the basis of demonstrated competence, qualifications, and experience to perform the services sought and for a fair and reasonable price.

12-4-1104.

(a) A political subdivision may enter into a contingent fee contract for legal services only if the governing body of the political subdivision:

(1) Before or along with giving the written notice of a meeting required by title 8, chapter 44, part 1, makes available to the public a statement setting forth:

(A) The reasons for pursuing the matter the attorney or law firm may be retained to pursue and the result that is hoped to be achieved by pursuing the matter;

(B) The competence, qualifications, and experience demonstrated by any attorney or law firm the political subdivision may retain;

(C) The nature of any relationship, including the genesis of the relationship, between the political subdivision, the governing body, or any member of the governing body and any attorney or law firm the political subdivision may retain;

(D) The reasons why the political subdivision cannot pursue the matter using its resources without retaining an outside attorney or law firm on a contingent fee basis;

(E) The reasons the legal services cannot reasonably be obtained from attorneys in private practice under a contract providing for the payment of hourly fees without contingency; and

(F) An explanation of why entering into a contingent fee contract for legal services is in the best interest of the people who are served by the political subdivision; and

(2) Approves the contract in an open meeting called for the purpose of considering the need for obtaining the legal services, the terms of the contract with the attorney or law firm, the competence, qualifications, and experience of the attorney or law firm, and the reasons why the contract is in the best interest of the people who are served by the political subdivision.

(b) The contract is a public record, as that term is defined in § 10-7-503, and the contract must not be withheld from a requestor under § 10-7-504 or any other exception from required disclosure.

12-4-1105.

(a) Before a political subdivision may finally execute a contract to which this part applies, it must submit the contract to the attorney general and reporter, along with:

(1) A description of the matter to be pursued by the political subdivision;

(2) A description of the interest this state or any other governmental entity may have in the matter; and

(3) A copy of the notice required by § 12-4-1104(a)(1) and a statement of how and when the notice was provided to the public.

(b) The attorney general may refuse to approve the political subdivision's request for approval of the contract if the attorney general finds:

(1) Pursuit of the action by the political subdivision usurps or interferes with the attorney general's statutory or constitutional obligations, including:

(A) The trial and direction of all civil litigated matters and administrative proceedings in which the state or any officer, department, agency, board, commission, or instrumentality of the state may be interested, defined in § 8-6-109(b)(1); and

(B) The duty to exercise discretion to defend the constitutionality and validity of all private acts and general laws of local application enacted by the general assembly and of administrative rules or regulations of this state;

(2) The attorney general has the authority to pursue the matter the political subdivision is considering pursuing;

(3) The matter relates to an issue of statewide concern and the attorney general's pursuit of the matter in lieu of the political subdivision's pursuit of the matter is in the state's best interest; or

(4) The political subdivision failed to comply with the requirements of § 12-4-1104, or that the findings made by the political subdivision to justify pursuing the matter are not supported by the documents provided by the political subdivision.

(c) Unless the political subdivision has requested expedited consideration for reasons provided at the time it submits the contract to the attorney general for review, the attorney general may take up to ninety (90) days to approve or disapprove the contract.

(d) Upon disapproval of a political subdivision's request for approval of a contract, the attorney general shall submit a report to the speaker of the house of representatives and the speaker of the senate, stating:

(1) The contract was disapproved and the reason for its disapproval; and

(2) The manner in which the attorney general plans to address the issue of statewide concern identified in the contract.

(e) All reports submitted by the attorney general pursuant to subsection (d) are subject to executive review. Prior to disapproving a contingent fee contract, the attorney general must receive the consent of the governor, or an appropriately designated member of the governor's cabinet.

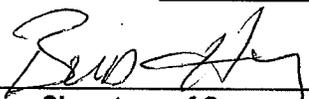
12-4-1106. A contract entered into or an arrangement made in violation of this part is void as against public policy.

SECTION 2. The change in law made by this act applies only to a contract for legal services executed by a political subdivision on or after the effective date of this act. A contract for legal services executed by a political subdivision before the effective date of this act is

governed by the law applicable before the effective date of this act, and that law continues in effect for that purpose.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. _____


Signature of Sponsor

FILED
Date <u>2/17/2020</u>
Time <u>2:04 PM</u>
Clerk <u>DKS</u>
Comm. Amdt. _____

AMEND Senate Bill No. 2129

House Bill No. 1932*

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

SECTION 1. Tennessee Code Annotated, Section 8-36-308(a), is amended by inserting the language "person in a position covered by the definition of emergency medical services personnel in § 68-140-302," immediately before the language "police officer".

SECTION 2. Tennessee Code Annotated, Section 8-36-308(a), is amended by inserting the language "person's," immediately before the language "police officer's".

SECTION 3. Tennessee Code Annotated, Section 8-36-308(b), is amended by inserting the language "person in a position covered by the definition of emergency medical services personnel in § 68-140-302," immediately before the language "police officer".

SECTION 4. Tennessee Code Annotated, Section 8-36-308(b), is amended by inserting the language "emergency medical services personnel as defined in § 68-140-302," immediately before the language "police officers".

SECTION 5. Tennessee Code Annotated, Section 8-36-308(c), is amended by inserting the language "person in a position covered by the definition of emergency medical services personnel in § 68-140-302," immediately before the language "police officer" wherever it appears in the subsection.

SECTION 6. This act shall take effect January 1, 2021, the public welfare requiring it.



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**THE ATTACHED
AMENDMENTS
ARE TO BILLS
THAT WILL
BE
HEARD ON THE
UTILITIES
SUBCOMMITTEE
CALENDAR
WEDNESDAY
FEBRUARY 26, 2020**

Amendment No. _____

Pat Marsh

Signature of Sponsor

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

AMEND Senate Bill No. 2019

House Bill No. 2053*

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

SECTION 1. Tennessee Code Annotated, Section 66-29-146, is amended by adding the following as a new subsection:

(e) For funds received under this part for the report year ending December 31, 2020, and for each report year thereafter, the treasurer shall determine each June 30 the amount of the funds remitted by or on behalf of each telephone cooperative organized under, or otherwise subject to, the Telephone Cooperative Act, compiled in title 65, chapter 29, part 1, and organized for the purpose described in § 65-29-102, that have remained unclaimed for a minimum of eighteen (18) months following the delivery of the telephone cooperative's funds to the treasurer. If the aggregate unclaimed balance exceeds one hundred dollars (\$100), then the treasurer, upon request of the telephone cooperative, shall pay an amount equal to the aggregate unclaimed balance, less a proportionate share of the cost of administering the program, as determined by the treasurer, to the telephone cooperative, together with a report of the accounts represented by the funds. The telephone cooperative shall place the funds in the telephone cooperative's general fund as long as the telephone cooperative maintains, to the extent necessary, a sufficient amount of the total unclaimed property accounts to ensure prompt payment. After the unclaimed property funds are returned to the telephone cooperative, the treasurer may continue to list the property on the department of treasury's website and may refer claimants to the telephone cooperative to claim their funds. Within thirty (30) business days after paying a claim under this section, the telephone cooperative shall report to the treasurer the name and address of the



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Amendment No. _____

Ron M. Sant

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1961

House Bill No. 1633*

by deleting subdivision (3)(A) in Section 2 and substituting instead the following:

(A) Either a copy of the entity's most recently completed annual audit or an annual report detailing all receipts and expenditures relative to the use of funds received from the municipal natural gas utility system in a form prescribed by the comptroller of the treasury and prepared and certified by the chief financial officer of the chamber of commerce or the economic and community organization;

AND FURTHER AMEND by deleting Section 3 and substituting instead the following:

SECTION 3. This act shall take effect January 1, 2021, the public welfare requiring it.



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- 1 -



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Amendment No. _____
Robert H. Anderson
Signature of Sponsor

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

AMEND Senate Bill No. 1991

House Bill No. 1923*

by deleting the language "the state electrical inspector" in subsection (e) in Section 1 and substituting the language "a state certified electrical inspector".



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Amendment No. _____

Signature of Sponsor

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

AMEND Senate Bill No. 1987*

House Bill No. 2662

by deleting the amendatory language of subdivision (4) in SECTION 1 and substituting the following:

(4)

(A) A cooperative that elects to provide services authorized by subdivision (a)(2) shall provide, in the case of new construction or property development where utilities are to be placed underground, written notice to all other providers of cable, video, or broadband services that serve customers in the applicable area at least sixty (60) days prior to the beginning of the construction or development. The notice must contain the particular dates on which open trenching will be available for the other providers to supply and install conduit, pedestals or vaults, and laterals at the other provider's expense.

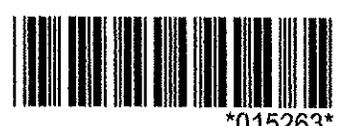
(B) If a cooperative fails to give the notice required by subdivision (a)(4)(A), then:

(i) The cooperative is responsible for the cost of new trenching for the installation of the equipment of a provider who should have been notified; and

(ii) Any provider not receiving prior notice has a right of action, brought in the chancery court of Davidson County, to recover the cost of the new trenching.



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