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

May 25, 2020

Higher Ed Committee

Dunn

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

Amendment No. _____

Bill Dunn

Signature of Sponsor

AMEND Senate Bill No. 1249 House Bill No. 243*

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

SECTION 1. Tennessee Code Annotated, Section 49-7-202, is amended by adding the following as a new subsection (l) and redesignating the existing subsection (l) and all subsequent subsections accordingly:

(l)

(1) The commission shall develop and implement a quality assurance funding program that will allow institutions to earn a percentage of funds, in addition to the institution's outcomes-based funding formula model recommendation, that is based on the quality of course and program learning outcomes, and student success beyond graduation. Quality assurance funding, as established under this part, must incentivize high quality institutional performance and provide a means of assessing the progress of student learning at public community colleges, colleges, and universities.

(2) The commission may collaborate with institutional staff and faculty and governing boards of the state's public community colleges, colleges, and universities to establish the quality standards and metrics used to award funding through the quality assurance funding program. The quality assurance funding program must operate in five-year cycles with standards and metrics designed to ensure alignment with the state's higher education master plan developed pursuant to subsection (d) and with other determined higher education priorities.

(3) The quality assurance funding standards adopted by the commission may be structured to recognize sector differences between the public community colleges, colleges, and universities, and must include, but are not limited to, measurements designed to capture:

(A) Student engagement, learning outcomes, and grade distributions;

(B) Occupations, earnings, and debt of graduates by major; and

(C) Academic integrity, institutional quality, and transparency.

(4) Notwithstanding subdivision (l)(3), in developing the quality assurance funding standards for public universities, the commission shall include at least one (1) component of quality assurance funding, valued at not less than ten percent (10%) of the overall potential funding amount, that is weighted to recognize the performance outcomes of the institution's teacher training program. The performance scores of the teacher training program must be based on the Tennessee Value-Added Assessment System (TVAAS) teacher effect scores of each respective program's completers, as described in the state board of education's report card developed pursuant to § 49-5-108(f). The commission may utilize comparable growth scores for completers with no personal TVAAS scores.

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

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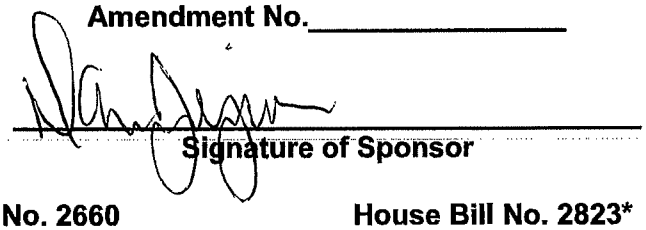
Amendment No. _____



Signature of Sponsor

AMEND Senate Bill No. 2660 **House Bill No. 2823***

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following language as a new section:

(a) Public four-year institutions of higher education shall biennially submit information on campus efforts to combat food insecurity to the chairs of the education committees of the senate and the house of representatives. The institutions shall submit the information by January 1, 2022, and by January 1 every two (2) years thereafter.

(b) Public four-year institutions of higher education shall strive to maintain a food pantry or other meal assistance program or programs that are accessible to students. Each public four-year institution of higher education operating a food pantry or another meal assistance program shall post on the institution's website the location, hours of operation, and other information that the institution finds helpful in informing students about, and in assisting students in the use of, the food pantry or another meal assistance program.

(c) Public institutions of higher education shall electronically notify students with an expected family contribution equal to zero (0) for an academic year, regarding assistance under the supplemental nutrition assistance program (SNAP), established by the Food and Nutrition Act of 2008 (7 U.S.C. § 2011 et seq.). The notification must include contact information for the department of human services.

SECTION 2. This act shall take effect January 1, 2021, the public welfare requiring it.

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Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 773* **House Bill No. 1310**

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following as a new section:

(a) The Tennessee higher education commission, in partnership with the board of regents and each local governing board of trustees for each state university, shall establish a consortium of direct-service nonprofit organizations and state institutions of higher education to expand degree programs available to incarcerated individuals. The consortium shall ensure that at least one (1) baccalaureate degree program and at least one (1) associate degree program is offered at each correctional facility in this state.

(b) The commission shall prepare a memorandum of understanding with each consortium member to ensure that the degree programs offered at correctional facilities in this state are of high quality and aligned with the workforce demands of this state.

(c) The commission shall monitor and evaluate each partnership established through the consortium and shall submit a report to the general assembly no later than January 15 of each year that identifies:

(1) Each direct-service nonprofit organization and state institution of higher education participating in the consortium;

(2) The number of incarcerated individuals enrolled in the degree programs offered through the consortium; and

(3) The effects of expanding degree programs at correctional facilities in this state, including, but not limited to, any reduction in recidivism rates and any cost-savings to Tennessee taxpayers, whether projected or realized.

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Amendment No. _____

Chris Hurt
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Signature of Sponsor

AMEND Senate Bill No. 441* **House Bill No. 497**

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

SECTION 1. Tennessee Code Annotated, Section 49-4-931, is amended by adding the following as a new subsection:

As used in this section:

(1) "Eligible postsecondary institution" has the same meaning as defined in § 49-4-902, except that "eligible postsecondary institution" also includes a private postsecondary institution that:

(A) Has established a partnership with this state pursuant to a memorandum of understanding executed in 2013;

(B) Is accredited by a regional accrediting association;

(C) Uses a competency-based model;

(D) Has established and continuously maintains a physical campus or location of operation within this state;

(E) Maintains a governing body or advisory board based in Tennessee with oversight of Tennessee operations; and

(F) Has been chartered in this state as a not-for-profit entity for at least five (5) consecutive years; and

(2) "Semester hour" has the same meaning as defined in § 49-4-902, except that "semester hour" also includes any credit hour used by an eligible postsecondary institution pursuant to the institution's competency-based model.

SECTION 2. Tennessee Code Annotated, Section 49-4-931, is amended by adding the following as a new subsection:

For purposes of this section, the provisions of §§ 49-4-902, 49-4-905, 49-4-911, 49-4-913, and 49-4-919 that reference an "eligible postsecondary institution" or "semester hour" must be interpreted to include the definitions of "eligible postsecondary institution" and "semester hour" used in this section.

SECTION 3. The Tennessee student assistance corporation shall promulgate rules to effectuate the purposes of this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

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

Higher Ed 710

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Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 1636* **House Bill No. 1694**

by deleting subsection (a) in the amendatory language of Section 1 and substituting instead the following:

(a) As used in this section:

(1) "Public institution of higher education" means any public four-year postsecondary institution; and

(2) "Student athlete" has the same meaning as in § 49-7-2102.

Spkr. Sexton

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Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 2873 **House Bill No. 2735***

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 5, Part 1, is amended by adding the following language as a new section:

(a) As used in this section, a "course in aviation flight" means instruction in the mechanics of airplane flight and includes any career and technical course offered to prepare students to be successful in aviation careers. A "course in aviation flight" does not include any course that teaches a student how to fly a plane.

(b) Notwithstanding § 49-5-101 or § 49-5-108, an educator who is licensed under this part as a teacher or principal may teach a course in aviation flight, if the educator is a licensed pilot with at least one hundred forty (140) flight hours and has an instrument rating.

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

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Amendment No. _____

Bill Dunn
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Signature of Sponsor

AMEND Senate Bill No. 2337 **House Bill No. 1934***

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

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

(a) The commissioner of education shall obtain approval from the state board of education for any changes to school or LEA performance goals and measures established pursuant to this part.

(b) To ensure stakeholder input, prior to submitting a proposal to the state board to change the performance goals and measures for schools or LEAs, the commissioner shall convene a working group, that includes, but is not limited to:

(1) The chair of the education committee of the house of representatives;

(2) The chair of the education committee of the senate;

(3) The executive director of the state board of education;

(4) A representative from the Tennessee Organization of School Superintendents (TOSS);

(5) A representative from the Tennessee School Boards Association (TSBA);

(6) A public school teacher in this state; and

(7) A parent of a child who is enrolled in a public school in this state. For the purposes of this section, "parent" includes the parent, guardian, person who has custody of the child, or individual who has caregiving authority under § 49-6-3001.

(c) To ensure meaningful stakeholder engagement on any change to the performance goals and measures for schools or LEAs, the commissioner shall provide all relevant materials in advance of any convening of the working group required by subsection (b), to provide adequate time for working group members to gather feedback from their respective peers.

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

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Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 1247 **House Bill No. 1008***

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

SECTION 1. Tennessee Code Annotated, Section 49-1-614(k), is amended by adding the following language as a new subdivision (4):

(4) The commissioner shall develop a transition plan for the purpose of planning the return, by the 2022-2023 school year, of schools in the ASD to the LEAs from which the schools were removed. The commissioner shall submit the plan developed pursuant to this subdivision (k)(4) to the education committees of the senate and house of representatives by January 1, 2021.

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

AMEND Senate Bill No. 819 **House Bill No. 766***

by deleting subsection (a) from the amendatory language of Section 2 and substituting instead the following:

(a) Teacher preparation programs are encouraged to consider the department's model implicit bias in-service program under § 49-6-3004(c)(4) in developing courses for implicit bias training.

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Amendment No._____

Signature of Sponsor

AMEND Senate Bill No. 819 **House Bill No. 766***

by deleting the language "2019-2020" wherever it appears in the amendatory language of Section 1 and Section 2 and substituting instead the language "2020-2021".

CH 910
Hardaway

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Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 2446 **House Bill No. 2443***

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

SECTION 1. Tennessee Code Annotated, Section 49-1-204, is amended by adding the following as a new subsection (c):

(c) Each Title I public high school may provide at least one (1) driver education course for the school's students. In any school year for which the general assembly appropriates in the general appropriations act sufficient state funds to fund at least one (1) driver education class in each Title I public high school, an LEA shall use the state funds for driver education to provide at least one (1) driver education course in each of the LEA's Title I public high schools.

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

CH 3110
Hardaway

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Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 2446 House Bill No. 2443*

by adding the following language as a preamble to the bill between the caption and the enacting clause:

WHEREAS, driver education helps teens to develop rudimentary vehicle control and traffic maneuvers; and

WHEREAS, driver education teaches teens how to operate a vehicle safely on different roads, road surfaces, at night, and in dangerous driving conditions; and

WHEREAS, driver education educates teens in vehicle and road safety before operating a vehicle; now, therefore,

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

SECTION 1.

(a) The office of research and education accountability (OREA), in the office of the comptroller of the treasury, shall study, in collaboration with the department of education:

(1) The number of Title I public high schools that offer driver education courses to students, and of that number, the average cost to each Title I public high school of providing a driver education course to students;

(2) The affordability of driver education provided by private companies;

(3) The benefits of students receiving driver education courses in high school, including safety benefits and any insurance savings; and

(4) The effectiveness of driver education in reducing auto accidents involving teen drivers and in reducing teen motor vehicle fatalities.

(b) By January 15, 2021, OREA shall report the findings and conclusions of the study to the education committees of the senate and the house of representatives.

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

AMEND Senate Bill No. 2446 House Bill No. 2443*

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

SECTION 1.

(a) The office of research and education accountability (OREA), in the office of the comptroller of the treasury, shall study, in collaboration with the department of education, the Tennessee student assistance corporation, the department of labor and workforce development, and the department of human services:

(1) The number of Title I public high schools that offer driver education courses to students, and of that number, the average cost to each Title I public high school of providing a driver education course to students;

(2) The affordability of driver education provided by private companies;

(3) The benefits of students receiving driver education courses in high school, including safety benefits and any insurance savings;

(4) The effectiveness of driver education in reducing auto accidents involving teen drivers and in reducing teen motor vehicle fatalities;

(5) The possibility of using a dual enrollment grant to cover all or a portion of the cost of a driver education class, if community colleges were to offer driver education; and

(6) Sources of funding to provide driver education to students at low or no cost.

(b) By January 15, 2021, OREA shall report the findings and conclusions of the study to the education committees of the senate and the house of representatives.

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

Ramsey

FILED
Date _____
Time _____
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Comm. Amdt. _____

Amendment No. _____

Signature of Sponsor

AMEND **House Resolution No. 214**

by deleting all language of the resolution after the caption and substituting instead the following:

WHEREAS, it was communicated to the General Assembly that the Tennessee Education Savings Account Pilot Program (ESA Pilot Program) was to begin in the 2021-2022 school year, with numerous media reports during and after the 2019 legislative session affirming that the start of the program was to be the 2021-2022 school year; and

WHEREAS, members of the General Assembly understood that a program as complex as the ESA Pilot Program would not start until the 2021-2022 school year, to allow time to ensure the proper use of funds, to reduce the possibility of fraud and misuse of funds, and to ensure that the requirements of the law are met; and

WHEREAS, in order to meet an abbreviated timeline to begin the ESA Pilot Program in the 2020-2021 school year, the Department of Education did not conduct a competitive bid process and did not submit to the Fiscal Review Committee for examination and approval an ESA contract executed by the Department of Education with a private entity; and

WHEREAS, the funds required by the Department of Education's ESA contract with the private entity far exceeded the appropriation provided by the General Assembly for the ESA Pilot Program for fiscal year 2019-2020; and

WHEREAS, the funds used by the Department of Education to fund the ESA contract in excess of the appropriation provided by the General Assembly for the planning of the ESA Pilot Program were appropriated by the General Assembly for public school teacher compensation; and

WHEREAS, under Tennessee Code Annotated, Section 49-6-2602, the students who may participate in the ESA Pilot Program are limited to eligible students who are zoned to attend schools in two specifically identified county LEAs and eligible students who are zoned to attend schools that were in the Achievement School District (ASD) on May 24, 2019; and

WHEREAS, all schools in the ASD on May 24, 2019, were placed in the ASD from the two county LEAs affected by the ESA Pilot Program; and

WHEREAS, on February 6, 2020, the two county governments whose students and LEAs are affected by the ESA Pilot Program, and one of the affected county LEAs, filed litigation contesting the constitutionality of the ESA Pilot Program under Article XI, Sections 8, 9, and 12 and Article I, Section 8 of the Constitution of Tennessee; and

WHEREAS, on March 2, 2020, parents of school children in the two affected county LEAs, and a retired administrator from one of the affected county LEAs who periodically returns to the LEA to fill in temporarily for administrators on leave, also filed litigation contesting the constitutionality of the ESA Pilot Program under the same provisions and Article II, Section 24 of the Constitution of Tennessee; and

WHEREAS, while the courts will determine the outcomes of the litigation filed by each set of plaintiffs, other education legislation whose application was limited to specific counties has been ruled by the courts to be unconstitutional under Article XI, Section 9 of the Constitution of Tennessee; and

WHEREAS, there is a provision in the ESA Pilot Program that if any provision of the law is held invalid, then the invalidity shall not expand the application of the law to eligible students other than those identified in the law; and

WHEREAS, if a court rules the ESA Pilot Program unconstitutional, then the result of the court's ruling would be either that no students are eligible for the ESA Pilot Program, or that only students zoned to attend schools that were in the ASD on May 24, 2019, are eligible for the ESA Pilot Program; and

WHEREAS, if a court finds the ESA Pilot Program null and void or if a court limits the ESA Pilot Program to only the eligible students zoned to attend schools that were in the ASD on May 24, 2019, then the taxpayer funds already expended by the Department of Education to begin the ESA Pilot Program for the 2020-2021 school year were unwisely spent and may be lost; and

WHEREAS, it is prudent, for the reasons stated in this resolution, to protect Tennessee taxpayers and the State from the potential loss of additional state funds, by beginning the ESA Pilot Program no earlier than the start of the 2021-2022 school year; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED ELEVENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, that we hereby urge the Department of Education to begin enrolling students in the Tennessee Education Savings Account Pilot Program no earlier than the 2021-2022 school year.

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Date _____
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Comm. Amdt. _____
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Amendment No._____

Kevin Vaughan

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Signature of Sponsor

AMEND Senate Bill No. 833 House Bill No. 892*

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

SECTION 1. Tennessee Code Annotated, Section 49-13-111(d), is amended by deleting the subsection and substituting instead the following:

(d)

(1) A public charter school shall be accountable to the authorizer for the purpose of ensuring compliance with the charter agreement and this chapter. Authorizers shall enforce compliance with this chapter. Each authorizer must continually monitor the performance and legal compliance of the charter schools under the authorizer's jurisdiction.

(2) An authorizer may conduct or require oversight activities, including conducting appropriate inquiries and investigations, that enable the authorizer to fulfill its responsibilities under this chapter, if the oversight activities are not prohibited by this chapter, adhere to the terms of the charter contract, and do not unduly inhibit the autonomy granted to charter schools.

(3) Each authorizer shall adopt a progressive intervention policy that outlines the criteria and process for charter school intervention decisions and actions. In the event a charter school is determined to be noncompliant with this chapter or the charter agreement, the authorizer shall promptly notify the charter school and provide reasonable opportunity for the charter school to remedy the issue within the timeframe determined by the authorizer and in alignment with the authorizer's progressive intervention policy.

(4) If the charter school fails to remedy the noncompliance with this chapter or the charter agreement within the timeframe determined by the authorizer and in alignment with the authorizer's progressive intervention policy, the authorizer may issue corrective actions or sanctions short of revocation. The corrective actions and sanctions must be set forth in the authorizer's progressive intervention policy. If the authorizer determines that the noncompliance with this chapter or the charter agreement warrants revocation of the charter agreement, the revocation procedures under § 49-13-122 apply.

(5) The state board of education shall promulgate rules to establish minimum requirements for authorizer progressive intervention policies in alignment with the board's quality public charter school authorizing standards adopted pursuant to § 49-13-108(f).

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

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Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 213* **House Bill No. 240**

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 language as a new part:

49-6-2601.

This part shall be known and may be cited as the "School Turnaround Act."

49-6-2602.

As used in this part:

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

(2) "District school" means a public school under the control of a local board of education. "District school" does not include charter schools authorized in accordance with chapter 13 of this title;

(3) "Initial remedial year" means the school year in which a district school is designated as a school in need of intervention under § 49-6-2603;

(4) "School in need of intervention" means a district school designated as in need of intervention by the department according to an outcomes-based measure;

(5) "School turnaround program" means the program developed by the department of education in accordance with this part; and

(6) "Statewide assessment" means a student achievement test in English language arts, mathematics, or science, that is administered statewide under title 49, chapter 6, part 60; § 49-1-612; or § 49-1-608.

(1) The local board of education must inform the school of its required participation prior to the first day of the full school year beginning after the date on which the district school is designated as in need of intervention;

(2)

(A) On or before September 15 of the initial remedial year, the local board of education shall establish a school turnaround committee. The school turnaround committee shall make recommendations concerning the school turnaround program to the local board of education. The school turnaround committee must be composed of the following members:

(i) The local school board member who represents the voting district where the school in need of intervention is located;

(ii) The principal of the school in need of intervention;

(iii) Three (3) parents of students enrolled in the school in need of intervention, to be appointed by the school principal;

(iv) Two (2) teachers at the school in need of intervention, to be appointed by the school principal; and

(v) Two (2) teachers at the school in need of intervention, to be appointed by the director of schools;

(B) The members of the school turnaround committee shall be appointed for a three-year term. If a member of the school turnaround committee no longer holds the position for which the member was appointed in accordance with subdivision (a)(2)(A)(i) or (a)(2)(A)(ii), then the member's position is vacated, and the respective appointing authority shall appoint a new member to serve the remainder of the unexpired term on the school turnaround committee. If a member ceases to be a parent or teacher at the school in need of intervention in accordance with

(H) How data on progress will be communicated and reported to stakeholders; and

(I) A timeline for implementation;

(4)

(A) On or before March 1 of the initial remedial year, the school turnaround committee shall submit the recommended school turnaround plan to the local board of education. The local board of education may recommend changes to the school turnaround committee for the school turnaround plan, but the school turnaround committee and the local board of education must agree on a final school turnaround plan. The local board of education shall submit the final school turnaround plan to the department for approval by April 1 of the initial remedial year;

(B) If the local board of education and the school turnaround committee do not agree on the final school turnaround plan before April 1 of the initial remedial year, then the local board of education and the school turnaround committee may independently submit a school turnaround plan to the department for approval. The department may make any necessary changes to the submitted school turnaround plans and shall approve one (1) of the submitted school turnaround plans for the school in need of intervention; and

(5) The department shall:

(A) Review a school turnaround plan submitted for approval under subdivision (a)(4) within thirty (30) days of submission; and

(B) Approve a school turnaround plan submitted in accordance with subdivision (a)(4) that is timely, well-developed, and aligns with the intervention goals set by the model school turnaround plan created by the department. The department may make any necessary changes and

(b) A local board of education that requires a school in need of intervention to participate in the school turnaround program must contract with one (1) independent school turnaround expert that is certified by the department to:

(1) Collect and analyze data on a school in need of intervention's achievement, personnel, culture, curriculum, assessments, instructional practices, governance, leadership, finances, and policies;

(2) Recommend changes to the school in need of intervention's culture, curriculum, assessments, instructional practices, governance, finances, policies, or other areas based on data collected under subdivision (b)(1);

(3) Develop and implement, in partnership with the school turnaround committee, a school turnaround plan that meets the criteria described in § 49-6-2604(a)(3);

(4) Monitor the effectiveness of a school turnaround plan through various means of evaluation, including, but not limited to, on-site visits, observations, surveys, analysis of student achievement data, and interviews;

(5) Provide ongoing implementation support and project management for a school turnaround plan;

(6) Provide high-quality professional development and coaching personalized for the staff of a school in need of intervention that is designed to build the:

(A) Leadership capacity of the school principal;

(B) Instructional capacity of the school staff; and

(C) Collaborative practices of teacher and leadership teams;

(7) Provide job-embedded professional learning and coaching for all instructional staff on an ongoing basis; and

(8) Provide a principal of a school in need of intervention that is participating in the school turnaround program created by this part job-embedded

(2) The department may grant an extension only if the school in need of intervention has demonstrated at least fifty percent (50%) of the improvement necessary to exit the school turnaround program pursuant to exit criteria established by the department. The department shall establish measures to determine if a school in need of intervention has demonstrated at least fifty percent (50%) of the improvement necessary to exit the school turnaround program.

(3) The local board of education may renegotiate the contract of an independent school turnaround expert of a school in need of intervention that is granted an extension under this subsection (a) in accordance with § 49-6-2605(c)(2), or may contract with another independent school turnaround expert that is certified by the department. If the local board of education contracts with another independent school turnaround expert, the contract must include the conditions required by § 49-6-2605(c).

(4) Subject to appropriations, a school in need of intervention that has been granted an extension under this subsection (a) is eligible for continued funding under § 49-6-2607(1).

(b) The department shall develop within the school turnaround program measures to address a school in need of intervention that:

(1)

(A) Does not meet the exit criteria established by the department within three (3) school years after the date on which the school is designated as a school in need of intervention; and

(B) Is not granted an extension under subsection (a); or

(2)

(b) Subject to appropriations in the general appropriations act, the department may determine and distribute rewards, financial or otherwise, for an eligible school or for educators employed by an eligible school.

(c) As used in this section, "eligible school" means a school in need of intervention participating in the school turnaround program that:

(1) Meets the exit criteria established by the department within three (3) school years after the date on which the district school was designated as a school in need of intervention; or

(2)

(A) Has been granted an extension under § 49-6-2606(a); and

(B) Meets the exit criteria established by the department within the extension period.

49-6-2609. By January 15, 2020, and by each January 15 thereafter, the department shall provide a report to the members of the education committee of the senate and the education committee of the house of representatives on the progress of the school turnaround program.

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

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Clerk _____
Comm. Amdt. _____

Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 336 **House Bill No. 19***

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

SECTION 1. Tennessee Code Annotated, Section 49-2-202(a), is amended by deleting subdivision (3) and substituting instead the following:

(A)

(i)

(a) Each member of the board of education who has a relative employed by the board shall declare the relationship prior to voting on any matter of business that has an effect upon the employment of the relative. Such matters include, but are not limited to, the school system annual budget, tenure considerations, and personnel policies.

(b) In making the declaration required under subdivision (a)(3)(A)(i)*(a)*, the board member must certify that the vote that is about to be cast on the pending matter is in the best interest of the school system, unless the member recuses himself or herself from voting on the matter.

(ii)

(a) The director of schools shall give notice to the board each time there is intent to employ a relative of a school board member.

(b) In addition to providing the notice required under subdivision (a)(3)(A)(ii)*(a)*, the director of schools of:

(1) A county school system shall give notice to the county school board each time there is intent to employ a relative of an elected county official. In giving the notice, the director of schools

must certify that the prospective employee is duly qualified by training and licensure to occupy the position; and

(2) A city school system shall give notice to the city school board each time there is intent to employ a relative of an elected city official. In giving the notice, the director of schools must certify that the prospective employee is duly qualified by training and licensure to occupy the position.

(B) As used in this subdivision (a)(3), unless the context otherwise requires, "relative" means a spouse, parent, parent-in-law, child, son-in-law, daughter-in-law, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, or any person who resides in the same household as any of the officials referenced in subdivision (a)(3)(A).

(C) This subdivision (a)(3) shall not be construed to prohibit two (2) or more relatives from working for the LEA. If two (2) or more employees who are relatives are within the same direct line of supervision, or become within the same direct line of supervision by marriage or promotion, then the director of schools must attempt to resolve this issue by transfer of one (1) of the employees. If the director finds that transfer is not feasible or is not in the best interest of students, then an alternate evaluation plan must be devised for one (1) of the employees.

(D) Pursuant to § 12-4-101, it is unlawful for a member of a board of education to be directly interested or indirectly interested in a contract in which the board of education is interested; provided, that a member of a board of education may be indirectly interested in a contract in which the board of education is interested if the member publicly acknowledges the member's interest.

(E)

(i) Each member of a board of education must complete an annual training on ethics and conflicts of interest. A member who is elected or appointed to the member's first term of office on a board of education, or who has never received the training required under this subdivision (a)(3)(E), must complete the

training no later than sixty (60) days after the member begins a term of office on the board of education, and annually thereafter.

(ii) Each board of education shall submit written confirmation of each board member's completion of the training required under subdivision (a)(3)(E)(i) to the department of education. The department shall provide written confirmation of a board member's completion of the training required under subdivision (a)(3)(E)(i) to a member of the general assembly upon request.

SECTION 2. Tennessee Code Annotated, Section 49-2-202(a), is further amended by deleting subdivision (6) and substituting instead the following:

(6) All board members must be properly trained during the member's service on the board of education. The state board of education shall establish the minimum requirements for the training required under this subdivision (a)(6); provided, that the minimum requirements must include the annual ethics and conflicts of interest training required under subdivision (a)(3)(E), and an annual session for all board members.

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

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

Amendment No. _____

_____
Signature of Sponsor

AMEND Senate Bill No. 336 **House Bill No. 19***

by deleting the effective date section and substituting instead the following:

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

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

Amendment No. 017498

Signature of Sponsor

AMEND Senate Bill No. 336 **House Bill No. 19***

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

SECTION 1. Tennessee Code Annotated, Section 49-2-202(a), is amended by adding the following as a new subdivision:

(7)

(A) A person is not eligible to serve as a member of a local board of education if that person is a relative of a member who is currently serving a term of office on the local board of education.

(B) This subdivision (a)(7) does not vacate the office of a member of a local board of education who is a relative of another member of the local board of education if the member is serving a term on the local board of education for which the member was elected before July 1, 2020.

(C) As used in this subdivision (a)(7), "relative" means a spouse, parent, parent-in-law, child, son-in-law, daughter-in-law, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, or a person who resides in the same household as a member of the local board of education.

SECTION 2. Tennessee Code Annotated, Section 49-2-202(a)(3), is amended by redesignating subdivisions (i) and (ii) as subdivisions (A) and (B), respectively, and deleting subdivision (iii) and substituting instead the following:

(C)

(i) This subdivision (a)(3) must not be construed to prohibit two (2) or more relatives from working for the LEA. If two (2) or more employees who are

relatives are within the same direct line of supervision, or become within the same direct line of supervision by marriage or promotion, then the director of schools shall attempt to resolve the issue by transfer of one (1) of the employees. If the director finds that transfer is not feasible, or is not in the best interest of students, then an alternate evaluation plan must be devised for one (1) of the employees.

(ii) Notwithstanding subdivision (a)(3)(C)(i), an LEA shall not employ a person who is a relative of the LEA's director of schools or a relative of a member of the LEA's local board of education unless the commissioner of education approves the relative's employment in writing. This subdivision (a)(3)(C)(ii):

(a) Applies to all offers of employment and employment decisions made by an LEA on or after July 1, 2020;

(b) Does not affect offers of employment or employment decisions made by an LEA before July 1, 2020; and

(c) Does not excuse a member of the LEA's local board of education or the LEA's director of schools from having to comply with the declaration and notice requirements outlined in subdivision (a)(3)(A).

(iii) As used in this subdivision (a)(3)(C), "relative" means a spouse, parent, parent-in-law, child, son-in-law, daughter-in-law, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, or a person who resides in the same household as one of the officials referenced in subdivision (a)(3)(C)(ii).

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

K-12 (W/ NOTICE)

Whitson

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 2574 **House Bill No. 2321***

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 1, Part 2, is amended by adding the following as a new section:

The Tennessee state library coordinator position is created within the department of education to support the department's work by promoting best practices among school librarians and technology coordinators, and by developing and promoting strategies for librarians to partner with other classroom instructors to support school and district-level instructional programs.

SECTION 2. This act shall not be construed to be an appropriation of funds, and no funds shall be obligated or expended pursuant to this act unless the funds are specifically appropriated by the general appropriations act.

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

K-10 411

Weaver

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

Amendment No._____

Terry Weaver
Signature of Sponsor

AMEND Senate Bill No. 2717 **House Bill No. 2881***

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

SECTION 1. Tennessee Code Annotated, Section 49-5-108(c), is amended by adding the following language as a new subdivision:

(7)

(A) When issuing a license to teach in the public schools to an individual who possesses an active teaching license in another state, the state board of education must issue a teaching license that is equivalent to the teaching license that the individual possesses in the other state, if that state has a reciprocal agreement with the state board of education pursuant to § 49-5-109.

(B) If an individual applies for a supervisor's or principal's license, and the individual possesses an active supervisor's or principal's license in another state that has entered into a reciprocal agreement with the state board pursuant to § 49-5-109, then the department of education must issue the individual a supervisor's or principal's license that is equivalent to the license that the individual possesses in the other state; provided, that the individual served as a supervisor or principal in the other state for no less than one (1) school year.

(C) When issuing a supervisor's, principal's, or public school teacher's license to an individual who is a military spouse and who possesses an active supervisor's, principal's, or public school teacher's license in another state, the department of education must issue a supervisor's, principal's, or public school teacher's license that is equivalent to the license that the individual possesses in

the other state upon the department's receipt of documentation from the individual evidencing the individual's active military dependent status.

(D) The department of education shall submit a report on the relative effectiveness of supervisors, principals, and public school teachers who obtained a Tennessee educator license through an out-of-state pathway to the education committees of the senate and house of representatives by July 31, 2021, and by each July 31 thereafter. The annual report required under this subdivision (c)(7)(D) must be posted on the department's website.

SECTION 2. Tennessee Code Annotated, Section 49-5-108(d), is amended by adding the following language as a new subdivision:

(3) The state board of education shall approve alternative teacher endorsement and licensure pathways for current and prospective educators. The pathways must include pathways for the addition of endorsement areas for current educators, alignment with other professional licenses and certifications, and exceptions to standard licensure requirements for advanced degrees and professional experience that the state board deems sufficient to ensure the quality of the educator. Alternative teacher endorsement and licensure pathways must allow current and prospective educators to gain credit toward additional endorsements or initial licensure through online conferences, seminars, workshops, or collaborative learning experiences, including micro-credential courses.

SECTION 3. The state board of education may promulgate rules necessary to effectuate the purpose of this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

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

AMEND Senate Bill No. 252* **House Bill No. 510**

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 1, Part 2, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Salary equity funding" means the state funds appropriated to the department of education in the general appropriations act, outside of the basic education program funds appropriated to the department, that the department allocates to LEAs with a weighted average salary for instructional positions that is below the statewide average salary for instructional positions for the purpose of addressing compensation disparity among LEAs under § 49-1-302; and

(2) "Weighted average salary" means the product of multiplying the percentage of licensed instructional personnel statewide in each category of bachelor's or master's degree attained and with each year of experience by the average salary earned by an LEA's licensed instructional personnel in each of the categories.

(b) The department of education shall:

(1) Develop a process to annually determine which LEAs have a weighted average salary for instructional positions that is below the statewide average and that are eligible to receive salary equity funding; and

(2) Evaluate the effect of reducing or eliminating the amount of salary equity funding available to an LEA that has historically received such funding, but

that no longer meets the eligibility requirements to receive salary equity funding according to the process developed by the department under subdivision (b)(1).

(c) For each year that an LEA receives salary equity funding, the LEA shall report to the department how the LEA used the funds to increase instructional salaries.

(d)

(1) The comptroller of the treasury, through the comptroller's office of research and education accountability, shall conduct a comprehensive survey of LEAs to study instructional salary trends in this state. The office of research and education accountability shall conduct the initial survey no later than April 1, 2021, and shall repeat the survey every two (2) years thereafter.

(2) The office of research and education accountability shall submit a written report of the findings and conclusions of each survey conducted under this subsection (d) to the speaker of the senate, the speaker of the house of representatives, the chair of the education committee of the senate, the chair of the education committee of the house of representatives, and the legislative library of the office of legal services for the general assembly no later than July 1 immediately following the April 1 deadline for the survey.

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

K-1 (Un Notice)
Hill

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Comm. Amdt. _____

Amendment No._____

Timothy [signature]
Signature of Sponsor

AMEND Senate Bill No. 2057 **House Bill No. 2011***

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 2, Part 1, is amended by adding the following language as a new section:

49-2-136.

(a) As used in this section:

(1) "APD" means the administrative procedures division of the office of the secretary of state; and

(2) "Parent" means the parent, guardian, person who has custody of the child, or individual who has caregiving authority under § 49-6-3001.

(b) If an LEA refuses to permit a parent to examine, inspect, review, or view curriculum or instructional materials according to § 49-6-7003 or any other provision of title 49 that permits a parent to examine, inspect, review, or view curriculum or instructional materials, then, notwithstanding any remedy provided pursuant to any such provision, the parent may file a complaint with the director of the APD alleging that the LEA violated the parent's right to examine, inspect, review, or view curriculum or instructional materials. The parent must file the complaint with the director of the APD within thirty (30) days of the date of the LEA's alleged refusal to permit the parent to examine, inspect, review, or view curriculum or instructional materials. The parent must also mail or hand deliver the complaint to the LEA within thirty (30) days of the date of the LEA's alleged refusal to permit the parent to examine, inspect, review, or view curriculum or instructional materials. The complaint must specify the statute giving the

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Amendment No. _____

Charlie Baum

Signature of Sponsor

AMEND Senate Bill No. 2370 **House Bill No. 2122***

by deleting subdivision (d)(3) in the amendatory language of Section 1 and substituting instead the following:

(3) The commissioner shall develop a process for the award of capital improvement grants from the TRGSD fund to Tennessee rapid growth school districts. The commissioner shall consider the rate of ADM growth of the applying LEAs. The commissioner shall not award capital improvement grants to LEAs with less than two percent (2%) ADM growth. The commissioner may consider the number and condition of the buildings in a Tennessee rapid growth school district applying for a grant, the LEA's capital improvement plan adopted pursuant to subdivision (d)(5), and other factors the commissioner finds relevant to the award and amount of a capital improvement grant. The amount distributed in a capital improvement grant to an LEA shall not exceed seven million dollars ($7,000,000).

parent the right to examine, inspect, review, or view curriculum or instructional materials that the parent alleges the LEA to have violated.

(c) Upon receipt of the parent's complaint, the director of the APD shall appoint an administrative law judge to conduct a contested case hearing to determine whether the LEA violated the parent's statutory right to examine, inspect, review, or view curriculum or instructional materials.

(d) The administrative law judge shall conduct the contested case hearing according to title 4, chapter 5, part 3.

(e) If the parent is the prevailing party in the contested case hearing, then the administrative law judge may impose a civil fine in an amount not to exceed five thousand dollars ($5,000) upon the LEA.

SECTION 2. The secretary of state is authorized to promulgate rules to effectuate the purposes of this act. The rules must be promulgated in accordance with title 4, chapter 5.

SECTION 3. 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.

K-12 (W/ NOTICE)
Baum

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Time _____
Clerk _____
Comm. Amdt. _____

Amendment No._____

Charlie Baum
Signature of Sponsor

AMEND Senate Bill No. 2369 **House Bill No. 2465***

by deleting all language after the caption and substituting instead the following:

WHEREAS, the safety of our student athletes is paramount; and

WHEREAS, this General Assembly seeks to protect the health and safety of children participating in school and youth athletic activities; now, therefore,

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

SECTION 1. This act shall be known and may be cited as the "Safe Stars Act."

SECTION 2. Tennessee Code Annotated, Section 68-55-502(b)(1)(B), is amended by deleting the first sentence of the subdivision and substituting instead the following:

Require triennial completion by all coaches, whether the coach is employed or a volunteer of a concussion recognition and head injury safety education course program approved by the department; provided, that all coaches must complete the training no later than ninety (90) days after the start of the coach's employment or volunteer service, and triennially thereafter.

SECTION 3. Tennessee Code Annotated, Section 68-55-503(b)(1)(B), is amended by deleting the first sentence of the subdivision and substituting instead the following:

Require triennial completion by the director of the youth athletic activity, all coaches, whether a coach is employed or a volunteer, and, if appointed, the licensed healthcare professional of a concussion recognition and head injury safety education course program approved by the department; provided, that all new directors of youth athletic activities, coaches, and licensed healthcare professionals, if appointed, must complete

the training no later than ninety (90) days after the start of their employment or volunteer service, and triennially thereafter.

SECTION 4. Tennessee Code Annotated, Title 68, Chapter 1, Part 1, is amended by adding the following as a new section:

68-1-141.

(a) As used in this section:

(1) "Community-based youth athletic activity" has the same meaning as defined in § 68-55-501;

(2) "LEA" has the same meaning as defined in § 49-1-103; and

(3) "School youth athletic activity" has the same meaning as defined in § 68-55-501.

(b) Beginning with the 2025-2026 school year for each LEA and public charter school that provides a school youth athletic activity, and beginning on July 1, 2025, for each city, county, business, or nonprofit organization that organizes a community-based youth athletic activity, the following safety standards must be implemented:

(1) All coaches, whether employed by the LEA or public charter school or a volunteer, must:

(A) Triennially complete a concussion recognition and head injury safety education course program approved by the department of health pursuant to § 68-55-502 or § 68-55-503, as applicable;

(B) Receive training in cardiopulmonary resuscitation (CPR) and in the use of automated external defibrillators (AEDs); and

(C) Comply with all applicable background check and fingerprinting requirements of § 49-5-413; and

(2) The following plans and policies must be implemented at each public school, including public charter schools, for school youth athletic activities and for

each city, county, business, or nonprofit organization that organizes a community-based youth athletic activity:

(A) An allergy and anaphylaxis emergency response plan that:

(i) Identifies the signs and symptoms of allergic reactions, including severe allergic reactions and anaphylaxis;

(ii) Provides information relating to the storage, location, use, and administration of epinephrine auto-injectors; and

(iii) Includes emergency follow-up procedures;

(B) An emergency action plan that facilitates and organizes the actions of coaches and athletes in an emergency; and

(C) A severe weather policy that requires all coaches who oversee or participate in outdoor training, practice, or competition to triennially:

(i) Complete a heat illness prevention course approved by the department of health; provided, that all coaches must complete the course no later than ninety (90) days after the start of the coach's employment or volunteer service, and triennially thereafter. After completing the coach's first heat illness prevention course, all coaches must annually acknowledge in writing that the coach completed the course as required under this subdivision (b)(2)(C)(i), and that the coach understands the requirements and importance of the course; and

(ii) Receive training on activity modifications based on environmental conditions, such as lightning.

(c) Each LEA and public charter school that provides a school youth athletic activity, and each city, county, business, or nonprofit organization that organizes a community-based youth athletic activity:

(1) Shall develop a code of conduct for coaches; and

(2) Is encouraged to visit the department of health's website to review the safety standards recommended for each level of recognition provided as part of the department's safe stars initiative, and to communicate with the department to ensure that all safety measures are up to date.

(d) Private schools, as defined in § 49-6-3001, that provide a school youth athletic activity are encouraged to comply with the safety standards outlined in subsections (b) and (c).

SECTION 5. Tennessee Code Annotated, Title 49, Chapter 6, Part 3, is amended by adding the following as a new section:

(a) The department of education and the department of health shall develop and post on their respective websites guidelines and other relevant materials to inform and educate students, parents, and coaches about:

(1) The nature and warning signs of sudden cardiac arrest and the risks associated with continuing to play or practice after experiencing one (1) or more symptoms of sudden cardiac arrest, which include fainting, difficulty breathing, chest pains, dizziness, and an abnormal racing heart rate;

(2) Electrocardiogram (EKG) testing; and

(3) The student's or parent's option to request, from the student's family medical provider, that an electrocardiogram (EKG) be administered in addition to the student's comprehensive initial pre-participation physical examination, at a cost to be incurred by the student or the student's parent.

(b) The department of education, in collaboration with the department of health, shall develop a sudden cardiac arrest symptoms and warning signs information sheet that includes information about electrocardiogram (EKG) testing for purposes of § 49-2-136. The information sheet must address the benefits and limitations of EKG testing.

(c) In developing the guidelines and materials under subsection (a), the departments may utilize materials developed by outside organizations.

SECTION 6. Tennessee Code Annotated, Title 49, Chapter 2, Part 1, is amended by adding the following as a new section:

49-2-136.

(a) A student participating in, or seeking to participate in, an athletic activity, and the student's parent or guardian must sign and return to the student's public school an acknowledgement of their receipt and review of a sudden cardiac arrest symptoms and warning signs information sheet developed by the department of education that includes information about electrocardiogram (EKG) testing. The acknowledgement form required under this subsection (a) must be signed and returned each year that a student participates in, or seeks to participate in, an athletic activity.

(b) Each LEA and public charter school shall hold an informational meeting before the start of each school athletic season for students, parents, coaches, and school officials to learn about the symptoms and warning signs of sudden cardiac arrest, concussions, and other head injuries, and to receive information about electrocardiogram (EKG) testing and each of the safety plans and policies implemented in the LEA pursuant to § 68-1-141(b)(2). Physicians, pediatric cardiologists, and athletic trainers may participate in the information meeting.

SECTION 7. Sections 2, 3, and 6 of this act shall take effect July 1, 2020, the public welfare requiring it. Section 6 of this act shall apply to the 2020-2021 school year and each school year thereafter. All remaining sections of this act shall take effect upon becoming a law, the public welfare requiring it.

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Time _____
Clerk _____
Comm. Amdt. _____

Amendment No._____

Charlie Baum

Signature of Sponsor

AMEND Senate Bill No. 2369 **House Bill No. 2465***

by deleting all language after the caption and substituting instead the following:

WHEREAS, the safety of our student athletes is paramount; and

WHEREAS, this General Assembly seeks to protect the health and safety of children participating in school and youth athletic activities; now, therefore,

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

SECTION 1. This act shall be known and may be cited as the "Safe Stars Act."

SECTION 2. Tennessee Code Annotated, Section 68-55-502(b)(1)(B), is amended by deleting the first sentence of the subdivision and substituting instead the following:

Require triennial completion by all coaches, whether the coach is employed or a volunteer, of a concussion recognition and head injury safety education course program approved by the department; provided, that all coaches must complete the training no later than ninety (90) days after the start of the coach's employment or volunteer service, and triennially thereafter. After the coach completes the coach's first concussion recognition and head injury safety education course program, the coach must annually acknowledge in writing that the coach completed the course as required under this subdivision (b)(1)(B), and that the coach understands the requirements and importance of the course.

SECTION 3. Tennessee Code Annotated, Section 68-55-503(b)(1)(B), is amended by deleting the first sentence of the subdivision and substituting instead the following:

Require triennial completion by the director of the youth athletic activity, all coaches, whether a coach is employed or a volunteer, and, if appointed, the licensed healthcare

professional of a concussion recognition and head injury safety education course program approved by the department; provided, that all new directors of youth athletic activities, coaches, and licensed healthcare professionals, if appointed, must complete the training no later than ninety (90) days after the start of their employment or volunteer service, and triennially thereafter. After the director of the youth athletic activity, coach, or licensed healthcare professional, if appointed, completes the first concussion recognition and head injury safety education course program, the director, coach, or licensed healthcare professional, if appointed, must annually acknowledge in writing the completion of the course as required under this subdivision (b)(1)(B), and that the requirements and importance of the course are understood.

SECTION 4. Tennessee Code Annotated, Title 68, Chapter 1, Part 1, is amended by adding the following as a new section:

68-1-141.

(a) As used in this section:

(1) "Community-based youth athletic activity" has the same meaning as defined in § 68-55-501;

(2) "LEA" has the same meaning as defined in § 49-1-103; and

(3) "School youth athletic activity" has the same meaning as defined in § 68-55-501.

(b) Beginning with the 2021-2022 school year for each LEA and public charter school that provides a school youth athletic activity, and beginning on July 1, 2021, for each city, county, business, or nonprofit organization that organizes a community-based youth athletic activity, the following safety standards must be implemented:

(1) All coaches, whether employed by the LEA or public charter school or a volunteer, must:

(A) Triennially complete the concussion recognition and head injury safety education course program required under § 68-55-502 or §

68-55-503, as applicable, and annually acknowledge in writing that the coach completed the course as required under § 68-55-502 or § 68-55-503, as applicable;

(B) Receive training in cardiopulmonary resuscitation (CPR) and in the use of automated external defibrillators (AEDs); and

(C) Comply with all applicable background check and fingerprinting requirements of § 49-5-413; and

(2) The following plans and policies must be implemented at each public school, including public charter schools, for school youth athletic activities and for each city, county, business, or nonprofit organization that organizes a community-based youth athletic activity:

(A) An allergy and anaphylaxis emergency response plan that:

(i) Identifies the signs and symptoms of allergic reactions, including severe allergic reactions and anaphylaxis;

(ii) Provides information relating to the storage, location, use, and administration of epinephrine auto-injectors; and

(iii) Includes emergency follow-up procedures;

(B) An emergency action plan that facilitates and organizes the actions of coaches and athletes in an emergency; and

(C) A severe weather policy that requires all coaches who oversee or participate in outdoor training, practice, or competition to triennially:

(i) Complete a heat illness prevention course approved by the department of health; provided, that all coaches must complete the course no later than ninety (90) days after the start of the coach's employment or volunteer service, and triennially thereafter. After the coach completes the first heat illness

prevention course, the coach must annually acknowledge in writing that the coach completed the course as required under this subdivision (b)(2)(C)(i), and that the coach understands the requirements and importance of the course; and

(ii) Receive training on activity modifications based on environmental conditions, such as lightning.

(c) Each LEA and public charter school that provides a school youth athletic activity, and each city, county, business, or nonprofit organization that organizes a community-based youth athletic activity:

(1) Shall develop a code of conduct for coaches; and

(2) Is encouraged to visit the department of health's website to review the safety standards recommended for each level of recognition provided as part of the department's "Safe Stars Initiative", and to communicate with the department to ensure that all safety measures are up to date.

(d) Private schools, as defined in § 49-6-3001, that provide a school youth athletic activity are encouraged to comply with the safety standards outlined in subsections (b) and (c).

SECTION 5. Tennessee Code Annotated, Title 49, Chapter 6, Part 3, is amended by adding the following as a new section:

(a) The department of education and the department of health shall develop and post on their respective websites guidelines and other relevant materials to inform and educate students, parents, and coaches about:

(1) The nature and warning signs of sudden cardiac arrest and the risks associated with continuing to play or practice after experiencing one (1) or more symptoms of sudden cardiac arrest, which include fainting, difficulty breathing, chest pains, dizziness, and an abnormal racing heart rate;

(2) Electrocardiogram (EKG) testing; and

(3) The student's or parent's option to request, from the student's family medical provider, that an electrocardiogram (EKG) be administered in addition to the student's comprehensive initial pre-participation physical examination, at a cost to be incurred by the student or the student's parent.

(b) The department of education, in collaboration with the department of health, shall develop a sudden cardiac arrest symptoms and warning signs information sheet that includes information about electrocardiogram (EKG) testing for purposes of § 49-2-136. The information sheet must address the benefits and limitations of EKG testing.

(c) In developing the guidelines and materials under subsection (a), the departments may utilize materials developed by outside organizations.

SECTION 6. Tennessee Code Annotated, Title 49, Chapter 2, Part 1, is amended by adding the following as a new section:

49-2-136.

(a) A student participating in, or seeking to participate in, an athletic activity, and the student's parent or guardian must sign and return to the student's public school an acknowledgement of their receipt and review of a sudden cardiac arrest symptoms and warning signs information sheet developed by the department of education that includes information about electrocardiogram (EKG) testing. The acknowledgement form required under this subsection (a) must be signed and returned each year that a student participates in, or seeks to participate in, an athletic activity.

(b) Each LEA and public charter school shall hold an informational meeting before the start of each school athletic season for students, parents, coaches, and school officials to learn about the symptoms and warning signs of sudden cardiac arrest, heat illness, concussions, and other head injuries, and to receive information about electrocardiogram (EKG) testing and each of the safety plans and policies implemented in the LEA pursuant to § 68-1-141(b)(2). Physicians, pediatric cardiologists, and athletic trainers may participate in the information meeting.

SECTION 7. Sections 2, 3, and 6 of this act shall take effect July 1, 2020, the public welfare requiring it. Section 6 of this act shall apply to the 2020-2021 school year and each school year thereafter. All remaining sections of this act shall take effect upon becoming a law, the public welfare requiring it.

K-12 on House
Cochran

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

Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 2519 **House Bill No. 2602***

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

SECTION 1. Tennessee Code Annotated, Section 49-1-201, is amended by adding the following as a new subsection:

The commissioner shall prepare and distribute a report to the general assembly by January 1, 2021, detailing how the adjusted cohort graduation rate is calculated, including how students placed in an alternative educational setting are included in the adjusted cohort graduation rate of the regular school program that the students attended before the students were placed in the alternative educational setting. The report must provide the state and federal statutory authority that the department relies upon when calculating the adjusted cohort graduation rate.

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

FILED
Date _____
Time _____
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Comm. Amdt. _____
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Amendment No._____

_____
Signature of Sponsor

AMEND Senate Bill No. 1974* **House Bill No. 2470**

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

SECTION 1. Tennessee Code Annotated, Section 49-1-102, is amended by deleting subsections (a) and (b) and substituting:

(a) The system of public education in this state is governed in accordance with laws enacted by the general assembly and under rules, policies, standards, and guidelines adopted by the state board of education that are necessary for the proper operation of public education in pre-kindergarten through grade twelve (pre-K-12). The state board shall formulate the rules, policies, standards, and guidelines with assistance from the commissioner of education, as the state board may request.

(b) The commissioner shall perform the duties assigned to the commissioner by law and is responsible for the administration, implementation, supervision, and enforcement of the rules, policies, standards, and guidelines of the state board of education.

SECTION 2. Tennessee Code Annotated, Section 49-1-201(c)(14), is amended by deleting the subdivision.

SECTION 3. Tennessee Code Annotated, Section 49-1-201(c)(19), is amended by deleting the subdivision and substituting:

(19) Inspect, approve, and classify private schools in accordance with the rules of the state board of education;

SECTION 4. Tennessee Code Annotated, Section 49-1-201(c)(20)(C), is amended by deleting the subdivision and substituting:

(C) The commissioner may prepare and promulgate, without board approval, rules that are solely necessary for the internal administrative operation and functions of the department. The department's authority does not supersede the powers of the state board and may be used only in performance of the commissioner's administrative responsibilities;

SECTION 5. Tennessee Code Annotated, Section 49-1-302(a)(13), is amended by deleting the subdivision.

SECTION 6. Tennessee Code Annotated, Section 49-1-303, is amended by deleting the section.

SECTION 7. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following as a new section:

(a) The governing body of the University of Tennessee system, the state university and community college system, or a state university may lease public lands under the governing body's jurisdiction to fraternities and sororities for a nominal consideration for a term not to exceed ninety-nine (99) years. A majority of the governing body may direct the chancellor, president, or chair of the governing body to execute the leases on behalf of the public institution of higher education; provided, that the leases are approved by the governor and the attorney general and reporter. A governing body must consent in writing before a lease under this section is assigned or the premises are sublet or subleased. Prior to the commencement of the construction or installation of any improvement, the governing body must approve the plans and specifications pertaining to the improvement. The governing body must approve material alterations and all additions to the improvements constructed or installed on the premises prior to the commencement of the alterations or additions. The governing body shall promulgate rules for the operation and maintenance of the leased properties. At the end of the term of any lease, and in the event that any lessee violates the lessee's lease agreement or any rule adopted pursuant to this section, or violates this section, the

lease terminates and the improved premises become the exclusive property of the governing body. The governing body shall take possession of the property. The lease may contain a provision for an option to renew the lease when the lease expires upon the conditions that the premises are not needed for use for other purposes in connection with the state's educational program and the building and improvements are suitable for occupancy without major repairs, remodeling, or alterations in accordance with the generally accepted standards for housing prevailing at public institutions of higher education. If the governing body does not renew a lease at the end of the term, then the governing body may pay the lessee the reasonable value of the improvements; however, in the event that the lease is not renewed, the title to the improvements vests in the state, and the state shall take possession of the premises, including the improvements, upon the expiration of the term.

(b) Any construction or installation of any improvements upon the property of a public institution of higher education by a fraternity or sorority pursuant to a lease agreement with the governing body is exempt from § 4-15-102(c), and from title 12, chapter 4, part 4; provided, that the fraternity or sorority must solicit competitive bids for the construction or installation and must award the construction or installation contract to the lowest qualified bidder unless the fraternity or sorority can secure the work from alumni or supporters at a lesser cost than the lowest qualified bid.

SECTION 8. Tennessee Code Annotated, Section 49-1-305(b), is amended by deleting the subsection and substituting:

(b) The state board's staff is subject to personnel rules and policies that are applicable to state employees in general, including leave, compensation, classification, and travel rules and policies. The state board controls the work of the executive director and may terminate the executive director's employment. The state board and the executive director, in accordance with subsection (a), shall appoint, terminate, and control staff employees. The board's employees do not have preferred service status.

SECTION 9. Tennessee Code Annotated, Section 49-1-607, is amended by deleting the section and substituting:

A person found to have violated security guidelines for administration of the Tennessee comprehensive assessment program (TCAP) test, or a successor test, including making or distributing unauthorized copies of the test, altering a grade or answer sheet, providing copies of answers or test questions, or otherwise compromising the integrity of the testing process must be placed on immediate suspension, and such actions constitute grounds for dismissal, including dismissal of tenured employees. Such actions are grounds for revocation of state licensure.

SECTION 10. Tennessee Code Annotated, Section 49-1-703, is amended by deleting the language "state board of education" and substituting instead "department of education".

SECTION 11. Tennessee Code Annotated, Section 49-2-202(a)(4), is amended by deleting the language "GED®" wherever it appears and substituting "GED® or HiSET®".

SECTION 12. Tennessee Code Annotated, Section 49-5-108(c)(6), is amended by deleting the language "supervisor, principal, or" wherever it appears.

SECTION 13. Tennessee Code Annotated, Section 49-5-108(e), is amended by deleting the subsection and substituting:

(e) Institutions with authorized teacher training programs shall ensure that persons seeking licensure in this state receive appropriate instruction in the teaching of reading.

SECTION 14. Tennessee Code Annotated, Section 49-5-111, is amended by deleting subsection (a) and substituting:

(a) Educational assistants must have, at a minimum, a high school diploma, GED®, or HiSET®, and must show demonstrable proficiency in reading and writing skills.

SECTION 15. Tennessee Code Annotated, Section 49-5-411(b)(4), is amended by deleting the subdivision and substituting:

(4) If the state board of education finds that a teacher has broken the teacher's contract, then the state board may suspend the teacher's license for no less than thirty (30) days and no more than three hundred sixty-five (365) days;

SECTION 16. Tennessee Code Annotated, Section 49-6-108, is amended by deleting subdivision (7).

SECTION 17. Tennessee Code Annotated, Section 49-6-3001, is amended by deleting subsections (a) and (b) and substituting:

(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 August 15.

(b)

(1) Any child residing within the state who is five (5) years of age, or who will become five (5) years of age on or before August 15, may enter the public school designated by the local board of education having appropriate jurisdiction at the beginning of the term; provided, that the child enters within thirty (30) days after the opening day of the term.

(2)

(A) Any child who will not become five (5) years of age until after December 31 shall not enter school during that school year; provided, that LEAs having semiannual promotions may admit, at the beginning of any semester, children who will become five (5) years of age within sixty (60) days following the opening of the semester.

(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 who is five (5) years of age on or before September 30 is sufficiently mature emotionally and academically, then the child may be permitted to enter kindergarten.

(3) Where a student meets the requirements of the state board of education for transfer or admission purposes, as determined by the commissioner of education, the student may be admitted by a local board of education, notwithstanding any other provision or act to the contrary.

SECTION 18. Tennessee Code Annotated, Section 49-6-3001(c)(2)(B), is amended by deleting the first sentence of the subdivision and substituting:

(B) Is enrolled and making satisfactory progress in a course leading to a GED® or HiSET® from a state-approved institution or organization, or who has obtained a GED® or HiSET®.

SECTION 19. Tennessee Code Annotated, Section 49-6-3001(d), is amended by deleting the subsection.

SECTION 20. Tennessee Code Annotated, Section 49-6-3017(b)(1), is amended by deleting the subdivision and substituting:

(1) Enrolled and making satisfactory progress in a course leading to a GED® or HiSET® from a state-approved institution or organization, or has obtained a GED® or HiSET®;

SECTION 21. Tennessee Code Annotated, Section 49-6-3017(d), is amended by deleting the language "GED®," and substituting "GED®, HiSET®,".

SECTION 22. Tennessee Code Annotated, Section 49-6-3017(f), is amended by deleting the language "GED®" wherever it appears and substituting "GED® or HiSET®".

SECTION 23. Tennessee Code Annotated, Section 49-6-3050(a)(2), is amended by deleting subdivision (B) and substituting:

(B) Parent-teachers who register with an organization, as defined by § 49-50-801, for conducting a home school for students in grades nine through twelve (9-12) must possess at least a high school diploma, GED®, or HiSET®.

SECTION 24. Tennessee Code Annotated, Section 49-6-3050(b)(4), is amended by deleting the subdivision and substituting:

(4) Possession of a high school diploma, GED®, or HiSET® by the parent-teacher;

SECTION 25. Tennessee Code Annotated, Section 49-6-3110, is amended by deleting the section.

SECTION 26. Tennessee Code Annotated, Section 49-6-5002, is amended by deleting subsection (b).

SECTION 27. Tennessee Code Annotated, Section 49-6-6001(i), is amended by deleting the language "general equivalency development credential (GED®)" and substituting "GED® or HiSET®".

SECTION 28. Tennessee Code Annotated, Section 49-6-8303(c)(2), is amended by deleting the language "eighteen (18) credits" and substituting "seventeen (17) credits".

SECTION 29. Tennessee Code Annotated, Section 49-13-110, is amended by deleting subsection (d) and substituting:

(d) The governing body of the public charter school may petition the authorizer to amend the original charter agreement. The state board of education shall determine the timelines for approval and the appeal process until 11:59 p.m. on December 31, 2020. Beginning January 1, 2021, the commission shall determine the timelines for approval and the appeal process. If the authorizer is the state board of education or the commission, then no appeal may be made of the state board of education's or the commission's decision to deny a petition to amend the charter agreement. The governing body of a public charter school may petition the authorizer for voluntary termination of the charter agreement before the charter agreement expires.

SECTION 30. Tennessee Code Annotated, Section 4-5-231, is amended by adding the following language as a new subsection:

(c) Subsection (b) does not apply to the state board of education.

SECTION 31. Tennessee Code Annotated, Section 49-1-1002(b)(1), is amended by deleting the language "Section 49-6-1005(a) and the" and substituting "The".

SECTION 32. Tennessee Code Annotated, Section 49-3-318(b)(1), is amended by deleting the language "The system shall consist of three (3) grant programs as follows:" and substituting instead the language "The system consists of the following grant programs:".

SECTION 33. Tennessee Code Annotated, Section 49-7-2109, is amended by deleting subsection (d).

SECTION 34. Tennessee Code Annotated, Section 49-1-302(a), is amended by deleting subdivision (17) and substituting:

(17) Develop and adopt a uniform grading system to be implemented in all public schools in the state for purposes of calculating the cumulative grade point averages of students who are seeking financial academic assistance provided by the state. The state board may promulgate rules for the administration of this subdivision (a)(17);

SECTION 35. This act shall take effect upon becoming a law, the public welfare requiring it.

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Time _____
Clerk _____
Comm. Amdt. _____

Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 1974* **House Bill No. 2470**

by deleting all language after the caption and substituting instead the following:

WHEREAS, the events of 2020 related to the COVID-19 pandemic are expected to affect the students of Tennessee for at least the next twelve years; and

WHEREAS, the COVID-19 pandemic has revealed the need for flexibility in how education is delivered to students now and in the years to come; and

WHEREAS, the State of Tennessee has an obligation to be prepared to educate its students in any event, including natural disasters; and

WHEREAS, the State of Tennessee must prepare its students for productive citizenship; now, therefore,

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

SECTION 1.

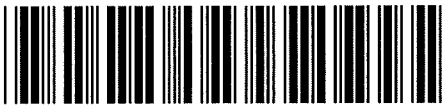
(a) The Tennessee commission on education recovery and innovation is created to examine the short and long-term systemic effects that the COVID-19 pandemic and natural disasters of 2020 have had on the state's educational systems.

(b) The commission shall advise and make recommendations to the state board of education, department of education, Tennessee higher education commission, and the state institutions of higher education on strategies to close educational gaps resulting from school closures, and to modernize the state's educational structure to create more flexibility in the delivery of education to students.

(c) The commission is composed of the following nine (9) members:

(1) Three (3) persons appointed by the governor;

(2) Three (3) persons appointed by the speaker of the senate; and



(3) Three (3) persons appointed by the speaker of the house of representatives.

(d)

(1) In making appointments, the appointing authorities shall strive to include directors of schools, leaders of higher education institutions, and community and business leaders.

(2) In the event of a vacancy on the commission, the respective appointing authority shall appoint a new member to fill the vacancy.

(e) The commission shall submit an initial assessment of the effect the COVID-19 pandemic has had on Tennessee's educational systems to the general assembly no later than January 1, 2021. The commission shall submit a report on the commission's actions, findings, and recommendations to the general assembly no later than January 1, 2022, and shall submit a final report on the commission's actions, findings, and recommendations to the general assembly no later than June 30, 2022.

(f) The commission is administratively attached to the state board of education.

(g)

(1) The executive director of the state board of education shall call the first meeting of the commission, at which time the commission shall elect a chair.

(2) The commission shall meet at least quarterly, give public notice prior to each meeting, and ensure that all meetings are open to the public.

(3) The commission may meet remotely via phone or through other virtual means. Notwithstanding § 8-44-108(b)(1), the commission is not required to have a physical quorum present at the location specified in the notice of the meeting as the location of the meeting in order for members of the commission to participate in the meeting by electronic or other means of communication. The commission is not subject to the requirements of § 8-44-108(b)(2) or (b)(3).

(h) Commission members serve without compensation, but may receive reimbursement for travel expenses incurred in the performance of their official duties, in

accordance with the comprehensive travel regulations promulgated by the department of finance and administration and approved by the attorney general and reporter.

(i)

(1) The commission ceases to exist on June 30, 2022.

(2) This act is repealed on July 1, 2022.

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

K-12 On Notice
Hakeem

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No._____

Yusuf A. Hakeem
Signature of Sponsor

AMEND Senate Bill No. 2658 **House Bill No. 2525***

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

SECTION 1. Tennessee Code Annotated, Section 49-6-3023(b), is amended by deleting subdivision (1) and substituting instead the following:

(1) The funding, in an amount equal to the per pupil state and local funds received by the LEA in which the student was enrolled at the time of incarceration on a prorated daily basis for the length of time the student received instruction during the student's incarceration;

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

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Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 2906 House Bill No. 2891*

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 "Student Healthy Outcomes 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.

(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 participating in a school-related event or activity.

(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.

K-12 3/17

Cochran

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No._____

Mark Cochran
Signature of Sponsor

AMEND Senate Bill No. 2782 **House Bill No. 2059***

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

SECTION 1. Tennessee Code Annotated, Section 49-6-3004(e), is amended by adding the following language as a new subdivision (2) and renumbering the existing subdivision (2) as subdivision (3):

(2) A local board of education that has unused accumulated days of excess instructional time under subdivision (e)(1) remaining at the end of a school year may apply up to five (5) days of the unused accumulated days of excess instructional time to dismiss students for the school year earlier than shown on the LEA's district calendar. A local board, in the board's discretion, may require teachers to participate in professional development, in-service, or teacher work days during all or some of the days that students are not present because of the students' early dismissal.

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

Griffey

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Clerk _____
Comm. Amdt. _____

Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. **House Bill No. 1572***

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 3, is amended by adding the following new section:

(a) A student's gender for purposes of participation in an interscholastic athletic activity or event must be determined by the student's sex at the time of the student's birth, as indicated on the student's original birth certificate. If a birth certificate provided by a student pursuant to this subsection (a) does not appear to be the student's original birth certificate, then the student must provide other evidence indicating the student's gender at birth. Any costs associated with providing evidence pursuant to this subsection (a) must be paid by the student.

(b) The state board of education, each local board of education, and each governing body of a public charter school shall adopt and enforce policies that ensure compliance with subsection (a) in the public schools that are governed by the respective entity.

(c) A principal or teacher of any public school who knowingly violates subsection (a) is subject to disciplinary action by the public school's governing board or body including, but not limited to, dismissal or suspension.

(d)

(1) A parent or legal guardian of a student harmed by a principal's or teacher's failure to comply with subsection (a) has a cause of action against the department of education, the LEA, or the public charter school that employs the

principal or teacher for any damages suffered by the student and reasonable attorney fees. "Damages" may include physical injury or loss of athletic participation, recruitment, or scholarship.

(2) An action brought under this subsection (d) must be commenced within one (1) year from the occurrence of any alleged harm.

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

Freeman

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 1149 **House Bill No. 255***

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

SECTION 1. Tennessee Code Annotated, Section 49-3-307, is amended by adding the following as a new subsection:

(c) Notwithstanding § 49-1-302, § 49-3-351, or any other law to the contrary:

(1) Beginning with fiscal year 2020-2021, the number of instructional positions funded under the BEP must reflect the number of teachers a district is required to employ to meet the requirements of § 49-1-104; and

(2) This subsection (c) must be implemented in accordance with the funding made available through the general appropriations act.

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

K-1 A (W/ Notice)
Adsclaw

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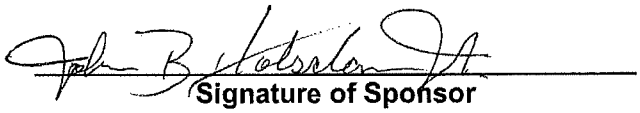
Amendment No._____



John B. Hotsclaw Jr.
Signature of Sponsor

AMEND Senate Bill No. 1965 **House Bill No. 1795***

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

SECTION 1. Tennessee Code Annotated, Section 49-6-3402(c)(1), is amended by deleting subdivision (C) and substituting instead the following:

(C)

(i) Notwithstanding subdivision (c)(1)(A), a director of schools, or a director's designee, is not required to assign a student in grades seven through twelve (7-12) who has been suspended for more than ten (10) days or expelled from the regular school program for an offense of violence or threatened violence or an offense that threatened the safety of persons attending or assigned to the student's school to an alternative school or alternative program if the alternative school or alternative program is located on the same grounds as the regular school program from which the student was suspended or expelled.

(ii) This subdivision (c)(1)(C) does not prohibit a director of schools, or a director's designee, from assigning a student who has been suspended for more than ten (10) days or expelled from the regular school program for an offense of violence or threatened violence or an offense that threatened the safety of persons attending or assigned to the student's school to an alternative school or alternative program. The director of schools, or the director's designee, shall determine whether to assign a student to an alternative school or alternative program under this subdivision (c)(1)(C) on a case-by-case basis.

(D) Attendance in an alternative school or alternative program is voluntary for students in grades one through six (1-6) who have been suspended or expelled from the

regular school program unless the local board of education adopts a policy mandating attendance in either instance.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to students suspended or expelled on or after that date.

Consumer Subcommittee

Amendment Packet

5/26/2020

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

Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 2851 **House Bill No. 2400***

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

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 18, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Broadband service" has the same meaning as defined in § 65-5-202; and

(2) "Broadband service provider" means a price cap carrier that:

(A) Accepted Connect America Fund Phase II funding from the federal communications commission prior to 2016;

(B) Is subject to a broadband buildout requirement mandated by the federal communications commission;

(C) Is subject to federal communications commission performance testing requirements in 2020; and

(D) Provides broadband service to fewer than forty thousand (40,000) customers in this state as of July 1, 2020.

(b)

(1) A broadband service provider shall provide to a consumer of broadband services the stated upload and download speeds that the consumer has paid or contracted to pay to receive from the provider of broadband services.

(2) Except as provided in subdivision (b)(3), a broadband service provider violates subdivision (b)(1) if it fails to provide the purchased or

contracted upload and download speeds to the consumer at any point during the period of time covered by the consumer's payment or a service contract.

(3) A broadband service provider does not violate subdivision (b)(1) if:

(A) A failure to provide the purchased or contracted upload and download speeds to the consumer is a direct result of a loss, damage, or destruction of broadband services infrastructure due to an act of God, natural disaster, or act of terrorism or other criminal act; and

(B) The broadband service provider fully restores the purchased or contracted upload and download speeds to the consumer within the minimum period of time reasonably necessary to repair the loss, damage, or destruction of the broadband services infrastructure based upon standard industry practice.

(c) A violation of this section constitutes an unfair or deceptive act or practice affecting the conduct of trade or commerce and subjects the violator to the penalties and remedies as provided in this part. The attorney general may assess a civil penalty of at least five thousand dollars ($5,000) and up to fifteen thousand dollars ($15,000) for each violation of this section. For purposes of this part, each act in violation of this section constitutes a separate violation of this section. The civil penalties recoverable by this state under this section are supplemental and cumulative to any other available civil or criminal penalties and relief available under other laws and rules, including, but not limited to, those available pursuant to § 47-18-108.

(d) This section is repealed on July 1, 2021.

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it, and applies to the provision of broadband services provided pursuant to prepayments made or service contracts entered into, renewed, or amended on and after that date.

Amendment No. _____

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Signature of Sponsor

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AMEND Senate Bill No. 2816 House Bill No. 2838*

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

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 18, Part 50, is amended by adding the following language as a new section:

(a) A provider that operates a website offering a consumer in this state access to interactive software that generates a legal document based on the consumer's answers to questions presented by the software shall:

(1) Provide the consumer a means to see the blank template and the completed document before finalizing a purchase of that document;

(2) Require an attorney licensed to practice law in this state to review each document completed by the consumer prior to finalizing a purchase of that document;

(3) Keep on file, and provide to the consumer upon finalizing a purchase of the final document, the name, bar number, and address of the licensed attorney reviewing the document;

(4) Furnish professional liability insurance for each reviewing attorney to cover work performed by the reviewing attorney on behalf of the provider; and

(5) Disclose the provider's legal name, physical location, and mailing address to the consumer.

(b) A violation of this section constitutes a violation of the Tennessee Consumer Protection Act of 1977, compiled in chapter 18, part 1 of this title.

(c) For purposes of the application of the Tennessee Consumer Protection Act of 1977, any violation of this section constitutes an unfair or deceptive act or practice affecting the conduct of trade or commerce and is subject to the penalties and remedies as provided in the Tennessee Consumer Protection Act of 1977. Each act in violation of this section constitutes a separate violation.

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it, and applies to conduct occurring on or after that date.

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Amendment No. _____

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Signature of Sponsor

AMEND **House Joint Resolution No. 822***

by deleting all language after the caption and substituting instead the following:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED ELEVENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that a majority of all members of each house concurring, as shown by the yeas and nays entered on their journals, that it is proposed that Article I, Section 35 of the Constitution of Tennessee be amended by deleting the section in its entirety and substituting instead the following:

Section 35. That to preserve and protect the rights of victims of crime to justice and due process throughout the criminal and juvenile justice systems, a victim shall have the following rights, which shall be protected:

(1) The right to be treated with fairness for the victim's safety, dignity, and privacy;

(2) The right, upon request, to reasonable and timely notice of, and to be present at, all criminal public proceedings and all juvenile delinquency proceedings involving the accused;

(3) The right to be heard in any proceeding involving release, plea, sentencing, disposition, and parole, as well as any public proceeding during which a right of the victim is implicated;

(4) The right to be free from harassment, intimidation, and abuse throughout the criminal justice system, including reasonable protection from the accused or any person acting on behalf of the accused;

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

(6) The right to full and timely restitution from the offender;

(7) The right to a speedy trial or disposition and a prompt and final conclusion of the case after the conviction or sentence;

(8) The right, upon request, to confer with the prosecution; and

(9) The right to be fully informed of all rights afforded to crime victims.

A victim may assert the rights enumerated in this section. The General Assembly has the authority to enact substantive and procedural laws to further define, implement, preserve, and protect the rights guaranteed to victims by this section.

Other than as provided in the preceding paragraph, this section does not create any cause of action or claim for damages against the state, any political subdivision of the state; any officer, employee, or agent of the state or of any of its political subdivisions; or any officer or employee of the court.

As used in this section, a "victim" includes any person against whom the criminal offense or delinquent act is committed or who is directly and proximately harmed by the commission of the offense or act. The term "victim" does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim.

BE IT FURTHER RESOLVED, that the foregoing amendment be referred to the One Hundred Twelfth General Assembly and that this resolution proposing such amendment be published in accordance with Article XI, Section 3 of the Constitution of Tennessee.

BE IT FURTHER RESOLVED, that the Clerk of the House of Representatives is directed to deliver copies of this resolution to the Secretary of State and to the Director of the Office of Legislative Information Services.

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Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 2194 **House Bill No. 2261***

by deleting the language "felony offense" in subsection (e) of Section 6 and substituting instead "felony offense or domestic assault under § 39-13-111".

AND FURTHER AMEND by deleting the word "and" in subdivision (i)(2)(C) of Section 8.

AND FURTHER AMEND by deleting subdivision (i)(2)(D) of Section 8 and substituting instead:

(D) Has not received a serious disciplinary violation within one (1) year of the inmate's parole hearing. As used in this subdivision (i)(2)(D), "serious disciplinary violation" means a Class A or Class B disciplinary offense under department of correction policy; and

AND FURTHER AMEND by adding the following as a new subdivision (i)(2)(E) in Section 8:

(E) Has not been convicted of a violent sexual offense, as defined in § 40-39-202(31); sexual offense, as defined in § 40-24-108(b)(2) or § 40-39-202(20); or sex offense, as defined in § 39-13-703(3).

AND FURTHER AMEND by adding the following as a new subdivision (i)(3) in Section 8:

(3) Nothing in this subsection (i) eliminates or affects the requirements of § 40-35-503(c) or § 40-28-116(a)(2).

AND FURTHER AMEND by deleting the word "substantially" in Section 14.

Amendment No. _____

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Signature of Sponsor

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AMEND Senate Bill No. 2194 **House Bill No. 2261***

by deleting the language "new felony or Class A misdemeanor" wherever it appears in subdivision (c)(1) of Section 5 and substituting instead "new felony, new Class A misdemeanor, or absconding".

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Amendment No._____

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Signature of Sponsor

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,

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.

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Amendment No._____

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Signature of Sponsor

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.

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 2195 **House Bill No. 2262***

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

SECTION ___. Tennessee Code Annotated, Section 40-35-303(a), is amended by deleting the language "A defendant shall be eligible for probation under this chapter if the sentence actually imposed upon the defendant is ten (10) years or less" and substituting instead the language:

A defendant shall be eligible for probation under this chapter if the total sentence actually imposed upon the defendant for all convictions is eight (8) years or less

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Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 2195 House Bill No. 2262*

by deleting the language "new felony or Class A misdemeanor" wherever it appears in subdivision (e) of Section 10 and substituting instead "new felony, new Class A misdemeanor, or absconding".

AND FURTHER AMEND by deleting subdivision (e)(1)(A) of Section 10 and substituting instead:

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

(i) Fifteen (15) days for the first revocation;

(ii) Thirty (30) days for the second revocation;

(iii) Ninety (90) days for the third revocation; or

(iv) One (1) year or the remainder of the sentence, whichever is shorter, for a fourth or subsequent revocation; or

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Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 2195 House Bill No. 2262*

by adding the word "co-occurring" before the word "mental" in Section 3.

AND FURTHER AMEND by deleting the language "felony" in subdivision (a)(1)(B)(i)(*d*)(*1*) of Section 11 and substituting instead "felony or domestic assault under § 39-13-111".

AND FURTHER AMEND by adding the following as a new Section 2 and renumbering the current Section 2 and subsequent sections accordingly:

SECTION 2. Tennessee Code Annotated, Section 16-22-103(4)(A), is amended by adding the following as a new subdivision (4)(A)(ii) and redesignating the current subdivision (4)(A)(ii) appropriately:

(ii) Is convicted of domestic assault under § 39-13-111; or

AND FURTHER AMEND by deleting the effective date section and substituting instead the following:

SECTION 16. Sections 6-11 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.

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Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 2396 **House Bill No. 1704***

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

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 1, is amended by adding the following language as a new section:

(a) A person commits assault against a law enforcement officer, public or private probation officer, parole officer, or community corrections officer who:

(1) Intentionally, knowingly, or recklessly causes bodily injury to a law enforcement officer, public or private probation officer, parole officer, or community corrections officer; or

(2) Intentionally or knowingly causes physical contact with a law enforcement officer, public or private probation officer, parole officer, or community corrections officer and a reasonable person would regard the contact as extremely offensive or provocative, including, but not limited to, spitting, throwing, or otherwise transferring bodily fluids, bodily pathogens, or human waste onto the person of a law enforcement officer, public or private probation officer, parole officer, or community corrections officer.

(b) Assault under subsection (a) is a Class E felony and shall include a mandatory minimum fine of one thousand dollars ($1,000), and a mandatory minimum sentence of thirty (30) days incarceration. The defendant shall not be eligible for release from confinement on probation pursuant to § 40-35-303 until the defendant has served the entire thirty-day mandatory minimum sentence day for day.

(c) An inmate commits assault against a correctional officer, guard, jailer, or other full-time employee of a penal institution, private detention facility, local jail, or workhouse who:

(1) Intentionally, knowingly, or recklessly causes bodily injury to a correctional officer, guard, jailer, or other full-time employee of a penal institution, private detention facility, local jail, or workhouse; or

(2) Intentionally or knowingly causes physical contact with a correctional officer, guard, jailer, or other full-time employee of a penal institution, private detention facility, local jail, or workhouse and a reasonable person would regard the contact as extremely offensive or provocative, including, but not limited to, spitting, throwing, or otherwise transferring bodily fluids, bodily pathogens, or human waste onto the person of the correctional officer, guard, jailer, or other full-time employee of a penal institution, private detention facility, local jail, or workhouse.

(d) Assault under subsection (c) is a Class E felony and shall include a mandatory minimum fine of one thousand dollars ($1,000), and a mandatory minimum sentence of thirty (30) days of incarceration, to be served consecutive to any current sentence unless the district attorney general agrees to a concurrent sentence. The court shall order collection of the fine, or a portion of the fine if the full amount is unavailable, from the inmate's trust fund account pursuant to § 40-25-143. The court shall not order collection in an amount that would result in a balance of less than fifty dollars ($50.00) in the inmate's trust fund account. The defendant shall not be eligible for release from confinement on probation pursuant to § 40-35-303 until the defendant has served the entire thirty-day mandatory minimum sentence day for day.

SECTION 2. Tennessee Code Annotated, Section 39-13-102(e)(1), is amended by adding the following language as a new subdivision:

( ) A person convicted of a violation of subsection (a) or (c) committed against a law enforcement officer, public or private probation officer, parole officer, community corrections officer, correctional officer, guard, jailer, or other full-time employee of a penal institution, private detention facility, local jail, or workhouse who is discharging or attempting to discharge their official duties shall be punished one (1) classification higher than is otherwise provided.

SECTION 3. Tennessee Code Annotated, Section 39-13-102(e)(1)(B), is amended by inserting the language "the minimum fine shall be one thousand dollars ($1,000), if the court determines the defendant has the ability to pay the fine, and" immediately after the language "However,".

SECTION 4. This act shall take effect January 1, 2021, the public welfare requiring it, and applies to offenses committed on or after that date.

FILED
Date 3/10/2020
Time 8:57a
Clerk
Comm. Amdt.

Amendment No.

Signature of Sponsor

AMEND Senate Bill No. 2143 House Bill No. 2212*

by deleting the last section and substituting instead the following:

SECTION 30. By June 1, 2021, the department of children's services shall notify each individual who has registered a contact veto at the most recent address contained in the contact veto registry of this act and its effective date.

SECTION 31. This act shall take effect July 1, 2021, the public welfare requiring it.

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

Amendment No. _____

_____
Signature of Sponsor

AMEND Senate Bill No. 1996 **House Bill No. 1915***

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

SECTION 1. 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 five (5) social worker 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 social worker 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 the 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 the additional social worker positions shall be authorized to interview and employ persons to fill the positions.

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

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

Amendment No._____

_____
Signature of Sponsor

AMEND Senate Bill No. 2780 **House Bill No. 2008***

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

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 16, Part 5, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Mass violence" means any act that a reasonable person would conclude could lead to the serious bodily injury, as defined in § 39-11-106, or death of two (2) or more persons;

(2) "Means of communication" means direct and indirect verbal, written, or electronic communications, including graffiti, pictures, diagrams, telephone calls, voice over internet protocol calls, video messages, voice mails, electronic mail, social media posts, instant messages, chat group posts, text messages, and any other recognized means of conveying information;

(3) "School" means any public or private elementary school, middle school, high school, college of applied technology, postsecondary vocational or technical school, or two-year or four-year college or university; and

(4) "School property" means any school building or bus, school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by any local education agency, private school board of trustees, or directors for the administration of any school.

(b) A person who recklessly, by any means of communication, threatens to commit an act of mass violence on school property or at a school-related activity commits a Class E felony.

(c) As a condition of bail or other pretrial release, the court may, in its discretion, order the defendant to undergo a psychological evaluation to determine whether the defendant poses an ongoing threat to the community.

(d)

(1) Any person who has knowledge of a threat of school violence shall report the threat immediately to:

(A) The juvenile court judge having jurisdiction over the school property or school-related activity;

(B) The sheriff's department of the county in which the school property or school-related activity is located;

(C) The local law enforcement agency with jurisdiction over the school property or school-related activity;

(D) The 911 center for the jurisdiction in which the school property or school-related activity is located; or

(E) The school that is subject to the threat of mass violence.

(2) The report must include, to the extent known by the reporter, the nature of the threat of mass violence, the name and address of the person making the threat, the facts requiring the report, and any other pertinent information.

(3) Any person who has knowledge of a threat of mass violence on school property or at a school-related activity and knowingly fails to report the threat commits a Class A misdemeanor.

(e) In addition to any other penalty authorized by law, a sentencing court may order a person convicted under this section to pay restitution, including costs and damages resulting from the disruption of the normal activity that would have otherwise occurred on the school property or at the school-related activity but for the threat to commit an act of mass violence.

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

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

Amendment No._____

_____
Signature of Sponsor

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).

(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) As used in this section:

(1) "Advocate" means an employee or volunteer of a domestic violence shelter, crisis line, or victim 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;

(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; and

(3) "Victim services provider" means any office, institution, agency, or crisis center offering direct assistance to a victim and a victim's family through crisis intervention, accompaniment during medical and legal proceedings, and follow-up counseling, but does not include the department of children's services, the department of human services, adult protective services bureau, offices of the district attorneys general, or law enforcement agencies except for any counseling services provided by a law enforcement agency outside of the investigative process.

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

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

Amendment No._____

Karen H Camper

Signature of Sponsor

AMEND Senate Bill No. 2671 **House Bill No. 2817***

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

SECTION ___. Tennessee Code Annotated, Section 39-17-1307, is amended by adding the following new subsection:

(h) The exception provided in subsection (g) does not apply in any county having a population of five hundred thousand (500,000) or more according to the 2010 federal census or any subsequent federal census.

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

Amendment No._____

Karen D Cooper

Signature of Sponsor

AMEND Senate Bill No. 2671 **House Bill No. 2817***

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

SECTION ___. Tennessee Code Annotated, Section 39-17-1307, is amended by adding the following new subsection:

(h) The exception provided in subsection (g) does not apply in any county having a population of three hundred thirty-six thousand four hundred (336,400) or more, according to the 2010 federal census or any subsequent federal census.

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

Amendment No._____

_____
Signature of Sponsor

AMEND Senate Bill No. 2740 **House Bill No. 2097***

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

SECTION 1. Tennessee Code Annotated, Section 8-6-109, is amended by deleting subsection (d) and substituting instead the following:

(1) The attorney general and reporter, or assistants acting at the attorney general and reporter's discretion, shall submit a quarterly report to the executive and legislative branches of government to provide notice of any lawsuit filed in state or federal court, in which the state is a named party and the attorney general and reporter or assistants are representing the state, and in which the adjudication could result in:

(A) A significant increase in state expenditures;

(B) A decision on a policy issue that may result in a significant increase in state expenditures;

(C) A decision that may affect the bond rating of the state; or

(D) A decision on a question of state or federal constitutional law.

(2) The attorney general and reporter shall submit the report to:

(A) The governor;

(B) The speaker of each house;

(C) The director of the office of legal services or the director's designee;

(D) The director of fiscal review; and

(E) The chair of each standing committee of the general assembly.

(3) The report must include:

(A) The style of the case;

(B) The date of filing; and

(C) A summary and description of the nature of the allegations in the complaint.

SECTION 2. 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. 2740 **House Bill No. 2097***

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

SECTION 1. Tennessee Code Annotated, Section 8-6-109, is amended by deleting subsection (d) and substituting instead the following:

(1) The attorney general and reporter, or assistants acting at the attorney general and reporter's discretion, shall submit a quarterly report to the executive and legislative branches of government to provide notice of any lawsuit filed in state or federal court, in which the state is a named party and the attorney general and reporter or assistants are representing the state, and in which the adjudication could result in:

(A) State expenditures of one million dollars ($1,000,000) or more;

(B) A decision on a policy issue that may result in a significant increase in state expenditures;

(C) A decision that may affect the bond rating of the state; or

(D) A decision on a question of state or federal constitutional law.

(2) The attorney general and reporter shall submit the report to:

(A) The governor;

(B) The speaker of each house;

(C) The director of the office of legal services or the director's designee;

(D) The director of fiscal review; and

(E) The chair of each standing committee of the general assembly.

(3) The report must include:

(A) The style of the case;

(B) The date of filing; and

(C) A summary and description of the nature of the allegations in the complaint.

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

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No._____

_____
Signature of Sponsor

AMEND Senate Bill No. 2268* **House Bill No. 2383**

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

SECTION 1. Tennessee Code Annotated, Section 10-7-504, is amended by adding the following as a new subdivision (t)(3)(E):

(E) Limit or prevent a political subdivision of this state from publicly releasing the name or photograph of the minor victim of a criminal offense for the purpose of memorializing minor victims of crime in a memorial garden established by the political subdivision, including any literature related to the memorial garden, if the custodial parent or legal guardian of the minor victim has consented to the release.

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

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

Amendment No. _____

Patsy Hazlewood
Signature of Sponsor

AMEND **House Joint Resolution No. 822***

by deleting all language after the caption and substituting instead the following:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED ELEVENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that a majority of all members of each house concurring, as shown by the yeas and nays entered on their journals, that it is proposed that Article I, Section 35 of the Constitution of Tennessee be amended by deleting the section in its entirety and substituting instead the following:

Section 35. That to preserve and protect the rights of victims of crime to justice and due process throughout the criminal and juvenile justice systems, a victim shall have the following rights, which shall be protected:

(1) The right to be treated with fairness for the victim's safety, dignity, and privacy;

(2) The right, upon request, to reasonable and timely notice of, and to be present at, all criminal public proceedings and all juvenile delinquency proceedings involving the accused;

(3) The right to be heard in any proceeding involving release, plea, sentencing, disposition, and parole, as well as any public proceeding during which a right of the victim is implicated;

(4) The right to be free from harassment, intimidation, and abuse throughout the criminal justice system, including reasonable protection from the accused or any person acting on behalf of the accused;

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

(6) The right to full and timely restitution from the offender;

(7) The right to a speedy trial or disposition and a prompt and final conclusion of the case after the conviction or sentence;

(8) The right, upon request, to confer with the prosecution; and

(9) The right to be fully informed of all rights afforded to crime victims.

A victim may assert the rights enumerated in this section. The General Assembly has the authority to enact substantive and procedural laws to further define, implement, preserve, and protect the rights guaranteed to victims by this section.

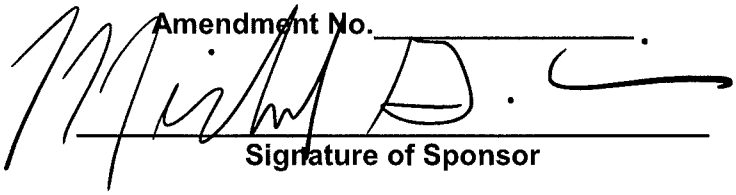
Other than as provided in the preceding paragraph, this section does not create any cause of action or claim for damages against the state, any political subdivision of the state; any officer, employee, or agent of the state or of any of its political subdivisions; or any officer or employee of the court.

As used in this section, a "victim" includes any person against whom the criminal offense or delinquent act is committed or who is directly and proximately harmed by the commission of the offense or act. The term "victim" does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim.

BE IT FURTHER RESOLVED, that the foregoing amendment be referred to the One Hundred Twelfth General Assembly and that this resolution proposing such amendment be published in accordance with Article XI, Section 3 of the Constitution of Tennessee.

BE IT FURTHER RESOLVED, that the Clerk of the House of Representatives is directed to deliver copies of this resolution to the Secretary of State and to the Director of the Office of Legislative Information Services.

Amendment No._____.



Signature of Sponsor

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

AMEND **House Joint Resolution No. 822***

by deleting all language after the caption and substituting instead the following:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED ELEVENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that a majority of all members of each house concurring, as shown by the yeas and nays entered on their journals, that it is proposed that Article I, Section 35 of the Constitution of Tennessee be amended by deleting the section in its entirety and substituting instead the following:

Section 35. That to preserve and protect the rights of victims of crime to justice and due process throughout the criminal and juvenile justice systems, a victim shall have the following rights, which shall be protected:

(1) The right to be treated with fairness for the victim's safety, dignity, and privacy;

(2) The right, upon request, to reasonable and timely notice of, and to be present at, all criminal public proceedings and all juvenile delinquency proceedings involving the accused;

(3) The right to be heard in any proceeding involving release, plea, sentencing, disposition, and parole, as well as any public proceeding during which a right of the victim is implicated;

(4) The right to be free from harassment, intimidation, and abuse throughout the criminal justice system, including reasonable protection from the accused or any person acting on behalf of the accused;

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

(6) The right to refuse a request by the defendant, the defendant's attorney, or any other person acting on behalf of the defendant for an interview, deposition, discovery request, or other communication with the victim;

(7) The right to full and timely restitution from the offender;

(8) The right to a speedy trial or disposition and a prompt and final conclusion of the case after the conviction or sentence;

(9) The right, upon request, to confer with the prosecution; and

(10) The right to be fully informed of all rights afforded to crime victims.

A victim, as defined herein, may assert the rights enumerated in this section. The General Assembly shall further provide by general law the process whereby the victim may assert the rights provided in this section. This section does not infringe upon an accused person's right to due process. This section does not provide grounds for the victim to challenge any verdict or adjudication, be a party to a proceeding, or obtain confidential juvenile records.

Other than as provided in the preceding paragraph, this section does not create any cause of action or claim for damages against the state, any political subdivision of the state; any officer, employee, or agent of the state or of any of its political subdivisions; or any officer or employee of the court.

Law enforcement officers who become victims of crime in the course of performing their public duties are entitled to the same rights as other victims of crime; provided, that their identities and the circumstances of the crime may continue to be disclosed as otherwise required by law.

As used in this section, a "victim" includes any person against whom the criminal offense or delinquent act is committed or who is directly and proximately harmed by the commission of the offense or act. The term "victim" does not include the accused or a

person whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim.

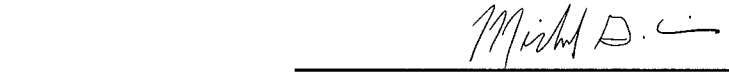
The General Assembly has the authority to enact substantive and procedural laws to further define, implement, preserve, and protect the rights guaranteed to victims by this section.

BE IT FURTHER RESOLVED, that the foregoing amendment be referred to the One Hundred Twelfth General Assembly and that this resolution proposing such amendment be published in accordance with Article XI, Section 3 of the Constitution of Tennessee.

BE IT FURTHER RESOLVED, that the Clerk of the House of Representatives is directed to deliver copies of this resolution to the Secretary of State and to the Director of the Office of Legislative Information Services.

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

Amendment No._____



Signature of Sponsor

AMEND **House Joint Resolution No. 822***

by deleting all language after the caption and substituting instead the following:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED ELEVENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that a majority of all members of each house concurring, as shown by the yeas and nays entered on their journals, that it is proposed that Article I, Section 35 of the Constitution of Tennessee be amended by deleting the section in its entirety and substituting instead the following:

Section 35. That to preserve and protect the rights of victims of crime to justice and due process throughout the criminal and juvenile justice systems, a victim shall have the following rights, which shall be protected:

(1) The right to be treated with fairness for the victim's safety, dignity, and privacy;

(2) The right, upon request, to reasonable and timely notice of, and to be present at, all criminal public proceedings and all juvenile delinquency proceedings involving the accused;

(3) The right to be heard in any proceeding involving release, plea, sentencing, disposition, and parole, as well as any public proceeding during which a right of the victim is implicated;

(4) The right to be free from harassment, intimidation, and abuse throughout the criminal justice system, including reasonable protection from the accused or any person acting on behalf of the accused;

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

(6) The right to full and timely restitution from the offender;

(7) The right to a speedy trial or disposition and a prompt and final conclusion of the case after the conviction or sentence;

(8) The right, upon request, to confer with the prosecution; and

(9) The right to be fully informed of all rights afforded to crime victims.

A victim may assert the rights enumerated in this section. The General Assembly has the authority to enact substantive and procedural laws to further define, implement, preserve, and protect the rights guaranteed to victims by this section. This section does not infringe upon an accused person's right to due process. This section does not provide grounds for the victim to challenge any verdict or adjudication, be a party to a proceeding, or obtain confidential juvenile records.

Other than as provided in the preceding paragraph, this section does not create any cause of action or claim for damages against the state, any political subdivision of the state; any officer, employee, or agent of the state or of any of its political subdivisions; or any officer or employee of the court.

As used in this section, a "victim" includes any person against whom the criminal offense or delinquent act is committed or who is directly and proximately harmed by the commission of the offense or act. The term "victim" does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim.

BE IT FURTHER RESOLVED, that the foregoing amendment be referred to the One Hundred Twelfth General Assembly and that this resolution proposing such amendment be published in accordance with Article XI, Section 3 of the Constitution of Tennessee.

BE IT FURTHER RESOLVED, that the Clerk of the House of Representatives is directed to deliver copies of this resolution to the Secretary of State and to the Director of the Office of Legislative Information Services.

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

Amendment No. _____

_____
Signature of Sponsor

AMEND Senate Bill No. 2740 **House Bill No. 2097***

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

SECTION 1. Tennessee Code Annotated, Section 8-6-109, is amended by deleting subsection (d) and substituting instead the following:

(1) The attorney general and reporter, or assistants acting at the attorney general and reporter's discretion, shall submit a quarterly report to the executive and legislative branches of government to provide notice of any lawsuit filed in state or federal court, in which the state is a named party and the attorney general and reporter or assistants are representing the state, and in which the adjudication could result in:

(A) State expenditures of one million dollars ($1,000,000) or more;

(B) A decision on a policy issue that may result in a significant increase in state expenditures;

(C) A decision that may affect the bond rating of the state; or

(D) A decision on a question of state or federal constitutional law.

(2) The attorney general and reporter shall submit the report to:

(A) The governor;

(B) The speaker of each house;

(C) The director of the office of legal services or the director's designee;

(D) The director of fiscal review; and

(E) The chair of each standing committee of the general assembly.

(3) The report must include:

(A) The style of the case;

(B) The date of filing; and

(C) A summary and description of the nature of the allegations in the complaint.

SECTION 2. 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. 2740 **House Bill No. 2097***

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

SECTION 1. Tennessee Code Annotated, Section 8-6-109, is amended by deleting subsection (d) and substituting instead the following:

(1) The attorney general and reporter, or assistants acting at the attorney general and reporter's discretion, shall submit a quarterly report to the executive and legislative branches of government to provide notice of any lawsuit filed in state or federal court, in which the state is a named party and the attorney general and reporter or assistants are representing the state, and in which the adjudication could result in:

(A) A significant increase in state expenditures;

(B) A decision on a policy issue that may result in a significant increase in state expenditures;

(C) A decision that may affect the bond rating of the state; or

(D) A decision on a question of state or federal constitutional law.

(2) The attorney general and reporter shall submit the report to:

(A) The governor;

(B) The speaker of each house;

(C) The director of the office of legal services or the director's designee;

(D) The director of fiscal review; and

(E) The chair of each standing committee of the general assembly.

(3) The report must include:

(A) The style of the case;

(B) The date of filing; and

(C) A summary and description of the nature of the allegations in the complaint.

SECTION 2. 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. 2268* **House Bill No. 2383**

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

SECTION 1. Tennessee Code Annotated, Section 10-7-504, is amended by adding the following as a new subdivision (t)(3)(E):

(E) Limit or prevent a political subdivision of this state from publicly releasing the name or photograph of the minor victim of a criminal offense for the purpose of memorializing minor victims of crime in a memorial garden established by the political subdivision, including any literature related to the memorial garden, if the custodial parent or legal guardian of the minor victim has consented to the release.

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

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

Amendment No._____

Karen H Camper

Signature of Sponsor

AMEND Senate Bill No. 2671 **House Bill No. 2817***

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

SECTION ___. Tennessee Code Annotated, Section 39-17-1307, is amended by adding the following new subsection:

(h) The exception provided in subsection (g) does not apply in any county having a population of five hundred thousand (500,000) or more according to the 2010 federal census or any subsequent federal census.

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

Amendment No._____

Karen H Cooper

Signature of Sponsor

AMEND Senate Bill No. 2671 **House Bill No. 2817***

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

SECTION ___. Tennessee Code Annotated, Section 39-17-1307, is amended by adding the following new subsection:

(h) The exception provided in subsection (g) does not apply in any county having a population of three hundred thirty-six thousand four hundred (336,400) or more, according to the 2010 federal census or any subsequent federal census.

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No._____

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Signature of Sponsor

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).

(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) As used in this section:

(1) "Advocate" means an employee or volunteer of a domestic violence shelter, crisis line, or victim 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;

(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; and

(3) "Victim services provider" means any office, institution, agency, or crisis center offering direct assistance to a victim and a victim's family through crisis intervention, accompaniment during medical and legal proceedings, and follow-up counseling, but does not include the department of children's services, the department of human services, adult protective services bureau, offices of the district attorneys general, or law enforcement agencies except for any counseling services provided by a law enforcement agency outside of the investigative process.

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

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

Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 2780 **House Bill No. 2008***

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

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 16, Part 5, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Mass violence" means any act that a reasonable person would conclude could lead to the serious bodily injury, as defined in § 39-11-106, or death of two (2) or more persons;

(2) "Means of communication" means direct and indirect verbal, written, or electronic communications, including graffiti, pictures, diagrams, telephone calls, voice over internet protocol calls, video messages, voice mails, electronic mail, social media posts, instant messages, chat group posts, text messages, and any other recognized means of conveying information;

(3) "School" means any public or private elementary school, middle school, high school, college of applied technology, postsecondary vocational or technical school, or two-year or four-year college or university; and

(4) "School property" means any school building or bus, school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by any local education agency, private school board of trustees, or directors for the administration of any school.

(b) A person who recklessly, by any means of communication, threatens to commit an act of mass violence on school property or at a school-related activity commits a Class E felony.

(c) As a condition of bail or other pretrial release, the court may, in its discretion, order the defendant to undergo a psychological evaluation to determine whether the defendant poses an ongoing threat to the community.

(d)

(1) Any person who has knowledge of a threat of school violence shall report the threat immediately to:

(A) The juvenile court judge having jurisdiction over the school property or school-related activity;

(B) The sheriff's department of the county in which the school property or school-related activity is located;

(C) The local law enforcement agency with jurisdiction over the school property or school-related activity;

(D) The 911 center for the jurisdiction in which the school property or school-related activity is located; or

(E) The school that is subject to the threat of mass violence.

(2) The report must include, to the extent known by the reporter, the nature of the threat of mass violence, the name and address of the person making the threat, the facts requiring the report, and any other pertinent information.

(3) Any person who has knowledge of a threat of mass violence on school property or at a school-related activity and knowingly fails to report the threat commits a Class A misdemeanor.

(e) In addition to any other penalty authorized by law, a sentencing court may order a person convicted under this section to pay restitution, including costs and damages resulting from the disruption of the normal activity that would have otherwise occurred on the school property or at the school-related activity but for the threat to commit an act of mass violence.

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

FILED
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Time _____
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Comm. Amdt. _____
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Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 1996 **House Bill No. 1915***

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

SECTION 1. 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 five (5) social worker 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 social worker 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 the 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 the additional social worker positions shall be authorized to interview and employ persons to fill the positions.

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

FILED
Date 3/10/2020
Time 8:57a
Clerk
Comm. Amdt.

Amendment No._____

Signature of Sponsor

AMEND Senate Bill No. 2143 House Bill No. 2212*

by deleting the last section and substituting instead the following:

SECTION 30. By June 1, 2021, the department of children's services shall notify each individual who has registered a contact veto at the most recent address contained in the contact veto registry of this act and its effective date.

SECTION 31. This act shall take effect July 1, 2021, the public welfare requiring it.

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Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 2396 **House Bill No. 1704***

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

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 1, is amended by adding the following language as a new section:

(a) A person commits assault against a law enforcement officer, public or private probation officer, parole officer, or community corrections officer who:

(1) Intentionally, knowingly, or recklessly causes bodily injury to a law enforcement officer, public or private probation officer, parole officer, or community corrections officer; or

(2) Intentionally or knowingly causes physical contact with a law enforcement officer, public or private probation officer, parole officer, or community corrections officer and a reasonable person would regard the contact as extremely offensive or provocative, including, but not limited to, spitting, throwing, or otherwise transferring bodily fluids, bodily pathogens, or human waste onto the person of a law enforcement officer, public or private probation officer, parole officer, or community corrections officer.

(b) Assault under subsection (a) is a Class E felony and shall include a mandatory minimum fine of one thousand dollars ($1,000), and a mandatory minimum sentence of thirty (30) days incarceration. The defendant shall not be eligible for release from confinement on probation pursuant to § 40-35-303 until the defendant has served the entire thirty-day mandatory minimum sentence day for day.

(c) An inmate commits assault against a correctional officer, guard, jailer, or other full-time employee of a penal institution, private detention facility, local jail, or workhouse who:

(1) Intentionally, knowingly, or recklessly causes bodily injury to a correctional officer, guard, jailer, or other full-time employee of a penal institution, private detention facility, local jail, or workhouse; or

(2) Intentionally or knowingly causes physical contact with a correctional officer, guard, jailer, or other full-time employee of a penal institution, private detention facility, local jail, or workhouse and a reasonable person would regard the contact as extremely offensive or provocative, including, but not limited to, spitting, throwing, or otherwise transferring bodily fluids, bodily pathogens, or human waste onto the person of the correctional officer, guard, jailer, or other full-time employee of a penal institution, private detention facility, local jail, or workhouse.

(d) Assault under subsection (c) is a Class E felony and shall include a mandatory minimum fine of one thousand dollars ($1,000), and a mandatory minimum sentence of thirty (30) days of incarceration, to be served consecutive to any current sentence unless the district attorney general agrees to a concurrent sentence. The court shall order collection of the fine, or a portion of the fine if the full amount is unavailable, from the inmate's trust fund account pursuant to § 40-25-143. The court shall not order collection in an amount that would result in a balance of less than fifty dollars ($50.00) in the inmate's trust fund account. The defendant shall not be eligible for release from confinement on probation pursuant to § 40-35-303 until the defendant has served the entire thirty-day mandatory minimum sentence day for day.

SECTION 2. Tennessee Code Annotated, Section 39-13-102(e)(1), is amended by adding the following language as a new subdivision:

( ) A person convicted of a violation of subsection (a) or (c) committed against a law enforcement officer, public or private probation officer, parole officer, community corrections officer, correctional officer, guard, jailer, or other full-time employee of a penal institution, private detention facility, local jail, or workhouse who is discharging or attempting to discharge their official duties shall be punished one (1) classification higher than is otherwise provided.

SECTION 3. Tennessee Code Annotated, Section 39-13-102(e)(1)(B), is amended by inserting the language "the minimum fine shall be one thousand dollars ($1,000), if the court determines the defendant has the ability to pay the fine, and" immediately after the language "However,".

SECTION 4. This act shall take effect January 1, 2021, the public welfare requiring it, and applies to offenses committed on or after that date.

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 2195 House Bill No. 2262*

by deleting the language "new felony or Class A misdemeanor" wherever it appears in subdivision (e) of Section 10 and substituting instead "new felony, new Class A misdemeanor, or absconding".

AND FURTHER AMEND by deleting subdivision (e)(1)(A) of Section 10 and substituting instead:

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

(i) Fifteen (15) days for the first revocation;

(ii) Thirty (30) days for the second revocation;

(iii) Ninety (90) days for the third revocation; or

(iv) One (1) year or the remainder of the sentence, whichever is shorter, for a fourth or subsequent revocation; or

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Comm. Amdt. _____
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Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 2195 House Bill No. 2262*

by adding the word "co-occurring" before the word "mental" in Section 3.

AND FURTHER AMEND by deleting the language "felony" in subdivision (a)(1)(B)(i)(*d*)(*1*) of Section 11 and substituting instead "felony or domestic assault under § 39-13-111".

AND FURTHER AMEND by adding the following as a new Section 2 and renumbering the current Section 2 and subsequent sections accordingly:

SECTION 2. Tennessee Code Annotated, Section 16-22-103(4)(A), is amended by adding the following as a new subdivision (4)(A)(ii) and redesignating the current subdivision (4)(A)(ii) appropriately:

(ii) Is convicted of domestic assault under § 39-13-111; or

AND FURTHER AMEND by deleting the effective date section and substituting instead the following:

SECTION 16. Sections 6-11 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.

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No. _____

_____
Signature of Sponsor

AMEND Senate Bill No. 2195 House Bill No. 2262*

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

SECTION ___. Tennessee Code Annotated, Section 40-35-303(a), is amended by deleting the language "A defendant shall be eligible for probation under this chapter if the sentence actually imposed upon the defendant is ten (10) years or less" and substituting instead the language:

A defendant shall be eligible for probation under this chapter if the total sentence actually imposed upon the defendant for all convictions is eight (8) years or less

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Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 2194 **House Bill No. 2261***

by deleting the language "new felony or Class A misdemeanor" wherever it appears in subdivision (c)(1) of Section 5 and substituting instead "new felony, new Class A misdemeanor, or absconding".

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Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 2194 **House Bill No. 2261***

by deleting the language "felony offense" in subsection (e) of Section 6 and substituting instead "felony offense or domestic assault under § 39-13-111".

AND FURTHER AMEND by deleting the word "and" in subdivision (i)(2)(C) of Section 8.

AND FURTHER AMEND by deleting subdivision (i)(2)(D) of Section 8 and substituting instead:

(D) Has not received a serious disciplinary violation within one (1) year of the inmate's parole hearing. As used in this subdivision (i)(2)(D), "serious disciplinary violation" means a Class A or Class B disciplinary offense under department of correction policy; and

AND FURTHER AMEND by adding the following as a new subdivision (i)(2)(E) in Section 8:

(E) Has not been convicted of a violent sexual offense, as defined in § 40-39-202(31); sexual offense, as defined in § 40-24-108(b)(2) or § 40-39-202(20); or sex offense, as defined in § 39-13-703(3).

AND FURTHER AMEND by adding the following as a new subdivision (i)(3) in Section 8:

(3) Nothing in this subsection (i) eliminates or affects the requirements of § 40-35-503(c) or § 40-28-116(a)(2).

AND FURTHER AMEND by deleting the word "substantially" in Section 14.

HOUSE RESEARCH DIVISION

Public Health Subcommittee
Amendment ePacket

Wednesday, May 27, 2020

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

Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 2196 **House Bill No. 2263***

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

SECTION 1. Tennessee Code Annotated, Section 37-10-304(c)(2), is amended by deleting the subdivision.

SECTION 2. Tennessee Code Annotated, Title 39, Chapter 15, Part 2, is amended by adding the following as new sections:

39-15-214.

(a) Findings. The general assembly finds:

(1) As the Supreme Court has stated in Planned Parenthood v. Casey, 505 U.S. 833, 852 (1992), "Abortion is a unique act" and is "fraught with consequences...for the woman who must live with the implications of her decision." As the Supreme Court stated in Gonzales v. Carhart, 550 U.S. 124, 159 (2007) "it seems unexceptionable to conclude some women come to regret their choice to abort the infant life they once created and sustained. Severe depression and loss of esteem can follow." The Supreme Court has acknowledged, in Casey at 882, that the effect of an abortion on the life of the unborn child is "relevant, if not dispositive" information for the patient's decision;

(2) Current standards of medical care mandate the performance of an ultrasound prior to the performance of inducing of an abortion. Determining accurate information regarding gestational development is important for purposes of informed consent, as well as making essential preparation for the procedure itself;

(3) In this state ultrasounds are regularly provided to women seeking an abortion to determine if they are eligible for a medication abortion, and to review other factors related that cannot be determined prior to an examination of the patient;

(4) In the forty-seven (47) years since the United States Supreme Court's ruling in Roe v. Wade, 410 U.S. 113 (1973), there have been substantial advances in scientific methods and medical technology that have significantly expanded knowledge and understanding of prenatal life and development, and the effects of abortion on the physical and psychological health of women;

(5) At conception, a new and genetically distinct human being is formed;

(6) The state has a legitimate, substantial, and compelling interest in protecting the rights of all human beings, including the fundamental and absolute right of unborn human beings to life, liberty, and all rights protected by the Fourteenth and Ninth Amendments to the United States Constitution;

(7) The presence of a fetal heartbeat is medically significant because the heartbeat is a discernible sign of life at every stage of human existence;

(8) An unborn child's heart begins to beat at five (5) weeks gestational age, and blood begins to flow during the sixth week;

(9) Depending on what type of equipment is utilized, an unborn child's heartbeat can be detected as early as six (6) to eight (8) weeks gestational age;

(10) An unborn child's heartbeat can consistently be made audible using a handheld Doppler fetal heart rate device by twelve (12) weeks gestational age;

(11) A pregnancy can be confirmed through the detection of the unborn child's heartbeat;

(12) By the beginning of the second trimester, physicians view the absence of a fetal heartbeat as an instance of fetal death;

(13) It is standard medical practice to monitor an unborn child's heartbeat throughout pregnancy and labor to measure the heart rate and rhythm of the unborn

child, which averages between one hundred ten (110) and one hundred sixty (160) beats per minute. This monitoring is used as an indicator of the health of the unborn child;

(14) Since the Supreme Court's decision in Roe v. Wade, medical professionals have expanded their understanding of life in utero to include, among other indicia, the presence of a heartbeat, brain development, a viable pregnancy or viable intrauterine pregnancy during the first trimester of pregnancy, and the ability to experience pain;

(15) The presence of a fetal heartbeat is the best indicator of a viable pregnancy. The detectability of a fetal heartbeat is a strong predictor of survivability to term, especially if the heartbeat is present at eight (8) weeks gestational age or later;

(16) When a fetal heartbeat is detected between eight (8) and twelve (12) weeks gestational age, the rate of miscarriage is extremely low, with approximately ninety eight percent (98%) of naturally conceived pregnancies carrying to term;

(17) At eight (8) weeks gestational age, an unborn child begins to show spontaneous movements, and reflexive responses to touch. The majority of an unborn child's body is responsive to touch by fourteen (14) weeks gestational age;

(18) Peripheral cutaneous sensory receptors, which are the receptors that feel pain, develop in an unborn child at around seven (7) to eight (8) weeks gestational age. Sensory receptors develop in the palmar regions during the tenth week of gestational age, growing throughout the unborn child's body by sixteen (16) weeks gestational age;

(19) An unborn child's nervous system is established by six (6) weeks gestational age. At this stage, the basic pattering of the early nervous system is in place and is the basis for tremendous growth and increased complexity built upon this basic pattern. The earliest neurons of the cortical brain, responsible for thinking, memory, and higher level functions, are established by the fourth week;

(20) Synapses are formed in the seventh week, and the neural connections for the most primitive responses to pain are in place by ten (10) weeks gestation;

(21) Substance P, a peptide functioning as a neurotransmitter in the transmission of pain, is present in the spinal cord of an unborn child at eight (8) weeks gestational age, while enkephalin peptides, which serve as neurotransmitters in pain modulation, are present at twelve (12) to fourteen (14) weeks gestational age;

(22) There is significant evidence, based on peer-reviewed scientific studies, that unborn children are capable of experiencing pain by no later than twenty (20) weeks gestational age. Pain receptor nerves are already present throughout the human body by twenty (20) weeks gestation, and the cortex, which begins development at eight (8) weeks, has a full complement of neurons at twenty (20) weeks;

(23) There is evidence that an unborn child is capable of feeling pain as early as twelve (12) to fifteen (15) weeks gestational age. The scientific evidence shows that significant cortical neuronal connections are in place by ten (10) to twelve (12) weeks gestation, and that connections between the spinal court and thalamus are nearly complete by twenty (20) weeks gestation;

(24) A growing body of medical evidence and literature supports the conclusion that an unborn child may feel pain from around eleven (11) to twelve (12) weeks gestational age, or even as early as five and a half (5 ½) weeks. At only eight (8) weeks gestation, an unborn child exhibits reflexive movement during invasive procedures resulting from spinal reflex neuro pathways, showing that the unborn child reacts to noxious stimuli with avoidance reactions and stress responses. By sixteen (16) weeks gestational age, pain transmission from a peripheral receptor to the cortex is possible. Significant evidence also shows hormonal stress responses by unborn children as early as eighteen (18) weeks;

(25) Mothers considering abortion express concern over the medical information on fetal neurological development and an unborn child's ability to feel pain while in utero, and providing this information to mothers who are considering abortion is an important

part of empowering mothers to make a fully-informed choice on whether or not to seek an abortion;

(26) Medical evidence shows that younger infants are hypersensitive to pain. Neuronal mechanisms that inhibit or moderate pain sensations do not begin to develop until thirty-four (34) to thirty-six (36) weeks gestation and are not complete until a significant time after birth. Newborn and preterm infants are hyperresponsive to pain compared to adults or older infants;

(27) The recognition of fetal pain has led to improvements and changes in how physicians approach fetal surgery and fetal anesthesia. The presence of neural connections and the ability to feel pain as early as the fifteenth week now necessitate treating the unborn child as a separate patient from the mother for purposes of utilizing direct analgesia to fetal patients, who clearly elicit stress responses to pain;

(28) Fetal surgeons at specialized units in St. Louis, Nashville, Cincinnati, Kansas City, Boston, and elsewhere, in response to their recognition of fetal pain, routinely use anesthesia and analgesia for unborn and premature infants undergoing surgery as young as eighteen (18) weeks gestation;

(29) The leading textbook on clinical anesthesia recognizes the significant body of evidence indicating the importance of mitigating fetal stress responses to pain stimuli. It is presumed that an unborn child's ability to fully experience pain occurs between twenty (20) and thirty (30) weeks, and that the fetal experience of pain may be even greater than that of term neonate or young children due to the immaturity of neurodevelopment that helps inhibit pain;

(30) Mothers considering abortion express concern over the medical information on fetal neurological development and an unborn child's ability to feel pain while in utero;

(31) The infliction of unnecessary pain upon a living being is generally prohibited by state and federal law. The legislature has prohibited the unnecessary infliction of pain

on living beings in a variety of circumstances in an effort to protect the innocent from harm;

(32) The life of an unborn child is recognized and protected from violence by federal law and by the laws of most states. The killing of an unborn child is considered homicide in thirty-eight (38) states, with at least twenty-eight (28) of those states criminalizing the act from conception. Nearly every state and the District of Columbia have wrongful death statutes that allow for liability and recovery for the death of an unborn child or subsequent death of an infant who is born and later dies because of injuries caused while in utero;

(33) The United States Supreme Court created the viability standard for evaluating abortion-related laws and regulations in Roe v. Wade, 410 U.S. 113 (1973), and reaffirmed this approach in Planned Parenthood v. Casey, 505 U.S. 833 (1992);

(34) At the time Roe v. Wade was decided, the court recognized that viability was not likely until approximately twenty-eight (28) weeks gestational age;

(35) Since the Supreme Court's decisions in Roe v. Wade and Planned Parenthood v. Casey, advances in science, technology, and treatment methods have resulted in children surviving and thriving at younger preterm ages than ever before;

(36) In recent years, scientific advances and advances in neonatal care of lowered the gestational limits of survivability well into the second trimester;

(37) The age at which a preterm infant can survive has decreased from twenty-eight (28) weeks to less than twenty-two (22) weeks. Survival of preterm infants has increased significantly over time assuming physicians provide active care for the young infants, lowering the age of survival from twenty-eight (28) weeks to twenty-four (24) weeks. Moreover, infants born as early as twenty-two (22) weeks can survive with the provision of care and treatment. The youngest preterm infant to survive was born at only twenty-one (21) weeks and four (4) days;

(38) In 1978, the first infants weighing less than seven hundred fifty (750) grams were successfully ventilated;

(39) By the 1990s, survival of infants born weighing between five hundred (500) and seven hundred (700) grams, roughly between twenty-four (24) to twenty-six (26) weeks, became possible;

(40) Technological developments in the 1980s and 1990s, such as improved tracheal instillation of surfactant for respiratory distress syndrome and antenatal corticosteroids, resulted in survival of infants born between twenty-three (23) to twenty-four (24) weeks;

(41) In recent years, resuscitation and survival of infants born weighing less than four hundred (400) grams, or approximately twenty-two (22) to twenty-three (23) weeks gestational age, has further decreased the age of viability;

(42) The provision of active prenatal and postnatal care has significantly increased the number of prematurely born children who survive until hospital discharge;

(43) Abortions performed at any gestational age pose a risk to the mother. Abortion increases the risks of subsequent preterm birth and placenta previa, life-threatening hemorrhage, postpartum hemorrhage, and cesarean delivery;

(44) Abortions performed later in pregnancy pose an even higher medical risk to the health and life of women, with the relative risk increasing exponentially at later gestational ages after eight (8) weeks gestational age;

(45) The relative risk of death for pregnant women who had an abortion performed or induced upon her at eleven (11) to twelve (12) weeks gestational age is between three (3) and four (4) times higher than an abortion at eight (8) weeks gestational age or earlier;

(46) The relative risk of death for pregnant women who had an abortion performed or induced upon her at thirteen (13) to fifteen (15) weeks gestational age is

almost fifteen (15) times higher than an abortion at eight (8) weeks gestational age or earlier;

(47) The relative risk of death for pregnant women who had an abortion performed or induced upon her at sixteen (16) to twenty (20) weeks gestational age is almost thirty (30) times higher than an abortion at eight (8) weeks gestational age or earlier;

(48) The relative risk of death for pregnant women who had an abortion performed or induced upon her at twenty-one (21) weeks gestational age or later is more than seventy-five (75) times higher than an abortion at eight (8) weeks gestational age or earlier;

(49) Women who have an abortion suffer from post-traumatic stress disorder at a rate slightly higher than veterans of the Vietnam war. Women who have an abortion have an eighty one percent (81%) increased risk of mental trauma after an abortion. Abortion has been shown to correlate with many other mental health disorders as well;

(50) The United States is one of only seven (7) countries in the world that permits elective abortion past twenty (20) weeks;

(51) Only seventeen (17) countries permit abortion without any restriction beyond week twelve (12) weeks gestational age;

(52) The United States is an outlier within the international community related to the regulation of abortion. Of the countries that permit elective abortion, nine (9) limit elective abortion before the twelfth week of gestation, thirty-six (36) limit elective abortion at twelve (12) weeks gestation, six (6) limit elective abortion between twelve (12) and twenty (20) weeks gestation, and only seven (7) permit elective abortion past twenty (20) weeks or have no gestational limit;

(53) The historical development of abortion is undeniably tied to bias and discrimination by some organizations, leaders, and policies towards impoverished and minority communities, including the imposition of forced sterilization of the intellectually

disabled, poor, minority, and immigrant women. These historic policies should be rejected and left on the ash heap of history;

(54) As Justice Clarence Thomas wrote in his opinion concurring in the denial of certiorari in Box v. Planned Parenthood of Indiana and Kentucky., Inc., 139 S. Ct. 1780, 1783 (2019), "the use of abortion to achieve eugenic goals is not merely hypothetical." This historical practice of abortion was rooted not in equality but in discrimination based on age, sex, and disability;

(55) In the early twentieth century, the eugenics movement had grown popular across elite institutions in the United States, with many distinguishing between so-called fit and unfit individuals along racial lines and expressing concern over the increased birth-rate among non-white populations. Such abhorrent distinctions were also made between able-bodied persons and persons eugenicists referred to as "feeble-minded," "deformed," "diseased," blind, deaf, or "dependent," a term used to included orphans and the poor. Laws were adopted prohibiting marriages between the disabled and other "unfit" individuals and requiring their sterilization. More than sixty thousand (60,000) people were involuntarily sterilized between 1907 and 1983;

(56) Planned Parenthood founder Margaret Sanger argued in the early twentieth century that birth control would open the way to the eugenicist. Sanger argued that birth control could be used to reduce the "ever increasing, unceasingly spawning class of human beings who never should have been born at all;

(57) This argument was later adopted by abortion advocates, such as Planned Parenthood President Alan Guttmacher, who endorsed abortion for eugenic purposes. Guttmacher argued in the 1950's that abortion should be used to prevent the birth of disabled children. Legal scholar Glanville Williams, whose book was cited in the majority opinion in Roe v. Wade, argued in a book published in the 1950's that a "eugenic killing by a mother . . . cannot confidently be pronounced immoral;

(58) Some continue to support the goal of reducing undesirable populations through selective reproduction;

(59) Today, the individualized nature of abortion creates a significant risk that prenatal screening tests and new technologies will be used to eliminate children with unwanted characteristics;

(60) There is substantial evidence from across the globe and in the United States that the elimination of children with unwanted characteristics is already occurring. The abortion rate for children diagnosed with Down syndrome in utero approaches one hundred percent (100%) in Iceland, ninety eight percent (98%) in Denmark, ninety percent (90%) in the United Kingdom, and seventy seven percent (77%) in France. Even in the United States, the abortion rate for children with Down Syndrome is sixty seven percent (67%). Widespread sex-selective abortions in Asia have led to as many as one hundred sixty (160) million "missing" women. In India, as a result of the abortion of 300,000-700,000 female unborn children each year over several decades, there are currently about fifty (50) million more men than women in the country. Recent evidence also suggests that sex-selective abortions of girls are common among certain populations in the United States;

(61) Sex-selective abortion results in an unnatural sex ratio imbalance that can impede members of the numerically predominant sex from finding partners, encourage the commoditization of humans in the form of human trafficking, and create other societal harms. Sex-selective abortion also reinforces discriminatory and sexist stereotypes toward women by devaluing and dehumanizing females;

(62) In this state, from 2008 through 2017, the rate of abortion per one thousand (1,000) women was nearly four (4) times higher for nonwhite women than white women, with a rate of 7.6 on average for all women, 4.6 for white women, and 16.0 for nonwhite women. The ratio of abortions to one thousand (1,000) live births in this state from 2008-

2017 was nearly three (3) times higher for nonwhite women than white women, with an average of 138.2 for all women, 85.1 for white women, and 294.4 for nonwhite women;

(63) The use of abortion as a means to prefer one (1) sex over another or to discriminate based on disability or race is antithetical to the core values equality, freedom, and human dignity enshrined in both the United States and Tennessee Constitutions. The elimination of bias and discrimination against pregnant women, their partners, and their family members, including unborn children, is a fundamental obligation of government in order to guarantee those who are, according to the Declaration of Independence, "endowed by their Creator with certain unalienable Rights" can enjoy "Life, Liberty, and the pursuit of Happiness";

(64) This state has historically protected its interest in preserving the integrity of the medical profession by enacting a comprehensive statutory framework for ensuring the integrity of the medical profession in title 63;

(65) The general assembly first adopted an act creating the Board of Medical Examiners in 1901, with the mission to protect the health, safety, and welfare of the people of this state and to ensure the highest degree of professional conduct;

(66) As the Supreme Court of the United States acknowledged in Gonzales v. Carhart, 550 U.S. 124, 157 (2007) (citing Washington v. Glucksberg, 521 U.S. 702, 731 (1997)), "the government has an interest in protecting the integrity and ethics of the medical profession." Under U.S. Supreme Court precedents, it is clear the State has a significant role to play in regulating the medical profession;

(67) Physician involvement in medical practices that cause fetal pain has been rejected by the international community;

(68) Physician involvement in medical practices that facilitate discrimination is antithetical to the United States and Tennessee constitutions' affirmation of equal protection under the law;

(69) The integrity and public respect of the medical profession are significantly harmed by physician involvement in practices that have been rejected by the international community, facilitate discrimination, or otherwise create a disdain for life;

(70) This state has a legitimate, substantial, and compelling interest in valuing and protecting unborn children;

(71) This state has a legitimate, substantial, and compelling interest in protecting the physical and mental health of the mother;

(72) This state has a legitimate, substantial, and compelling interest in promoting human dignity;

(73) This state has a legitimate, substantial, and compelling interest in encouraging childbirth over abortion;

(74) This state has a legitimate, substantial, and compelling interest in safeguarding an unborn child from the serious harm of pain by an abortion method that would cause the unborn child to experience pain;

(75) This state has a legitimate, substantial, and compelling interest in resolving untenable inconsistencies and incongruities in state law which permits some unborn children to be killed by abortion, while requiring that unborn children be protected and valued in non-abortion circumstances including, but not limited to, criminal provisions related to the infliction of harms against persons, state programs intended to aid prenatal healthcare, and state sponsored healthcare for unborn children;

(76) This state has a legitimate, substantial, and compelling interest in protecting the integrity and ethics of the medical profession, including by prohibiting medical practices that might cause the medical profession to become insensitive, even disdainful, to life, including the life of the unborn child; and

(77) This state has a legitimate, substantial, and compelling interest in preventing discrimination.

(b) Purpose.

(1) The purpose of this section is to provide legislative intent and reasoning underlying the enactment of laws to protect maternal health, and to preserve, promote, and protect life and potential life throughout pregnancy, including, but not limited to, §§ 39-15-215-- 39-15-217.

(2) The unique nature of abortion and its potential physical and mental health risks, as well as the ultimate result of the death of an unborn child, necessitates that this state ensure every woman considering an abortion is provided with adequate comprehensive information before deciding to obtain an abortion. The mandatory provision of an ultrasound prior to the abortion substantially furthers this compelling state interest.

(3) The presence of a fetal heartbeat is a medically significant indicator of life and the potential successful development of an unborn child. This state's legitimate, substantial, and compelling interest in protecting unborn children warrants the restriction of abortion in cases where the heartbeat is detectable.

(4) The unnecessary infliction of pain upon the life of an unborn child is inconsistent with Tennessee law that would otherwise protect the life and health of an unborn child, undermines the integrity of and public trust in the medical profession, and conflicts with the this state's legitimate, substantial, and compelling interest in protecting the life of an unborn child, protecting the integrity of the medical profession, resolving the conflict in state laws intended to protect the health of the unborn child, and protecting the life, physical health, and mental health of women. Therefore, it is necessary to enact protections against the infliction of pain, and death, upon an unborn child who is capable of experiencing pain.

(5) Advances in science and medical practice have decreased the gestational age of an unborn child's viability to survive. This state's legitimate, substantial, and compelling interest in protecting the life of an unborn child, protecting the integrity of the medical profession, resolving the conflict in state laws intended to protect the health of

the unborn child, and protecting the life, physical health, and mental health of women require the enactment of a series of gestational age restrictions on the provision of an abortion.

(6) The historical use of abortion as a means to discriminatory ends is fundamentally objectionable and conflicts with this state's legitimate, substantial, and compelling interest in preventing discrimination and discriminatory practices. Therefore, it is necessary for this state to enact protections that prevent sex, racial, and disability discrimination against unborn children.

(7) Life begins at conception, and nothing in this act shall be interpreted or construed to suggest that it is the intent or purpose of the legislature to condone abortion of an unborn child at any time after conception. The legislature specifically acknowledges the provisions of § 39-15-213 that will prohibit all abortion effective on the thirtieth day after issuance of a judgment overruling, in whole or in part, Roe v. Wade, as modified by Planned Parenthood v. Casey, or adoption of an amendment to the Constitution, restoring state authority to prohibit abortion.

39-15-215.

(a) As used in this section:

(1) "Abortion" has the same meaning as defined in § 39-15-211;

(2) "Auscultate" means to examine by listening for sounds made by internal organs of the fetus, including a fetal heartbeat, in accordance with standard medical practice utilizing current medical technology and methodology;

(3) "Gestational age" or "gestation" has the same meaning as defined in § 39-15-211;

(4) "Medical emergency" has the same meaning as defined in § 39-15-211; provided, that a medical emergency does not include a claim or diagnosis related to the woman's mental health or a claim or diagnosis that the woman will

engage in conduct which would result in her death or substantial and irreversible impairment of a major bodily function;

(5) "Obstetric ultrasound" or "ultrasound" means the use of ultrasonic waves for diagnostic or therapeutic purposes, specifically to monitor a developing fetus; and

(6) "Ultrasound technician" means a person at least eighteen (18) years of age who:

(A) Has earned a technical certificate from a sonography program accredited by the Commission on Accreditation of Allied Health Education Programs (CAAHEP) or Canadian Medical Association (CMA);

(B) Is currently certified by the American Registry for Diagnostic Medical Sonography (ARDMS) in the specialty in which the person is currently practicing;

(C) Is currently certified by the American Registry of Radiologic Technologists (ARRT) in sonography;

(D) Is in the process of applying for registration with the ARDMS, provided that the applicant satisfies the requirements for registration within ninety (90) days of becoming employed as a sonographer; or

(E) Is in the process of applying for registration with the ARRT, provided that the applicant satisfies the requirements for registration within ninety (90) days of becoming employed as a sonographer.

(b) Prior to a pregnant woman giving informed consent to having an abortion, as required by § 39-15-202, the physician who is performing or inducing, or attempting to perform or induce, an abortion, shall:

(1) Determine the gestational age of the unborn child in accordance with generally accepted standards of medical practice;

(2) Inform the pregnant woman the gestational age of the unborn child;

(3) Perform an obstetric ultrasound in accordance with generally accepted standards of medical practice using current medical technology and methodology applicable to the gestational age of the unborn child and reasonably calculated to determine whether a fetal heartbeat exists;

(4) Auscultate the fetal heartbeat of the unborn child, if any, so that the pregnant woman may hear the heartbeat if the heartbeat is audible;

(5) Provide a simultaneous explanation of what the ultrasound is depicting, which must include the presence and location of the unborn child within the uterus, the dimensions of the unborn child, the presence of external members and internal organs if present and viewable, the number of unborn children depicted, and, if the ultrasound image indicates that fetal demise has occurred, inform the woman of that fact;

(6) Display the ultrasound images so that the pregnant woman may view the images;

(7) Record in the pregnant woman's medical record the presence or absence of a fetal heartbeat, the method used to test for the fetal heartbeat, the date and time of the test, and the estimated gestational age of the unborn child; and

(8) Obtain from the pregnant woman prior to performing or inducing, or attempting to perform or induce, an abortion, a signed certification that the pregnant woman was presented with the information required to be provided under this subsection (b), that the pregnant woman viewed the ultrasound images or declined to do so, and that the pregnant woman listened to the heartbeat if the heartbeat was audible or declined to do so. The signed certification must be in addition to any other documentation requirements under this part and must be on a form prescribed by the commissioner of health and be retained in the woman's medical record.

(c)

(1) The physician who is to perform or induce, or attempt to perform or induce, an abortion may delegate the responsibility to perform the obstetric ultrasound to an ultrasound technician, provided that the ultrasound technician is qualified and permitted by law to perform an obstetric ultrasound that complies with the requirements of subsection (b). An ultrasound technician performing an obstetric ultrasound under this subdivision (c)(1) shall perform the obstetric ultrasound in a manner that complies with subsection (b), and the physician may rely on the signed certification obtained by the qualified technician under subdivision (b)(8) to establish that an ultrasound was performed in compliance with this section, unless the physician knows, or in the exercise of reasonable care should know, that an ultrasound was not performed in accordance with this section.

(2) The physician who is to perform or induce, or attempt to perform or induce, an abortion may accept a certification from a referring physician that the referring physician has performed an obstetric ultrasound that complies with the requirements of subsection (b). The referring physician performing an obstetric ultrasound under this subdivision (c)(2) shall perform the obstetric ultrasound in a manner that complies with subsection (b), and the physician may rely on the signed certification obtained by the referring physician under subdivision (b)(8) to establish that an ultrasound was performed in compliance with this section, unless the physician knows, or in the exercise of reasonable care should know, that an ultrasound was not performed in accordance with this section.

(d) When the ultrasound images and heartbeat sounds are provided to and reviewed with the pregnant woman, this section shall not be construed to prevent the pregnant woman from averting her eyes from the ultrasound images or requesting the volume of the heartbeat be reduced or turned off if the heartbeat is audible. The

physician or ultrasound technician performing the ultrasound shall be permitted to comply with the request of the pregnant woman. The physician, the ultrasound technician, and the pregnant woman shall not be subject to any penalty if the pregnant woman refuses to look at the displayed ultrasound images or to listen to the heartbeat if the heartbeat is audible.

(e)

(1) Subject to compliance with subdivision (e)(2), it is an affirmative defense to criminal prosecution for a violation of a provision of this section that, in the physician's reasonable medical judgment, a medical emergency prevented compliance with the provision.

(2) In order for the affirmative defense in subdivision (e)(1) to apply, a physician who performs or induces, or attempts to perform or induce, an abortion because of a medical emergency must comply with each of the following conditions unless the medical emergency also prevents compliance with the condition:

(A) The physician who performs or induces, or attempts to perform or induce, the abortion certifies in writing that, in the physician's good faith, reasonable medical judgment, based upon the facts known to the physician at the time, compliance with the provision was prevented by a medical emergency;

(B) The physician certifies in writing the available methods or techniques considered and the reasons for choosing the method or technique employed;

(C) If the unborn child is presumed to be viable under § 39-15-211 or determined to be viable under § 39-15-212, the physician performs or induces, or attempts to perform or induce, the abortion in a hospital. The hospital must have appropriate neonatal services for premature

infants unless there is no hospital within thirty (30) miles with neonatal services and the physician who intends to perform or induce the abortion has admitting privileges at the hospital where the abortion is to be performed or induced;

(D) If the unborn child is presumed viable under § 39-15-211 or determined to be viable under § 39-15-212, the physician who performs or induces, or attempts to perform or induce, the abortion terminates or attempts to terminate the pregnancy in the manner that provides the best opportunity for the unborn child to survive, unless that physician determines, in the physician's good faith medical judgment, based upon the facts known to the physician at the time, that the termination of the pregnancy in that manner poses a significantly greater risk of the death of the pregnant woman or a significantly greater risk of the substantial and irreversible impairment of a major bodily function of the pregnant woman than would other available methods of abortion; and

(E) If the unborn child is presumed viable under § 39-15-211 or determined to be viable under § 39-15-212, the physician who performs or induces, or attempts to perform or induce, the abortion has arranged for the attendance in the same room in which the abortion is to be performed or induced, or attempted to be performed or induced, at least one (1) other physician who is to take control of, provide immediate medical care for, and take all reasonable steps necessary to preserve the life and health of the unborn child immediately upon the child's complete expulsion or extraction from the pregnant woman.

(f) Performing or inducing, or attempting to perform or induce, an abortion in violation of the requirements of this section is a Class C felony.

(g) A violation of subsection (c) by an ultrasound technician or referring physician whose performance of an ultrasound pursuant to subsection (c) is relied upon by a physician in performing or inducing, or attempting to perform or induce, an abortion is a Class E felony.

(h) A pregnant woman upon whom an abortion is performed or induced, or attempted to be performed or induced, in violation of this section is not guilty of violating this section or attempting to commit or conspiring to commit a violation of this section.

(i) When a physician is criminally charged with a violation of this section, the physician shall report the charge to the board of medical examiners in writing within seven (7) calendar days of acquiring knowledge of the charge. The report must include the jurisdiction in which the charge is pending, if known, and must also be accompanied by a copy of the charging documents, if available. A district attorney general shall promptly notify the board of medical examiners when a physician is charged with a violation of this section.

(j) If any provision or provisions of this section or the application thereof to any person, circumstance, or period of gestational age is found to be unenforceable, unconstitutional, or invalid by a court of competent jurisdiction, the same is hereby declared to be severable and the remainder of the section shall remain effective. The general assembly hereby declares that it would have enacted this section and each of its provisions, even if any provision of this section or the application thereof to any person, circumstance, or period of gestational age is later found to be unenforceable, unconstitutional, or invalid.

(k)

(1) It is the specific intent of the general assembly in this section to exercise to the greatest extent permitted by law the legitimate, substantial, and compelling state interest in protecting maternal health, and in preserving, promoting, and protecting life and potential life throughout pregnancy by enacting

more protective requirements than provided for under this part as it existed prior to the effective date of this act.

(2) When this section is in direct conflict with this part as it existed prior to the effective date of this act, the more protective requirements of this section control over any less protective provision in this part. This section shall not be construed as a repeal, either express or implied, of any provision of this part as it existed prior to the effective date of this act.

(3) The general assembly specifically intends that this part as it existed prior to the effective date of this act shall remain and be enforceable if, and for so long as, any provisions of this section, or any part or parts thereof, are enjoined or otherwise barred by a court of competent jurisdiction.

(4) This section does not repeal or modify in any way § 39-15-213, as enacted by Public Chapter 351 of 2019, which shall control upon becoming effective. This section shall remain and be enforceable if, and for so long as, any provisions of § 39-15-213, or any part or parts thereof, are enjoined or otherwise barred by a court of competent jurisdiction.

39-15-216.

(a) As used in this section:

(1) "Abortion" has the same meaning as defined in § 39-15-211;

(2) "Fetal heartbeat" means cardiac activity or the steady and repetitive rhythmic contraction of the heart of an unborn child;

(3) "Gestational age" or "gestation" has the same meaning as defined in § 39-15-211;

(4) "Medical emergency" has the same meaning as defined in § 39-15-211; provided, that a medical emergency does not include a claim or diagnosis related to the woman's mental health or a claim or diagnosis that the woman will

engage in conduct which would result in her death or substantial and irreversible impairment of a major bodily function;

(5) "Unborn child" has the same meaning as defined in § 39-15-211; and

(6) "Viable" has the same meaning as defined in § 39-15-211.

(b)

(1) Before performing or inducing, or attempting to perform or induce, an abortion, the physician shall determine the gestational age of the unborn child in accordance with generally accepted standards of medical practice.

(2) A violation of subdivision (b)(1) is a Class C felony.

(c)

(1) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman whose unborn child has a fetal heartbeat. A violation of this subdivision (c)(1) is a Class C felony.

(2) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman whose unborn child is six (6) weeks gestational age or older unless, prior to performing or inducing the abortion, or attempting to perform or induce the abortion, the physician affirmatively determines and records in the pregnant woman's medical record that, in the physician's good faith medical judgment, the unborn child does not have a fetal heartbeat at the time of the abortion. In making the good faith medical determination, the physician shall utilize generally accepted standards of medical practice using current medical technology and methodology applicable to the gestational age of the unborn child and reasonably calculated to determine the existence or non-existence of a fetal heartbeat. A violation of this subdivision (c)(2) is a Class C felony.

(3) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman whose unborn child is eight (8) weeks gestational age or older. A violation of this subdivision (c)(3) is a Class C felony.

(4) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman whose unborn child is ten (10) weeks gestational age or older. A violation of this subdivision (c)(4) is a Class C felony.

(5) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman whose unborn child is twelve (12) weeks gestational age or older. A violation of this subdivision (c)(5) is a Class C felony.

(6) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman whose unborn child is fifteen (15) weeks gestational age or older. A violation of this subdivision (c)(6) is a Class C felony.

(7) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman whose unborn child is eighteen (18) weeks gestational age or order. A violation of this subdivision (c)(7) is a Class C felony.

(8) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman whose unborn child is twenty (20) weeks gestational age or older. A violation of this subdivision (c)(8) is a Class C felony.

(9) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman whose unborn child is twenty-one (21) weeks gestational age or older. A violation of this subdivision (c)(9) is a Class C felony.

(10) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman whose unborn child is twenty-two (22) weeks gestational age or older. A violation of this subdivision (c)(10) is a Class C felony.

(11) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman whose unborn child is twenty-three (23) weeks gestational age or older. A violation of this subdivision (c)(11) is a Class C felony.

(12) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman whose unborn child is twenty-four (24) weeks gestational age or older. A violation of this subdivision (c)(12) is a Class C felony.

(d)

(1) A person shall not be convicted of violating more than one (1) subdivision of subsection (c) for any one (1) abortion that the person performed, induced, or attempted to perform or induce.

(2) This section does not permit the abortion of a viable unborn child.

(e)

(1) Subject to compliance with subdivision (e)(2), it is an affirmative defense to criminal prosecution for a violation of a provision of this section that, in the physician's reasonable medical judgment, a medical emergency prevented compliance with the provision.

(2) In order for the affirmative defense in subdivision (e)(1) to apply, a physician who performs or induces, or attempts to perform or induce, an abortion because of a medical emergency must comply with each of the following conditions unless the medical emergency also prevents compliance with the condition:

(A) The physician who performs or induces, or attempts to perform or induce, the abortion certifies in writing that, in the physician's good faith, reasonable medical judgment, based upon the facts known to

the physician at the time, compliance with the provision was prevented by a medical emergency;

(B) The physician certifies in writing the available methods or techniques considered and the reasons for choosing the method or technique employed;

(C) If the unborn child is presumed to be viable under § 39-15-211 or determined to be viable under § 39-15-212, the physician performs or induces, or attempts to perform or induce, the abortion in a hospital. The hospital must have appropriate neonatal services for premature infants unless there is no hospital within thirty (30) miles with neonatal services and the physician who intends to perform or induce the abortion has admitting privileges at the hospital where the abortion is to be performed or induced;

(D) If the unborn child is presumed viable under § 39-15-211 or determined to be viable under § 39-15-212, the physician who performs or induces, or attempts to perform or induce, the abortion terminates or attempts to terminate the pregnancy in the manner that provides the best opportunity for the unborn child to survive, unless that physician determines, in the physician's good faith medical judgment, based upon the facts known to the physician at the time, that the termination of the pregnancy in that manner poses a significantly greater risk of the death of the pregnant woman or a significantly greater risk of the substantial and irreversible impairment of a major bodily function of the pregnant woman than would other available methods of abortion; and

(E) If the unborn child is presumed viable under § 39-15-211 or determined to be viable under § 39-15-212, the physician who performs or induces, or attempts to perform or induce, the abortion has arranged

for the attendance in the same room in which the abortion is to be performed or induced, or attempted to be performed or induced, at least one (1) other physician who is to take control of, provide immediate medical care for, and take all reasonable steps necessary to preserve the life and health of the unborn child immediately upon the child's complete expulsion or extraction from the pregnant woman.

(f) A pregnant woman upon whom an abortion is performed or induced, or attempted to be performed or induced, in violation of any provision of this section is not guilty of violating, or of attempting to commit or conspiring to commit a violation of, this section.

(g) When a physician is criminally charged with a violation of this section, the physician shall report the charge to the board of medical examiners in writing within seven (7) calendar days of acquiring knowledge of the charge. The report must include the jurisdiction in which the charge is pending, if known, and must also be accompanied by a copy of the charging documents, if available. A district attorney general shall promptly notify the board of medical examiners when a physician is charged with a violation of this section.

(h) If any provision or provisions of this section or the application thereof to any person, circumstance, or period of gestational age is found to be unenforceable, unconstitutional, or invalid by a court of competent jurisdiction, the same is hereby declared to be severable and the remainder of the section shall remain effective. The general assembly hereby declares that it would have enacted this section and each of its provisions, even if any provision of this section or the application thereof to any person, circumstance, or period of gestational age was later found to be unenforceable, unconstitutional, or invalid.

(i)

(1) It is the specific intent of the general assembly in this section to exercise to the greatest extent permitted by law the legitimate, substantial, and compelling state interest in protecting maternal health, and in preserving, promoting, and protecting life and potential life throughout pregnancy by enacting more protective requirements than provided for under this part as it existed prior to the effective date of this act.

(2) When this section is in direct conflict with this part as it existed prior to the effective date of this act, the more protective requirements of this section control over any less protective provision of this part. This section shall not be construed as a repeal, either express or implied, of any provision of this part as it existed prior to the effective date of this act.

(3) The general assembly specifically intends that this part as it existed prior to the effective date of this act shall remain and be enforceable if, and for so long as, any provisions of this section, or any part or parts thereof, are enjoined or otherwise barred by a court of competent jurisdiction.

(4) This section does not repeal or modify in any way § 39-15-213, as enacted by Public Chapter 351 of 2019, which shall control upon becoming effective. This section shall remain and be enforceable if, and for so long as, any provisions of § 39-15-213, or any part or parts thereof, are enjoined or otherwise barred by a court of competent jurisdiction.

39-15-217.

(a) As used in this section:

(1) "Abortion" has the same meaning as defined in § 39-15-211;

(2) "Down syndrome" means a chromosome disorder associated either with an extra chromosome twenty-one or an effective trisomy for chromosome twenty-one;

(3) "Medical emergency" has the same meaning as defined in § 39-15-211; provided, that it does not include a claim or diagnosis related to the woman's mental health or a claim or diagnosis that the woman will engage in conduct which would result in her death or substantial and irreversible impairment of a major bodily function; and

(4) "Unborn child" has the same meaning as defined in § 39-15-211.

(b) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman if the person knows that the woman is seeking the abortion because of the sex of the unborn child.

(c) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman if the person knows that the woman is seeking the abortion because of the race of the unborn child.

(d) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman if the person knows that the woman is seeking the abortion because of a prenatal diagnosis, test, or screening indicating Down syndrome or the potential for Down syndrome in the unborn child.

(e)

(1) Subject to compliance with subdivision (e)(2), it is an affirmative defense to criminal prosecution for a violation of a provision of this section that, in the physician's reasonable medical judgment, a medical emergency prevented compliance with the provision.

(2) In order for the affirmative defense in subdivision (e)(1) to apply, a physician who performs or induces, or attempts to perform or induce, an abortion because of a medical emergency must comply with each of the following conditions unless the medical emergency also prevents compliance with the condition:

(A) The physician who performs or induces, or attempts to perform or induce, the abortion certifies in writing that, in the physician's good faith, reasonable medical judgment, based upon the facts known to the physician at the time, compliance with the provision was prevented by a medical emergency;

(B) The physician certifies in writing the available methods or techniques considered and the reasons for choosing the method or technique employed;

(C) If the unborn child is presumed to be viable under § 39-15-211 or determined to be viable under § 39-15-212, the physician performs or induces, or attempts to perform or induce, the abortion in a hospital. The hospital must have appropriate neonatal services for premature infants unless there is no hospital within thirty (30) miles with neonatal services and the physician who intends to perform or induce the abortion has admitting privileges at the hospital where the abortion is to be performed or induced;

(D) If the unborn child is presumed viable under § 39-15-211 or determined to be viable under § 39-15-212, the physician who performs or induces, or attempts to perform or induce, the abortion terminates or attempts to terminate the pregnancy in the manner that provides the best opportunity for the unborn child to survive, unless that physician determines, in the physician's good faith medical judgment, based upon the facts known to the physician at the time, that the termination of the pregnancy in that manner poses a significantly greater risk of the death of the pregnant woman or a significantly greater risk of the substantial and irreversible impairment of a major bodily function of the pregnant woman than would other available methods of abortion; and

(E) If the unborn child is presumed viable under § 39-15-211 or determined to be viable under § 39-15-212, the physician who performs or induces, or attempts to perform or induce, the abortion has arranged for the attendance in the same room in which the abortion is to be performed or induced, or attempted to be performed or induced, at least one (1) other physician who is to take control of, provide immediate medical care for, and take all reasonable steps necessary to preserve the life and health of the unborn child immediately upon the child's complete expulsion or extraction from the pregnant woman.

(f) A violation of subsections (b)-(d) is a Class C felony.

(g) A pregnant woman upon whom an abortion is performed or induced, or attempted to be performed or induced, in violation of subsections (b)-(d), is not guilty of violating the subsections, or of attempting to commit or conspiring to commit a violation of the subsections.

(h) When a physician is criminally charged with a violation of this section, the physician shall report the charge to the board of medical examiners in writing within seven (7) calendar days of acquiring knowledge of the charge. The report must include the jurisdiction in which the charge is pending, if known, and must also be accompanied by a copy of the charging documents, if available. A district attorney general shall promptly notify the board of medical examiners when a physician is charged with a violation of this section.

(i) If any provision of this section or the application thereof to any person, circumstance, or period of gestational age is found to be unenforceable, unconstitutional, or invalid by a court of competent jurisdiction, the same is hereby declared to be severable and the remainder of this section shall remain effective. The general assembly hereby declares that it would have enacted this section and each of its provisions, even if any provision of this section or the application thereof to any person,

circumstance, or period of gestational age was later found to be unenforceable, unconstitutional, or invalid.

(j)

(1) It is the specific intent of the general assembly in this section to exercise to the greatest extent permitted by law the legitimate, substantial, and compelling state interest in protecting maternal health, and in preserving, promoting, and protecting life and potential life throughout pregnancy by enacting more protective requirements than provided for under this part as it existed prior to the effective date of this act.

(2) When this section is in direct conflict with this part as it existed prior to the effective date of this act, the more protective requirements of this section control over any less protective provision in this part. This section shall not be construed as a repeal, either express or implied, of any provision of this part as it existed prior to the effective date of this act.

(3) The general assembly specifically intends that this part as it existed prior to the effective date of this act shall remain and be enforceable if, and for so long as, any provisions of this section, or any part or parts thereof, are enjoined or otherwise barred by a court of competent jurisdiction.

(4) This section does not repeal or modify in any way § 39-15-213, as enacted by Public Chapter 351 of 2019, which shall control upon becoming effective. This section shall remain and be enforceable if, and for so long as, any provisions of § 39-15-213, or any part or parts thereof, are enjoined or otherwise barred by a court of competent jurisdiction.

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 a law, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

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

AMEND Senate Bill No. 1273 House Bill No. 88*

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

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 3, Part 12, is amended by deleting the part and substituting the following:

71-3-1201. Part definitions.

As used in this part:

(1) "Caretaker relative" means the father, mother, grandfather or grandmother of any degree, brother or sister of the whole or half-blood, stepfather, stepmother, stepbrother, stepsister, aunt or uncle of any degree, first cousin, nephew or niece, the relatives by adoption within the previously named classes of persons, and the biological relatives within the previous degrees of relationship, and the legal spouses of persons within the previously named classes of persons, even if the marriage has been terminated by death or divorce, with whom a child is living;

(2) "Chain-of-custody" means the methodology of tracking specified materials or substances for the purpose of maintaining control and accountability from initial collection to final disposition for all such materials or substances, and providing for accountability at each stage in handling, testing, and storing specimens and reporting test results;

(3) "Drug" means marijuana; cocaine; methamphetamine; amphetamine; opiates, such as morphine; and any drug added by the commissioner of human services by rule;

(4) "Drug test" or "test" means any chemical, biological, or physical instrumental analysis administered by a drug testing agency authorized to do so pursuant to this part, for the purpose of determining the presence or absence of a drug or its metabolites pursuant to regulations adopted by rule by the commissioner of human services;

(5) "Drug testing agency" means an entity that has the required credentials as established by regulatory or certification authorities to administer tests using a person's urine, blood, specimen, or DNA that will detect and validate the presence of drugs in the person's body;

(6) "Drug treatment program" means a service provider that provides confidential, timely, and expert identification, assessment, and resolution of drug or alcohol abuse problems affecting persons;

(7) "Legal guardian" means a person or entity that has the legal authority to provide for the care, supervision, or control of a minor child as established by law or court order;

(8) "Protective payee" means a caretaker relative or a legal guardian of the child. "Protective payee" does not mean a caretaker relative or guardian who is the applicant for TANF benefits and who tests positive for the use of a drug; and

(9) "Specimen" means tissue, fluid, or a product of the human body capable of revealing the presence of drugs or drug metabolites.

71-3-1202. Drug testing of applicants for TANF.

(a) Dependent children under eighteen (18) years of age are exempt from the drug testing requirement pursuant to this part. However, any minor parent who is an applicant for temporary assistance for needy families (TANF) benefits who does not live with a parent, legal guardian, or other adult caretaker relative must comply with the drug testing requirements of this part.

(b) The department of human services shall administer a screening questionnaire to applicants for TANF benefits consisting of the following questions, and applicants are required to complete the screening questionnaire under penalty of perjury:

(1) Have you ever used drugs other than over-the-counter or those prescribed for medical reasons by a licensed doctor?

(2) Have you ever been charged with drug possession or sale?

(3) Have you ever had blackouts or flashbacks as a result of drug use?

(4) Have you ever felt bad or guilty about your drug use?

(5) Has your spouse, significant other, parent(s), child(ren), family members, or friends ever complained about your involvement with illegal drugs?

(6) Have you ever neglected your family because of your use of illegal drugs?

(7) Have you ever lost custody of your child(ren) based on allegations of illegal drug use or drug abuse?

(8) Have you ever engaged in illegal activities in order to obtain illegal drugs?

(9) Have you ever experienced withdrawal symptoms (felt sick) when you stopped taking drugs?

(10) Have you ever had medical problems as a result of your illegal drug use (ex: blackouts, memory loss, hepatitis, convulsions, bleeding, etc.)?

(11) Have you ever injected illegal drugs?

(12) Have you ever missed, been late for work, or lost a job because of illegal drug use?

(13) Have you ever used, during the past five (5) years, any of the following drugs: methamphetamine, speed, crystal, ice, crack, cocaine, marijuana, heroin, oxycodone, oxymorphone, hydrocodone, hydromorphone, morphine, fentanyl, methadone, suboxone, inhalants (paint thinner, aerosol, or

glue), hallucinogens, LSD, PCP, ecstasy, mushrooms, muscle relaxers, or tranquilizers (valium)?

(14) Have you ever taken an expired prescription drug?

(15) Have you ever taken a prescription drug not prescribed to you?

(c) If an applicant answers yes to any of the screening questions set forth in subsection (b), then the department shall require the applicant to undergo a seven-panel hair follicle test to be conducted by a drug testing agency designated by the department.

(d) City, county, or state law enforcement agencies that charge an individual with a drug-related offense or a theft or burglary offense shall report the individual to the department no later than thirty (30) days after the charge, providing information that includes the individual's name; date of birth; social security number, if available; and address. If the individual is a recipient of TANF benefits, then the department shall require the individual to undergo a seven-panel hair follicle test to be conducted by a drug testing agency designated by the department.

(e) The applicant may inform the drug testing agency administering the test of any prescription or over-the-counter medication the person is taking. No drug for which an applicant has a current valid prescription is a basis for denial of TANF benefits pursuant to this part.

(f) The cost of drug testing is the responsibility of the person tested and may be deducted from the applicant's TANF benefits.

(g) If an applicant refuses to complete the screening questionnaire set forth in subsection (b) or refuses to submit to a drug test required by this section, then the applicant is ineligible to receive TANF benefits until the applicant fulfills those requirements.

(h) If an applicant tests positive for a drug, then the department shall refer the applicant to an appropriate drug treatment program. Upon proof of entry and participation in a drug treatment program, the applicant, if otherwise eligible, shall

receive TANF benefits during the treatment period, but, in no event, longer than six (6) months following the positive drug test. During the six-month period, the applicant shall furnish the department with documentary proof of ongoing participation in and compliance with the drug treatment program.

(i) Refusal by an applicant who tests positive for a drug to enter a drug treatment program, or failure to complete the drug treatment program, results in the applicant being ineligible for TANF benefits for six (6) months following the positive drug test.

(j) At the conclusion of the treatment period, but, in no event, longer than six (6) months, the department shall test the applicant again using a seven-panel hair follicle test. If the applicant tests positive for the use of a drug, then the applicant is ineligible for TANF benefits for a six-month disqualification period.

(k) If an applicant tests positive for a drug in a subsequent drug test after the six-month disqualification period, then the applicant is ineligible to receive TANF benefits for one (1) year from the date of the positive drug test.

(l) Upon testing positive for a drug in a drug test conducted pursuant to this section, an applicant must submit to a seven-panel hair follicle test upon reapplication or recertification for TANF benefits, but, at a minimum of once per year in order to continue receiving TANF benefits.

(m) If a caretaker relative is deemed ineligible for TANF benefits as a result of failing a drug test conducted pursuant to this section, then the dependent child's eligibility for TANF benefits is not affected, and the department shall designate an appropriate protective payee to receive TANF benefits on behalf of the child who is under sixteen (16) years of age. In such event, a dependent child who is sixteen (16) years of age or older shall receive the benefits directly as the payee.

(n) If an applicant makes a false statement or provides a false answer or information in response to the screening questionnaire set forth in subsection (b), then the applicant has committed perjury under § 39-16-702.

71-3-1203. Confidentiality.

(a) All information, interviews, reports, statements, memoranda, and drug test results, written or otherwise, received by the department as part of the drug testing program established by this part are confidential, are not subject to disclosure, and must not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with the administration of this part or in proceedings conducted pursuant to title 37 concerning the protection or permanency of children or in adjudicating any claims or actions arising from the administration of this part, unless the person tested provides written consent permitting disclosure.

(b) Information regarding drug test results for tests administered pursuant to this part must not be released to law enforcement authorities or used in any criminal proceeding against the applicant. Information released contrary to this section is inadmissible as evidence in a criminal proceeding.

(c) This section does not prohibit the department or a drug testing agency conducting a drug test from having access to an adult applicant's drug test information or using the information when consulting with legal counsel in connection with actions brought under or related to this section, or when the information is relevant to its defense in a civil or administrative matter.

(d) This section does not prohibit the reporting of child abuse, child sexual abuse, or neglect of a child pursuant to title 37, chapter 1, part 4 or 6.

71-3-1204. Rules.

(a) The commissioner of human services is authorized to adopt rules, pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, necessary for the administration of this part, and has rulemaking authority to promulgate any rules to carry out the requirements of any title or part of any title that the department administers and that are necessary to immediately implement this part or related titles or parts.

(b) In promulgating rules, the commissioner shall consider, at a minimum:

(1) Testing procedures established by the United States departments of health and human services and transportation;

(2) Body specimens and minimum specimen amounts that are appropriate for drug testing;

(3) Methods of analysis and procedures to ensure reliable drug testing results;

(4) Chain-of-custody procedures to ensure proper identification, labeling, and handling of specimens tested; and

(5) Retention, storage, and transportation procedures to ensure reliable results of drug tests used in the administration of this part.

71-3-1205. Confirmed positive drug test does not deem applicant handicapped or disabled.

An applicant whose drug test result is confirmed as positive in accordance with this part does not, because of that result alone, have a disability as defined under federal, state, or local disability discrimination laws.

71-3-1206. Applicability to extent permitted by federal law or waiver; severability.

This part applies to the extent permitted by federal law or waiver. If any provision of this part or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of this part that can be given effect without the invalid provision or application, and to that end the provisions of this part are severable.

SECTION 2. Tennessee Code Annotated, Title 71, Chapter 5, Part 3, is amended by adding the following language as a new section:

(a) Dependent children under eighteen (18) years of age are exempt from the drug testing requirement pursuant to this section. However, any minor parent who is an applicant for assistance under this part who does not live with a parent, legal guardian,

or other adult caretaker relative must comply with the drug testing requirements of this section.

(b) The department shall administer a screening questionnaire to applicants for assistance under this part consisting of the following questions, and applicants are required to complete the screening questionnaire under penalty of perjury:

(1) Have you ever used drugs other than over-the-counter or those prescribed for medical reasons by a licensed doctor?

(2) Have you ever been charged with drug possession or sale?

(3) Have you ever had blackouts or flashbacks as a result of drug use?

(4) Have you ever felt bad or guilty about your drug use?

(5) Has your spouse, significant other, parent(s), child(ren), family members, or friends ever complained about your involvement with illegal drugs?

(6) Have you ever neglected your family because of your use of illegal drugs?

(7) Have you ever lost custody of your child(ren) based on allegations of illegal drug use or drug abuse?

(8) Have you ever engaged in illegal activities in order to obtain illegal drugs?

(9) Have you ever experienced withdrawal symptoms (felt sick) when you stopped taking drugs?

(10) Have you ever had medical problems as a result of your illegal drug use (ex: blackouts, memory loss, hepatitis, convulsions, bleeding, etc.)?

(11) Have you ever injected illegal drugs?

(12) Have you ever missed, been late for work, or lost a job because of illegal drug use?

(13) Have you ever used, during the past five (5) years, any of the following drugs: methamphetamine, speed, crystal, ice, crack, cocaine,

marijuana, heroin, oxycodone, oxymorphone, hydrocodone, hydromorphone, morphine, fentanyl, methadone, suboxone, inhalants (paint thinner, aerosol, or glue), hallucinogens, LSD, PCP, ecstasy, mushrooms, muscle relaxers, or tranquilizers (valium)?

(14) Have you ever taken an expired prescription drug?

(15) Have you ever taken a prescription drug not prescribed to you?

(c) If an applicant answers yes to any of the screening questions set forth in subsection (b), then the department shall require the applicant to undergo a seven-panel hair follicle test to be conducted by a drug testing agency designated by the department.

(d) City, county, or state law enforcement agencies that charge an individual with a drug-related offense or a theft or burglary offense shall report the individual to the department no later than thirty (30) days after the charge, providing information that includes the individual's name; date of birth; social security number, if available; and address. If the individual is a recipient of assistance under this part, then the department shall require the individual to undergo a seven-panel hair follicle test to be conducted by a drug testing agency designated by the department.

(e) The applicant may inform the drug testing agency administering the test of any prescription or over-the-counter medication the person is taking. No drug for which an applicant has a current valid prescription is a basis for denial of assistance pursuant to this part.

(f) The cost of drug testing is the responsibility of the person tested and may be deducted from the applicant's assistance benefits.

(g) If an applicant refuses to complete the screening questionnaire set forth in subsection (b) or refuses to submit to a drug test required by this section, then the applicant is ineligible to receive assistance under this part until the applicant fulfills those requirements.

(h) If an applicant tests positive for any illegal drugs, then the department shall refer the applicant to an appropriate drug treatment program. Upon proof of entry and participation in a drug treatment program, the applicant, if otherwise eligible, shall receive assistance under this part during the treatment period, but, in no event, longer than six (6) months following the positive drug test. During the six-month period, the applicant shall furnish the department with documentary proof of ongoing participation in and compliance with the drug treatment program.

(i) Refusal by an applicant who tests positive for a drug to enter a drug treatment program, or failure to complete the drug treatment program, results in the applicant being ineligible for assistance under this part for six (6) months following the positive drug test.

(j) At the conclusion of the treatment period, but, in no event, longer than six (6) months, the department shall test the applicant again using a seven-panel hair follicle test. If the applicant tests positive for the use of a drug, then the applicant is ineligible for assistance under this part for a six-month disqualification period.

(k) If an applicant tests positive for a drug in a subsequent drug test after the six-month disqualification period, then the applicant is ineligible to receive assistance under this part for one (1) year from the date of the positive drug test.

(l) Upon testing positive for a drug in a drug test conducted pursuant to this section, an applicant must submit to a seven-panel hair follicle test upon reapplication or recertification for assistance under this part, but, at a minimum of once per year in order to continue receiving assistance under this part.

(m) If a caretaker relative is deemed ineligible for assistance under this part as a result of failing a drug test conducted pursuant to this section, then the dependent child's eligibility for assistance under this part is not affected, and the department shall designate an appropriate protective payee to receive assistance under this part on behalf of the child who is under sixteen (16) years of age. In such event, a dependent

child who is sixteen (16) years of age or older shall receive the benefits directly as the payee.

(n) If an applicant makes a false statement or provides a false answer or information in response to the screening questionnaire set forth in subsection (b), then the applicant has committed perjury under § 39-16-702.

(o) All information, interviews, reports, statements, memoranda, and drug test results, written or otherwise, received by the department as part of the drug testing program established by this section are confidential, are not subject to disclosure, and must not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with the administration of this section or in proceedings conducted pursuant to title 37 concerning the protection or permanency of children or in adjudicating any claims or actions arising from the administration of this section, unless the person tested provides written consent permitting disclosure.

(p) Information regarding drug test results for tests administered pursuant to this section must not be released to law enforcement authorities or used in any criminal proceeding against the applicant. Information released contrary to this section is inadmissible as evidence in a criminal proceeding.

(q) This section does not prohibit the department or a drug testing agency conducting a drug test from having access to an adult applicant's drug test information or using the information when consulting with legal counsel in connection with actions brought under or related to this section, or when the information is relevant to its defense in a civil or administrative matter.

(r) This section does not prohibit the reporting of child abuse, child sexual abuse, or neglect of child pursuant to title 37, chapter 1, part 4 or 6.

(s) The commissioner is authorized to adopt rules, pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, necessary for the

administration of this section, and has rulemaking authority to promulgate any rules to carry out the requirements of any title or part of any title that the department administers and that are necessary to immediately implement this section or related titles or parts.

(t) In promulgating rules, the commissioner shall consider, at a minimum:

(1) Testing procedures established by the United States departments of health and human services and transportation;

(2) Body specimens and minimum specimen amounts that are appropriate for drug testing;

(3) Methods of analysis and procedures to ensure reliable drug testing results;

(4) Chain-of-custody procedures to ensure proper identification, labeling, and handling of specimens tested; and

(5) Retention, storage and transportation procedures to ensure reliable results of drug tests used in the administration of this section.

(u) An applicant whose drug test result is confirmed as positive in accordance with this part does not, because of that result alone, have a disability as defined under federal, state, or local disability discrimination laws.

(v) This section applies to the extent permitted by federal law or waiver. If any provision of this section or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of this section that can be given effect without the invalid provision or application, and to that end the provisions of this section are severable.

(w) As used in this section:

(1) "Caretaker relative" means the father, mother, grandfather or grandmother of any degree, brother or sister of the whole or half-blood, stepfather, stepmother, stepbrother, stepsister, aunt or uncle of any degree, first cousin, nephew or niece, the relatives by adoption within the previously named

classes of persons, and the biological relatives within the previous degrees of relationship, and the legal spouses of persons within the previously named classes of persons, even if the marriage has been terminated by death or divorce, with whom a child is living;

(2) "Chain-of-custody" means the methodology of tracking specified materials or substances for the purpose of maintaining control and accountability from initial collection to final disposition for all such materials or substances, and providing for accountability at each stage in handling, testing, and storing specimens and reporting test results;

(3) "Drug" means marijuana; cocaine; methamphetamine; amphetamine; opiates, such as morphine; and any drug added by the commissioner by rule;

(4) "Drug test" or "test" means any chemical, biological, or physical instrumental analysis administered by a drug testing agency authorized to do so pursuant to this section, for the purpose of determining the presence or absence of a drug or its metabolites pursuant to regulations adopted by rule by the commissioner;

(5) "Drug testing agency" means an entity that has the required credentials as established by regulatory or certification authorities to administer tests using a person's urine, blood, specimen, or DNA that will detect and validate the presence of drugs in the person's body;

(6) "Drug treatment program" means a service provider that provides confidential, timely, and expert identification, assessment, and resolution of drug or alcohol abuse problems affecting persons;

(7) "Legal guardian" means a person or entity that has the legal authority to provide for the care, supervision, or control of a minor child as established by law or court order;

(8) "Protective payee" means a caretaker relative or a legal guardian of the child. "Protective payee" does not mean a caretaker relative or guardian who is the applicant for assistance and who tests positive for the use of a drug; and

(9) "Specimen" means tissue, fluid, or a product of the human body capable of revealing the presence of drugs or drug metabolites.

SECTION 3. 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 4. 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, 2019, the public welfare requiring it.

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

Amendment No. _____

_____
Signature of Sponsor

AMEND Senate Bill No. 2777 **House Bill No. 2689***

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

SECTION 1. Tennessee Code Annotated, Section 71-3-503(a)(6)(A), is amended by deleting the language:

with no child attending more than two (2) days in each calendar week for not more than six (6) hours each day

and substituting instead the following:

with no child attending more than twelve (12) hours in each calendar week

SECTION 2. Tennessee Code Annotated, Title 71, Chapter 3, Part 5, is amended by adding the following as a new section:

71-3-519.

(a) In order to increase the number of licensed child care agencies providing affordable, high-quality child care in the state, the department is authorized, notwithstanding any other provisions contained in this part, to permit department-registered "family child care homes" or "group child care homes", as defined in § 71-3-501, to provide care for children prior to licensure.

(b) Upon registration with the department as either a registered family child care home or registered group child care home and verification that a provider meets the health and safety requirements under the federal Child Care and Development Block Grant Act (42 U.S.C. § 9857 et seq.) and federal Child Care Development Fund regulations at 45 C.F.R. §§ 98.41 and 98.43, the department shall permit registered

family or group home providers to care for children for no more than a total of twelve (12) months within a period of eighteen (18) months during the licensure process.

(c) In order to continue to provide care for children in excess of the licensing threshold upon expiration of the twelve (12) months of registration, a child care provider must be approved for licensure by the department as either a family child care home or group child care home.

SECTION 3. 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.

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

Amendment No. _____

_____
Signature of Sponsor

AMEND Senate Bill No. 2109* **House Bill No. 2328**

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 new section:

(a) Upon the birth of a child who is born to a parent that has another child in the custody of the department after being removed due to dependency and neglect or, if the department did not have notice of the child's birth, the department's notification that the child has been born, the department shall conduct an immediate investigation based on the immediate threat to the child's safety and well-being, as required by § 37-1-406(a).

(b) There is a rebuttable presumption that a child who is born to a parent that has another child in the custody of the department after being removed due to dependency and neglect is subject to an immediate threat to the child's health or safety to the extent that delay for a hearing would be likely to result in severe or irreparable harm and there is no less drastic alternative to removal of the child from the custody of the child's parent that would reasonably and adequately protect the child's health or safety, as required by § 37-1-114(a)(2). If the department determines that the presumption has been rebutted, and the child is not subject to an immediate threat to the child's health or safety, the department shall provide written notice of the determination, the previous allegations, complaints, or petitions against the parent, and the evidence rebutting the presumption to the court within twenty-four (24) hours of making the determination.

(c) Following removal of a child from the custody of the child's parent after an investigation required by subsection (a), the department shall not return the child to the parent's custody unless:

(1) A guardian ad litem has been appointed for the child;

(2) A full investigation has been conducted by the department, as required by § 37-1-406, and the results of the investigation, including any previous allegations, complaints, or petitions of abuse or dependency and neglect against the parent, have been presented to the court at a hearing to determine whether the child is dependent and neglected; and

(3) The court determines by clear and convincing evidence that the child will be provided a safe home.

SECTION 2. 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. 2109* **House Bill No. 2328**

634

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

SECTION ___. Tennessee Code Annotated, Title 37, Chapter 5, Part 2, is amended by adding the following as a new section:

37-5-214.

(a) As used in this section, "seclusion" means the involuntary segregation of a child from the rest of the resident population regardless of the reason for the segregation, including confinement to a locked unit or ward where other children may be seen or heard but are separated from the child, but does not include:

(1) The segregation of a child for the purpose of managing biological contagion consistent with the centers for disease control and prevention guidelines;

(2) Voluntary time-out involving the voluntary separation of an individual child from others, and where the child is allowed to end the separation at will; or

(3) Temporarily securing children in their rooms during regularly scheduled times, such as periods set aside for sleep or regularly scheduled down time, that are universally applicable to the entire population or within the child's assigned living area.

(b) This section applies to juvenile detention facilities approved, certified, or licensed by the department of children's services, including youth development centers.

(c) Seclusion must not be used for discipline, punishment, administrative convenience, retaliation, staffing shortages, or any reason other than a temporary response to behavior that threatens immediate harm to a youth or others.

SECTION ___. Tennessee Code Annotated, Section 37-1-102, is amended by deleting subdivision (b)(26) and substituting instead the following:

(26) "Seclusion" means the involuntary segregation of a child from the rest of the resident population regardless of the reason for the segregation, including confinement to a locked unit or ward where other children may be seen or heard but are separated from the child, but does not include:

(1) The segregation of a child for the purpose of managing biological contagion consistent with the centers for disease control and prevention guidelines;

(2) Voluntary time-out involving the voluntary separation of an individual child from others, and where the child is allowed to end the separation at will; or

(3) Temporarily securing children in their rooms during regularly scheduled times, such as periods set aside for sleep or regularly scheduled down time, that are universally applicable to the entire population or within the child's assigned living area;

SECTION ___. Tennessee Code Annotated, Section 37-1-116(l), is amended by deleting the subsection and substituting instead the following:

(l) Seclusion must not be used for discipline, punishment, administrative convenience, retaliation, staffing shortages, or any reason other than a temporary response to behavior that threatens immediate harm to a youth or others. This subsection (l) applies to any child detained in any facility pursuant to § 37-1-114, either pre-adjudication or post-adjudication.

FILED
Date _____
Time _____
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Comm. Amdt. _____
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Amendment No. _____

_____
Signature of Sponsor

AMEND Senate Bill No. 1907* **House Bill No. 1967**

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

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 5, Part 2, is amended by adding the following as a new section:

37-5-214.

(a) As used in this section, "seclusion" means the involuntary segregation of a child from the rest of the resident population regardless of the reason for the segregation, including confinement to a locked unit or ward where other children may be seen or heard but are separated from the child, but does not include:

(1) The segregation of a child for the purpose of managing biological contagion consistent with the centers for disease control and prevention guidelines;

(2) Voluntary time-out involving the voluntary separation of an individual child from others, and where the child is allowed to end the separation at will; or

(3) Temporarily securing children in their rooms during regularly scheduled times, such as periods set aside for sleep or regularly scheduled down time, that are universally applicable to the entire population or within the child's assigned living area.

(b) This section applies to juvenile detention facilities approved, certified, or licensed by the department of children's services, including youth development centers.

(c) Seclusion must not be used for discipline, punishment, administrative convenience, retaliation, staffing shortages, or any reason other than a temporary response to behavior that threatens immediate harm to a youth or others.

SECTION 2. Tennessee Code Annotated, Section 37-1-102, is amended by deleting subdivision (b)(26) and substituting instead the following:

(26) "Seclusion" means the involuntary segregation of a child from the rest of the resident population regardless of the reason for the segregation, including confinement to a locked unit or ward where other children may be seen or heard but are separated from the child, but does not include:

(1) The segregation of a child for the purpose of managing biological contagion consistent with the centers for disease control and prevention guidelines;

(2) Voluntary time-out involving the voluntary separation of an individual child from others, and where the child is allowed to end the separation at will; or

(3) Temporarily securing children in their rooms during regularly scheduled times, such as periods set aside for sleep or regularly scheduled down time, that are universally applicable to the entire population or within the child's assigned living area;

SECTION 3. Tennessee Code Annotated, Section 37-1-116(l), is amended by deleting the subsection and substituting instead the following:

(l) Seclusion must not be used for discipline, punishment, administrative convenience, retaliation, staffing shortages, or any reason other than a temporary response to behavior that threatens immediate harm to a youth or others. This subsection (l) applies to any child detained in any facility pursuant to § 37-1-114, either pre-adjudication or post-adjudication.

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

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

Amendment No._____

John D Ragan

Signature of Sponsor

AMEND Senate Bill No. 2625 **House Bill No. 2410***

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

SECTION 1. Tennessee Code Annotated, Title 36, is amended by adding the following language as a new chapter:

36-8-101. This chapter shall be known and may be cited as the "Disentanglement Act."

36-8-102.

As used in this chapter:

(1) "Lemon test" means a three-prong test that was originally created by the United States supreme court and now adopted by this state that is used to determine if government action is unconstitutional under the establishment clause of the first amendment to the United States constitution. A government act violates the establishment clause if the action fails to satisfy any of the prongs of the Lemon test. The Lemon test requires that state action or government policy:

(A) Have a valid secular purpose;

(B) Not have the effect of advancing, endorsing, or inhibiting religion; and

(C) Not foster excessive entanglement with religion;

(2) "Logical nexus" means some minimal relevant or rational connection;

(3) "Religion" means a set of unproven answers to the greater questions of "why are we here," "what should we be doing as humans," "how do we get our identity," and "what happens after death" that are predicated on an institutionalized or non-institutionalized faith-based worldview flowing out of a

community that is organized, full, and has a code by which a person may guide the person's daily life;

(4) "Secular marriage" means a legal union that represents an intended life-long commitment between one (1) person who was born male with XY chromosomes and one (1) person who was born female with XX chromosomes as husband and wife, who become spouses of the opposite sex, and who have corresponding sexual anatomy that if coalesced have the actual or symbolic potential to create offspring who will likely have the input of the two (2) spouses with whom the persons share the same genetic code and unbroken ancestral chain; and

(5) "Taxpayer standing" means standing of a taxpayer to file a lawsuit against a government actor that is directly or symbolically engaging in practices that violate the establishment clause of the first amendment to the United States constitution or article I, § 3 of the Tennessee constitution after the government actor actually or prospectively engaged in action that potentially failed at least one (1) prong of the Lemon test. The term includes a test that requires a minimal logical nexus in order to be invoked by a taxpayer when the government is directly or symbolically endorsing a religion in a coercive manner in violation of the Lemon test. A person who pays sales tax in this state has this form of standing.

36-8-103.

(a) This state and its political subdivisions shall not directly or symbolically create, enforce, or endorse policies that respect, recognize, or promote non-secular marriage doctrine or non-secular, self-asserted, sex-based identity narratives or sexual orientation doctrine because the policies fail the Lemon test and violate the establishment clause of the first amendment to the United States constitution and article I, § 3 of the Tennessee constitution for:

(1) Constituting a non-secular sham;

(2) Cultivating indefensible legal causes of action against non-observers of the religion of secular humanism; and

(3) Having the effect of excessively entangling the government with the religion of secular humanism.

(b)

(1) Pursuant to the establishment clause of the first amendment to the United States constitution, article I, § 3 of the Tennessee constitution, and this state's compelling interest in upholding contemporary community standards of decency, an agent of this state shall not directly or symbolically create or enforce policies that respect, recognize, or promote non-secular marriage doctrine or non-secular, self-asserted, sex-based identity narratives or sexual orientation doctrine.

(2) An agent of this state shall not:

(A) Issue or recognize a marriage license that does not involve a secular marriage;

(B) Appropriate, distribute, or award public funds in a manner that directly or indirectly respects, promotes, or endorses the plausibility of non-secular marriage doctrine or non-secular, self-asserted, sex-based identity narratives or sexual orientation doctrine;

(C) Appropriate, distribute, or award a grant of public funds to cover the cost of sex reassignment surgery;

(D) Prohibit or unduly restrict religious, medical, or counselling therapy intended to assist individuals who voluntarily desire to abandon non-secular marriage doctrine or non-secular, self-asserted, sex-based identity narratives or sexual orientation doctrine;

(E) Display a flag or symbol that promotes non-secular marriage doctrine or non-secular, self-asserted, sex-based identity narratives or sexual orientation doctrine in a manner that would be unconstitutional for

the same state actor to display a flag or symbol that respects or promotes the edicts of an institutionalized religion;

(F) Promote the use of puberty blockers, especially to minors;

(G) Permit a person who was born as a biological male to change their sex to female on their birth certificate, driver license, or any other official government form;

(H) Permit a person who was born as a biological female to change their sex to male on their birth certificate, driver license, or any other official government form;

(I) Assign or house an inmate who was born as a biological male in a ward or cell designated for inmates who were born as biological females; or

(J) Assign or house an inmate who was born as a biological female in a ward or cell designated for inmates who were born as biological males.

(3) A public school shall not:

(A) Expose students to curriculum concerning non-secular marriage doctrine or non-secular, self-asserted, sex-based identity narratives or sexual orientation doctrine, unless the programming is part of a sex-education program;

(B) Permit a student who was born as a biological male to participate in sports designated for biological females;

(C) Except for emergency first responders in performance of official duties, permit a person who was born as a biological male to enter or use a locker room, shower, or restroom designated for biological females;

(D) Except for emergency first responders in performance of official duties, permit a person who was born as a biological female to

enter or use a locker room, shower, or restroom designated for biological males;

(E) Mandate pronoun changes; or

(F) Host or sponsor performances or story times for children or similar programming concerning non-secular, self-asserted, sex-based identity ideology or sexual orientation doctrine.

(4) A public library receiving financial or other support from this state shall not host, sponsor, promote, or condone performances or story times for children or similar programming concerning non-secular, self-asserted, or sex-based identity ideology, except that a public library may:

(A) Provide books that promote and condone all variations of religious ideology as long as doing so does not violate existing state or federal law if distributed to minors; and

(B) Host robust religious debates for adults in a designated public forum on all manner of religious topics as long as the library and library employees remain neutral and do not convey that the public library favors one (1) religion over another.

(c) A taxpayer of this state or its political subdivisions has taxpayer standing to bring suit in a court of competent jurisdiction to enforce the provisions of this section. The prevailing party may seek attorney fees, costs, and other forms of equitable relief. Sincerity of belief or emotional appeals do not constitute a valid defense to a violation of this chapter.

36-8-104.

Policies that respect and endorse secular marriage between a man and a woman must continue to be enforced, recognized, and respected, and agents of this state shall only issue and recognize secular marriage licenses because the policies:

(1) Are natural, neutral, non-controversial, and secular in nature;

(2) Fulfill their actual purpose;

(3) Fulfill a narrowly tailored compelling state interest by upholding community standards of decency; and

(4) Do not:

(A) Violate the establishment clause of the first amendment to the United States constitution or article I, § 3 of the Tennessee constitution:

(B) Fail the Lemon test;

(C) Promote licentiousness;

(D) Attempt to justify practices that are inconsistent with the peace or safety of this state; or

(E) Put religion over non-religion.

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

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No._____

_____
Signature of Sponsor

AMEND Senate Bill No. 1847* **House Bill No. 2141**

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

SECTION 1. Tennessee Code Annotated, Section 37-1-126, is amended by adding the following new subsections:

( ) When a child has been taken into custody due to suspicion that the child committed a delinquent act or unruly conduct that places the child in jeopardy of being removed from the home pursuant to § 37-1-131 or § 37-1-132(b), a person shall not interview or interrogate the child concerning any violation of state or federal law by the child unless the interview or interrogation is conducted in the presence of the child's parent, guardian, or custodian. A child may not waive the requirement found in this subsection.

( ) As used in this section, "custody" means a formal interrogation or investigative setting with law enforcement officers conducted within a juvenile detention facility or a law enforcement agency facility.

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

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No. _____

London Lamar

Signature of Sponsor

AMEND Senate Bill No. 1846* **House Bill No. 1900**

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

SECTION 1. Tennessee Code Annotated, Section 37-1-126, is amended by adding the following new subsection:

(d)

(1) When a child has been taken into custody due to suspicion that the child committed a delinquent act or unruly conduct, any person conducting an interview or interrogation of the child concerning any violation of state or federal law by the child shall make a video or audio recording of the interview or interrogation.

(2) It is an exception to this subsection (d) if:

(A) The officer in good faith believed the interview or interrogation was being recorded and there was a technical issue with the equipment; or

(B) Exigent circumstances existed at the time of the interview or interrogation.

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

Amendment No._____

Signature of Sponsor

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 1846* **House Bill No. 1900**

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

SECTION 1. Tennessee Code Annotated, Section 37-1-126, is amended by adding the following new subsection:

(d)

(1) When a child has been taken into custody due to suspicion that the child committed a delinquent act or unruly conduct, a law enforcement officer conducting a formal interview or interrogation of the child at a law enforcement facility concerning any violation of state or federal law by the child shall make a video or audio recording of the interview or interrogation.

(2) It is an exception to this subsection (d) if:

(A) The officer in good faith believed the interview or interrogation was being recorded and there was a technical issue with the equipment; or

(B) Exigent circumstances existed at the time of the interview or interrogation.

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

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No._____

Bill Dun

Signature of Sponsor

AMEND Senate Bill No. 316 House Bill No. 194*

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

(f)

(1) Notwithstanding this section or § 8-6-106, the speaker of the house of representatives and the speaker of the senate, jointly, may intervene in any proceeding to assert the general assembly's authority under Article II, § 3 of the Constitution of Tennessee relative to:

(A) The constitutionality of a challenged statute on grounds or for reasons other than those advocated in the proceedings by the attorney general and reporter; or

(B) The construction of a constitutional provision or statute that is different from that advocated in the proceeding by the attorney general and reporter.

(2) Pursuant to this subsection (f), the speakers at all times act as an agent of the people of the state, and the state shall indemnify the speakers for any costs and expenses associated with any action authorized by this subsection (f), to be paid out of money in the state treasury not otherwise appropriated, upon the certification of the speakers to the commissioner of finance and administration.

(3) Nothing in this subsection (f) affects, impairs, or abridges the rights of any member of the general assembly under existing law.

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No._____

Ron M. Dant

Signature of Sponsor

AMEND Senate Bill No. 2718 **House Bill No. 2677***

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

SECTION 1. Tennessee Code Annotated, Section 22-1-103, is amended by adding the following language as a new subsection:

(e) A person who is seventy-five (75) years of age or older may be excused from serving as a juror upon a showing that the person is seventy-five (75) years of age or older. The jury coordinator of the county shall excuse the person from serving as a juror upon receiving a request in writing, which must be accompanied by an affidavit giving the person's name, date of birth, and such other information as the jury coordinator may require. Failure to provide satisfactory documentation may result in a denial of the request to be excused. The jury coordinator of each county shall make available to prospective jurors affidavit forms for the purpose of this subsection (e). Nothing in this subsection (e) prevents a person seventy-five (75) years of age or older from participating in jury service.

SECTION 2. Tennessee Code Annotated, Section 22-2-306(a)(6), is amended by deleting the subdivision and substituting instead the following:

(6) Process by which the juror may request to be excused due to age or a hardship pursuant to § 22-1-103, including the juror's obligation to submit documentation or an affidavit in support of the juror's request and the availability of affidavit forms; and

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

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

Amendment No._____

Timothy [signature]

Signature of Sponsor

AMEND Senate Bill No. 2540 House Bill No. 2684*

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

SECTION 1. Tennessee Code Annotated, Section 29-41-106(b)(2), is amended by deleting the language "action; and" and substituting instead "action;".

SECTION 2. Tennessee Code Annotated, Section 29-41-106(b)(3), is amended by deleting the language "months." and substituting instead "months; and".

SECTION 3. Tennessee Code Annotated, Section 29-41-106(b), is amended by adding the following language as a new subdivision:

( ) Direct the clerk of court to distribute to the courts of each judicial district in this state a copy of the order imposing prefiling restrictions upon any civil action the abusive civil action plaintiff attempts to file. The clerk of court may distribute a copy of the order by electronic mail or facsimile.

SECTION 4. Tennessee Code Annotated, Section 29-41-107(a), is amended by adding the following language at the end of the subsection:

The courts of this state shall maintain a list of all persons determined to be an abusive civil action plaintiff and the period of time the prefiling restrictions are in effect.

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

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 1992 **House Bill No. 1948***

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

SECTION 1. Tennessee Code Annotated, Title 24, Chapter 7, is amended by adding the following language as a new section:

(a) Any evidence obtained by interception of or access to a communication or by surveillance in an illegal manner by the party seeking to introduce such evidence is inadmissible in a civil proceeding. The court shall determine whether the evidence was obtained in an illegal manner.

(b) Notwithstanding subsection (a), in a proceeding involving child custody, the court may allow the evidence to be admitted if the court finds that the probative value of the evidence outweighs the danger of unfair prejudice and consideration of the evidence is in the best interest of the child.

(c) As used in this section, "illegal manner" means a manner that is in violation of § 39-14-405; title 39, chapter 13, part 6; or title 40, chapter 6, part 3.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and is repealed on July 1, 2025.

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No. 016998

Signature of Sponsor

AMEND Senate Bill No. 2452 **House Bill No. 2539***

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

SECTION 1. Tennessee Code Annotated, Section 40-35-304, is amended by adding the following language as a new subsection:

(i)

(1) When sentencing a criminal defendant, a general sessions court may direct the defendant to make restitution to the victim of the offense as a condition of probation, or enter an order of restitution awarding a civil judgment of restitution to the victim of the offense. The victim of the offense may choose to receive restitution in the form of a civil judgment or in payments or performance by the defendant as a condition of probation.

(2) If the victim chooses to receive restitution in the form of a civil judgment, then the court shall enter a civil order for restitution, if appropriate. The civil order for restitution:

(A) Is entitled to be enforced the same as any other judgment of a court of this state and is entitled to full faith and credit in this state and in any other state; and

(B) Is a final civil judgment at the time of entry and remains in effect from the date of entry until the judgment is paid in full or is otherwise discharged.

(3) If the victim chooses to receive restitution as a condition of the defendant's probation and, upon expiration of the time of payment or the payment schedule imposed pursuant to subsection (c) or (g), any portion of the

restitution remains unpaid, then the victim or the victim's beneficiary may convert the unpaid balance into a civil judgment in accordance with the procedure set forth in subsection (h).

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

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 2452 House Bill No. 2539*

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

SECTION 1. Tennessee Code Annotated, Section 40-35-304, is amended by deleting subsection (a) and substituting instead the following:

(a) A sentencing court may direct a defendant to make restitution to the victim of the offense as a condition of probation, or enter an order of restitution awarding a civil judgment of restitution to the victim of the offense. The victim of the offense may choose to receive restitution in the form of a civil judgment or in payments or performance by the defendant as a condition of probation.

SECTION 2. Tennessee Code Annotated, Section 40-35-304, is amended by deleting subsection (c) and substituting instead the following:

(c) At the time of the sentencing hearing, the court may hear evidence on the nature and amount of the victim's pecuniary loss to determine the amount of restitution owed to the victim. The court shall specify the amount and time of payment or other restitution to the victim and may permit payment or performance in installments. If the victim chooses to receive restitution as a condition of the defendant's probation, the court may not establish a payment or performance schedule extending beyond the statutory maximum term of probation supervision that could have been imposed for the offense. If the victim chooses to receive restitution in the form of a civil judgment, the court shall enter an order of restitution, if appropriate, and include in the defendant's fines, fees, and court costs any fee for filing the civil judgment.

SECTION 3. Tennessee Code Annotated, Section 40-35-304(f), is amended by deleting the language "A defendant, victim" and substituting instead "If the victim chooses to receive restitution as a condition of the defendant's probation, a defendant, victim,".

SECTION 4. Tennessee Code Annotated, Section 40-35-304(g), is amended by deleting the language "sentenced to pay restitution" and substituting instead "sentenced or ordered to pay restitution".

SECTION 5. Tennessee Code Annotated, Section 40-35-304(g)(3), is amended by deleting the language "court sentences" and substituting instead "court sentences or orders".

SECTION 6. Tennessee Code Annotated, Section 40-35-304(g)(4), is amended by deleting the language "may sentence" and substituting instead "may sentence or order".

SECTION 7. Tennessee Code Annotated, Section 40-35-304, is amended by deleting subdivision (h)(1) and substituting instead the following:

(1) Notwithstanding any law to the contrary, if the victim chose to receive restitution as a condition of the defendant's probation and, upon expiration of the time of payment or the payment schedule imposed pursuant to subsection (c) or (g), any portion of the restitution remains unpaid, then the victim or the victim's beneficiary may convert the unpaid balance into a civil judgment in accordance with the procedure set forth in this subsection (h).

SECTION 8. Tennessee Code Annotated, Section 40-35-304, is amended by adding the following language as a new subsection:

( ) If the victim chooses to receive restitution in the form of a civil judgment at the time of the defendant's sentencing, an order for restitution entered by the sentencing court is a final civil judgment at the time of entry and remains in effect from the date of entry until it is paid in full or is otherwise discharged. The order for restitution is entitled to be enforced as any other judgment of a court of this state and is entitled to full faith and credit in this state and in any other state.

SECTION 9. Tennessee Code Annotated, Section 40-35-104(c)(2), is amended by deleting the language "Payment of" and substituting instead "An order for or payment of".

SECTION 10. Tennessee Code Annotated, Section 28-3-110(b)(1)(C), is amended by deleting the subdivision and substituting instead the following:

(C) The civil judgment is an order of restitution entered or converted to a civil judgment pursuant to § 40-35-304.

SECTION 11. Tennessee Code Annotated, Section 39-11-118, is amended by deleting the language "sentenced" wherever it appears and substituting instead "sentenced or ordered".

SECTION 12. 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. 2353 House Bill No. 1716*

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

SECTION 1. Tennessee Code Annotated, Section 50-7-701(a)(1)(B), is amended by adding the following as a new subdivision:

Allow a requesting judgment creditor to determine a judgment debtor's place of employment for the sole purpose of a wage garnishment;

SECTION 2. Tennessee Code Annotated, Title 26, Chapter 2, Part 2, is amended by adding the following as a new section:

A garnishee shall notify the court and the judgment creditor, if the judgment creditor's address is known to the garnishee, when a judgment debtor, whose salaries, wages, or other compensation are subject to a garnishment, is no longer employed by the garnishee. The notice must be sent by first class mail within ten (10) days of the termination of the judgment debtor's employment.

SECTION 3. 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. 2353 **House Bill No. 1716***

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

SECTION 1. Tennessee Code Annotated, Title 26, Chapter 2, Part 2, is amended by adding the following as a new section:

A garnishee shall notify the court and the judgment creditor, if the judgment creditor's address is known to the garnishee, when a judgment debtor, whose salaries, wages, or other compensation are subject to a garnishment, is no longer employed by the garnishee. The notice must be sent by first class mail within ten (10) days of the termination of the judgment debtor's employment.

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

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No._____

Charlie Baum

Signature of Sponsor

AMEND Senate Bill No. 2437* **House Bill No. 2693**

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

SECTION 1. Tennessee Code Annotated, Section 39-11-622, is amended by deleting the language "§§ 39-11-611–39-11-614 or § 29-34-201," wherever it appears and substituting instead the language "§§ 39-11-611–39-11-614, § 29-34-201, or § 49-6-4107,".

SECTION 2. Tennessee Code Annotated, Section 49-6-4107, is amended by adding the following language as a new subsection:

(d) A teacher, principal, school employee, or school bus driver using reasonable force in exercising the person's lawful authority in accordance with this section is immune from civil liability arising from the person's action pursuant to § 39-11-622, unless the teacher's, principal's, school employee's, or school bus driver's conduct is the result of gross negligence, intentional harm, or willful or wanton misconduct. A person who is immune under this section is not the proximate cause of any resulting injuries.

SECTION 3. This act shall take effect July 1, 2020, the public welfare requiring it, and shall apply to conduct occurring on or after that date.

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No._____

Charlie Baum

Signature of Sponsor

AMEND Senate Bill No. 2437* **House Bill No. 2693**

by deleting the language "gross negligence or willful or wanton misconduct" from the amendatory language of Section 2 and substituting instead "gross negligence, intentional harm, or willful or wanton misconduct".

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Date _____
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Clerk _____
Comm. Amdt. _____
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Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 1289 **House Bill No. 862***

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

SECTION 1. Tennessee Code Annotated, Section 40-33-216, is amended by deleting the section and substituting instead the following:

(a) By February 1 of each year, the department of safety shall report to the speakers of the senate and the house of representatives, chairs of the judiciary committees of the senate and the house of representatives, chair of the civil justice subcommittee of the house of representatives, and chair of the criminal justice subcommittee of the house of representatives, and to the public on the department's website, a report detailing, for the previous calendar year:

(1) The total number of seizure cases opened by the department;

(2) The race, gender, age, and zip code of property owner's residence;

(3) The number of seizure cases in which an arrest was made at the time of seizure;

(4) The number of arrests that occurred after the seizure notice was sent to the department of safety;

(5) The total number of cases resulting in forfeiture;

(6) The types of property seized under this part and the totals of each type;

(7) The amount of currency seized;

(8) The amount of currency forfeited;

(9) The total number of cases which resulted in a default by the property owner;

(10) The total amount of currency, including the mean and median amounts, forfeited as a result of default;

(11) The total value amount of property, including the mean and median amounts, forfeited as a result of default;

(12)

(A) The total number of cases which resulted in a settlement; and

(B) The mean and median amount of time for cases from the date opened to the date of settlement;

(13) The total amount of currency, including the mean and median amounts, forfeited as a result of settlement;

(14) The total value of property, including the mean and median values, forfeited as a result of settlement;

(15) The total amount of currency, including the mean and median amounts, returned to the property owner as a result of settlement;

(16) The total value of property, including the mean and median values, returned to the property owner as a result of settlement;

(17) The total number of cases resulting in a hearing;

(18) The total number of hearings resulting in forfeiture of assets, including:

(A) The mean and median amounts of time for cases from the date opened to the date of forfeiture of assets as a result of a disposition by hearing; and

(B) The mean and median amounts of time for cases from the date opened to the date assets were returned to the property owner as a result of a disposition by hearing;

(19) The total amount of currency, including the mean and median amounts, forfeited as a result of a disposition by hearing;

(20) The total value of property, including the mean and median values, forfeited as a result of a disposition by hearing;

(21) The total amount of currency, including the mean and median amounts, returned to the property owner as a result of a disposition by hearing;

(22) The total value of property, including the mean and median values, returned to the property owner as a result of a disposition by hearing;

(23) The total number of cases resulting in a criminal conviction of the property owner of seized currency or property;

(24) The total amount of currency, including the mean and median amounts, forfeited in criminal conviction of property owner of currency or property;

(25) The total value of property, including the mean and median values, forfeited in criminal conviction of property owner of currency or property; and

(26) How proceeds derived from forfeited assets have been used by each individual law enforcement agency.

(b) The department shall include each category of information for the department as a whole and separately for each individual law enforcement agency that opened a forfeiture proceeding with the department in the previous calendar year.

(c) The information reported by the department pursuant to subdivision (a)(25) and to the department pursuant to § 40-33-211(a)(2) must be made accessible to the public on the department's website through a prominent link provided on the home page.

SECTION 2. For the purposes of promulgating rules, policies, forms, and procedures and making necessary provisions for the implementation of 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 July 1, 2020, the public welfare requiring it.

FILED
Date _____
Time _____
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Comm. Amdt. _____
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Amendment No._____

_____
Signature of Sponsor

AMEND Senate Bill No. 2460 **House Bill No. 2540***

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

SECTION 1. Tennessee Code Annotated, Section 40-24-105(a), is amended by deleting the last sentence of the subsection and substituting instead the following:

The following shall be the allocation formula for moneys paid into court: the first moneys paid in any case shall first be credited toward the payment of restitution owed to the victim, if any, and once restitution has been paid in full, the next moneys shall be credited toward payment of litigation taxes and once litigation taxes have been paid, the next moneys shall be credited toward payment of costs; then additional moneys shall be credited toward payment of the fine.

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

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Date _____
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Comm. Amdt. _____
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Amendment No. _____

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Signature of Sponsor

AMEND **House Joint Resolution No. 150***

by deleting all language after the caption and substituting instead the following:

WHEREAS, the United States Constitution does not explicitly guarantee that all the rights protected by the United States Constitution are held equally by all citizens without regard to sex, and the only right the United States Constitution specifically affirms as being equal for women and men is the right to vote in the Nineteenth Amendment; and

WHEREAS, the Fourteenth Amendment's equal protection clause has not been interpreted to guarantee equal rights on the basis of sex in the same way the Equal Rights Amendment would, as demonstrated by the fact that cases of sex discrimination currently receive only intermediate scrutiny rather than the highest level of strict judicial scrutiny, which is used in race discrimination cases; and

WHEREAS, gender equality under the Constitution continues to be timely in the United States and worldwide, and a number of other nations have achieved constitutional gender equality; and

WHEREAS, the principle of gender equality is contained in the Charter of the United Nations, the Universal Declaration of Human Rights, and all subsequent major international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which has been ratified by 187 other nations; and

WHEREAS, citizens of the United States have been seeking full constitutional equality on the basis of sex since the Equal Rights Amendment was first introduced in 1923; and

WHEREAS, the Equal Rights Amendment was passed by Congress in 1972 and has now, with Virginia's ratification in January of 2020, been ratified by the thirty-eight states necessary for inclusion of the amendment into the United States Constitution; and

WHEREAS, despite the argument of the attorneys general in the states of Alabama, Nebraska, Louisiana, South Dakota, and Tennessee, Article V of the United States Constitution imposes no time limit for ratification of amendments; and

WHEREAS, state Equal Rights Amendment ratification votes since 1972 must be considered sufficiently contemporaneous, given that the Archivist of the United States certified the Madison (Twenty-seventh) Amendment on May 18, 1992, once three-fourths of the states had ratified it, even though that amendment was passed by the first Congress of the United States and had a ratification period lasting 203 years; and

WHEREAS, the restricting time limit for ratification of the Equal Rights Amendment is in the proposing clause and is not a part of the amendment that has now been ratified by thirty-eight states; and

WHEREAS, Congress is empowered to alter time limits in the proposing clauses of amendments and has done so once already for the Equal Rights Amendment, when Congress passed a time extension on October 20, 1978; and

WHEREAS, the Equal Rights Amendment will finally ensure that all citizens will have equal rights under the United States Constitution, without regard to sex; and

WHEREAS, the people of Tennessee are not willing to wait another 200 years for gender equality; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED ELEVENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that the General Assembly calls on the Congress of the United States to enact a resolution or legislation to remove the deadline for ratification of the Equal Rights Amendment by the states.

BE IT FURTHER RESOLVED, that the General Assembly calls on other states to join in this action by passing the same or similar resolutions.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the President of the United States, the President and the Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives, Tennessee's Senators and Representatives in Congress, and the presiding officers of each of the legislative houses in the several states, requesting their cooperation.

FILED
Date _____
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Comm. Amdt. _____

Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 2887 **House Bill No. 2298***

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

SECTION 1. Tennessee Code Annotated, Section 39-17-1309(e)(8)(A), is amended by deleting the language "§ 39-17-1351" and substituting instead the language "§ 39-17-1351 or § 39-17-1366".

SECTION 2. Tennessee Code Annotated, Section 39-17-1309(e)(8)(B), is amended by deleting the language "enhanced".

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

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Amendment No. 017029

Jay D. Ray

Signature of Sponsor

AMEND Senate Bill No. 279* **House Bill No. 274**

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

SECTION 1. Tennessee Code Annotated, Section 53-11-201, is amended by adding the following as a new subsection:

(l) The following types of property are not subject to seizure under this part based solely on their composition:

(1) Hemp, as defined in § 43-27-101;

(2) Any isolates of hemp other than delta-9 tetrahydrocannabinol (THC); and

(3) Any hemp-derived products that do not contain more than three-tenths of one percent (0.3%) of delta-9 tetrahydrocannabinol (THC).

SECTION 2. Tennessee Code Annotated, Title 40, Chapter 7, Part 1, is amended by adding the following as a new section:

No person shall be subjected to a search by a law enforcement officer or by another person acting under the direction, supervision, or authority of a law enforcement officer based solely upon the detection of the odor of the cannabis plant, including the odor of any emission produced only by the burning or vaporization of the cannabis plant.

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

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Comm. Amdt. _____

Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 2232* **House Bill No. 2879**

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

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 16, Part 1, is amended by adding the following as a new section:

(a) Eminent domain must not be used to acquire privately owned real property for trails, paths, or greenways for walking, running, hiking, bicycling, or equestrian use unless the privately owned real property is parallel to, runs directly along the length of, and extends in the same direction as a highway, road, or street.

(b)

(1) Subsection (a) applies to the following:

(A) County public works projects under § 9-21-107;

(B) County schools under title 49, chapter 6, part 20;

(C) Municipal parks under title 7, chapter 31, part 1;

(D) Municipal public works projects under § 9-21-107;

(E) Municipal recreational systems under § 11-24-102;

(F) Municipal schools under title 49, title 6, part 20;

(G) Municipal sewers under § 7-35-101;

(H) Municipal streets under title 7, chapter 31, part 1;

(I) Municipal utilities under § 7-35-101;

(J) Municipal water systems under § 7-35-101; and

(K) Solid waste authorities under § 68-211-908.

(2) Subsection (a) does not apply to the use of eminent domain to acquire privately owned real property for trails, paths, or greenways for walking, running, hiking, bicycling, or equestrian use upon written agreement between the owner of the real property and a:

(A) Planned unit development;

(B) Homeowner's association; or

(C) Business or related entity.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it and applies to exercise of eminent domain on or after the effective date of this act.

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Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 2886 House Bill No. 2665*

by deleting the language "and subject to subsection (e) and subsection (i)" in subsection (c) in SECTION 1 and substituting the language "and subject to subsections (e), (i), and (j)".

AND FURTHER AMEND by deleting the word "or" in subdivision (e)(5)(B) in SECTION 1.

AND FURTHER AMEND by deleting subdivision (e)(6) in SECTION 1 and substituting the following:

(6) Admission of personal information as relevant evidence before a court of competent jurisdiction. However, no court shall publicly reveal personal information absent a specific finding of good cause;

(7) A state agency from requesting or disclosing personal information as required by federal or state law; or

(8) A lawful request for discovery of personal information in litigation to demonstrate that a party has standing to bring or appeal any action.

AND FURTHER AMEND by adding the following as a subsection (j) in SECTION 1:

(j) Notwithstanding subsection (c), a state agency or a state agency's designated representative shall have access to personal information for purposes of conducting an audit, subrecipient monitoring, conducting a background check, or conducting an investigation. The state agency or the state agency's designated representative having that access shall maintain the confidential nature of the personal information.

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Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 2893 House Bill No. 2666*

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

SECTION 1. Tennessee Code Annotated, Section 38-8-116(b), is amended by adding the following language as a new subdivision:

( ) Obtaining a photographic identification issued by the agency from which the individual retired from service as a law enforcement officer that identifies the individual as having been employed as a law enforcement officer, and a certification issued by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty officers within this state that indicates that the individual has, not less recently than one (1) year before the date the individual is carrying the concealed firearm, been tested or otherwise found to meet the standards established by the Tennessee POST commission for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm. A certified firearms instructor who is qualified to conduct a firearms qualification test in this state is authorized to issue a certificate indicating that the retired law enforcement officer has met the applicable standards;

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

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Amendment No. 016965

Signature of Sponsor

AMEND Senate Bill No. 2614 **House Bill No. 2536***

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

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 54, is amended by adding the following language as a new section:

(a) It is a violation of an individual's civil rights for a government entity, official, employee, or agent to infringe upon or deny an individual the full exercise and enjoyment of any right recognized and protected by Article I, Section 26, of the Tennessee Constitution or any right recognized and protected by the second amendment to the United States Constitution. It is not a violation of this section for a government entity, official, employee, or agent to enforce laws or regulations within the scope of the entity, official, employee, or agent's authority unless the law or regulation has been determined by a court to violate either the Tennessee or United States Constitutions.

(b) A violation of this section may be enforced by means of a civil action, which may be brought:

(1) In the county in which the action arose; or

(2) If the action is brought against a state official, in the chancery court of Davidson County.

(c) A violation of this section by a government official, employee, or agent may also be punished as official oppression pursuant to § 39-16-403.

(d) A governmental entity, official, employee, or agent that violates this section is liable for:

(1) The actual damages caused by the violation or statutory damages of two hundred fifty dollars ($250) per each day of the violation, whichever is greater;

(2) Notwithstanding § 29-39-104, punitive damages to be determined by the trier of fact; and

(3) Reasonable attorney's fees and court costs.

(e) A governmental entity, official, employee, or agent that commits an act or engages in any pattern or practice in violation of this section may be enjoined from further violations by a court of competent jurisdiction.

(f) An action for injunction under subsection (e) may be brought by:

(1) A person whose rights have been violated;

(2) An entity that engages in advocacy for the protection and furtherance of said rights; or

(3) Any other person or entity that will fairly and adequately represent the interests of those whose rights are protected by the state or federal constitutions as set forth in subsection (a).

(g) A knowing or willful violation of this section by a government official constitutes grounds for ouster under title 8, chapter 47.

(h) This section does not preclude any person or entity from seeking any remedies, penalties, or procedures otherwise provided by law.

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

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Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 2614 **House Bill No. 2536***

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

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 54, is amended by adding the following as a new section:

(a) It is a violation of an individual's civil rights to infringe upon or deny an individual the full exercise and enjoyment of any right recognized and protected by Article I, Section 26 of the Tennessee Constitution or any right recognized and protected by the second amendment to the United States Constitution without due process. The enforcement of any provision of title 39, chapter 17, part 13, is not a violation of this section.

(b) A violation of this section may be enforced by means of a civil action, which may be brought:

(1) In the county in which the action arose;

(2) In the county in which the individual resides; or

(3) If the action is brought against a state or local official, in the chancery court of Davidson County.

(c) If a violation of subsection (a) is the result of action by a government employee, the violation may also be prosecuted as official oppression under § 39-16-403.

(d) A person or governmental entity that violates subsection (a) is liable for:

(1) The actual damages caused by the violation or statutory damages of five hundred dollars ($500) per each day of the violation, whichever is greater;

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Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 505* **House Bill No. 587**

by deleting Section 9 and substituting instead the following:

SECTION 9. This act shall take effect July 1, 2020, the public welfare requiring it.

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Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 2383* **House Bill No. 2619**

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

SECTION 1. Tennessee Code Annotated, Section 40-29-107, is amended by adding the following language as a new subsection:

( )

(1) In a judicial or administrative proceeding alleging negligence or other fault, a certificate of employability issued to a person pursuant to this section may be introduced as evidence of a person's due care in renting, leasing, or otherwise extending housing opportunities to the person to whom the certificate was issued if the person knew of the certificate at the time of the alleged negligence or other fault.

(2) In any proceeding on a claim against a landlord for negligence in renting, leasing, or otherwise extending housing opportunities, a certificate of employability issued to a person pursuant to this section provides immunity for the landlord with respect to the claim if the landlord knew of the certificate at the time of the alleged negligence.

(3) A landlord who rents, leases, or otherwise extends housing opportunities to a person who has been issued a certificate of employability under this section may be held liable in a civil action based on or relating to the act of renting, leasing, or otherwise extending housing opportunities to the person only if:

(A) The person, after renting, leasing, or otherwise accepting housing opportunities, subsequently demonstrates danger or is convicted of a felony;

(B) The person is allowed to continue renting, leasing, or otherwise using housing opportunities after the demonstration of danger or the conviction;

(C) The plaintiff proves by a preponderance of the evidence that the landlord had actual knowledge that the person was dangerous or had been convicted of the felony; and

(D) The landlord, after having actual knowledge of the person's demonstration of danger or conviction of a felony, was willful in allowing the person to continue to rent, lease, or otherwise use housing opportunities.

(4) The provisions of § 1-3-119 relative to implied rights of action shall apply to this section.

(5) As used in this subsection, "landlord" means the owner, lessor, or sublessor of the dwelling unit or the building of which it is a part, and the manager of the premises.

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

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Amendment No._____

Signature of Sponsor

AMEND Senate Bill No. 2362 House Bill No. 2395*

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 subdivision (a)(2)(A)(ii) and substituting instead the following:

(ii) Probation may continue only so long as it is in the best interest of the child that the condition or conditions of probation remain in effect;

SECTION 2. Tennessee Code Annotated, Section 37-1-131, is amended by deleting subdivision (a)(2)(A)(v)(*c*)(*2*) and substituting instead the following:

(*2*) A child placed in the custody of the department under this subdivision (a)(2)(A)(v)(*c*) shall remain in custody so long as necessary to complete the treatment or services, which shall be evidence-based and provided by a qualified provider;

SECTION 3. Tennessee Code Annotated, Section 37-1-131(a)(3), is amended by deleting the subdivision and substituting instead the following:

(A) Placing the child in an institution, camp, or other facility for delinquent children operated under the direction of the court or other local public authority. The court may order the delinquent child to participate in programming at a nonresidential facility for delinquent children operated under the direction of the court or other local public authority after the period of detention. The court shall report each disposition of detention to the administrative office of the courts;

(B) Pursuant to this subdivision (a)(3), the court may order detention for a maximum of forty-eight (48) hours for the delinquent child to be served only on days the

school in which the child is enrolled is not in session; provided, that if the court finds and issues a written order that it is in the best interest of the child, the court may order:

(i) Multiple periods of detention to be served only on days the school in which the child is enrolled is not in session; and

(ii) A longer period of detention to be served only on days the school in which the child is enrolled is not in session;

SECTION 4. Tennessee Code Annotated, Section 37-1-131, is amended by deleting subdivision (a)(4)(B)(iii)(*b*) and substituting instead the following:

(*b*) A child placed in the custody of the department under this subdivision (a)(4)(B)(iii) shall remain in custody so long as necessary to complete the treatment or services, which must be evidence-based and provided by a qualified provider;

SECTION 5. Tennessee Code Annotated, Section 37-1-131(b)(1), is amended by deleting the last sentence.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

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Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 2292* **House Bill No. 2492**

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

SECTION 1. Tennessee Code Annotated, Section 70-6-101(c), is amended by deleting the subsection and substituting instead the following:

(c) This section does not permit search or inspection of a person's dwelling, place of business, or interior of an automobile without a search warrant.

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

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Date _____
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Comm. Amdt. _____

Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 1855* **House Bill No. 1964**

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

SECTION 1. Tennessee Code Annotated, Section 40-11-121, is amended by adding the following new subsections:

(b) If a judgment for fine, court costs, or restitution is entered in the prosecution of a cause in which a bail deposit had been made on behalf of the defendant by a bail bondsman, not-for-profit organization, or other third party, the bail deposit may not be applied to the payment of the judgment.

(c) This section does not apply to the forfeiture of bail as provided in this title.

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

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Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 2270 **House Bill No. 2309***

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

SECTION 1. Tennessee Code Annotated, Section 40-11-118(d), is amended by deleting the subsection and substituting instead the following:

(d)

(1)

(A) Unless the court determines that the requirement would not be in the best interest of justice and public safety, when the court is determining the amount and conditions of bail to be imposed upon a defendant who has been charged with driving under the influence of an intoxicant, under § 55-10-401, vehicular assault, under § 39-13-106, aggravated vehicular assault, under § 39-13-115, vehicular homicide, under § 39-13-213(a)(2), or aggravated vehicular homicide, under § 39-13-218, and the alleged offense involved the use of alcohol, the court shall require the defendant to operate only a motor vehicle equipped with a functioning ignition interlock device if:

(i) The offense resulted in a collision involving property damage;

(ii) A minor was present in the vehicle at the time of the alleged offense;

(iii) The defendant's driver license has previously been suspended for a violation of § 55-10-406; or

(iv) The defendant has a prior conviction for:

(*a*) Reckless driving, under § 55-10-205;

(*b*) Reckless endangerment under § 39-13-103;

(*c*) Driving under the influence of an intoxicant, under § 55-10-401;

(*d*) Vehicular assault, under § 39-13-106;

(*e*) Aggravated vehicular assault, under § 39-13-115;

(*f*) Vehicular homicide, under § 39-13-213(a)(2); or

(*g*) Aggravated vehicular homicide, under § 39-13-218.

(B) If the court imposes a condition under subdivision (d)(1)(A), the defendant must demonstrate compliance with the condition by submitting proof of ignition interlock installation to the district attorney general's office within ten (10) days of being released on bail. Proof of compliance may be submitted electronically. If the court determines the defendant is indigent, the court shall order the portion of the costs of the device that the defendant is unable to pay be paid by the electronic monitoring indigency fund, established in § 55-10-419.

(C) If the court does not require the defendant to operate only a motor vehicle equipped with a functioning ignition interlock device, the court shall include in its order written findings on why the requirement would not be in the best interest of justice and public safety.

(2) If the defendant is charged with an offense listed in subdivision (d)(1) and has one (1) or more prior convictions for any of the listed offenses and is not subject to the requirements of subsection (f), the court shall also consider the use of special conditions for the defendant, including the following:

(A) The use of transdermal monitoring devices or other alternative alcohol monitoring devices. If the court orders the use of a monitoring device on or after July 1, 2016, and determines the defendant is indigent, the court shall order the portion of the costs of the device that the defendant is unable to pay be paid by the electronic monitoring indigency fund, established in § 55-10-419;

(B) The use of electronic monitoring with random alcohol or drug testing; or

(C) Pretrial residency in an in-patient alcohol or drug rehabilitation center.

(3) As used in this subsection (d), "court" includes any person authorized by § 40-11-106 to take bail.

SECTION 2. Tennessee Code Annotated, Section 40-11-118(g)(1), is amended by deleting the language "subdivisions (d)(2)(A) – (C)" and substituting instead the language "subdivision (d)(1), subdivisions (d)(2)(A) – (B)".

SECTION 3. Tennessee Code Annotated, Section 40-11-148, is amended by deleting subdivision (b)(2)(A).

SECTION 4. This act shall take effect July 1, 2020, the public welfare requiring it, and applies to offenses committed on or after that date.

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Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 69* **House Bill No. 310**

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

SECTION 1. Tennessee Code Annotated, Section 40-35-501, is amended by adding the following new subsection:

(x)

(1)

(A) If a person is sentenced for commission of a crime committed when the person was less than eighteen (18) years of age, the person's first release eligibility date for those crimes shall occur after service of thirty (30) calendar years if the release eligibility date for the sentence or sentences imposed is greater than thirty (30) calendar years from the date of sentencing.

(B) In determining whether to grant parole to a person under subdivision (x)(1)(A), in addition to general parole factors, the parole board shall consider factors related to youth, including, but not limited to:

(i) The reduced ability of youth to fully understand the risks and consequences of their actions;

(ii) Lowered impulse control during youth;

(iii) The role of peer pressure or adult coercion in the commission of the offense;

(iv) The effects of trauma, adverse childhood experiences, and environmental factors beyond the youth's control;

(v) The amenability of youthful offenders to rehabilitation as a result of maturity and brain development; and

(vi) Whether the person meets the requirements of § 40-35-503, including whether:

(*a*) There is a substantial risk that the defendant will not conform to the conditions of the release program;

(*b*) The release from custody at the time would depreciate the seriousness of the crime of which the person stands convicted or promote disrespect for the law;

(*c*) The release from custody at the time would have a substantially adverse effect on institutional discipline; or

(*d*) The person's continued correctional treatment, medical care, or vocational or other training in the institution will substantially enhance the person's capacity to lead a law-abiding life when given release status at a later time.

(C) This subdivision (x)(1) does not apply to persons sentenced to life without the possibility of parole.

(2) The sentence of a person described in subdivision (x)(1) shall be reduced by any sentence reduction credits earned and retained and credit for any time served in a county jail or juvenile facility, but in no event shall these credits operate to make the person eligible for release prior to service of thirty (30) calendar years.

(3) It is the intent of the general assembly that this subsection (x) is retroactive and applies to a person described in subdivision (x)(1) whether the crime was committed prior to, on, or after July 1, 2020.

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

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Time _____
Clerk _____
Comm. Amdt. _____

Amendment No._____

Timothy [signature]

Signature of Sponsor

AMEND Senate Bill No. 1194 **House Bill No. 1309***

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

SECTION 1. This act shall be known and may be cited as "Evelyn Boswell's Law."

SECTION 2. Tennessee Code Annotated, Section 37-10-202, is amended by deleting the section and substituting the following:

(a) Except as provided in subsection (b), whenever a parent knows, learns, or believes that a child under the parent's charge and care is missing, the parent shall report the child as being missing to a law enforcement agency, or the Tennessee bureau of investigation, and make a statement to the agency of all available facts that will aid in the recognition, identification, location, and recovery of the missing child.

(b) Whenever the parent knows, learns, or believes that a minor child under the parent's charge and care is missing, the parent shall make the report under subsection (a) within forty-eight (48) hours. As used in this section, "minor child" means a person who is twelve (12) years of age or younger.

(c)

(1) A parent who is subject to the duty imposed by subsection (b) commits the offense of failure to report a missing child if the parent fails to make, or fails to cause to be made, the report required under subsection (b) with willful or reckless disregard for the safety of the minor child.

(2) Failure to report a missing child is a Class A misdemeanor.

(d)

(1) A parent who is subject to the duty imposed by subsection (b) is guilty of aggravated failure to report a missing child if the parent fails to make, or fails

to cause to be made, the report required under subsection (b) with willful or reckless disregard for the safety of the minor child and the minor child suffers serious bodily harm or death.

(2) Aggravated failure to report a missing child is a Class C felony.

(e) This section does not prohibit prosecution under any other law.

(f) It is a defense to prosecution under this section that the parent made reasonably diligent efforts to verify the whereabouts and safety of the minor child during the period of any delay in making the report required by subsection (b).

SECTION 3. This act shall take effect July 1, 2020, the public welfare requiring it, and applies to conduct occurring on or after that date.

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Comm. Amdt. _____

Amendment No. _____

Kelly Keisling

Signature of Sponsor

AMEND Senate Bill No. 2894 **House Bill No. 1990***

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

SECTION 1. Tennessee Code Annotated, Section 71-6-118(c)(2), is amended by adding the following as a new subdivision:

( ) Shall provide to the district attorney general, upon request, the names of individuals obtained in the course of an adult protective services' investigation that have information relevant to a criminal investigation of alleged conduct involving an elderly or vulnerable adult victim, except that if the name of the person that reported the alleged conduct is included, the individual must not be identified as the reporter of the alleged conduct;

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

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

Amendment No. _____

Kelly Keisling

Signature of Sponsor

AMEND Senate Bill No. 2534 **House Bill No. 2653***

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

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 38, Part 1, is amended by adding the following language as a new, appropriately designated section:

(a) Except for security or official law enforcement purposes, a person, including a department of correction employee, shall not take a photograph or video of an inmate serving a sentence in a state or private penal institution or facility unless prior written approval has been obtained from the commissioner of correction.

(b) Prior to approval of any photograph or video being taken of an inmate serving a sentence in a state or private penal institution, the commissioner shall:

(1) Provide the victim, or victim's representative of the offense for which the inmate is serving a sentence, notice of the request for a photograph or video to be taken of the inmate and an opportunity to inform the commissioner within fourteen (14) days of any potential impact, negative effect, or emotional trauma to the victim if a photograph or video of the inmate is published. A victim impact statement or comment provided pursuant to this section is confidential as set out in § 40-28-504; and

(2) Consider any victim impact statement or comment provided by the victim pursuant to subsection (b).

(c) If the commissioner approves the taking of a photograph or video of an inmate, then the commissioner shall document the reasoning for that decision and provide those reasons to the victim or victim's representative, in writing prior to the photograph or video of the inmate being taken.

(d) In order to be notified as provided in subsection (c), the victim or victim's representative must send the department a written statement requesting notification and providing the address at which notification is to be made.

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

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

Amendment No._____

Michael D. [signature]

Signature of Sponsor

AMEND Senate Bill No. 2534 **House Bill No. 2653***

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

SECTION 1. Tennessee Code Annotated, Section 40-11-150, is amended by deleting subsection (a) and substituting instead the following:

(a) In addition to the factors set out in § 40-11-118, in making a decision concerning the amount of bail required for the release of a defendant who is arrested for the offense of child abuse, child neglect, or child endangerment, as defined in § 39-15-401; the offense of aggravated child abuse, aggravated child neglect, or aggravated child endangerment, as defined in § 39-15-402; the offense of stalking, aggravated stalking, or especially aggravated stalking, as defined in § 39-17-315; a violation of § 39-15-510 or § 39-15-511, involving abuse or aggravated abuse of an elderly or vulnerable adult; a violation of § 39-15-507 or § 39-15-508, involving neglect or aggravated neglect of an elderly or vulnerable adult; any criminal offense defined in title 39, chapter 13, in which the alleged victim of the offense is a victim as defined in § 36-3-601(5), (10), or (11), or is in violation of an order of protection as authorized by title 36, chapter 3, part 6, the magistrate shall review the facts of the arrest and detention of the defendant and determine whether the defendant is:

(1) A threat to the alleged victim;

(2) A threat to public safety; and

(3) Reasonably likely to appear in court.

SECTION 2. Tennessee Code Annotated, Section 39-13-202, is amended by deleting subdivision (a)(2) and substituting instead the following:

(2) A killing of another committed in the perpetration of or attempt to perpetrate any first degree murder, act of terrorism, arson, rape, robbery, burglary, theft, kidnapping, aggravated abuse of an elderly or vulnerable adult in violation of § 39-15-511, aggravated neglect of an elderly or vulnerable adult in violation of § 39-15-508, aggravated child abuse, aggravated child neglect, rape of a child, aggravated rape of a child, or aircraft piracy; or

SECTION 3. Tennessee Code Annotated, Section 39-15-501(13), is amended by deleting the word "fondling" and substituting instead the language "sexual contact, as defined in § 39-13-501".

SECTION 4. Tennessee Code Annotated, Section 39-15-504, is amended by deleting the section and substituting instead the following:

In a case where an alleged offense under this part has been committed against an elderly or vulnerable adult, upon the state's motion, the court shall conduct a hearing to preserve the testimony of the victim within sixty (60) days of filing the motion, whether the case originates in general sessions court or criminal court.

SECTION 5. Tennessee Code Annotated, Section 40-35-115(b), is amended by inserting the following language as a new subdivision:

( ) The defendant has been convicted of two (2) or more offenses involving sexual exploitation of an elderly or vulnerable adult with consideration of the aggravating circumstances arising from the relationship between the defendant and victim, the nature and scope of the sexual acts, and the extent of the physical and mental damage to the victim;

SECTION 6. Tennessee Code Annotated, Section 39-15-506, is amended by deleting subdivision (a)(1) and substituting instead the following:

(1) Following a conviction for a violation of § 39-15-502, § 39-15-507(b) or (c), § 39-15-508, § 39-15-510, § 39-15-511, or § 39-15-512, or an attempt to commit any of those offenses, or at the discretion of the court, for a conviction of § 39-15-507(d), the clerk of the court shall notify the department of health of the conviction by sending a

copy of the judgment in the manner set forth in § 68-11-1003 for inclusion on the registry pursuant to title 68, chapter 11, part 10.

SECTION 7. Tennessee Code Annotated, Section 39-13-501, is amended by adding the following new subdivision:

( ) "Vulnerable adult" means a person eighteen (18) years of age or older who, because of intellectual disability or physical dysfunction, has been determined by a licensed physician, psychologist, or senior psychological examiner to lack capacity to consent, as defined in § 71-6-120(a)(1), to sexual activity, or who is physically helpless.

SECTION 8. Tennessee Code Annotated, Section 39-13-502(a)(3), is amended by adding a new subdivision (C) as follows:

(C) The defendant knows or has reason to know that the victim is a vulnerable adult.

SECTION 9. Tennessee Code Annotated, Section 39-15-501, is amended by deleting subdivision (9) and substituting instead the following:

(9) "Physical harm" means physical pain, injury, or diminished health, regardless of gravity or duration. As used in this subdivision (9), "diminished health" means to make or cause the mental, emotional, or physical health of an individual to be weakened, lessened, or reduced;

SECTION 10. Tennessee Code Annotated, Section 39-13-503, is amended by adding the following as a new subdivision (3) and renumbering the current subdivisions (3) and (4) appropriately:

(3) The defendant knows or has reason to know that the victim is a vulnerable adult;

SECTION 11. This act shall take effect July 1, 2020, the public welfare requiring it.

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

Amendment No. _____

John D Rose
Signature of Sponsor

AMEND Senate Bill No. 2215* **House Bill No. 2576**

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

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 10, is amended by adding the following language as a new part:

(a) As used in this part:

(1) "Biological female" means a person who was born with female anatomy and two (2) X chromosomes in the person's cells;

(2) "Biological male" means a person who was born with male anatomy and X and Y chromosomes in the person's cells;

(3) "Healthcare professional" means a physician or other healthcare practitioner licensed, registered, accredited, or certified to perform specified healthcare services pursuant to title 63 or title 68 and regulated under the authority of the department of health or any agency, board, council, or committee attached to the department;

(4) "Puberty" has the same meaning as defined in § 49-6-1301;

(5) "Sexual identity" means an individual's self-recognition and self-expression as either a biological female or biological male; and

(6) "Sexual identity change therapy" means a course of treatment that involves the use of hormone replacement, puberty blockers, or other medical intervention to change the sexual identity or physical appearance of a patient to a sexual identity or physical appearance that does not correspond to the anatomy and chromosomal makeup with which the patient was born.

(b)

(1) A person shall not provide or facilitate the provision of physical sexual identity change therapy to a minor who has not yet entered puberty except in situations with:

(A) A confirmed diagnosis of an abnormal birth defect involving genitalia or gonads;

(B) Genetic anomalies involving X or Y chromosomes;

(C) Physical disease with life-threatening consequences absent the intervention; or

(D) An accident involving irreparable mutilation of genitalia.

(2) A person shall not provide or facilitate the provision of physical sexual identity change therapy to a minor who has entered puberty unless both parents or the legal guardian of the minor provide the person with a signed, written statement recommending physical sexual identity change therapy for the minor from:

(A) Two (2) or more physicians licensed under title 63, chapter 6 or 9; who are not the same person providing or facilitating the provision of physical sexual identity change therapy to the minor under this subdivision (b)(2); and

(B) At least one (1) physician licensed under title 63, chapter 6 or 9, who is board-certified in child and adolescent psychiatry, and who is not the same person as any physician whose written recommendation is used to satisfy subdivision (b)(2)(A).

(c)

(1)

(A) A healthcare professional who violates this section is subject to a civil action in tort in accordance with applicable healthcare liability provisions in title 29, chapter 26.

(B) A person other than a healthcare professional who willfully violates this section is subject to a civil action in tort.

(C) Notwithstanding § 28-3-104, a civil action may be filed under this subdivision (c)(1) up to ten (10) years after a minor turns eighteen (18) years of age.

(2) In addition to any liability under subdivision (c)(1)(A), a violation of this section by a healthcare professional constitutes professional misconduct and is subject to discipline by the healthcare professional's licensing authority.

SECTION 2. This act shall take effect January 1, 2021, the public welfare requiring it, and applies to prohibited conduct occurring on or after that date.

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No._____

Signature of Sponsor

AMEND Senate Bill No. 2215* **House Bill No. 2576**

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

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 15, Part 4, is amended by adding the following section:

(a) As used in this section:

(1) "Biological female" means a person who was born with female anatomy and two (2) X chromosomes in the person's cells;

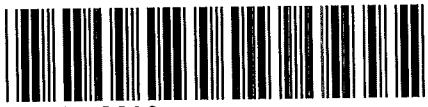
(2) "Biological male" means a person who was born with male anatomy and X and Y chromosomes in the person's cells;

(3) "Healthcare professional" means a physician or other healthcare practitioner licensed, registered, accredited, or certified to perform specified healthcare services pursuant to title 63 or title 68 and regulated under the authority of the department of health or any agency, board, council, or committee attached to the department;

(4) "Puberty" has the same meaning as defined in § 49-6-1301;

(5) "Sexual identity" means an individual's self-recognition and self-expression as either a biological female or biological male; and

(6) "Sexual identity change therapy" means a course of treatment that involves the use of hormone replacement, puberty blockers, or other medical intervention to change the sexual identity or physical appearance of a patient to a sexual identity or physical appearance that does not correspond to the anatomy and chromosomal makeup with which the patient was born.



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filed under this subdivision (c)(2) up to seven (7) years after a minor turns twenty-one (21) years of age.

(3) In addition to any criminal liability under subdivision (c)(1), a violation of this section by a healthcare professional constitutes professional misconduct and is subject to discipline by the healthcare professional's licensing authority.

SECTION 2. Tennessee Code Annotated, Section 39-15-401(g), is amended by deleting the language "dehydration or acts of female genital mutilation as defined in § 39-13-110" and substituting instead the language "dehydration, acts of female genital mutilation as defined in § 39-13-110, or the provision of sexual identity change therapy to a child in violation of Section 1".

SECTION 3. This act shall take effect October 1, 2020, the public welfare requiring it, and applies to prohibited conduct occurring on or after that date.

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No. _____

_____
Signature of Sponsor

AMEND Senate Bill No. 755* **House Bill No. 989**

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

SECTION 1. Tennessee Code Annotated, Section 37-1-102(27), is amended by adding the following new subdivision:

( ) Knowingly or with negligence allowing a child to be within a structure where a Schedule I or Schedule II controlled substance listed in title 39, chapter 17, part 4, is present and accessible to the child;

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

Amendment No. _____

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Signature of Sponsor

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Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 1277 **House Bill No. 852***

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

SECTION 1. Tennessee Code Annotated, Section 39-14-202, is amended by deleting subsections (d) and (e).

SECTION 2. Tennessee Code Annotated, Section 39-14-202, is amended by deleting subsection (g) and substituting instead the following:

(g)

(1) A first conviction for cruelty to animals under this section is a Class A misdemeanor.

(2) A person violating this section, upon conviction for a second or subsequent offense, commits a Class E felony.

SECTION 3. Tennessee Code Annotated, Section 39-14-203, is amended by deleting subsections (c) and (d) and substituting instead the following:

(c)

(1) Except for any offense involving a cock, a person violating subdivision (a)(1), (a)(2), or (a)(3) commits a Class D felony.

(2) An offense involving a cock under subdivision (a)(1), (a)(2), or (a)(3) is a Class A misdemeanor.

(d)

(1) A violation of subdivision (a)(4) is a Class A misdemeanor.

(2) A violation of subdivision (a)(5) is a Class A misdemeanor.

Notwithstanding § 40-35-111(e)(1), the fine for a violation of subdivision (a)(5) is

not less than one thousand dollars ($1,000) nor more than two thousand five hundred dollars ($2,500).

SECTION 4. Tennessee Code Annotated, Section 39-14-205, is amended by deleting the section and substituting instead the following:

(a)

(1) It is an offense to knowingly and unlawfully kill the animal of another without the owner's effective consent.

(2) A person violating this section commits a Class C felony.

(b)

(1) A person is justified in killing the animal of another if the person acted under a reasonable belief that the animal created:

(A) An imminent danger of death or serious bodily injury to that person or another; or

(B) An imminent danger of death or serious bodily injury to an animal owned by that person.

(2) A person is not justified in killing the animal of another if at the time of the killing the person is:

(A) Trespassing upon the property of the owner of the animal;

(B) Engaged in criminal conduct; or

(C) Escaping, or attempting to escape, from criminal conduct.

SECTION 5. Tennessee Code Annotated, Section 39-14-207, is amended by deleting subsection (b) and substituting instead the following:

(b) In case any animal is injured, diseased, suffering from the elements, or malnourished, and is found at large by any agent of any governmental animal control agency, law enforcement agency, county or city animal shelter, humane society incorporated under the laws of this state, or not-for-profit primarily organized for the well-being, protection, or rescue of animals and registered with this state, the agent may

cause adequate veterinary treatment, shelter, or nourishment to be furnished to the animal. The organization with whom the agent is affiliated has a right of action against the owner of the animal for all reasonable expenses so incurred. Within forty-eight (48) hours after taking custody of the animal, the organization shall make reasonable efforts to notify the owner of the animal's whereabouts and condition. This subsection (b) does not affect the right of action of the veterinarian or furnisher of goods or services against the person or persons with whom the veterinarian or furnisher of goods or services contracted for payment of charges.

SECTION 6. Tennessee Code Annotated, Section 39-14-208, is amended by deleting the section and substituting instead the following:

(a) As used in this section, "service animal" has the same meaning as defined in § 39-14-216(a).

(b) A person who intentionally or knowingly unlawfully injures the service animal of another and, thereby, permanently deprives the owner of the use of the service animal's services commits theft of that animal and shall be punished under § 39-14-105. In determining the value of the service animal for purposes of § 39-14-105, the court shall consider the following:

(1) The cost of the service animal;

(2) Training expenses of the service animal and handler; and

(3) Veterinary and other medical and boarding expenses for the service animal.

SECTION 7. Tennessee Code Annotated, Section 39-14-210, is amended by adding the following language as a new subsection:

(h) If a person who is ordered to post security pursuant to subsection (g) wishes to pursue an appeal, the person is required to post the ordered security before proceeding with an appeal and the governmental animal control agency, law enforcement agency, or such agency's designee may draw from the security the actual

costs incurred in caring and providing for the seized animal pending disposition of the appeal.

SECTION 8. Tennessee Code Annotated, Section 39-14-212, is amended by deleting subsection (d) and substituting instead the following:

(d)

(1) A person violating this section, upon conviction, commits a Class E felony.

(2) A person violating this section, upon conviction for a second or subsequent offense, commits a Class D felony.

SECTION 9. Tennessee Code Annotated, Section 39-14-214, is amended by deleting subsections (b) and (c) and substituting instead the following:

(b) A violation of this section is a Class D felony.

(c) The sentencing court shall order that the defendant undergo psychological evaluation and counseling, the cost to be borne by the defendant. If the defendant is indigent, the court may, where practicable, direct the defendant to locate and enroll in a counseling or treatment program with an appropriate agency.

SECTION 10. Tennessee Code Annotated, Section 39-14-214, is amended by deleting subsection (e) and subdivision (f)(1) and adding the following new subsection:

( ) Notwithstanding § 40-39-202(20), a violation of this section is a sexual offense and a person who is convicted of a violation of this section is deemed a sexual offender for purposes of the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act, compiled in title 40, chapter 39, part 2.

SECTION 11. Tennessee Code Annotated, Section 39-14-216, is amended by deleting subsection (b) and substituting instead the following:

(b) It is an offense to knowingly:

(1) Maim or otherwise inflict harm upon a service animal;

(2) Attempt to maim or otherwise inflict harm upon a service animal; or

(3) Permit an animal that the person owns or is in the immediate control of to maim or otherwise inflict harm upon a service animal.

SECTION 12. Tennessee Code Annotated, Section 39-14-216, is amended by deleting subsection (g) and substituting instead the following:

(g) This section does not preclude prosecution and conviction for conduct involving a service animal under § 39-14-202, § 39-14-205, § 39-14-208, § 39-14-212, § 39-14-213, or § 39-14-214.

SECTION 13. Tennessee Code Annotated, Title 39, Chapter 14, Part 2, is amended by adding the following new section:

(a) Whenever a person is taken into custody for violation of § 39-14-202, § 39-14-203, § 39-14-204, § 39-14-205, § 39-14-212, § 39-14-213, § 39-14-214, or § 39-14-217, the arresting agent shall seize any of the following animals owned by the person or in the possession, custody, or control of the person:

(1) Any animals that are the subject of the violation; and

(2) Any other animal that is believed to be at risk of being the subject of an offense listed in this subsection (a).

(b) A animal seized pursuant to subdivision (a)(1) or (a)(2) must be placed in the custody of a governmental animal control agency or its designee, law enforcement agency or its designee, county or city animal shelter, society incorporated for the prevention of cruelty to animals, humane society incorporated under the laws of this state, or not-for-profit organization registered with this state for the rescue of animals in this state. The agency or organization taking custody shall assist the animal and preserve evidence for prosecution.

(c) A court making a sentencing determination for a person convicted of a violation of § 39-14-202, § 39-14-203, § 39-14-204, § 39-14-212, § 39-14-214, or § 39-14-217 shall order the person convicted to forfeit any animals whose treatment was the basis of the conviction to the agency, organization, or designee maintaining custody of

the animals for disposition in accordance with reasonable practices for the humane treatment of animals.

(d)

(1)

(A) Any agency, organization, or designee into whose custody any animal under this part is placed may petition the court requesting that the person from whom the animal is seized, or the owner of the seized animal, be ordered to post security.

(B) The security posted pursuant to subdivision (d)(1)(A) must be in an amount sufficient to secure payment of all reasonable expenses expected to be incurred by the agency, organization, or designee in caring and providing for the animal pending disposition of criminal charges.

(C) Reasonable expenses include, but are not limited to, the estimated costs of veterinary care and treatment for the animal as well as the estimated costs of boarding and otherwise caring for the animal.

(D) The court shall determine the amount of security after taking into consideration all of the facts and circumstances of the case. If the posting of security is ordered pursuant to this subsection (d), then the agency, organization, or designee may draw from the security the actual costs incurred in caring and providing for the seized animals pending disposition of criminal charges.

(2) If the person from whom the animal is seized is the owner of the animal and the person has not posted the security ordered pursuant to this subsection (d) within ten (10) business days following the issuance of a security order, the animal is deemed to have been abandoned and must be forfeited to the agency, organization, or designee for disposition in accordance with

reasonable practices for the humane treatment of animals. However, if the person from whom the animal was seized is not the owner of the animal and the person has not posted the court-ordered security within fifteen (15) business days, the court shall order the agency, organization, or designee to make all reasonable efforts to determine who the owner of the animal is and to notify the owner of the pending proceeding.

(3) An animal shall not be deemed to have been abandoned and forfeited to the agency, organization, or designee until reasonable attempts to determine and notify the owner have been made. If the owner of the animal cannot be located after reasonable efforts or the owner is located and notified but does not post, within ten (10) business days of notification, the court-ordered security required by this subsection (d) plus the costs reasonably incurred by the agency, organization, or designee for housing and caring for the animals since seizure, the animal is deemed to have been abandoned and must be forfeited to the agency, organization, or designee for disposition in accordance with reasonable practices for the humane treatment of animals.

(4) This subsection (d) does not prevent the voluntary, permanent relinquishment of any animal by its owner to an agency, organization, or designee in lieu of posting security. The voluntary relinquishment has no effect on the outcome of the criminal charges.

(5) If a person who is ordered to post security wishes to pursue an appeal, the person must post the ordered security before proceeding with an appeal, and the governmental animal control agency, law enforcement agency, or their designee may draw from the security the actual costs incurred in caring and providing for the seized animal pending disposition of the appeal.

SECTION 14. Tennessee Code Annotated, Title 39, Chapter 14, Part 2, is amended by adding the following new section:

A court making a sentencing determination for a person convicted of a violation of § 39-14-202, § 39-14-203, § 39-14-205, § 39-14-212, § 39-14-213, § 39-14-214, or § 39-14-217 shall order the defendant to pay restitution to the owner of the animal for damages, including, but not limited to, the value of the animal, the cost of any specialized training the animal received, and any breeding revenues forfeited due to the death or injury of the animal.

SECTION 15. Tennessee Code Annotated, Title 39, Chapter 14, Part 2, is amended by adding the following new section:

(a) Notwithstanding the terms authorized under § 40-35-111, a court making a sentencing determination for a person convicted of a violation of § 39-14-202, § 39-14-203, § 39-14-212, § 39-14-214, or § 39-14-217 may prohibit the person from having custody of or residing in a household with any animal for a period of no less than five (5) years from entry of the judgment of conviction for a misdemeanor or a period of fifteen (15) years from entry of the judgment of conviction for a felony. The court may also impose a longer prohibition including, when appropriate, a lifetime prohibition on having custody of, or residing in a household with, any animal.

(b) A person prohibited from possessing an animal pursuant to subsection (a) may file a motion with the sentencing court requesting a waiver of the prohibition. The person must file a sworn affidavit in support of the motion stating that:

(1) The person's conviction leading to the possession prohibition involved only livestock;

(2) Prior to the conviction triggering the prohibition, the person was the owner of a commercial livestock operation;

(3) The person has not been convicted, in the previous five (5) years, of a crime involving animals or domestic abuse, as defined in § 36-3-601, or a crime in which the victim was under eighteen (18) years of age; and

(4) The person's conviction was the result of:

(A) Criminal liability for the conduct of another person;

(B) Criminal liability of a corporation; or

(C) Animal neglect and the person's criminal conduct was not knowing or intentional.

(c) If a person files a motion and affidavit described in subsection (b), then the sentencing court shall hold a hearing. At the hearing, the sentencing court shall grant the motion if the person proves by clear and convincing evidence that:

(1) Continued enforcement of the prohibition against possessing livestock would result in substantial economic hardship that cannot otherwise be mitigated;

(2) The person no longer poses any risk to animals; and

(3) The person is capable of providing and willing to provide necessary, adequate, and appropriate levels of care for all livestock that would come within the person's custody or control if the petition is granted.

(d) When deciding a motion filed under subsection (b), the sentencing court may consider the person's financial circumstances and mental and physical health in determining whether the person is capable of adequately caring for livestock.

(e) If the sentencing court grants a motion described in subsection (b), the waiver of the prohibition against possessing animals applies only to livestock. The sentencing court shall order that, for five (5) years from the date of the order, the person must consent to reasonable inspections by law enforcement and the United States department of agriculture to ensure the welfare of the livestock under the person's custody or control.

(f) As used in this section, "commercial livestock operation" means a business engaged in the raising, breeding, or selling of livestock for profit.

(g) A violation of any prohibition or restriction imposed by the sentencing court pursuant to this section, including a refusal to consent to a reasonable inspection

described in subsection (e), is a Class A misdemeanor punishable by forfeiture of any animals in the defendant's possession and, where appropriate, revocation of the possession prohibition waiver.

SECTION 16. Tennessee Code Annotated, Title 39, Chapter 14, Part 2, is amended by adding the following new section:

It is the legislative intent that any fines imposed for a violation of this part be used to fund law enforcement agencies in the enforcement of animal welfare and protection laws set forth in this part, governmental animal control agencies, county and city animal shelters, societies incorporated for the prevention of cruelty to animals, humane societies incorporated under the laws of this state, and not-for-profit organizations registered with this state for the rescue of animals in this state.

SECTION 17. 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. 1895 **House Bill No. 1922***

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

SECTION 1. Tennessee Code Annotated, Section 40-39-211(d), is amended by adding the following as a new subdivision:

(4) Subdivision (d)(1) shall not apply when a sexual offender, as defined in § 40-39-202, is at a house of worship for the purpose of attending religious services or receiving educational or social support services, and the person has provided written notice of the person's offender status to the leader of the house of worship and received written permission from the house of worship's leader. As used in this subdivision (d)(4), "leader" means the person or entity with final decision-making authority for a house of worship.

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

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Time _____
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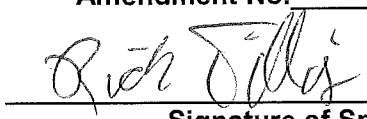
Comm. Amdt. _____

Amendment No. _____



Signature of Sponsor

AMEND Senate Bill No. 2104* **House Bill No. 2630**

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

SECTION 1. Tennessee Code Annotated, Section 38-6-121, is amended by deleting the section and substituting instead the following:

(a) The general assembly finds that in the case of a missing citizen who has wandered due to dementia, physical impairment, or disability, the first few hours are critical in finding the citizen. To aid in the identification and location of missing citizens, there is created a missing citizen alert program called the Silver Alert program. The Tennessee bureau of investigation shall provide oversight and a statewide protocol to be implemented with law enforcement agencies in this state. The Tennessee bureau of investigation and local law enforcement agencies may seek the assistance of nonprofit organizations such as A Child is Missing, the Alzheimer's Association, or Alzheimer's Tennessee.

(b) As used in this section, "missing citizen" means:

(1) A person whose age at the time the person is first reported missing is sixty (60) years of age or older, whose whereabouts are unknown, and who is believed to be in danger because of age, health, mental health conditions, or physical disability, in combination with environmental or weather conditions, or is believed to be unable to return to safety without assistance;

(2) A person of any age who suffers from a documented case of dementia, whose whereabouts are unknown, who is believed to be in danger because of the dementia or physical impairment, and is believed to be unable to return to safety without assistance; or

(3) A person whose age at the time the person is first reported missing is eighteen (18) years of age or older; whose whereabouts are unknown; who has an intellectual, developmental, or physical disability; and who is believed to be in danger because of the disability, or is believed to be unable to return to safety without assistance.

(c)

(1) When a local law enforcement agency receives notice that a citizen with a condition described in subdivision (b)(1) is missing and has received a caregiver's statement verifying the condition of the missing citizen, or, when the local law enforcement agency receives notice that a citizen with a condition described in subdivision (b)(2) or (b)(3) is missing and has received medical documentation of that citizen's dementia, physical impairment, or disability, the agency shall begin an investigation immediately and notify the Tennessee bureau of investigation within four (4) hours of receiving the notice of the missing citizen by filing a report with the bureau.

(2) Local law enforcement shall enter the report of the missing citizen with a physical impairment, dementia, physical disability, intellectual disability, or mental health condition into the national crime information center (NCIC) within four (4) hours of the completion of the verification process.

(3) The Tennessee bureau of investigation, in coordination with law enforcement agencies, shall send the alert to designated media outlets in this state within twelve (12) hours of the notification of the missing citizen. Media outlets are strongly encouraged to publicize the information provided in order to promote the safe recovery of the missing citizen. When the alert is sent to media outlets, it must contain all appropriate information from the local law enforcement agency that may assist in the safe recovery of the missing citizen and a statement instructing anyone with information related to the missing citizen to contact their local law enforcement agency. The alert shall contain all

appropriate, descriptive information available, including, but not limited to, the location last seen, vehicle information, clothing worn, and photo, if available, that may assist in the safe recovery of the missing citizen.

(4) The law enforcement agency requesting the alert shall cancel the alert upon notification that the missing citizen has been found, including cancellation of the missing person entry into NCIC.

(d)

(1) The Tennessee bureau of investigation shall provide information and education on the Silver Alert statewide protocol to all law enforcement agencies in this state.

(2) The Tennessee Sheriffs' Association and the Tennessee Association of Chiefs of Police are encouraged to educate law enforcement as to the requirements of the Silver Alert program by methods, including, but not limited to, newsletters, press releases, media relations, access to TBI's current media list, and educational instruction through the Tennessee law enforcement training academy.

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

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

Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 2399* **House Bill No. 2663**

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

SECTION 1. Tennessee Code Annotated, Section 39-17-1302, is amended by deleting subdivision (a)(4) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 39-17-1302(c)(1), is amended by deleting the language "(a)(1)-(4)" and substituting instead "(a)(1)-(3)".

SECTION 3. Tennessee Code Annotated, Section 39-17-1302(d), is amended by deleting the language "subdivisions (a)(3) or (a)(4)" and substituting instead "subdivision (a)(3)".

SECTION 4. Tennessee Code Annotated, Section 39-17-1302(f)(2), is amended by deleting the language "subdivisions (a)(2)-(4)" and substituting instead "subdivision (a)(2) or (3)".

SECTION 5. This act shall take effect July 1, 2020, the public welfare requiring it.

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

Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 2388 **House Bill No. 2482***

by deleting all language after the caption and substituting instead the following:

WHEREAS, this General Assembly finds that the preservation and testing of sexual assault evidence collection kits are important to public safety; and

WHEREAS, timely testing is vital to solve cases, punish offenders, bring justice to victims, and prevent future crimes; and

WHEREAS, it is the intent of this General Assembly that every sexual assault evidence collection kit in Tennessee be tested and that sexual assault victims deserve no less; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 6, Part 1, is amended by adding the following language as a new section:

(a) As used in this section, "forensic medical examination", "law enforcement agency", "sexual assault evidence collection kit", and "victim" have the same meanings as defined in § 39-13-519.

(b) The Tennessee bureau of investigation shall develop and implement an electronic system that tracks the location and laboratory analysis status of each sexual assault evidence collection kit released to a law enforcement agency at the conclusion of a forensic medical examination on or after July 1, 2021.

(c) The system must have the capacity to allow a victim to track by internet the location and status of the victim's sexual assault evidence collection kit by use of a tracking number provided to the victim by the law enforcement agency receiving the

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sexual assault evidence collection kit after the conclusion of the forensic medical examination. At any time, the victim must be able to use the tracking number by inputting it into an online system to determine the current location and laboratory analysis status of the victim's sexual assault evidence collection kit.

(d) The Tennessee bureau of investigation shall create a written pamphlet explaining how to access and use the tracking system and make the pamphlet available to law enforcement agencies. The law enforcement agency receiving the sexual assault evidence collection kit must provide the pamphlet to the victim with the tracking number.

(e) Beginning February 1, 2022, and no later than February 1 of each year thereafter, the Tennessee bureau of investigation shall prepare and transmit an annual report to the judiciary committee of the senate and the judiciary committee of the house of representatives containing the number of sexual assault evidence collection kits assigned a tracking number, the number of sexual assault evidence collection kits for which forensic testing was completed, the average number of days from assignment of a tracking number to completion of forensic testing, and the number of hold kits received by law enforcement agencies in this state.

SECTION 2. Tennessee Code Annotated, Section 39-13-519, is amended by adding the following language as a new subsection (e):

(e)

(1) The law enforcement agency must provide the victim with a tracking number for the sexual assault evidence collection kit, and a copy of a pamphlet created by the Tennessee bureau of investigation explaining how to access and use the tracking system and the victim's right to receive a copy of the forensic analysis report of the victim's sexual assault evidence collection kit generated by the Tennessee bureau of investigation or similar qualified laboratory.

(2) Upon receipt of DNA data analysis results from the Tennessee bureau of investigation pursuant to § 38-6-113(d) or similar qualified laboratory,

the law enforcement agency must, within a reasonable time, notify the victim of a databank match, if any, and provide the victim with a copy of the complete forensic analysis report of the victim's sexual assault evidence collection kit generated by the Tennessee bureau of investigation or similar qualified laboratory, unless disclosure of the information would impede or compromise the investigation. If disclosure of the information would impede or compromise the investigation, the law enforcement agency must provide a copy of the complete forensic analysis report to the victim upon conclusion of the investigation.

SECTION 3. Section 1 of this act shall take effect upon becoming a law, the public welfare requiring it. All other provisions of this act shall take effect July 1, 2021, the public welfare requiring it.

Amendment No. _____

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Signature of Sponsor

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

AMEND Senate Bill No. 2800 House Bill No. 2598*

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

SECTION 1. Tennessee Code Annotated, Section 40-11-121, is amended by deleting the section and substituting instead the following:

(a) If a judgment for fine, court costs, or restitution is entered in the prosecution of a cause in which a bail deposit had been made by or on behalf of the defendant, the bail deposit may not be applied to the payment of the judgment.

(b) This section does not apply to the forfeiture of bail as provided in this title.

SECTION 2. Tennessee Code Annotated, Section 40-11-139, is amended by adding the following as a new subsection:

( ) A judgment against a surety must not include the costs of any proceeding except forfeiture proceedings or exceed the face amount of the bond listed on the charge in the written undertaking signed by the surety.

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

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 742* **House Bill No. 1417**

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

SECTION 1. Tennessee Code Annotated, Section 39-13-102(e)(1)(A), is amended by deleting subdivisions (ii) and (iii) in their entireties and substituting instead the following:

(ii) Subdivision (a)(1)(A)(i), (ii), or (iv) is a Class C felony;

(iii) Subdivision (a)(1)(A)(iii) is a Class C felony, unless the offense is committed by discharging a firearm from within a motor vehicle, as defined in § 55-1-103, in which case aggravated assault is a Class B felony;

SECTION 2. Tennessee Code Annotated, Section 39-13-102(e)(1)(A), is further amended by deleting subdivisions (v) and (vi) in their entireties and substituting instead the following:

(v) Subdivision (a)(1)(B)(i) or (ii) is a Class D felony;

(vi) Subdivision (a)(1)(B)(iii) is a Class D felony, unless the offense is committed by discharging a firearm from within a motor vehicle, as defined in § 55-1-103, in which case aggravated assault is a Class C felony.

SECTION 3. Tennessee Code Annotated, Section 39-13-102(e), is amended by adding the following new subdivision:

(5)

(A) In addition to any other punishment authorized by this section, a court shall order the following for a person convicted of aggravated assault that is committed by discharging a firearm from within a motor vehicle or conspiracy to commit the same offense:

(i) A fine of up to two (2) times the amount authorized for the punishment of aggravated assault; and

(ii) The defendant to serve a mandatory sentence of up to one (1) year, which sentence must be served day for day.

(B)

(i) In addition to the punishment set out in subdivision (e)(5)(A), the court shall order the following when sentencing the defendant:

(*a*) Revocation of the person's driver license for a period beginning on the date of conviction and continuing for a period of one (1) year following the defendant's release from confinement, if the person had a valid driver license on the date of conviction for the offense;

(*b*) A prohibition against the department issuing a driver license to the defendant for a period beginning on the date of conviction and continuing for a period of one (1) year following release from confinement, if the defendant did not possess a valid driver license at the time of conviction for the offense.

(ii)

(*a*) If the defendant possessed a valid driver license on the date of conviction for the offense, when one (1) year has elapsed from the date the defendant is released from confinement, the defendant shall be eligible to apply to have the driver license reinstated. The defendant whose license was revoked shall have the burden of submitting documentation to the department showing, to the satisfaction of the department, the date the defendant was released from confinement.

(*b*) If the defendant did not possess a valid driver license at the time of conviction for the offense, when one (1) year has elapsed from the date the defendant is released from confinement for the offense, the defendant may apply to the department to have a driver license issued. A person applying to have a driver license issued pursuant to this subdivision (e)(5)(B)(ii)(*b*) shall have the burden of submitting documentation to the department showing, to the satisfaction of the department, the date the defendant was released from confinement.

(iii) Upon ordering license revocation pursuant to subdivision (e)(5)(B)(i)(*a*), the court shall submit a copy of the conviction and an order for revocation of the defendant's driver license to the department of safety.

(iv) Upon receipt of a conviction and an order for revocation of the defendant's driver license, the department shall revoke the defendant's driver license if the defendant had a valid driver license on the date of conviction. The driver license shall not be reinstated or, if the defendant did not have a valid driver license on the date of conviction, shall not be issued until the one-year period following the defendant's release from confinement has expired and the defendant submits documentation showing, to the satisfaction of the department, the date the defendant was released from confinement.

(C) A second or subsequent violation described in subdivision (e)(5)(A) shall be punished the same as a first violation, except that the motor vehicle used in the commission of the second or subsequent violation is subject to seizure and forfeiture under the same procedures used for the forfeiture of conveyances pursuant to title 40, chapter 33.

SECTION 4. Tennessee Code Annotated, Section 39-13-103(b)(3), is amended by deleting the subdivision in its entirety and substituting instead the following:

(3) Reckless endangerment is a Class C felony if committed by discharging a firearm:

(A) Into a habitation, as defined in § 39-14-401, unless the habitation was unoccupied at the time of the offense, in which event it is a Class D felony; or

(B) From within a motor vehicle, as defined in § 55-1-103.

SECTION 5. Tennessee Code Annotated, Section 39-13-103, is amended by adding the following as new subsections:

(c)

(1) In addition to any other punishment authorized by this section, a court shall order the following for a person convicted of reckless endangerment under the circumstances set out in subdivision (b)(3)(B) or conspiracy to commit the same offense:

(A) A fine of up to two (2) times the amount authorized for the violation of this section;

(B) The defendant to serve a mandatory sentence of up to one (1) year, which sentence must be served day for day; and

(C)

(i) Revocation of the defendant's driver license for a period beginning on the date of conviction and continuing for a period of one (1) year following the defendant's release from confinement;

(ii) The procedure for revocations, reinstatements, and issuance of a driver license for a violation of this section shall be the same as provided in § 39-13-102(e)(5)(B).

(2) A second or subsequent violation described in subdivision (b)(3)(B) shall be punished the same as a first violation, except that the motor vehicle used

in the commission of the second or subsequent violation is subject to seizure and forfeiture under the same procedures used for the forfeiture of conveyances pursuant to title 40, chapter 33.

(d) It is a defense to the application of this section that the person who engages in conduct that places another person in imminent danger of death or serious bodily injury was acting in justified self-defense, pursuant to § 39-11-611, or justified defense of a third person, pursuant to § 39-11-612.

SECTION 6. This act shall take effect July 1, 2019, the public welfare requiring it.

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

Amendment No. _____

_____
Signature of Sponsor

AMEND Senate Bill No. 1601 **House Bill No. 1608***

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 "Safe Seniors Act of 2020."

SECTION 2. Tennessee Code Annotated, Section 39-13-202, is amended by deleting subdivision (a)(2) and substituting instead the following:

(2) A killing of another committed in the perpetration of or attempt to perpetrate any first degree murder, act of terrorism, arson, rape, robbery, burglary, theft, kidnapping, aggravated abuse of an elderly or vulnerable adult in violation of § 39-15-511, aggravated neglect of an elderly or vulnerable adult in violation of § 39-15-508, aggravated child abuse, aggravated child neglect, rape of a child, aggravated rape of a child, or aircraft piracy; or

SECTION 3. Tennessee Code Annotated, Section 39-15-501(13), is amended by deleting the word "fondling" and substituting instead the language "sexual contact, as defined in § 39-13-501".

SECTION 4. Tennessee Code Annotated, Section 40-11-150, is amended by deleting subsection (a) and substituting instead the following:

(a) In addition to the factors set out in § 40-11-118, in making a decision concerning the amount of bail required for the release of a defendant who is arrested for the offense of child abuse, child neglect, or child endangerment, as defined in § 39-15-401; the offense of aggravated child abuse, aggravated child neglect, or aggravated child endangerment, as defined in § 39-15-402; the offense of stalking, aggravated stalking, or especially aggravated stalking, as defined in § 39-17-315; a violation of § 39-

15-510 or § 39-15-511, involving abuse or aggravated abuse of an elderly or vulnerable adult; or a violation of § 39-15-507 or § 39-15-508, involving neglect or aggravated neglect of an elderly or vulnerable adult; any criminal offense defined in title 39, chapter 13, in which the alleged victim of the offense is a victim as defined in § 36-3-601(5), (10), or (11), or is in violation of an order of protection as authorized by title 36, chapter 3, part 6, the magistrate shall review the facts of the arrest and detention of the defendant and determine whether the defendant is:

(1) A threat to the alleged victim;

(2) A threat to public safety; and

(3) Reasonably likely to appear in court.

SECTION 5. Tennessee Code Annotated, Section 39-15-504, is amended by deleting the section and substituting instead the following:

In a case where an alleged offense under this part has been committed against an elderly or vulnerable adult, upon the state's motion, the court shall conduct a hearing to preserve the testimony of the victim within sixty (60) days of filing the motion, whether the case originates in general sessions court or criminal court.

SECTION 6. Tennessee Code Annotated, Section 40-35-115(b), is amended by inserting the following language as a new subdivision:

( ) The defendant has been convicted of two (2) or more statutory offenses involving sexual exploitation of an elderly or vulnerable adult with consideration of the aggravating circumstances arising from the relationship between the defendant and victim, the nature and scope of the sexual acts, and the extent of the physical and mental damage to the victim;

SECTION 7. Tennessee Code Annotated, Section 39-15-506, is amended by deleting subdivision (a)(1) and substituting instead the following:

(1) Following a conviction for a violation of § 39-15-502, § 39-15-507(b) or (c), § 39-15-508, § 39-15-510, § 39-15-511, or § 39-15-512, or an attempt to commit any of those offenses, or at the discretion of the court, for a conviction of § 39-15-507(d), the

clerk of the court shall notify the department of health of the conviction by sending a copy of the judgment in the manner set forth in § 68-11-1003 for inclusion on the registry pursuant to title 68, chapter 11, part 10.

SECTION 8. Tennessee Code Annotated, Section 39-13-502, is amended by deleting subdivision (a)(3)(B) and substituting instead the following:

(B) The defendant knows or has reason to know that the victim is a vulnerable adult. As used in this section, "vulnerable adult" means a person eighteen (18) years of age or older who, because of intellectual disability or physical dysfunction, has been determined by a licensed physician, psychologist, or senior psychological examiner to lack capacity to consent, as defined in § 71-6-120(a)(1), to sexual activity, or who is physically helpless.

SECTION 9. Tennessee Code Annotated, Section 39-13-503, is amended by deleting subdivision (a)(3) and substituting instead the following:

(3) The defendant knows or has reason to know that the victim is a vulnerable adult. As used in this section, "vulnerable adult" means a person eighteen (18) years of age or older who, because of intellectual disability or physical dysfunction, has been determined by a licensed physician, psychologist, or senior psychological examiner to lack capacity to consent, as defined in § 71-6-120(a)(1), to sexual activity, or who is physically helpless; or

SECTION 10. Tennessee Code Annotated, Section 39-15-501, is amended by deleting subdivision (9) and substituting instead the following:

(9) "Physical harm" means physical pain, injury, or diminished health, regardless of gravity or duration;

SECTION 11. For the purpose of promulgating rules, policies, and procedures for the implementation of 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 July 1, 2020, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

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

AMEND Senate Bill No. 1601 **House Bill No. 1608***

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 "Safe Seniors Act of 2020."

SECTION 2. Tennessee Code Annotated, Section 39-13-202, is amended by deleting subdivision (a)(2) and substituting instead the following:

(2) A killing of another committed in the perpetration of or attempt to perpetrate any first degree murder, act of terrorism, arson, rape, robbery, burglary, theft, kidnapping, aggravated abuse of an elderly or vulnerable adult in violation of § 39-15-511, aggravated neglect of an elderly or vulnerable adult in violation of § 39-15-508, aggravated child abuse, aggravated child neglect, rape of a child, aggravated rape of a child, or aircraft piracy; or

SECTION 3. Tennessee Code Annotated, Section 39-15-501(13), is amended by deleting the word "fondling" and substituting instead the language "sexual contact, as defined in § 39-13-501".

SECTION 4. Tennessee Code Annotated, Section 40-11-150, is amended by deleting subsection (a) and substituting instead the following:

(a) In addition to the factors set out in § 40-11-118, in making a decision concerning the amount of bail required for the release of a defendant who is arrested for the offense of child abuse, child neglect, or child endangerment, as defined in § 39-15-401; the offense of aggravated child abuse, aggravated child neglect, or aggravated child endangerment, as defined in § 39-15-402; the offense of stalking, aggravated stalking, or especially aggravated stalking, as defined in § 39-17-315; a violation of § 39-

15-510 or § 39-15-511, involving abuse or aggravated abuse of an elderly or vulnerable adult; or a violation of § 39-15-507 or § 39-15-508, involving neglect or aggravated neglect of an elderly or vulnerable adult; any criminal offense defined in title 39, chapter 13, in which the alleged victim of the offense is a victim as defined in § 36-3-601(5), (10), or (11), or is in violation of an order of protection as authorized by title 36, chapter 3, part 6, the magistrate shall review the facts of the arrest and detention of the defendant and determine whether the defendant is:

(1) A threat to the alleged victim;

(2) A threat to public safety; and

(3) Reasonably likely to appear in court.

SECTION 5. Tennessee Code Annotated, Section 39-15-504, is amended by deleting the section and substituting instead the following:

In a case where an alleged offense under this part has been committed against an elderly or vulnerable adult, upon the state's motion, the court shall conduct a hearing to preserve the testimony of the victim within sixty (60) days of filing the motion, whether the case originates in general sessions court or criminal court.

SECTION 6. Tennessee Code Annotated, Section 40-35-115(b), is amended by inserting the following language as a new subdivision:

( ) The defendant has been convicted of two (2) or more statutory offenses involving sexual exploitation of an elderly or vulnerable adult with consideration of the aggravating circumstances arising from the relationship between the defendant and victim, the nature and scope of the sexual acts, and the extent of the physical and mental damage to the victim;

SECTION 7. Tennessee Code Annotated, Section 39-15-506, is amended by deleting subdivision (a)(1) and substituting instead the following:

(1) Following a conviction for a violation of § 39-15-502, § 39-15-507(b) or (c), § 39-15-508, § 39-15-510, § 39-15-511, or § 39-15-512, or an attempt to commit any of those offenses, or at the discretion of the court, for a conviction of § 39-15-507(d), the

clerk of the court shall notify the department of health of the conviction by sending a copy of the judgment in the manner set forth in § 68-11-1003 for inclusion on the registry pursuant to title 68, chapter 11, part 10.

SECTION 8. Tennessee Code Annotated, Section 39-13-502, is amended by deleting subdivision (a)(3)(B) and substituting instead the following:

(B) The defendant knows or has reason to know that the victim is a vulnerable adult. As used in this section, "vulnerable adult" means a person eighteen (18) years of age or older who, because of intellectual disability or physical dysfunction, has been determined by a licensed physician, psychologist, or senior psychological examiner to lack capacity to consent, as defined in § 71-6-120(a)(1), to sexual activity, or who is physically helpless.

SECTION 9. Tennessee Code Annotated, Section 39-13-503, is amended by deleting subdivision (a)(3) and substituting instead the following:

(3) The defendant knows or has reason to know that the victim is a vulnerable adult. As used in this section, "vulnerable adult" means a person eighteen (18) years of age or older who, because of intellectual disability or physical dysfunction, has been determined by a licensed physician, psychologist, or senior psychological examiner to lack capacity to consent, as defined in § 71-6-120(a)(1), to sexual activity, or who is physically helpless; or

SECTION 10. Tennessee Code Annotated, Section 39-15-501, is amended by deleting subdivision (9) and substituting instead the following:

(9) "Physical harm" means physical pain, injury, or diminished health, regardless of gravity or duration;

SECTION 11. Tennessee Code Annotated, Section 40-11-150(k), is amended by deleting subdivision (1) and substituting instead the following:

(1) Any offender arrested for a violation of § 39-15-510 or § 39-15-511, involving abuse or aggravated abuse of an elderly or vulnerable adult, or for a violation of § 39-15-507 or § 39-15-508, involving neglect or aggravated neglect of an elderly or vulnerable

adult, shall not be released within twelve (12) hours of the time of arrest. The magistrate or other official duly authorized to release the offender may, however, release the offender in less than twelve (12) hours if the official finds that the offender is not a threat to the alleged victim.

SECTION 12. For the purpose of promulgating rules, policies, and procedures for the implementation of 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 July 1, 2020, the public welfare requiring it.

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No._____

_____
Signature of Sponsor

AMEND Senate Bill No. 1601 **House Bill No. 1608***

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 "Safe Seniors Act of 2020."

SECTION 2. Tennessee Code Annotated, Section 39-13-202, is amended by deleting subdivision (a)(2) and substituting instead the following:

(2) A killing of another committed in the perpetration of or attempt to perpetrate any first degree murder, act of terrorism, arson, rape, robbery, burglary, theft, kidnapping, aggravated abuse of an elderly or vulnerable adult in violation of § 39-15-511, aggravated neglect of an elderly or vulnerable adult in violation of § 39-15-508, aggravated child abuse, aggravated child neglect, rape of a child, aggravated rape of a child, or aircraft piracy; or

SECTION 3. Tennessee Code Annotated, Section 39-15-501(13), is amended by deleting the word "fondling" and substituting instead the language "sexual contact, as defined in § 39-13-501".

SECTION 4. Tennessee Code Annotated, Section 40-11-150, is amended by deleting subsection (a) and substituting instead the following:

(a) In addition to the factors set out in § 40-11-118, in making a decision concerning the amount of bail required for the release of a defendant who is arrested for the offense of child abuse, child neglect, or child endangerment, as defined in § 39-15-401; the offense of aggravated child abuse, aggravated child neglect, or aggravated child endangerment, as defined in § 39-15-402; the offense of stalking, aggravated stalking, or especially aggravated stalking, as defined in § 39-17-315; a violation of § 39-

15-510 or § 39-15-511, involving abuse or aggravated abuse of an elderly or vulnerable adult; or a violation of § 39-15-507 or § 39-15-508, involving neglect or aggravated neglect of an elderly or vulnerable adult; any criminal offense defined in title 39, chapter 13, in which the alleged victim of the offense is a victim as defined in § 36-3-601(5), (10), or (11), or is in violation of an order of protection as authorized by title 36, chapter 3, part 6, the magistrate shall review the facts of the arrest and detention of the defendant and determine whether the defendant is:

(1) A threat to the alleged victim;

(2) A threat to public safety; and

(3) Reasonably likely to appear in court.

SECTION 5. Tennessee Code Annotated, Section 39-15-504, is amended by deleting the section and substituting instead the following:

In a case where an alleged offense under this part has been committed against an elderly or vulnerable adult, upon the state's motion, the court shall conduct a hearing to preserve the testimony of the victim within sixty (60) days of filing the motion, whether the case originates in general sessions court or criminal court.

SECTION 6. Tennessee Code Annotated, Section 40-35-115(b), is amended by inserting the following language as a new subdivision:

( ) The defendant has been convicted of two (2) or more statutory offenses involving sexual exploitation of an elderly or vulnerable adult with consideration of the aggravating circumstances arising from the relationship between the defendant and victim, the nature and scope of the sexual acts, and the extent of the physical and mental damage to the victim;

SECTION 7. Tennessee Code Annotated, Section 39-15-506, is amended by deleting subdivision (a)(1) and substituting instead the following:

(1) Following a conviction for a violation of § 39-15-502, § 39-15-507(b) or (c), § 39-15-508, § 39-15-510, § 39-15-511, or § 39-15-512, or an attempt to commit any of those offenses, or at the discretion of the court, for a conviction of § 39-15-507(d), the

clerk of the court shall notify the department of health of the conviction by sending a copy of the judgment in the manner set forth in § 68-11-1003 for inclusion on the registry pursuant to title 68, chapter 11, part 10.

SECTION 8. Tennessee Code Annotated, Section 39-13-502, is amended by deleting subdivision (a)(3)(B) and substituting instead the following:

(B) The defendant knows or has reason to know that the victim is a vulnerable adult.

SECTION 9. Tennessee Code Annotated, Section 39-13-503, is amended by deleting subdivision (a)(3) and substituting instead the following:

(3) The defendant knows or has reason to know that the victim is a vulnerable adult; or

SECTION 10. Tennessee Code Annotated, Section 39-13-501, is amended by adding the following language as a new, appropriately designated subdivision:

( ) "Vulnerable adult" means a person eighteen (18) years of age or older who, because of intellectual disability or physical dysfunction, has been determined by a licensed physician, psychologist, or senior psychological examiner to lack capacity to consent, as defined in § 71-6-120(a)(1), to sexual activity, or who is physically helpless.

SECTION 11. Tennessee Code Annotated, Section 39-15-501, is amended by deleting subdivision (9) and substituting instead the following:

(9) "Physical harm" means physical pain, injury, or diminished health, regardless of gravity or duration;

SECTION 12. Tennessee Code Annotated, Section 40-11-150(k), is amended by deleting subdivision (1) and substituting instead the following:

(1) Any offender arrested for a violation of § 39-15-510 or § 39-15-511, involving abuse or aggravated abuse of an elderly or vulnerable adult, or for a violation of § 39-15-507 or § 39-15-508, involving neglect or aggravated neglect of an elderly or vulnerable adult, shall not be released within twelve (12) hours of the time of arrest. The magistrate or other official duly authorized to release the offender may, however, release the

offender in less than twelve (12) hours if the official finds that the offender is not a threat to the alleged victim.

SECTION 13. For the purpose of promulgating rules, policies, and procedures for the implementation of 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 July 1, 2020, the public welfare requiring it.

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

Amendment No. _____

_____
Signature of Sponsor

AMEND Senate Bill No. 1898 **House Bill No. 1610***

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

SECTION 1. Tennessee Code Annotated, Title 53, is amended by adding the following as a new chapter:

53-6-101. This chapter shall be known and may be cited as the "Tennessee Marijuana Act."

53-6-102. As used in this chapter:

(1) "Allowable amount" means the amount of usable marijuana or marijuana product, which may be based on levels of THC, that may be dispensed to or possessed by a person and the possession of which is not pursuant to and in furtherance of a licensed activity;

(2) "Commission" means the Tennessee marijuana commission, created by § 53-6-201;

(3) "Cultivation facility" means a facility licensed by the commission to:

(A) Cultivate, transport, supply, and store marijuana, and sell and deliver the marijuana to a wholesaler; and

(B) Prepare, manufacture, process, package, transport, supply, store, sell, and deliver a marijuana product or paraphernalia to a wholesaler;

(4) "Cultivation license" means a license issued in accordance with § 53-6-105 for the operation of a single cultivation facility;

(5) "Department" means the department of agriculture;

(6) "Dispensary" means a facility licensed by the commission to acquire, possess, store, transport, sell, or dispense marijuana, marijuana products, paraphernalia, and related supplies and educational materials to persons who are twenty-one (21) years of age or older;

(7) "Dispensary license" means a license issued in accordance with § 53-6-105 for the operation of a single dispensary;

(8) "Disqualifying felony offense" means:

(A) A violent offense, as classified by § 40-35-120(b); or

(B) A violation of a state or federal controlled substances law that was classified as a felony in the jurisdiction where the person was convicted, not including:

(i) An offense for which the sentence, including any term of probation, incarceration, or supervised release, was completed five (5) or more years earlier; or

(ii) An offense that consisted of conduct that is not an offense under this chapter, but the conduct either occurred prior to the enactment of this chapter or was prosecuted by an authority other than the state of Tennessee;

(9) "Establishment agent" means an owner, officer, board member, employee, or agent of a marijuana establishment;

(10) "Establishment agent registration card" or "registration card" means a registration card that is issued by the commission to authorize a person to work at a marijuana establishment;

(11) "Independent testing facility" means an independent testing laboratory issued a testing license by the commission to analyze the safety and potency of marijuana or marijuana products, including any quality variance standards established by the commission;

(12) "License" means a license issued by the commission that authorizes the license holder to conduct a marijuana-related activity or operate a marijuana establishment;

(13) "Marijuana":

(A) Means all parts of the plant cannabis, whether growing or not; the seeds of the plant; any clones of the plant; the resin extracted from any part of the plant; and every compound, processing, salt, derivative, mixture, or preparation of the plant; and

(B) Does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from the mature stalks, fiber, oil, or cake, or the sterilized seeds of the plant that are incapable of germination; or hemp as defined in § 43-27-101 or hemp-based products;

(14) "Marijuana establishment" means a dispensary, cultivation facility, wholesaler, or independent testing facility authorized to operate pursuant to a license issued by the commission;

(15) "Marijuana product" means cannabis oil, cannabis extract, or a product that is infused with cannabis oil or cannabis extract and intended for use or consumption;

(16) "Paraphernalia" means drug paraphernalia, as defined in § 39-17-402;

(17) "Secure facility" means a building, greenhouse, warehouse, room, or fenced, outdoor area that is equipped with locks or other security devices that restrict access to only an authorized marijuana establishment agent or other person authorized by law;

(18) "THC" means delta-9-tetrahydrocannabinol, which is a primary active ingredient in marijuana;

(19) "Wholesaler" means a person or entity licensed by the commission to purchase or obtain marijuana or marijuana products or paraphernalia from a cultivation facility for the purpose of remitting to the department of revenue taxes due and owing on the retail sale of such marijuana or marijuana products and paraphernalia under this chapter; and

(20) "Wholesaler license" means a license issued in accordance with § 53-6-105 for the operation of a single wholesaler facility.

53-6-103.

(a) No person or enterprise may acquire, possess, cultivate, manufacture, process, deliver, transfer, transport, supply, or dispense marijuana or marijuana products in this state without a license issued under this chapter and applicable to the marijuana establishment's operations. The commission shall begin accepting applications for licenses on March 1, 2021, and continue accepting applications until July 31, 2021. Initial licenses issued are valid until December 31, 2022. The commission shall begin accepting applications for licenses and license renewals for calendar year 2023 on March 1, 2022, and continue accepting applications until July 31, 2022. The commission shall continue to accept and approve applications in this manner thereafter for subsequent calendar years. A license may be conditionally approved but shall not be finally approved or denied until after an onsite inspection of facilities pursuant to rules promulgated by the commission.

(b) To be eligible for a license under this chapter, a person or entity must submit the license fee described in § 53-6-107 and a completed application to the commission in the manner prescribed by the commission. Applications developed by the commission must require the following information:

(1) The type of license being sought;

(2) The legal name of the marijuana establishment, including any doing business as (d/b/a) designations used in this state;

(3) The identity of owners, officers, and board members of the marijuana establishment and whether such individuals:

(A) Have ever been convicted of any disqualifying felony offense;

(B) Have ever served as an owner, officer, or board member for a marijuana establishment that has had its marijuana establishment license revoked;

(C) Have ever previously had a marijuana establishment agent registration card revoked; and

(D) Are at least twenty-one (21) years of age or older;

(4) The physical address where the marijuana establishment is to be located, which must:

(A) Be located in a jurisdiction in which the presence of the type of marijuana establishment being proposed is permitted in accordance with § 53-6-106; and

(B) Comply with all applicable local zoning requirements;

(5) Evidence that the owner of the real property on which the marijuana establishment will be located has given express permission to operate the establishment at that location;

(6) Evidence that the applicant meets the minimum capitalization requirements of § 53-6-105, to cover initial expenses of opening the marijuana establishment and complying with this chapter. This subdivision (b)(6) does not apply to any application for an independent testing facility;

(7) Operating procedures for the marijuana establishment that are consistent with the commission's rules and must include:

(A) Procedures to ensure adequate security;

(B) The use of an inventory control system in accordance with § 53-6-113; and

(C) If the marijuana establishment will process, manufacture, sell, or deliver marijuana or marijuana products, operating procedures for handling those products, which must be approved by the commission; and

(8) Any other information as the commission may reasonably require by rule.

(c)

(1) Each person submitting an application pursuant to this section, and each person who is to be an owner, officer, or board member of a marijuana establishment, shall:

(A) Provide a fingerprint sample and submit to a criminal history records check to be conducted by the Tennessee bureau of investigation and the federal bureau of investigation; and

(B) Authorize the Tennessee bureau of investigation to submit the results of the criminal history records check to the commission and the owner or board of the marijuana establishment.

(2) The applicant is responsible for any reasonable costs incurred by the Tennessee bureau of investigation or federal bureau of investigation, or both, in conducting an investigation of the applicant. Such fees may be reimbursed by the marijuana establishment. The assessed costs must not exceed those assessed for other criminal history records checks required by law.

(d) The commission shall issue licenses in accordance with § 53-6-105. Meeting the criteria of this section does not grant any person or entity a right to a license.

(e) A person or entity may be issued one (1) or more licenses and own or operate one (1) or more marijuana establishments of the same type, subject to the following:

(1) A person or entity that is serving as an owner or operator of a cultivation facility, wholesaler, or dispensary shall not own or operate an independent testing facility; and

(2) A person or entity seeking to own or operate more than one (1) marijuana establishment must submit to the commission the application described in subsection (b) and the license fee described in § 53-6-107 for each license sought. A single fingerprint sample and criminal history records check may be used for multiple applications.

(f) A license expires one (1) year after the date of issuance and shall be renewed upon:

(1) Resubmission of the information set forth in this section in a form or manner developed by the commission; except, that fingerprints are not required to be resubmitted; and

(2) Payment of the renewal fee described in § 53-6-107.

53-6-104. Each marijuana establishment must:

(1) Comply with applicable local ordinances and regulations pertaining to zoning, land use, and signage; and

(2) Notify the commission of any change in circumstance for any information required pursuant to § 53-6-103.

53-6-105.

(a)

(1) The commission is responsible for accepting applications for licenses. The commission shall publish application requirements and submission dates on its website.

(2) In order to facilitate timely implementation of this chapter, the commission shall submit proposed rules in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, no later than

January 1, 2021, including, at a minimum, rules for application forms, written certification forms, facility operation and security requirements, and objective criteria and prioritization for issuing licenses across the three (3) grand divisions as set forth in this chapter. Rules may be amended and supplemented thereafter as the commission deems necessary.

(3) The commission shall act on each completed application received in accordance with this subsection (a) within ninety (90) days of receipt.

(4) An applicant who submits an application in accordance with this subsection (a) and whose application for a license is denied may appeal the denial in accordance with procedures established by the commission by rules promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(b)

(1) The commission shall not issue a license to an applicant unless the applicant meets all the requirements of this chapter.

(2) In evaluating a license application, the commission shall consider:

(A) Whether the applicant provided a plain narrative describing the type of operation and general business plan;

(B) Whether the applicant has liquid and illiquid financial resources sufficient to meet at least two (2) years of operating expenses for the proposed marijuana establishment;

(C) The previous experience of the owners, officers, or board members of the marijuana establishment at operating other businesses or organizations;

(D) The vocational or professional background of the owners, officers, or board members;

(E) Any demonstrated knowledge or expertise on the part of the owners, officers, or board members with respect to marijuana or marijuana products;

(F) The type of integrated plan for the care, quality, and safekeeping of marijuana and marijuana products from seed to sale;

(G) Where marijuana establishments are located in each grand division and throughout the state; and

(H) Any other criteria of merit that the commission determines to be relevant.

(c) Each license issued must have a unique identification number.

(d) In addition to subsections (a)-(c) and in accordance with rules promulgated by the commission, the commission shall use the following procedures and criteria to award licenses:

(1) The commission shall issue licenses in the following numbers; provided, that the commission shall not issue a license to an applicant unless the applicant meets all of the requirements of this chapter:

(A) For each of the three (3) grand divisions, at least ten (10), but no more than thirty (30), dispensary licenses;

(B) Not more than one hundred (100) cultivation licenses in this state; and

(C) For each of the three (3) grand divisions, at least two (2), but no more than five (5), wholesaler licenses.

(2) The commission shall make a decision on any qualifying application as expeditiously as possible;

(3) To ensure geographic representation and broad access to marijuana and marijuana products, the commission shall prioritize the issuance of

dispensaries so that dispensaries are dispersed throughout rural and urban counties;

(4) The commission shall give additional consideration as to whether the county where the proposed marijuana establishment being applied for is located in, first, an economically distressed county or, second, in an at-risk county as determined by the department of economic and community development for the most recent fiscal year; and

(5) Applicants for cultivation licenses, dispensary licenses, and wholesaler licenses must comply with the following requirements:

(A) An individual applicant for a cultivation license, dispensary license, or wholesaler license must be a natural person who:

(i) Is at least twenty-one (21) years of age;

(ii) Is a current resident of this state;

(iii) Has not previously held a license for a dispensary, cultivation facility, or wholesaler facility that has been revoked;

(iv) Has not been convicted of a disqualifying felony offense;

(v) If possessing a professional license, has the license in good standing; and

(vi) Has no outstanding tax delinquencies owed to the state of Tennessee;

(B) An applicant for a cultivation license, dispensary license, or wholesaler license that is an entity must have a natural person acting on behalf of the applicant who:

(i) Complies with subdivision (d)(5)(A);

(ii) Is legally authorized to submit an application on behalf of the entity;

(iii) Serves as the primary point of contact with the commission; and

(iv) Submits sufficient proof that:

(*a*) The entity has no owner, board member, or officer less than twenty-one (21) years of age;

(*b*) Fifty-one percent (51%) or more of the equity ownership interests in the entity are held by individuals who are residents of this state;

(*c*) The entity has no owner, board member, or officer that has previously been an owner of a dispensary, cultivation facility, or wholesaler facility that has had its license revoked;

(*d*) The entity has no owner, board member, or officer that has been convicted of a disqualifying felony offense;

(*e*) If an owner, board member, or officer has or had a professional license, the person's license is in good standing;

(*f*) The entity has no owner, board member, or officer that owes delinquent taxes to the state of Tennessee; and

(*g*) The entity has owners with experience in managing and securing large quantities of cash and experience in regulated industries; and

(C) Applicants for a dispensary license, cultivation license, or wholesaler license shall provide proof of insurance or a surety bond in the amount of one million dollars ($1,000,000).

53-6-106.

(a) The cultivation of marijuana, the production of marijuana product, and the dispensing of marijuana or marijuana product by appropriately licensed marijuana establishments are authorized within the jurisdictional boundaries of each county and municipality of this state.

(b) The legislative body of any county or municipality may enact reasonable zoning regulations applicable to marijuana establishments; provided, that the regulations must not be more burdensome than those applicable to retail locations licensed to sell alcoholic spirituous beverages.

(c)

(1) Except as provided in subdivision (c)(2), the legislative body of any county or municipality may, at any time, opt out of subsection (a) and restrict the establishment of any cultivation facility, wholesaler facility, or dispensary within its jurisdictional boundaries in accordance with subsection (d); provided, that any action by a county legislative body is limited to the unincorporated areas of the county.

(2) Any action taken by the legislative body of a county or municipality in accordance with subsections (d) and (e) does not restrict the establishment or operation of a cultivation facility, wholesaler facility, or dispensary within its jurisdictional boundaries if the facility or center is licensed or conditionally licensed by the commission prior to the restrictive action.

(d)

(1) The legislative body of any county may opt out of subsection (a) and restrict the establishment of a cultivation facility, wholesaler facility, or dispensary within the unincorporated areas of the county by passage of a resolution.

(2) The legislative body of any municipality or any county with a metropolitan form of government may opt out of subsection (a) and restrict the

establishment of a cultivation facility, wholesaler facility, or dispensary within its jurisdictional boundaries by passage of an ordinance.

(3) A resolution or ordinance authorizing opt-out pursuant to subdivision (d)(1) or (d)(2) does not take effect unless it is approved by a two-thirds (2/3) majority vote of the appropriate legislative body at two (2) consecutive, regularly scheduled meetings or unless it is approved by a majority of the number of qualified voters of the county or municipality voting in an election held in accordance with subsection (e) on the question of whether the opt-out should be authorized.

(e)

(1) If there is a petition of registered voters amounting to ten percent (10%) of the votes cast in the county or municipality in the last gubernatorial election that is filed with the county election commission within thirty (30) days of final approval of a resolution described in subdivision (d)(1) or an ordinance described in subdivision (d)(2), then the county election commission shall call an election on the question of whether the county or municipality should opt out of subsection (a) and restrict the establishment of a cultivation facility, wholesaler facility, or dispensary within its jurisdictional boundaries.

(2) The local governing body shall direct the county election commission to call the election to be held in a regular election or in a special election for the purpose of approving or rejecting an opt-out.

(3) The ballots used in the election must have printed on them the substance of the resolution or ordinance and the voters must vote for or against its approval by majority vote.

(4) The votes cast on the question must be canvassed and the results proclaimed by the county election commission and certified by it to the local governing body.

(f)

(1) Any county or municipality that has previously opted out under this section may opt in at a later date by passage of a resolution or ordinance by a majority vote at two (2) consecutive, regularly scheduled meetings or in accordance with subdivision (f)(2).

(2)

(A) The county election commission shall call and hold an election at the next regular election of the county or municipality, as the case may be, upon receipt of a petition not less than sixty (60) days before the date on which an election is scheduled to be held, signed by residents of the county or municipality, amounting to ten percent (10%) of the votes cast in the county or municipality in the last gubernatorial election, requesting the holding of the election.

(B)

(i) The petition must be addressed to the county election commission and must read substantially as follows:

We, registered voters of _____ (Here insert name of county or municipality, as appropriate), do hereby request the holding of a local option election to authorize the establishment of a [licensed cultivation facility, licensed wholesaler facility, or licensed dispensary] within the [county or municipal] jurisdictional boundaries.

(ii) The petition must also contain:

(*a*) The signatures and addresses of registered voters only, pursuant to § 2-1-107;

(*b*) The printed name of each signatory; and

(*c*) The date of signature.

(C) An election called and held in a county applies only to those portions lying without the corporate limits of any municipality within the county. Petitioners for the election and the voters participating in the election must reside within the portions of the county lying outside the corporate limits of municipalities.

(D)

(i) Registered voters of the county or municipality, as appropriate, may vote in the election. Ballots must be in the form prescribed by the general election laws of the state, except as otherwise provided in this section.

(ii) The questions submitted to the voters must be in the following form:

To authorize the establishment of a [licensed cultivation facility, licensed wholesaler facility, or licensed dispensary] in _____ (Here insert name of county or municipality)

To prohibit the establishment of a [licensed cultivation facility, licensed wholesaler facility, or licensed dispensary] in _____ (Here insert name of county or municipality)

(E)

(i) The county election commission shall certify the results to the appropriate local governing body.

(ii) Not more than one (1) election in any county or municipality is authorized to be held under this chapter within any period of twenty-four (24) months. However, no election in a

county in which a municipality is located is an election held in the municipality within the meaning of this subdivision (f)(2).

(g) Except as otherwise provided by this section, a marijuana establishment is authorized within the jurisdictional boundaries of each county and municipality of this state.

53-6-107.

(a) The commission shall establish a schedule of fees as follows, as long as the renewal fees in aggregate do not exceed the commission's costs in administering the state's marijuana program:

(1) For a dispensary license, a nonrefundable application fee in the amount of ten thousand dollars ($10,000), and an annual licensing renewal fee established by the commission in an amount not to exceed ten thousand dollars ($10,000);

(2) For a cultivation license, a nonrefundable application fee in the amount of fifty thousand dollars ($50,000), and an annual licensing renewal fee established by the commission in an amount not to exceed fifty thousand dollars ($50,000);

(3) For a wholesaler's license, a nonrefundable application fee in the amount of one hundred thousand dollars ($100,000), and an annual licensing renewal fee established by the commission in an amount not to exceed one hundred thousand dollars ($100,000);

(4) For a testing license, a nonrefundable application fee in the amount of one thousand dollars ($1,000), and an annual licensing renewal fee established by the commission in an amount not to exceed one thousand dollars ($1,000); and

(5) For a marijuana establishment agent registration card, a nonrefundable application fee in the amount of fifty dollars ($50.00), and an

annual licensing renewal fee established by the commission in an amount not to exceed fifty dollars ($50.00).

(b) The commission shall review the fee schedule and its administrative costs every two (2) years and reschedule renewal fees as necessary to ensure compliance with the requirement that the renewal fees in aggregate do not exceed the commission's costs in administering the state's marijuana program. Any rescheduled renewal fees become effective the next January 1 after promulgation.

(c) The scheduling and rescheduling of renewal fees in accordance with this section must be done pursuant to rulemaking procedures set forth in the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

53-6-108.

(a) Except as otherwise provided in this section, a person shall not work at a marijuana establishment as a marijuana establishment agent unless the person is registered with the commission pursuant to this section.

(b) A marijuana establishment that wishes to employ a marijuana establishment agent must submit to the commission an application on a form prescribed by the commission. The application must be accompanied by:

(1) The name, address, and date of birth of the prospective marijuana establishment agent;

(2) A statement signed by the prospective marijuana establishment agent pledging not to dispense or otherwise divert marijuana to any person who is not authorized to possess marijuana in accordance with this chapter;

(3) A statement signed by the prospective marijuana establishment agent asserting that the prospective agent has not previously had a marijuana establishment agent registration card revoked;

(4) The license fee described in § 53-6-107; and

(5) Any other information as the commission may require by rule.

(c) The following criteria disqualify a person from serving as a marijuana establishment agent:

(1) Being younger than twenty-one (21) years of age; or

(2) Having been convicted of any disqualifying felony offense.

(d)

(1) A person applying for employment as a marijuana establishment agent must:

(A) Supply a fingerprint sample and submit to a criminal history records check to be conducted by the Tennessee bureau of investigation and the federal bureau of investigation; and

(B) Agree that the Tennessee bureau of investigation may send information indicating the results of the criminal history records check to the commission and the marijuana establishment.

(2) The applicant shall pay any reasonable costs incurred by the Tennessee bureau of investigation or federal bureau of investigation, or both, in conducting an investigation of the applicant. A marijuana establishment may reimburse the applicant for the costs of the investigation regardless of whether the applicant accepts an offer of employment by the marijuana establishment.

(e) An owner, officer, or board member of a marijuana establishment who previously furnished information and fingerprints pursuant to § 53-6-103 is not required to resubmit the information or fingerprints under this section.

(f)

(1) If an applicant for registration as a marijuana establishment agent complies with this section and is not disqualified from serving as an agent, then the commission shall issue to the person a marijuana establishment agent registration card.

(2) If the commission does not act upon an application for a marijuana establishment agent registration card within thirty (30) days after the date on which the application is received, then the application is deemed conditionally approved until such time as the commission acts upon the application.

(g) A marijuana establishment agent registration card expires one (1) year after the date of issuance and shall be renewed upon:

(1) Resubmission of the information set forth in this section; provided, that fingerprints are not required to be resubmitted; and

(2) Payment of the renewal fee described in § 53-6-107.

(h) Notwithstanding subsection (b), a person may submit an application for registration as a marijuana establishment agent independent of a marijuana establishment. A marijuana establishment that hires a person registered as a marijuana establishment agent is not required to submit a new application for the agent.

(i) A marijuana establishment shall notify the commission no later than ten (10) days after a marijuana establishment agent whose employment is terminated for cause involving theft, fraud, diversion, or other criminal activity.

53-6-109.

(a) Cultivation licenses, dispensary licenses, and wholesaler licenses are nontransferable for a period of two (2) years after the license was issued by the commission. The commission may adopt rules prescribing the manner in which a license may be transferred and a fee for the transfer of the license.

(b) Marijuana establishment agent registration cards are nontransferable. An existing marijuana establishment agent registration card may only be reissued outside of the application process described in § 53-6-108 to reflect a change in ownership of the marijuana establishment.

53-6-110.

(a) A person shall not transport marijuana or a marijuana product on any public highway in excess of an allowable amount unless the person is an agent of a dispensary, cultivation facility, or wholesaler facility transporting the marijuana or marijuana products.

(b) Marijuana or a marijuana product transported on a public highway must comply with all inventory tracking rules promulgated by the commission, including any relevant packaging, labeling, and seals.

(c) This section does not apply to law enforcement officers in performance of their duties.

53-6-111.

(a) The following are grounds for the commission to revoke a license:

(1) Dispensing, delivering, or otherwise transferring marijuana to a person other than a marijuana establishment agent, another marijuana establishment, or to a person who is younger than twenty-one (21) years of age;

(2) Acquiring usable marijuana or mature marijuana plants from any person other than a marijuana establishment agent or another marijuana establishment;

(3) Dispensing an unauthorized form of marijuana or marijuana product; or

(4) Violating a rule promulgated pursuant to this chapter; provided, that the rule, expressly or by reference, provides that a violation of the rule is grounds for revocation of a marijuana establishment license.

(b) The following are grounds for the commission to revoke a marijuana establishment agent registration card:

(1) Conviction of a disqualifying felony offense;

(2) Dispensing, delivering, or otherwise transferring marijuana to a person other than a marijuana establishment agent, another marijuana establishment, or to a person who is younger than twenty-one (21) years of age;

(3) Dispensing an unauthorized form of marijuana or marijuana product; or

(4) Violating a rule promulgated pursuant to this chapter if the rule, expressly or by reference, provides that a violation of the rule is grounds for revocation of a marijuana establishment agent registration card.

(c) The licensure of marijuana establishments and registration of marijuana establishment agents are to protect the public health and safety and the general welfare of the people of this state. A license issued pursuant to § 53-6-105 and a marijuana establishment agent registration card issued pursuant to § 53-6-108 are revocable privileges, and the holder of the license or registration card, as applicable, does not acquire a vested right in the license or registration card.

53-6-112.

(a) The operating documents of a marijuana establishment must include procedures:

(1) For the oversight of the marijuana establishment;

(2) To ensure accurate recordkeeping, including the requirements of §§ 53-6-113 and 53-6-114; and

(3) Supporting good agricultural practices and good manufacturing practices, as applicable.

(b) A marijuana establishment must have a system of physical controls to deter and prevent theft of marijuana and marijuana products and unauthorized entrance into areas containing marijuana or marijuana products.

(c) A marijuana establishment is prohibited from acquiring, possessing, cultivating, manufacturing, processing, delivering, transferring, transporting, supplying, or dispensing marijuana except in accordance with this chapter.

(d) All cultivation or production of marijuana that a cultivation facility carries out or causes to be carried out must take place at a secure facility at the physical address provided to the commission during the licensure process for the cultivation facility. The grow area of a cultivation facility must not exceed twenty-five (25) acres. The secure facility must be accessible only by marijuana establishment agents who are lawfully associated with the cultivation facility. However, limited access by persons necessary to perform maintenance, construction, or repairs or provide other labor is permissible if the persons are supervised by a marijuana establishment agent.

(e) Marijuana establishments are subject to reasonable inspection by or on behalf of the commission at any time, and a person or entity that holds a marijuana establishment license must be available, or make a representative of the establishment available, and present for any inspection of the establishment by or on behalf of the commission.

53-6-113.

(a)

(1) Each marijuana establishment shall maintain an inventory control system that meets the requirements of this section and all requirements established by the commission.

(2) The inventory control system must be able to monitor and report information, including:

(A) The chain of custody and current whereabouts, in near real time, of marijuana from the point that a seed, cutting, or clone is planted at a cultivation facility and transferred to a wholesaler;

(B) In the case of a wholesaler facility, the chain of custody and current whereabouts, in near real time, of marijuana and marijuana product from the point that possession is obtained by the wholesaler until it is transferred, delivered, or sold to a dispensary;

(C) The name of each person or other marijuana establishment, or both, to which the establishment transferred, delivered, or sold marijuana or a marijuana product;

(D) In the case of a dispensary, the date on which the dispensary sold marijuana or a marijuana product to a person and the quantity of marijuana or marijuana products sold; and

(E) Any other information the commission may require by rule.

(3) Except where otherwise prohibited by federal law, this section does not prohibit more than one (1) marijuana establishment from co-owning or using an inventory control system in cooperation with other marijuana establishments, or sharing the information obtained from the system.

(b)

(1) Except as provided in subsection (c), each marijuana establishment shall maintain a digital video surveillance system that meets the requirements of this section and all requirements established by the commission.

(2) The video surveillance system must comply with the following requirements:

(A) Each marijuana establishment shall install and use security cameras to continuously monitor and record, twenty-four (24) hours per day, all areas where marijuana is cultivated, processed, stored, disposed of, sold, and loaded or unloaded for transportation, including any areas through which marijuana or a marijuana product is moved within the

premises from cultivation, processing, storage, disposal, sale, or transport, such as hallways and staging areas;

(B) Security cameras must record in high definition and allow for clear and certain identification of any person and activities in all areas required to be monitored in accordance with subdivision (b)(2)(A);

(C) Recordings from security cameras must be maintained for a minimum of ninety (90) days in a secure location or through a service over a network that provides remote, peer-to-peer access;

(D) Except as provided in subsection (d), all live video surveillance system feeds must be accessible by the commission via remote login credentials, and the commission may authorize the inspection of video surveillance system recordings by authorized Tennessee bureau of investigation personnel upon request;

(E) The video surveillance system must have the ability to remain operational during a power outage and be equipped with a failure notification system that provides notification to the marijuana establishment of any interruption or failure of the video surveillance system or video surveillance system data storage device; and

(F) All recorded video must display a time and date stamp.

(c)

(1) Dispensaries, cultivation facilities, and wholesaler facilities are not required to have a video surveillance system in any vehicle used to transport marijuana or a marijuana product, but shall maintain a video surveillance system in accordance with this section in areas under their control that are used to store marijuana or marijuana products awaiting transport, including warehouse facilities and secure parking lots.

(2) Any vehicle used by a dispensary, cultivation facility, or wholesaler facility to transport marijuana or marijuana products must be equipped with a system that provides time-correlated and continuous tracking of the geographic location of the vehicle using a global positioning system (GPS) based on satellite and other location tracking technology when the vehicle is used to transport marijuana or marijuana products.

(d) In addition to any report filed with law enforcement, a marijuana establishment shall notify the commission within one (1) business day of any notice of theft or significant loss of marijuana or marijuana products.

53-6-114. Each dispensary shall ensure the following:

(1) That the weight, content, and concentration of THC, cannabidiol, cannabinol, and any other significant active ingredient in all marijuana products the dispensary sells are clearly and accurately stated on the product sold;

(2) That the dispensary does not sell marijuana or marijuana products to any person who is not at least twenty-one (21) years of age nor more than an allowable amount of marijuana or marijuana products;

(3) That the dispensary does not sell marijuana or marijuana product in any form other than an authorized form; and

(4) That the authorized forms and allowable amounts of marijuana and marijuana products are clearly and conspicuously posted within the dispensary.

53-6-115.

(a) At each marijuana establishment, marijuana and marijuana products must be stored in a secure facility.

(b) Except as otherwise provided in subsection (c), at each dispensary, marijuana and marijuana products must be stored in a secure, locked device, display case, cabinet, or room within a secure facility.

(c) At a dispensary, marijuana and marijuana products may only be removed from the secure setting described in subsection (b):

(1) For the purpose of dispensing the marijuana or marijuana product; provided, that the marijuana or marijuana product is only removed immediately before the marijuana or marijuana product is dispensed and only by a marijuana establishment agent who is employed by the dispensary; or

(2) For other purposes expressly authorized by the commission and in strict compliance with rules promulgated by the commission.

53-6-116. Each cultivation facility, dispensary, and wholesaler, in consultation with the commission, shall ensure that all marijuana products for sale are:

(1) Labeled clearly and unambiguously as marijuana, with the weight, content, and concentration of THC, cannabidiol, cannabinol, and any other significant active ingredients clearly indicated;

(2) Not presented in packaging or in a form that is appealing to children;

(3) Regulated and sold on the basis of the concentration of THC, cannabidiol, and cannabinol in the products and not solely by weight; and

(4) Packaged and labeled in such a manner as to allow tracking by way of an inventory control system.

53-6-117.

(a) The commission shall perform all statutory and regulatory inspection and enforcement requirements of testing facilities under this chapter. The commission may engage qualified contractors or other state agencies to implement this section.

(b) The commission shall issue testing licenses to at least three (3) independent testing facilities, with at least one (1) issued per grand division.

(c) Product testing must be performed during cultivation and final processing to ensure that limits on the regulated constituents have been met prior to point of sale.

(d) The protocols for testing must include, but are not limited to, the following constituents:

(1) Cannabinoids;

(2) Heavy metals;

(3) Microbials;

(4) Mycotoxins;

(5) Residual pesticides; and

(6) Residual solvents.

(e) To obtain a testing license from the commission, an applicant must:

(1) Apply successfully as required pursuant to § 53-6-103; and

(2) Pay the requisite fees described in § 53-6-107.

(f) The cultivation, manufacture, and distribution or sale of marijuana or a marijuana product without independent testing to standards determined by the commission under this chapter is prohibited. A violation of this subsection (f) is a Class C felony.

53-6-118.

(a) A dispensary is authorized to sell marijuana, marijuana products, and paraphernalia in accordance with this chapter.

(b) The maximum allowable amount of a marijuana or marijuana product that a dispensary may sell to an individual in a single transaction is the equivalent of one-half (1/2) ounce (14.175 grams) of marijuana.

(c) Prior to dispensing marijuana or marijuana product, the dispensary shall verify that the person purchasing the marijuana or marijuana product is at least twenty-one (21) years of age.

(d) This section does not authorize a dispensary to sell marijuana, a marijuana product, or paraphernalia to a person who is younger than twenty-one (21) years of age.

53-6-119.

(a) A cultivation facility shall not sell, transfer, or deliver marijuana or marijuana products or paraphernalia to a person or entity other than a wholesaler licensed under this chapter.

(b) A dispensary shall not purchase, transfer, or receive marijuana or marijuana products or paraphernalia from a person or entity other than a wholesaler licensed under this chapter.

(c) A wholesaler shall not:

(1) Purchase, transfer, or receive marijuana or marijuana products or paraphernalia from a person or entity other than a cultivation facility licensed under this chapter; or

(2) Sell, transfer, or deliver marijuana or marijuana products or paraphernalia to a dispensary until all taxes on such goods and products are paid to the department of revenue in accordance with this chapter.

53-6-201.

(a) There is created and established the Tennessee marijuana commission, which consists of five (5) members. Two (2) members of the commission shall be appointed by the speaker of the house of representatives; two (2) members shall be appointed by the speaker of the senate; and one (1) member shall be appointed by the governor. No more than two (2) members of the commission may be appointed and reside in the same grand division. The members comprising the commission shall not be less than thirty (30) years of age, and must have been residents of this state for at least two (2) years preceding their appointment.

(b) In making appointments to the commission, the appointing authorities shall strive to ensure that the commission is composed of persons who have experience in management or business and have demonstrated a commitment to integrity, ethics, and professionalism and that the makeup of the commission reflects and represents the diversity of persons in this state.

(c) A person who has an economic interest in a marijuana establishment is not eligible for appointment to the commission. A commission member shall not acquire an economic interest in a marijuana establishment during the member's term on the commission or within twelve (12) months following the expiration of the member's term.

53-6-202.

(a) The appointment of members to the commission shall be as follows:

(1) On or before October 1, 2020, the speaker of the senate shall appoint two (2) members for a term that begins on October 1, 2020, and expires on June 30, 2022;

(2) On or before October 1, 2020, the speaker of the house of representatives shall appoint two (2) members for a term that begins on October 1, 2020, and expires on June 30, 2023; and

(3) On or before October 1, 2020, the governor shall make one (1) appointment that begins on October 1, 2020, and expires on June 30, 2024.

(b) The five (5) members of the commission appointed by the speaker of the senate, the speaker of the house of representatives, and the governor are subject to confirmation by the senate and house of representatives, but appointments are effective until and unless adversely acted upon by joint resolution of the senate and the house of representatives within sixty (60) days of the member's appointment or, if the general assembly is not in session when the appointment is made, within sixty (60) calendar days after the general assembly next convenes in regular session following the member's appointment.

(c)

(1) Following the expiration of a member's initial term as prescribed in subsection (a), all appointments to the commission are for terms of four (4) years and begin on July 1 and terminate on June 30, four (4) years thereafter.

(2) All members serve until the expiration of the term to which they were appointed and until their successors are appointed.

(3) A vacancy occurring other than by expiration of term must be filled in the same manner as the original appointment but for the balance of the unexpired term only.

(4) The appointing authority may remove a member appointed by the authority only for just cause, including misconduct, incompetency, or willful neglect of duty, after first delivering to the member a copy of the charges against the member.

(5) Members are eligible for reappointment to the commission following the expiration of their terms.

(d)

(1) The appointing authority shall remove from the commission any member who is absent from more than thirty-three percent (33%) of the scheduled commission meetings in a calendar year and shall appoint a new member to fill the remainder of the unexpired term.

(2) The presiding officer of the commission shall promptly notify, or cause to be notified, the applicable appointing authority of any member who violates the attendance requirement described in subdivision (d)(1).

(e) Prior to beginning their duties, each member of the commission shall take and subscribe to the oath of office provided for state officers.

53-6-203.

(a) The official domicile of the commission is in Nashville. All meetings of the commission must be held in Nashville.

(b) The commission must be impaneled and hold its first meeting no later than October 31, 2020, at which time, and annually thereafter, the members shall elect a chair and other officers as the members deem necessary.

(c) The commission shall meet at least one (1) time in Nashville each month and hold other meetings for any period of time as may be necessary for the commission to transact and perform its official duties and functions. The commission may hold a special meeting at any time it deems necessary and advisable in the performance of its official duties. Three (3) members of the commission constitute a quorum for the transaction of any business or the performance of any duty, power, or function of the commission. A special meeting may be called by the chair or by a majority of the commission. The commission may participate by electronic or other means of communication for the benefit of the public and the commission in connection with any meeting authorized by law; provided, that a physical quorum is maintained at the location of the meeting.

53-6-204.

(a) The members of the commission shall serve without compensation; provided, that the members of the commission must be reimbursed for their actual and necessary expenses incurred in connection with their official duties as members of the commission.

(b) All reimbursement for travel expenses must be in accordance with the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

53-6-205.

(a) The commission shall appoint a director to serve at the pleasure of the commission. The office of the director is to be located in Nashville.

(b) The director must be at least thirty (30) years of age, have attained a bachelor's level degree or higher, and have demonstrated a commitment to integrity, ethics, and professionalism. The director is designated as director, Tennessee marijuana commission.

(c) The director is the chief administrative officer of the commission, and may employ personnel to serve the commission to the extent funds are available for such

purpose. All personnel employed by the commission are under the director's direct supervision. The director is solely responsible to the commission for the administration and enforcement of this chapter and is responsible for the performance of all duties and functions delegated by the commission and for coordination of administrative needs with the department of agriculture.

(d) The director shall keep and be responsible for all records of the commission and also serve as secretary of the commission. The director shall prepare and keep the minutes of all meetings held by the commission, including a record of all business transacted and decisions rendered by the commission.

(e) The director shall act and serve as hearing officer when designated by the commission and perform such duties as hearing officer as now authorized under this chapter.

(f) The commission may appoint an assistant director who shall perform such duties and functions that may be assigned by the director or the commission. The assistant director, if licensed to practice law in this state, may also be designated by the commission to sit, act, and serve as a hearing officer, and when designated as a hearing officer, the assistant director is authorized to perform the same duties and functions as the regular hearing officer.

(g) The director must be paid a salary of not less than one hundred seventy-five thousand dollars ($175,000) per calendar year, to be paid from fees collected pursuant to this chapter to cover the administrative costs of the commission. The commission may increase or decrease the salary of the director from year to year commensurate with the experience and tenure of the director.

(h) If an assistant director is appointed, the assistant director must be paid a salary of not less than seventy-five thousand dollars ($75,000) per calendar year, to be paid from fees collected pursuant to this chapter to cover the administrative costs of the commission. The commission may increase or decrease the salary of the assistant

director from year to year commensurate with the experience and tenure of the assistant director.

(i) The director and assistant director must be reimbursed for travel expenses in accordance with the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

53-6-206.

(a) The commission is attached to the department of agriculture for administrative matters relating to budgeting, audit, and other related items, and for additional administrative support, including the use of department attorneys, inspectors, agents, officers, and clerical assistance as may be necessary for the effective administration and enforcement of this chapter.

(b) All fees authorized by this chapter must be paid into the general fund and credited to a separate account for the commission. Funds in this account must be used solely for the implementation and enforcement of this chapter, including administrative costs of the commission, subject to the approval of the commissioner of finance and administration with the approval of the governor. It is the intent of the general assembly that this account be the sole source of funds for the commission and that the amount appropriated to the commission not exceed the amount collected from fees under this chapter. Additional funds may be appropriated to the commission to assist with expenses prior to the commission becoming self-sufficient.

53-6-207. The commission shall adopt and implement a conflict of interest policy for its members. The policy must mandate annual written disclosures of financial interests and other possible conflicts of interest and an acknowledgement by commission members that they have read and understand all aspects of the policy. The policy must also require persons who are to be appointed to acknowledge, as a condition of appointment, that they are not in conflict with the conditions of the policy.

53-6-208.

(a) The commission is empowered and authorized to promulgate rules, including emergency rules, as may be necessary to effectuate this chapter and to carry out the functions, duties, and powers of the commission as provided in this chapter. All rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. The commission shall enforce and administer this chapter and the rules made by it.

(b) The commission has the following functions, duties, and powers and shall:

(1) Issue all licenses and registration cards, and revoke any license or registration card authorized by this chapter under the following conditions:

(A) Revocation of a license or registration card must be made by the commission only on account of the violation of, or refusal to comply with, this chapter or any rule of the commission, after not less than ten-days' notice to the holder of the license or registration card proposed to be revoked, informing the licensee or establishment agent of the time and place of the hearing to be held, and all further procedure with reference to the revocation of any license or registration card must be fixed and prescribed in the rules adopted and promulgated by the commission;

(B) A person does not have a property right in any license or registration card issued under this chapter; and

(C) The commission shall hold a hearing to determine whether a license or registration card is to be revoked, which hearing must be held in accordance with the contested case provisions of the Uniform Administrative Procedures Act, whenever the appropriate local legislative body certifies that any licensee has habitually violated this chapter, or any regulation adopted by the county legislative bodies or legislative councils,

relative to the conduct and operation of the business provided for in this chapter;

(2) Refuse to issue a license or registration card if, upon investigation, the commission finds that the applicant for a license or registration card has concealed or misrepresented, in writing or otherwise, any material fact or circumstance concerning the operation of the business or employment, or if the interest of the applicant in the operation of the business or employment is not truly stated in the application, or in case of any fraud or false swearing by the applicant touching any matter relating to the operation of the business or employment. If a license or registration card has been issued, then the commission shall issue a citation to the licensee or establishment agent to show cause why the license or registration card should not be suspended or revoked. All data, written statements, affidavits, evidence, or other documents submitted in support of an application are a part of the application;

(3) Conduct investigations and audits for enforcing and preventing violations of this chapter;

(4) Summon any applicant for a license or registration card and also summon and examine witnesses, and administer oaths to applicants and witnesses in making any investigation;

(5) Prescribe reporting and educational programs the commission deems necessary or appropriate to ensure that the laws governing licensees and registration cards are observed;

(6) Prevent parts of the premises connected with or in any sense used in connection with the premises, where the possession, cultivation, production, transportation, delivery, receipt, sale, or purchase of marijuana or marijuana product may be lawful, from being used as a subterfuge, or means of evading this chapter or the rules of the commission;

(7) Issue a citation or refuse to issue or renew a license if, upon investigation, the commission finds that the applicant for a license has not demonstrated the financial capacity to operate the business in a manner consistent with the rules of the commission or is not generally paying its debts as they come due except for debts as to which there is a bona fide dispute;

(8) Require, on licensed premises, the destruction or removal of any containers or devices used or likely to be used in evading, violating, or preventing the enforcement of this chapter or the rules of the commission; and

(9) Collect all fees paid or due and deposit collections with the state treasurer to be earmarked for and allocated to the commission, as described in § 53-6-206(b), for the purpose of the administration and enforcement of the duties, powers, and functions of the commission.

53-6-209.

(a) The commission, in consultation with the departments of agriculture and safety, shall promulgate rules necessary to effectuate this chapter, including:

(1) Requirements for applications submitted pursuant to §§ 53-6-103 and 53-6-108;

(2) Rules regarding:

(A) Marijuana product labeling standards;

(B) Approved forms or uses of marijuana products;

(C) Fees;

(D) Security requirements for marijuana establishments; and

(E) Procedures for the appeal of a license denied under § 53-6-105;

(3) Rules pertaining to the safe and healthful operation of marijuana establishments, including:

(A) The manner of protecting against diversion and theft without imposing an undue burden on marijuana establishments;

(B) Minimum requirements for the oversight of marijuana establishments;

(C) Minimum requirements for recordkeeping by marijuana establishments;

(D) Provisions for the security of marijuana establishments, including requirements for the protection of each marijuana establishment by a fully operational security alarm system; and

(E) Procedures pursuant to which cultivation facilities and dispensaries must use the services of an independent testing facility to ensure that any marijuana and marijuana product sold by the dispensaries to end users is tested for content, quality, and potency in accordance with standards established by the commission;

(4) Establishing fees described in § 53-6-107 and circumstances and procedures pursuant to which those fees may be reduced over time, and ensuring that the fees do not exceed an amount that is more than the cost of administering this chapter;

(5) Protecting the identity and personal identifying information of each person who receives, facilitates, or delivers services in accordance with this chapter while maintaining accountability of those persons;

(6) Establishing different categories of marijuana establishment agent registration cards, including criteria for training and certification, for each of the different types of marijuana establishments;

(7) Establishing:

(A) Authorized forms of marijuana and marijuana product that may be dispensed to and possessed by a person over the age of twenty-one (21) in this state;

(B) Labeling standards and guidelines for marijuana products, including that marijuana products and container packaging are:

(i) Labeled clearly and unambiguously as marijuana, with the weight, content, and concentration of THC, cannabidiol, cannabinol, and any other significant active ingredients clearly indicated; and

(ii) Labeled clearly with dosage information and the "use by" date upon dispensing; and

(C) Standards for identifying the allowable amount of marijuana products, including THC, cannabidiol, cannabinol, and other significant active ingredient concentrations;

(8) The transportation of marijuana and marijuana products on public highways; and

(9) Addressing other matters necessary for the implementation of this chapter.

53-6-210. The commission is authorized to investigate and examine the premises of any marijuana establishment, including the books, papers, and records of any marijuana establishment, for the purpose of determining compliance with this chapter. Any refusal to permit the examination of any books, papers, and records, or the investigation and examination of the premises, constitutes sufficient reason for the revocation of a license or the refusal to issue a license.

53-6-211. In any action or suit brought against the members of the commission in their official capacity in a court of competent jurisdiction to review any decision or order issued by the commission, service of process issued against the commission may in their absence be lawfully

served or accepted by the director on behalf of the commission as though the members of the commission were personally served with process.

53-6-212.

(a) In any case where the commission is given the power to suspend or revoke any license or registration card, it may impose a civil penalty in lieu of or in addition to suspension or revocation. The commission shall promulgate by rule pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, a schedule setting forth a range of civil penalties for each violation, not to exceed five thousand dollars ($5,000) for a single violation, or fifty thousand dollars ($50,000) for two (2) or more violations arising out of the same transaction or occurrence. The commission shall deposit collections of any civil penalty with the state treasurer into the general fund of the state and credit to a separate account for the commission. For the purpose of imposing civil penalties, each violation may be treated as a separate offense, except as provided in this subsection (a).

(b) Any document a person receives informing the person or entity of having a civil penalty imposed upon the person or entity must cite each particular rule or statute the person or entity is being charged with violating.

(c) In any case where the commission is authorized to suspend or revoke a license or registration card, it may enter into an agreement by order with the licensee or registrant where the licensee or registrant voluntarily surrenders the license or registration card. The surrender is deemed a revocation of the license or registration card.

53-6-213. Any action brought against the commission must be brought in the circuit or chancery court of Davidson County.

53-6-214.

(a) The commission shall file a report with the attorney general and reporter whenever any person or entity licensed under this chapter:

(1) Fails to account for or pay over any license fees or taxes or levies pursuant to this chapter; or

(2) Has failed or refused to pay any obligations or liability or penalty imposed by this chapter.

(b) Upon receipt of the report under subsection (a), the attorney general and reporter shall institute the necessary action for the recovery of any such license fee, tax, levy, or any sum due the state of Tennessee under this chapter. The respective district attorney general is ordered and directed to assist the attorney general and reporter whenever required under this subsection (b).

53-6-215. Beginning in 2022, the director of the commission shall file an annual report with the chief clerks of the senate and the house of representatives and the legislative librarian no later than March 1 detailing with specificity each rule promulgated during the previous year together with the rationale for promulgating the rule. Before March 1 of each year, the director shall also appear before the appropriate committees of the senate and the house of representatives for a review of the state's marijuana program.

53-6-301.

(a) It is an exception to the application of title 39, chapter 17, part 4, that, at the time of the commission of an act constituting an offense under such part, the person acted in the person's capacity as a marijuana establishment agent and was in strict compliance with this chapter.

(b) A professional licensing board shall not penalize or take any disciplinary action against, or deny any right or privilege to, a person solely on the basis of the person:

(1) Acting in the person's capacity as a marijuana establishment agent in strict compliance with this chapter;

(2) If the person is an attorney licensed to practice law in this state, providing legal advice or services regarding activities authorized under this chapter; or

(3) Providing professional advice or services regarding activity authorized under this chapter.

53-6-302.

(a) A person is authorized to obtain marijuana or a marijuana product only from a dispensary licensed pursuant to § 53-6-105.

(b) A person shall not possess marijuana in any form other than an authorized form.

(c) A person shall not possess marijuana or marijuana product in an amount that exceeds the allowable amount.

(d) A person younger than twenty-one (21) years of age shall not possess any amount of marijuana or marijuana product.

(e) A person who knowingly violates this section commits an offense punishable under title 39, chapter 17, part 4.

53-6-303.

(a) It is an offense for a person to knowingly obtain or attempt to obtain any marijuana or marijuana product by fraud, deceit, misrepresentation, embezzlement, or theft.

(b) A violation of subsection (a) is a Class E felony.

53-6-304. A person is not subject to arrest, prosecution, or penalty in any manner, and must not be denied any right or privilege, including any civil penalty or disciplinary action by a court or occupational or professional licensing board or bureau, for:

(1) Solely being in the presence or vicinity of the use of marijuana or marijuana products; or

(2) Allowing the person's property to be used for activities authorized by this chapter.

53-6-401. This chapter does not require any person or establishment in lawful possession of real property to allow a guest, client, customer, or other visitor to use marijuana or marijuana products on or in that property.

53-6-402.

(a) An employer is authorized to establish policies restricting or prohibiting the use of marijuana or marijuana products in the workplace.

(b) This chapter does not prohibit an employer from:

(1) Disciplining an employee for using marijuana or a marijuana product in the workplace or for working while under the influence of marijuana or a marijuana product; or

(2) Considering a job applicant's use of marijuana or a marijuana product as a basis for refusing to hire the applicant for employment responsibilities described in § 50-9-106(a)(3)(A).

(c)

(1) Notwithstanding title 50, chapter 9, or any other law to the contrary, an employer shall not take any adverse employment action against an employee on the basis of a failed drug test attributable to marijuana or a marijuana product without a reasonable suspicion that the employee is under the influence in the workplace. If an adverse action is taken against an employee as the result of the reasonable suspicion that the employee was under the influence of marijuana in the workplace, the employee has the burden of proving that the suspicion was unreasonable or that the action taken was in violation of this section.

(2) Subdivision (c)(1) does not apply to a person employed in a safety-sensitive position, as defined in § 50-9-103.

53-6-403. Notwithstanding any law to the contrary, electronic payment and filing requirements for taxes levied under title 67 are waived and a wholesaler may file a return in paper form and remit payments in cash or other form approved by the department of revenue. The commissioner of revenue is authorized to require that any paper filing be accompanied by a manual handling fee, not to exceed twenty-five dollars ($25.00), that is reasonably calculated by the department to account for the additional cost of preparing, printing, receiving, reviewing, and processing any paper filing.

SECTION 2. Tennessee Code Annotated, Section 39-17-427, is amended by deleting the section and substituting instead the following:

> It is an exception to this part if the person lawfully possessed, manufactured, or distributed the controlled substance as otherwise authorized by this part; title 53, chapter 11, parts 3 and 4; or the Tennessee Marijuana Act, compiled in title 53, chapter 6.

SECTION 3. Tennessee Code Annotated, Title 67, Chapter 6, Part 2, is amended by adding the following new section:

> Notwithstanding this title to the contrary:
>
> (1) The retail sale of marijuana and marijuana products pursuant to the Tennessee Marijuana Act, compiled in title 53, chapter 6, is taxed at a rate equal to twenty-five percent (25%); and
>
> (2) All revenue from the tax collected from the retail sale of marijuana products must be deposited in the state general fund.

SECTION 4. Except where prohibited by federal law and notwithstanding any other law to the contrary, in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, the department of financial institutions shall promulgate rules authorizing marijuana establishments to use banking services, including the depositing of revenue, in Tennessee-chartered banks or other Tennessee-chartered financial institutions.

SECTION 5. If any provision of this act or the application of any provision of this act to any person or circumstance is held invalid, 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 are declared to be severable.

SECTION 6. For purposes of establishing the Tennessee marijuana commission, promulgating rules and forms, and conducting local option elections, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect October 1, 2020, the public welfare requiring it.

Amendment No. 1

Signature of Sponsor

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

AMEND Senate Bill No. 2674 House Bill No. 2816*

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

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 39, is amended by adding the following language as a new part:

(a) There is created within the Tennessee bureau of investigation a registry of persons with two (2) or more convictions of any combination of the following offenses:

(1) Assault, pursuant to § 39-13-101;

(2) Aggravated assault, pursuant to § 39-13-102;

(3) First degree murder, pursuant to § 39-13-202;

(4) Second degree murder, pursuant to § 39-13-210;

(5) Voluntary manslaughter, pursuant to § 39-13-211;

(6) Abuse of an elderly or vulnerable adult, pursuant to § 39-15-510;

(7) Aggravated abuse of an elderly or vulnerable adult, pursuant to § 39-15-511;

(8) Child abuse or child neglect or endangerment, pursuant to § 39-15-401;

(9) Aggravated child abuse or aggravated child neglect or endangerment, pursuant to § 39-15-402;

(10) Domestic assault, pursuant to § 39-13-111;

(11) Involuntary labor servitude, pursuant to § 39-13-307;

(12) Trafficking for forced labor or services, pursuant to § 39-13-308;

(13) Promoting the prostitution of a minor, pursuant to § 39-13-512;

(14) Robbery, pursuant to § 39-13-401;

(15) Aggravated robbery, pursuant to § 39-13-402;

(16) Especially aggravated robbery, pursuant to § 39-13-403;

(17) Carjacking, pursuant to § 39-13-404;

(18) Violation of an order of protection or restraining order, pursuant to § 39-13-113; or

(19) Conspiracy to commit, attempt to commit, or solicitation to commit any of the offenses listed in subdivisions (a)(1)-(18).

(b) The bureau shall maintain this registry based upon information supplied to the bureau by the court clerks pursuant to subsection (c), and the bureau shall make the registry available for public inquiry on the internet.

(c) The registry must consist of the person's name, date of birth, offenses requiring the person's inclusion on the registry, conviction dates, and county or counties of the convictions. If available after reasonable inquiry, the court clerk shall provide the bureau with the person's driver license number and issuing state, or any other state or federal identification number, and such other identifying data as the bureau determines is necessary to properly identify the convicted person and exclude innocent persons. However, the registry available for public inquiry must not include the person's social security number, driver license number, or any other state or federal identification number.

(d) Upon a second or subsequent conviction of any combination of the offenses described in subsection (a), the court clerk shall forward to the bureau a certified copy of each qualifying conviction and the date of birth of all persons who have two (2) or more convictions of any combination of the offenses described in subsection (a). The court clerk shall forward the information to the bureau within sixty (60) days of the date of the second or subsequent conviction.

(e) Notwithstanding § 40-35-111 and in addition to any other punishment that may be imposed for the second or subsequent conviction, a person required to register under this part must be assessed a registration fee in the amount of one thousand

dollars ($1,000), which must be paid to the clerk of the court imposing the sentence, who shall:

(1) Retain one hundred dollars ($100) of the fee for the administration of this part, which must be reserved for the purposes authorized by this part at the end of each fiscal year;

(2) Remit one hundred dollars ($100) of the fee to the bureau for the administration of this part, which must be reserved for the purposes authorized by this part at the end of each fiscal year; and

(3) Remit the remaining eight hundred dollars ($800) to the state treasurer for deposit in a fund established pursuant to § 38-6-103(d)(1)(C) to be used by the bureau for the purpose of employing personnel, purchasing equipment and supplies, paying for the education, training, and scientific development of employees, or for any other purpose to allow the bureau's business to be done in a more efficient and expeditious manner.

(f) The bureau shall remove from the registry the name and other identifying information of persons required to register under this part ten (10) years after the date of the most recent conviction.

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it, and applies to offenses committed on or after that date.

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

Amendment No. 1

Signature of Sponsor

AMEND Senate Bill No. 2674 House Bill No. 2816*

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

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 39, is amended by adding the following language as a new part:

(a) There is created within the Tennessee bureau of investigation a registry of persons with two (2) or more convictions of any combination of the following offenses:

(1) Assault, pursuant to § 39-13-101;

(2) Aggravated assault, pursuant to § 39-13-102;

(3) First degree murder, pursuant to § 39-13-202;

(4) Second degree murder, pursuant to § 39-13-210;

(5) Voluntary manslaughter, pursuant to § 39-13-211;

(6) Abuse of an elderly or vulnerable adult, pursuant to § 39-15-510;

(7) Aggravated abuse of an elderly or vulnerable adult, pursuant to § 39-15-511;

(8) Child abuse or child neglect or endangerment, pursuant to § 39-15-401;

(9) Aggravated child abuse or aggravated child neglect or endangerment, pursuant to § 39-15-402;

(10) Domestic assault, pursuant to § 39-13-111;

(11) Involuntary labor servitude, pursuant to § 39-13-307;

(12) Trafficking for forced labor or services, pursuant to § 39-13-308;

(13) Promoting the prostitution of a minor, pursuant to § 39-13-512;

(14) Robbery, pursuant to § 39-13-401;

(15) Aggravated robbery, pursuant to § 39-13-402;

(16) Especially aggravated robbery, pursuant to § 39-13-403;

(17) Carjacking, pursuant to § 39-13-404;

(18) Violation of an order of protection or restraining order, pursuant to § 39-13-113; or

(19) Conspiracy to commit, attempt to commit, or solicitation to commit any of the offenses listed in subdivisions (a)(1)-(18).

(b) The bureau shall maintain this registry based upon information supplied to the bureau by the court clerks pursuant to subsections (c) and (d), and information available to the bureau from the department of correction and local law enforcement agencies. The bureau shall make the registry available for public inquiry on the internet.

(c) The registry must consist of the person's name, date of birth, offenses requiring the person's inclusion on the registry, conviction dates, county or counties of the convictions, and a current photograph of the person. If available after reasonable inquiry, the court clerk shall provide the bureau with a copy of the person's driver license, or any other state or federal identification, and such other identifying data as the bureau determines is necessary to properly identify the convicted person and exclude innocent persons. However, the registry available for public inquiry must not include the person's social security number, driver license number, or any other state or federal identification number.

(d) Upon a second or subsequent conviction of any combination of the offenses described in subsection (a), the court clerk shall forward to the bureau a certified copy of each qualifying conviction and the date of birth of all persons who have two (2) or more convictions of any combination of the offenses described in subsection (a). The court clerk shall forward the information to the bureau within sixty (60) days of the date of the second or subsequent conviction.

(e) Notwithstanding § 40-35-111 and in addition to any other punishment that may be imposed for the second or subsequent conviction, a person required to register

under this part must be assessed a registration fee in the amount of one thousand dollars ($1,000), which must be paid to the clerk of the court imposing the sentence, who shall:

(1) Retain one hundred dollars ($100) of the fee for the administration of this part, which must be reserved for the purposes authorized by this part at the end of each fiscal year;

(2) Remit one hundred dollars ($100) of the fee to the bureau for the administration of this part, which must be reserved for the purposes authorized by this part at the end of each fiscal year; and

(3) Remit the remaining eight hundred dollars ($800) to the state treasurer for deposit in a fund established pursuant to § 38-6-103(d)(1)(C) to be used by the bureau for the purpose of employing personnel, purchasing equipment and supplies, paying for the education, training, and scientific development of employees, or for any other purpose to allow the bureau's business to be done in a more efficient and expeditious manner.

(f) The bureau shall remove from the registry the name and other identifying information of persons required to register under this part ten (10) years after the date of the most recent conviction.

SECTION 2. This act shall take effect October 1, 2020, the public welfare requiring it, and applies to offenses committed on or after that date.

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 2673 **House Bill No. 2762***

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

SECTION 1. Tennessee Code Annotated, Section 39-13-114, is amended by deleting subsection (c) and substituting instead the following language:

(c) A person commits the offense of communicating a threat concerning a school if:

(1) The person knowingly communicates, directly or indirectly, singly or in concert with others, orally or in writing, including an electronically transmitted communication producing a visual message, a threat of death, serious bodily injury, or any act that would likely result in death or serious bodily injury, in regard to the premises of any school, school-sponsored event, or school bus; and

(2) The communication is made with the intent to cause such death or serious bodily injury, the intent to cause terror, the intent to cause serious public inconvenience, or with reckless disregard of the risk of causing the terror, evacuation, or serious public inconvenience.

SECTION 2. Tennessee Code Annotated, Section 39-13-114, is amended by adding the following language as a new subsection:

(d)

(1) A violation of subsection (b) is a Class B misdemeanor punishable by a maximum term of imprisonment of thirty (30) days.

(2) A violation of subsection (c) is a Class D felony.

SECTION 3. This act shall take effect July 1, 2020, the public welfare requiring it, and shall apply to violations occurring on or after that date.

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Clerk _____
Comm. Amdt. _____
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Amendment No. 1

Signature of Sponsor

AMEND Senate Bill No. 2676 **House Bill No. 2763***

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

SECTION 1. Tennessee Code Annotated, Section 38-6-113, is amended by deleting subdivision (c)(1) and substituting instead the following:

(1) The bureau shall adopt uniform procedures to maintain, preserve, and analyze human biological specimens for DNA. The bureau shall establish a centralized system to cross-reference data obtained from DNA analysis. The centralized system shall contain criminal arrestee profiles, convicted violent or sexual misdemeanor profiles, convicted felon profiles, forensic unknown profiles, criminal suspect profiles, violent juvenile sexual offender profiles, and missing person profiles. The detention, arrest, or conviction of a person based upon a databank match or database information is not invalidated if it is later determined that the specimens or samples were obtained or placed in the database by mistake.

SECTION 2. Tennessee Code Annotated, Section 40-35-321, is amended by deleting subsections (d) and substituting instead the following:

(d)

(1) When a court sentences a person convicted of any felony offense committed on or after July 1, 1998; any misdemeanor offense, the conviction for which requires the defendant to register as a sexual offender pursuant to chapter 39, part 2 of this title, on or after July 1, 2007; or any misdemeanor crime of violence committed on or after July 1, 2020, it shall order the person to provide a biological specimen for the purpose of DNA analysis as defined in subsection (a). If the person is not incarcerated at the time of sentencing, the order shall require

the person to report to the county or district health department, which shall gather the specimen. If the person is incarcerated at the time of sentencing, the order shall require the chief administrative officer of the institution of incarceration to designate a qualified person to gather the specimen. The biological specimen shall be forwarded by the approved agency or entity collecting the specimen to the Tennessee bureau of investigation, which shall maintain it as provided in § 38-6-113. The court shall make the providing of the specimen a condition of probation or community correction if either is granted.

(2) If a person convicted of any felony or violent or sexual misdemeanor offense, and committed to the custody of the commissioner of correction for a term of imprisonment or sentenced to a period of confinement in a county jail or workhouse, has not provided a biological specimen for the purpose of DNA analysis as defined in subsection (a), the commissioner or the chief administrative officer of a local jail shall order the person to provide a biological specimen for the purpose of DNA analysis before completion of the person's term of imprisonment. The biological specimen shall be forwarded by the approved agency or entity collecting the specimen to the bureau, which shall maintain it as provided in § 38-6-113.

SECTION 3. For purposes of establishing procedures and protocols for collecting and forwarding biological specimens, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, it shall take effect on July 1, 2020, and shall apply to arrests occurring on or after that date.

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. 1

Signature of Sponsor

AMEND **House Joint Resolution No. 817***

by deleting all language after the caption and substituting instead the following:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED ELEVENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that a majority of all the members of each house concurring, as shown by the yeas and nays entered on their journals, that it is proposed that Article II of the Constitution of Tennessee be amended by adding the following language as a new section:

> The General Assembly, as representatives of the great people of Tennessee, shall have the sole authority to establish the framework, statutes, and laws regarding capital punishment, including, but not limited to, the crimes subject to this justice.

BE IT FURTHER RESOLVED, that the foregoing be referred to the One Hundred Twelfth General Assembly and that this resolution proposing such amendment be published in accordance with Article XI, Section 3 of the Constitution of the State of Tennessee.

BE IT FURTHER RESOLVED, that the clerk of the House of Representatives is directed to deliver a copy of this resolution to the Secretary of State.

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

Amendment No._____

Signature of Sponsor

AMEND Senate Bill No. 409* **House Bill No. 1131**

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

SECTION 1. Tennessee Code Annotated, Section 40-11-115, is amended by adding the following language as a new, appropriately designated subsection:

(c) If a magistrate, judicial commissioner, or judge does not order the release of a defendant pending trial on the person's recognizance or upon the execution of an unsecured appearance bond, the magistrate, judicial commissioner, or judge must document in writing the reasons for making such determination for denying release, which may include, but are not limited to, the factors listed in subsection (b). Documentation of the reasons for denying release are subject to open records requests.

SECTION 2. Tennessee Code Annotated, Section 40-11-116(b), is amended by adding the following language as new subdivision (4):

(4) Order the defendant to wear a transdermal monitoring device, a global positioning system (GPS) monitoring device, or other drug or alcohol monitoring devices.

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

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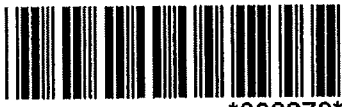

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 409* **House Bill No. 1131**

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

SECTION 1. Tennessee Code Annotated, Section 40-11-115, is amended by adding the following language as a new, appropriately designated subsection:

(c)

(1) If a magistrate, judicial commissioner, or judge does not order the release of a defendant pending trial on the person's recognizance or upon the execution of an unsecured appearance bond, the magistrate, judicial commissioner, or judge must document in writing the reasons for making such determination, which may include, but are not limited to, the factors listed in subsection (b). Documentation of the reasons for denying release on the defendant's recognizance or unsecured bond are subject to open records requests.

(2) If the magistrate, judicial commissioner, or judge determines that the defendant is not a resident of this state, no further reasons for denying release on the defendant's recognizance or unsecured bond are required to be documented by this subsection (c).

(3) This subsection (c) does not limit the magistrate, judicial commissioner, or judge's authority to release any defendant pursuant to subsection (a), regardless of the defendant's state of residency.

SECTION 2. Tennessee Code Annotated, Section 40-11-116(b), is amended by adding the following language as new subdivision (4):

(4) Order the defendant to use a transdermal monitoring device, other alcohol or drug monitoring device, or global positioning system (GPS) monitoring device.

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

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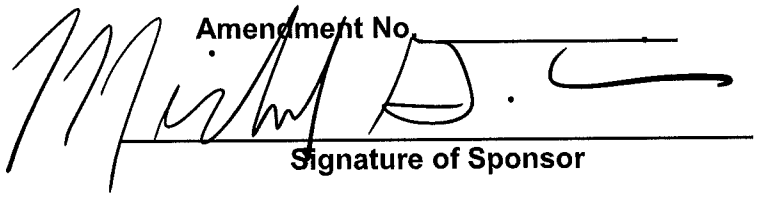
Comm. Amdt. _____

Amendment No. _____



Signature of Sponsor

AMEND Senate Bill No. 409* **House Bill No. 1131**

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

SECTION 1. Tennessee Code Annotated, Section 40-11-318, is amended by deleting subsection (a) and substituting instead the following:

(a) "Bounty hunting" means a person who acts as an agent of a professional bondsman who attempts to or takes into custody a person who has failed to appear in court and whose bond has been forfeited, for a fee, the payment of which is contingent upon the taking of a person into custody and returning the person to the custody of the professional bondsman for whom the bounty hunter works. "Bounty hunting" does not include the taking into custody of a person by a professional bondsman; provided, that the professional bondsman is arresting a person with whom the professional bondsman, or the company or surety for whom the professional bondsman acts as an approved agent, has privity of contract.

SECTION 2. Tennessee Code Annotated, Section 40-11-318, is amended by deleting subsection (b) and substituting instead:

(b)

(1) The following individuals shall not serve as a bounty hunter in this state:

(A) An individual who has been convicted of a felony in any state; or

(B) An individual who has been convicted of two (2) or more Class A or Class B misdemeanors in this state, or equivalent offenses in any other state, within the past five (5) years.

(2) A violation of subdivision (b)(1) is a Class A misdemeanor.

SECTION 3. Tennessee Code Annotated, Section 40-11-401, is amended by designating the existing language as subsection (a) and adding the following language as a new subsection:

(b) Each person acting as a bounty hunter pursuant to § 40-11-318, including a professional bondsman acting as a bounty hunter, must obtain eight (8) hours of continuing education credits, with at least five (5) of those hours having a specific focus on bounty hunting, during each twelve-month period, beginning on January 1, 2021.

SECTION 4. Tennessee Code Annotated, Section 40-11-133, is amended by adding the following language as a new subsection:

(e) A professional bondsman or the agent of a professional bondsman who is arresting a defendant pursuant to this section shall not:

(1) Make a representation that the professional bondsman or the agent of the professional bondsman is a member of a law enforcement organization;

(2) Wear clothing or a uniform intended to give the impression that the professional bondsman or the professional bondsman's agent is employed by, affiliated with, or acting in the capacity of a law enforcement organization; or

(3) Wear clothing bearing an identifying title other than "Bail Bondsman".

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

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 2275 House Bill No. 2280*

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

SECTION 1. Tennessee Code Annotated, Section 39-13-309(c), is amended by deleting the language "child under fifteen (15) years of age" and substituting instead "minor".

SECTION 2. Tennessee Code Annotated, Section 40-35-501(i), is amended by redesignating the current subdivision (i)(3) as (i)(4) and inserting the following new subdivision (i)(3):

(3) There shall be no release eligibility for a person committing a human trafficking offense, defined in § 39-13-314 as the commission of any act that constitutes the criminal offense of involuntary labor servitude under § 39-13-307; trafficking persons for forced labor or services under § 39-13-308; trafficking for commercial sex act under § 39-13-309 or promoting the prostitution of a minor under § 39-13-512, on or after July 1, 2020. The person shall serve one hundred percent (100%) of the sentence imposed by the court less sentence credits earned and retained. However, no sentence reduction credits authorized by § 41-21-236 or any other provision of law, shall operate to reduce the sentence imposed by the court by more than fifteen percent (15%).

SECTION 3. Tennessee Code Annotated, Title 39, Chapter 13, Part 3, is amended by adding the following language as a new section:

(a) Aggravated human trafficking is the commission of an act that constitutes any of the following criminal offenses, if the victim of the criminal offense is under thirteen (13) years of age:

(1) Involuntary labor servitude, under § 39-13-307;

(2) Trafficking persons for forced labor or services, under § 39-13-308;

(3) Trafficking for commercial sex act, under § 39-13-309; or

(4) Promoting the prostitution of a minor, under § 39-13-512.

(b)

(1) Aggravated human trafficking is a Class A felony.

(2) Notwithstanding title 40, chapter 35, a person convicted of a violation of this section shall be punished as a Range II offender; however, the sentence imposed upon the person may, if appropriate, be within Range III but in no case shall it be lower than Range II.

(c) A person convicted of a violation of this section is required to serve the entire sentence imposed by the court undiminished by any sentence reduction credits the person may be eligible for or earn. A person convicted of a violation of this section is permitted to earn any credits for which the person is eligible and the credits may be used for the purpose of increased privileges, reduced security classification, or for any purpose other than the reduction of the sentence imposed by the court.

(d) Title 40, chapter 35, part 5, regarding release eligibility status and parole, does not apply to or authorize the release of a person convicted of a violation of this section prior to service of the entire sentence imposed by the court.

(e) Nothing in title 41, chapter 1, part 5, gives either the governor or the board of parole the authority to release or cause the release of a person convicted of a violation of this section prior to the service of the entire sentence imposed by the court.

SECTION 4. 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.

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 2004 **House Bill No. 2003***

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

SECTION 1. Tennessee Code Annotated, Section 55-10-419, is amended by deleting the section and substituting instead the following:

(a)

(1)

(A)

(i) There is created in the state treasury a fund known as the DUI monitoring indigency fund. The fund must be used for eligible costs associated with the lease, purchase, installation, removal, and maintenance of ignition interlock devices or with any other cost or fee associated with a functioning ignition interlock device required by this part for persons determined by the court to be indigent.

(ii) There is created in the department of finance and administration, office of criminal justice programs, a fund known as the electronic monitoring indigency fund. The fund must be used for eligible costs associated with the use of a transdermal monitoring device, other alternative alcohol or drug monitoring device, or global positioning monitoring device, if required by the court pursuant to § 40-11-152, § 55-10-402(d)(2)(A)(iii) or (h)(7), or any other statute specifically authorizing payment under this section, for persons determined by the court to be indigent.

(B) Notwithstanding subdivision (a)(1)(A), no more than two hundred dollars ($200) per month may be expended from the appropriate fund to pay the costs associated with an indigent person's interlock ignition device, pursuant to subdivision (a)(1)(A)(i), or other monitoring device pursuant to subdivision (a)(1)(A)(ii).

(2) Moneys in the funds must not revert to the general fund of the state, but must remain available to be used as provided for in subdivision (a)(1).

(3) Interest accruing on investments and deposits of the DUI and electronic monitoring indigency funds must be credited to such fund, must not revert to the general fund, and must be carried forward into each subsequent fiscal year.

(4) Moneys in the DUI monitoring indigency fund must be invested by the state treasurer in accordance with § 9-4-603.

(b) Except as otherwise provided in § 55-10-409(b)(2)(D), the costs incurred in order to comply with the ignition interlock requirements must be paid by the person ordered to install a functioning ignition interlock device, unless the court finds such person to be indigent. If a court determines that a person is indigent, the court must order the person to pay any portion of the costs which the person has the ability to pay, as determined by the court. Any portion of the costs the person is unable to pay must come from the DUI monitoring indigency fund established in subsection (a).

(c) Whenever a person ordered to install a device pursuant to § 55-10-409(b)(2), § 55-10-409(d)(2), § 55-10-417(a)(1), or § 55-10-417(k) asserts to the court that the person is indigent and financially unable to pay for a functioning ignition interlock device, it is the duty of the court to conduct a full and complete hearing as to the financial ability of the person to pay for the device and, thereafter, make a finding as to the indigency of the person.

(d) A person is indigent and financially unable to pay for a functioning ignition interlock device if the person is receiving an annual income, after taxes, of one hundred eighty-five percent (185%) or less of the poverty guidelines updated periodically in the federal register by

the United States department of health and human services under the authority of 42 U.S.C. § 9902(2).

(e) Every person who informs the court that the person is financially unable to pay for a functioning ignition interlock device is required to complete an affidavit of indigency that is designed by the administrative office of the courts for purposes of assisting the court in making its determination pursuant to subsection (c). If the person intentionally misrepresents, falsifies or withholds any information required by the affidavit of indigency, such person commits perjury as set out in § 39-16-702.

(f)

(1) In the event that the state treasurer determines or anticipates that the DUI monitoring indigency fund has or will have insufficient funds to pay for eligible claims or invoices as they are received, the state treasurer is authorized to stop accepting, determining eligibility for, or paying claims or invoices submitted by providers of ignition interlock devices for a period of time determined by the state treasurer. The state treasurer may begin accepting or paying claims or invoices submitted by providers of ignition interlock devices with service dates on or after the date on which the state treasurer determines that there is a sufficient amount of money in the fund. The state treasurer shall notify providers and the administrative office of the courts of the anticipated date that provider claims and invoices will be accepted and paid from the fund again. The state treasurer may establish an order of priority for paying claims and invoices from the fund after the period of insolvency.

(2) In the event that the director of the office of criminal justice programs determines or anticipates that the electronic monitoring indigency fund has or will have insufficient funds to pay for eligible claims or invoices as they are received, the director of the office of criminal justice programs is authorized to stop accepting, determining eligibility for, or paying claims or invoices submitted by providers of transdermal monitoring devices, other alternative alcohol or drug monitoring devices, or global

positioning monitoring devices for a period of time determined by the director of the office of criminal justice programs. The director of the office of criminal justice programs may begin accepting or paying claims or invoices submitted by providers of transdermal monitoring devices, other alternative alcohol or drug monitoring devices, or global positioning monitoring devices with service dates on or after the date on which the director of the office of criminal justice programs determines that there is a sufficient amount of money in the fund. The director of the office of criminal justice programs shall notify providers and the administrative office of the courts of the anticipated date that provider claims and invoices will be accepted and paid from the fund again. The director of the office of criminal justice programs may establish an order of priority for paying claims and invoices from the fund after the period of insolvency.

(g)

(1) All proceeds collected pursuant to §§ 55-10-413(a) and 69-9-219(c)(9) must be transmitted to the treasurer for deposit in the DUI monitoring indigency fund.

(2) The fees assessed pursuant to §§ 55-10-413(a) and 69-9-219(c)(9) must be allocated as follows:

(A) Thirty dollars and fifty cents ($30.50) to the DUI monitoring indigency fund for the purpose of paying for the following for persons found to be indigent by the court:

(i) All the costs associated with the lease, purchase, installation, removal, and maintenance of a functioning ignition interlock device or with any other cost or fee associated with a functioning ignition interlock device required by this part; and

(ii) All the administrative costs incurred by the department of treasury in administering the DUI monitoring indigency fund;

(B) Four dollars fifty cents ($4.50) to the Tennessee Hospital Association for the sole purposes of making grants to hospitals that have been designated as

critical access hospitals under the Medicare rural flexibility program for the purposes of purchasing medical equipment, enhancing high technology efforts and expanding healthcare services in underserved areas;

(C) One dollar twenty-five cents ($1.25) to the department of mental health and substance abuse services to be placed in the alcohol and drug addiction treatment fund;

(D) One dollar twenty-five cents ($1.25) to the department of safety, Tennessee highway safety office, for the sole purpose of funding grant awards to local law enforcement agencies for purposes of obtaining and maintaining equipment and personnel needed in the enforcement of alcohol related traffic offenses;

(E) One dollar twenty-five cents ($1.25) to the department of safety to be used to defray the expenses of administering this part; and

(F) One dollar twenty-five cents ($1.25) to the department of finance and administration, office of criminal justice programs, for the sole purpose of funding grant awards to halfway houses whose primary focus is to assist drug and alcohol offenders. In order for a halfway house to qualify for such grant awards it must provide:

(i) No less than sixty (60) residential beds monthly with occupancy at no less than ninety-seven percent (97%) per month, or if a halfway house with nonresidential day reporting services, it must serve no less than two hundred (200) adults monthly;

(ii) Safe and secure treatment facilities, and treatment to include moral recognition therapy, GED course work, anger management therapy, and domestic and family counseling; and

(iii) Transportation to and from work, mental health or medical appointments for each of its residents.

(3)

(A) Beginning in fiscal year 2013-2014, any surplus in the DUI monitoring indigency fund must be allocated as follows:

(i) Fifty percent (50%) of such surplus must be transmitted to the department of mental health and substance abuse services and placed in the alcohol and drug addiction treatment fund; and

(ii) Fifty percent (50%) of such surplus must be used by the department of safety, Tennessee highway safety office, to provide grants to local law enforcement agencies for purposes of obtaining and maintaining equipment or personnel needed in the enforcement of alcohol-related traffic offenses.

(B)

(i) Beginning on July 1, 2013, and annually thereafter, the treasurer shall conduct an analysis to determine the solvency of the DUI monitoring indigency fund. The treasurer may declare a surplus if the analysis determines that there is a balance in excess of the amount necessary to maintain the solvency of the fund, and shall report the amount of any surplus to the commissioner of finance and administration for inclusion in the annual budget document prepared pursuant to title 9, chapter 4, part 51.

(ii) Beginning on July 1, 2021, and annually thereafter, the director of the office of criminal justice programs shall conduct an analysis to determine the solvency of the electronic monitoring indigency fund. The director of the office of criminal justice programs may declare a surplus if the analysis determines that there is a balance in excess of the amount necessary to maintain the solvency of the fund, and shall report the amount of any surplus to the commissioner of finance and

administration for inclusion in the annual budget document prepared pursuant to title 9, chapter 4, part 51.

(h) For purposes of this section, "previous year" means from January 1 to December 31 of the year immediately preceding the February 1 reporting date.

(i) No later than a date certain established by the director of the office of criminal justice programs, each local government has the option to participate in the electronic monitoring indigency fund by having the costs for eligible devices paid from the fund for each local government's indigent defendants. The local government must demonstrate participation through a resolution legally adopted and approved by the local government's legislative body providing acceptance of the liability associated with participation and containing the maximum liability that the local government commits to its participation in the fund. For each subsequent year of participation and no later than a date certain established by the director of the office of criminal justice programs, the local government must notify the director of the office of criminal justice programs of the budgeted amount that is approved for participation in the fund within thirty (30) days from when a budget is approved by the local legislative body and shall provide a copy of the approved budget to the director of the office of criminal justice programs. The director of the office of criminal justice programs shall develop a formula, based in part on each participating city or county's total population versus the respective city or county's pretrial detention population, to determine the maximum amount of money each city or county is entitled to access from the electronic monitoring indigency fund. The state will provide funds matching each local government's maximum liability or budgeted amount for participation in the fund, up to the maximum amount of money the local government is entitled to access from the fund and subject to an appropriation by the state. Each participating local government will pay fifty percent (50%) of the costs associated with transdermal monitoring devices, other alternative drug and alcohol monitoring devices, and global positioning monitoring devices for indigent defendants within the local government's jurisdiction, and the state will match the local

government's cost by providing the other fifty percent (50%) of funding, up to the maximum amount of money the local government is entitled to access from the fund.

(j) In obtaining money from participating local governments, the state may either bill the local governments for costs associated with eligible devices or draw revenue from the local government's state-shared taxes.

(k) In paying claims or invoices for indigent defendants in a participating city or county, the state shall only pay for the costs associated with transdermal monitoring devices, other alternative drug and alcohol monitoring devices, and global positioning monitoring devices when the local government has remitted fifty percent (50%) of the total eligible costs to the state.

(l) A local government may withdraw from participation in the electronic monitoring indigency fund at any time and reenter as a participant within the time frame established by the director of the office of criminal justice programs. After a local government's withdrawal from participation, the local government shall continue to pay all outstanding liabilities for eligible devices.

(m)

(1) The director of the office of criminal justice programs shall develop a model request for proposals (RFP) for use by a participating city or county in determining with which providers of transdermal monitoring devices, other alternative drug and alcohol monitoring devices, and global positioning monitoring devices to contract.

(2) Each provider of transdermal monitoring devices, other alternative drug and alcohol monitoring devices, and global positioning monitoring devices must contract with a participating city or county through an RFP process in order to submit a claim for payment from the electronic monitoring fund to the director of the office of criminal justice programs.

(3) If a participating city or county chooses to deviate from the RFP process or the model RFP developed by the director of the office of criminal justice programs, then the participating city or county must complete a waiver request form created by the office

of criminal justice programs and submit the waiver to the director of the office of criminal justice programs for approval or denial. An RFP process used by a participating city or county must meet the minimum standards developed by the director of the office of criminal justice programs pursuant to subdivision (m)(1).

(n) The DUI monitoring indigency fund shall be administered by the treasurer. Through the administration of the fund, the treasurer has the authority to:

(1) Determine that the money is paid out of the fund for eligible devices and offenses pursuant to applicable laws and rules; and

(2) Promulgate rules pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, for the administration of the fund.

(o) For the efficient administration of the DUI monitoring indigency fund, providers of ignition interlock devices shall:

(1) Submit a claim to the treasurer electronically on a form prescribed by the treasurer no later than ninety (90) calendar days after the device has been ordered by the court accompanied by:

(A) The court order requiring the device;

(B) The affidavit of indigency; and

(C) An attestation from the provider for each claim indicating that the charges contained in the claim are true and accurate and do not contain duplicate claims or charges previously submitted to the treasurer for reimbursement;

(2) Submit invoices to the treasurer no later than one hundred eighty (180) calendar days from the date of service;

(3) Submit amendments to documents previously submitted or new documentation in support of a claim or invoice to the treasurer no later than ninety (90) calendar days after the provider's receipt of the amended or new documentation; and

(4) Submit any additional information or complete any additional forms requested by the treasurer.

(p) The electronic monitoring indigency fund is administered by the director of the office of criminal justice programs. Through the administration of the fund, the director of the office of criminal justice programs has the authority to:

(1) Determine that the money is paid out of the fund for eligible devices and offenses pursuant to applicable laws and rules; and

(2) Promulgate rules pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, for the administration of the fund.

(q) For the efficient administration of the electronic monitoring indigency fund, providers of transdermal monitoring devices, other alternative drug and alcohol monitoring devices, and global positioning monitoring devices shall:

(1) Submit a claim to the director of the office of criminal justice programs electronically on a form prescribed by the director of the office of criminal justice programs no later than ninety (90) calendar days after the device has been ordered by the court accompanied by:

(A) The court order requiring the device;

(B) The affidavit of indigency; and

(C) An attestation from the provider for each claim indicating that the charges contained in the claim are true and accurate and do not contain duplicate claims or charges previously submitted to the director of the office of criminal justice programs for reimbursement;

(2) Submit invoices to the director of the office of criminal justice programs no later than one hundred eighty (180) calendar days from the date of service;

(3) Submit amendments to documents previously submitted or new documentation in support of a claim or invoice to the director of the office of criminal justice programs no later than ninety (90) calendar days after the provider's receipt of the amended or new documentation; and

(4) Submit any additional information or complete any additional forms requested by the director of the office of criminal justice programs.

(r) The provider shall ensure that the court orders submitted to the treasurer pursuant to subsection (o) or the director of the office of criminal justice programs pursuant to subsection (q) do not contain handwritten changes and are submitted on a uniform court order prescribed by the treasurer pursuant to subsection (o) or the director of the office of criminal justice programs pursuant to subsection (q).

(s) If a provider filing a claim or invoice for reimbursement from either of the funds knowingly makes a false, fictitious, or fraudulent statement or representation, or knowingly submits false, fictitious, or fraudulent documentation or information to the treasurer pursuant to subsection (o) or the director of the office of criminal justice programs pursuant to subsection (q) for reimbursement, the provider may be liable under the False Claim Act compiled in title 4, chapter 18.

(t) If a provider is overpaid from either of the funds for any reason, the treasurer is authorized to exercise a right of set-off against any amount due to the provider from the DUI monitoring indigency fund and the director of the office of criminal justice programs is authorized to exercise a right of set-off against any amount due to the provider from the electronic monitoring indigency fund.

SECTION 2. Tennessee Code Annotated, Section 69-9-219(c)(9), is amended by deleting the language "electronic monitoring" and substituting instead "DUI monitoring".

SECTION 3. Tennessee Code Annotated, Section 40-11-118(d)(2)(B), is amended by deleting the language "electronic monitoring" and substituting instead "DUI monitoring".

SECTION 4. Tennessee Code Annotated, Section 40-11-148(b)(2)(B), is amended by deleting the language "the electronic monitoring indigency fund," and substituting instead "the DUI monitoring indigency fund".

SECTION 5. Tennessee Code Annotated, Section 40-28-201(a)(5), is amended by deleting the language "the electronic monitoring indigency fund," and substituting instead "the DUI monitoring indigency fund".

SECTION 6. Tennessee Code Annotated, Section 40-33-211(c)(3), is amended by deleting the language "electronic monitoring" and substituting instead "DUI monitoring".

SECTION 7. Tennessee Code Annotated, Section 40-33-211(f)(3), is amended by deleting the language "electronic monitoring" and substituting instead "DUI monitoring".

SECTION 8. Tennessee Code Annotated, Section 55-10-409(b)(2)(C), is amended by deleting the language "electronic monitoring" and substituting instead "DUI monitoring".

SECTION 9. Tennessee Code Annotated, Section 55-10-417(m), is amended by deleting the language "electronic monitoring indigency fund" and substituting instead "DUI monitoring indigency fund".

SECTION 10. Tennessee Code Annotated, Section 55-10-425(g), is amended by deleting the language "electronic monitoring" and substituting instead "DUI monitoring".

SECTION 11. This act shall take effect July 1, 2021, the public welfare requiring it.

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

Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 2749 House Bill No. 2275*

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

SECTION 1. Tennessee Code Annotated, Section 39-16-302, is amended by deleting the section and substituting instead the following:

(a)

(1) It is unlawful for any person who is not licensed, certified, or registered to do so, to practice or pretend to be licensed, certified, or registered to practice a profession listed in subdivision (a)(2) that requires a licensure, certification, or registration.

(2) This subsection (a) applies to the following licenses, certifications, and registrations:

(A) A license issued by the board of law examiners, created under § 23-1-101;

(B) The licensure of services and facilities operated pursuant to title 33, chapter 2, part 4, for the provision of mental health services, alcohol, and drug abuse prevention or treatment; for the provision of services for intellectual and developmental disabilities; and for personal support services;

(D) A license issued by any licensing authority created under titles 41, 48, 49, 56, and 71;

(E) A license issued by the department of financial institutions, when acting as a licensing authority pursuant to title 45;

(F) Any license, certificate, or registration issued pursuant to the rules of the supreme court;

(G) The licensure of pain management clinics licensed pursuant to title 63, chapter 1, part 3; or

(H) The licensure of physicians under title 63, chapter 6 or 9.

(b) A person who is not licensed to engage in a practice, and practices or pretends to be licensed to practice a profession for which a license certifying the qualifications of the licensee to practice the profession is required, other than a license listed in subsection (a), may be prosecuted for criminal impersonation, pursuant to § 39-16-301.

(c) A violation of subsection (a) is a Class E felony.

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

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No._____

_____
Signature of Sponsor

AMEND Senate Bill No. 1836* **House Bill No. 2388**

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

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 17, Part 1, is amended by adding the following as a new section:

(a) A law enforcement officer shall not alter, including manually or by use of a computer program, a photograph of a suspect prior to presenting the photograph to a witness of crime as part of a police lineup. Alteration of a photograph includes the addition or removal of tattoos or distinctive markings.

(b) In a criminal proceeding, the fact that a witness identified a suspect from a police lineup of photographs is not admissible if the police lineup included an altered photograph of the suspect.

(c) Notwithstanding subsections (a) and (b), a law enforcement officer may alter the background of a photograph for the purpose of eliminating bias and creating uniformity.

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

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Date	2/27/20
Time	11:45
Clerk	
Comm. Amdt.	

Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 1805 **House Bill No. 1818***

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

SECTION 1. Tennessee Code Annotated, Section 39-14-115, is amended by deleting the period at the end of subdivision (a)(2)(B) and adding the following:

, including any equipment, instrument, machine, or supplies designed for use, intended for use, or used to counterfeit the check of another person by taking the account and routing numbers from the other person's valid check and counterfeiting a new check containing the valid numbers.

SECTION 2. Tennessee Code Annotated, Title 45, Chapter 18, is amended by adding the following new section:

(a) This section applies to:

(1) Any company licensed pursuant to this part to engage in the business of cashing payment instruments; and

(2) Any company or business that is not a licensed check cashing company but, as part of the business of the company, engages in cashing payment instruments for consideration.

(b) This section does not apply to:

(1) Any bank, trust company, credit union, building and loan association, savings bank, or mutual bank organized under the laws of any state or the United States; and

(2) Persons who offer a check cashing service without receiving, directly or indirectly, any consideration or fee.

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Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 2447 **House Bill No. 1577***

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

SECTION 1. Tennessee Code Annotated, Section 40-11-152, is amended by adding the following new subsections:

( ) If the magistrate determines that the use of a global positioning monitoring system is an appropriate condition of release, the magistrate may order such use in lieu of requiring bail for the defendant.

( ) The administrative office of the courts shall:

(1) Develop a standardized, centralized system of collecting, maintaining, and sharing program-relevant data;

(2) Review policies and procedures to develop common sets for participating agencies to clarify expectations and roles; and

(3) Hire a global positioning monitoring system program manager to:

(A) Manage the daily operations and streamline the attachment and removal process, handle the logistics of device maintenance, storage, inventory, distribution, attachments, and removals;

(B) Provide regular training opportunities and encourage staff participation;

(C) Partner with law enforcement agencies with responsibility for real-time tracking, responding to violations, issuing warrants, making arrests, and assisting victim service agencies with victim participants;

(D) Engagement with agencies that provide services to victims to close the feedback loop with respect to service provision for victims whose offenders are in the program and to encourage victim participation; and

(E) Create community outreach to encourage victim participation.

SECTION 2. Tennessee Code Annotated, Section 40-11-152(c), is amended by deleting the subsection and substituting instead the following:

The defendant's presence in a location in which the magistrate prohibited the defendant going to or near is a violation of the conditions of bond and may result in revocation of the defendant's bond.

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

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Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 1321 **House Bill No. 1475***

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

SECTION 1. Tennessee Code Annotated, Section 39-16-504, is amended by adding the following new subsection:

(d) As used in this section, "governmental record" includes video recorded by a law enforcement body camera.

SECTION 2. Tennessee Code Annotated, Section 39-16-503, is amended by adding the following new subsection:

(c) As used in this section, "record, document, or thing" includes video recorded by a law enforcement body camera.

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

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 2817 **House Bill No. 2839***

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

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 17, Part 1, is amended by adding the following as a new section:

40-17-102.

(a) Physical evidence, other than documents and firearms, that is in the custody of a law enforcement agency as part of a criminal investigation for which the resulting criminal prosecution has been settled, dismissed, or otherwise brought to a conclusion and all appeals or potential appeals of a judgment have ended, may be disposed of as follows:

(1) The law enforcement agency having custody of the physical evidence to be disposed of shall notify the attorneys of record in the case for which the evidence was collected, or, if a party was unrepresented, any party to the case, that certain enumerated items are no longer needed by the law enforcement agency and that the attorneys have thirty (30) days from the date of notification to claim any of the items belonging to the attorneys or parties. If after thirty (30) days the attorneys or parties have not claimed and removed the items of evidence, the law enforcement agency shall dispose of the evidence in the manner prescribed by subdivisions (a)(2)-(6);

(2) The law enforcement agency having custody of the physical evidence to be disposed of shall annually inventory the physical evidence and prepare a

list of the evidence proposed to be destroyed with references to the case involved and the term of court in which the evidence was used;

(3) Attorneys or parties interested in the disposition of physical evidence may submit a petition to the law enforcement agency stating their objections to the proposed disposition within thirty (30) days of notification being provided;

(4) After the time for filing a petition to object to the disposition has passed, the law enforcement agency shall submit the list with any filed petition to the court in which the criminal proceeding occurred. The court shall approve or reject each item on the list and shall order that each particular item be disposed of in one (1) of the following ways:

(A) Returned to the owner or the owner's attorney of record if the attorney agrees;

(B) Preserved by a specified organization for historical purposes;

(C) Sold; or

(D) Destroyed;

(5) The chief law enforcement officer of the agency shall deliver the physical evidence to the owner or owners or to the organization or organizations when so ordered, personally, or by return receipt mail. When ordered to sell physical evidence, the chief law enforcement officer shall advertise in a newspaper of general circulation the sales, for not less than three (3) editions and not less than thirty (30) days prior to the sales. The chief law enforcement officer shall conduct a public sale and maintain a record of each sale and the amount received. The proceeds of the sale or sales shall be deposited in the county general fund. When ordered to destroy physical evidence, the chief law enforcement officer shall completely destroy each item by cutting, crushing, burning, or melting and shall file an affidavit concerning the destruction with the clerk of the court ordering the destruction, showing a description of each item,

the method of destruction, the date and place of destruction, and the names and addresses of all witnesses; and

(6) Following disposal of evidence, the chief law enforcement officer shall submit a report confirming that the court's order was carried out to the court that ordered disposal.

(b) This section shall not act to amend or repeal any of the provisions of any private act or acts that provide for the disposal of physical evidence or exhibits used in any judicial proceeding in any county having a population of over six hundred thousand (600,000), according to the 1980 federal census or any subsequent federal census.

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

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

Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 2736 **House Bill No. 2840***

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

SECTION 1. Tennessee Code Annotated, Section 40-11-115, is amended by adding the following language as a new subsection:

( ) Notwithstanding subsection (a), a person charged with a felony offense or domestic assault, under § 39-13-111, may not be released under this section unless a magistrate determines after a hearing that the release of the defendant does not pose a threat to the public.

SECTION 2. Tennessee Code Annotated, Section 40-11-116, is amended by adding the following language as a new subsection:

( ) A person charged with a felony offense or domestic assault, under § 39-13-111, may not be released under subdivision (b)(1) unless a magistrate determines after a hearing that the release of the defendant does not pose a threat to the public.

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

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 1930 - SB 2492

March 9, 2020

SUMMARY OF ORIGINAL BILL: Deletes Tenn. Code Ann. § 57-4-202(e), which required the Executive Director of the Alcoholic Beverage Commission to submit a report by March 15, 2014 regarding the success or failure of a pilot project concerning local and municipal beer boards.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (016648): Deletes all language after the enacting clause. Authorizes multiple entities to sell alcoholic beverages for on-premises consumption.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Revenue - $35,800/FY20-21/ABC Fund
$30,400/FY21-22 and Subsequent Years/ABC Fund
$268,600/FY20-21 and Subsequent Years/General Fund

Increase Local Revenue - $221,200/FY20-21 and Subsequent Years/Permissive

Assumptions for the bill as amended:

Restaurant – Henry County

- This legislation only applies to one restaurant located in Paris, Henry County.
- There is an initial application fee of $300 and a $270 annual fee payable to the Tennessee Alcoholic Beverage Commission (ABC).
- A total increase in state revenue to ABC of $570 ($300 + $270) in FY20-21 and an increase in state revenue to ABC of $270 in FY21-22 and subsequent years.
- No additional personnel or resources will be required by the ABC.
- Local privilege tax is estimated to be $270 annually. Any increase in local government expenditures for collecting local privilege taxes is estimated to be not significant.
- State and local sales taxes and a 15.0 percent liquor-by-the-drink (LBD) tax will be assessed on alcoholic beverage sales.

- The current state sales tax rate is 7.0 percent; the local option sales tax rate in Henry County is 2.75 percent; the effective rate of apportionment to local government pursuant to the state-shared allocation is estimated to be 3.617 percent.
- Pursuant to Tenn. Code Ann. § 57-4-306(a), 50.0 percent of the 15.0 percent LBD tax is allocated to the state General Fund and 50.0 percent is distributed to the local government.
- It is assumed that the establishment will begin selling alcohol in FY20-21.
- Based on the interquartile average of FY18-19 LBD tax returns and assuming reasonable growth rates in LBD tax collections, the average taxable base per establishment is estimated to be approximately $130,000 per year.
- Given current limitations on the availability of LBD sales data by venue type and size, it is assumed that there are three venue-type categories: smaller than average; average; and larger than average. For the purpose of estimating the tax base for entities authorized to conduct LBD sales pursuant to legislation, the following ratios relative to the average LBD taxable base for all sized entities are utilized: 50 percent for smaller than average; 100 percent for average; and 150 percent for larger than average.
- Given the size and location of this particular venue, the recurring increase in sales is estimated to be $65,000 per year.
- The recurring increase in state revenue to the General Fund in FY20-21 and subsequent years is estimated to be $9,260 [($65,000 x 7.0%) – ($65,000 x 7.0% x 3.617%) + ($65,000 x 15.0% x 50.0%)].
- The recurring increase in local revenue in FY20-21 and subsequent years is estimated to be $7,097 [$270 + ($65,000 x 2.75%) + ($65,000 x 7.0% x 3.617%) + ($65,000 x 15.0% x 50.0%)].
- Any revenue collected from any state or local taxes imposed on manufacturers or wholesalers is estimated to be not significant.

Three entities – Hickman County

- This legislation only applies to three "premier type tourist resorts" located in Bon Aqua, Hickman County.
- There is an initial application fee of $300 and a $2,000 annual fee payable to the Tennessee Alcoholic Beverage Commission (ABC).
- A total increase in state revenue to ABC of $6,900 [($300 + $2,000) x 3] in FY20-21 and an increase in state revenue to ABC of $6,000 ($2,000 x 3) in FY21-22 and subsequent years.
- No additional personnel or resources will be required by the ABC.
- Local privilege tax is estimated to be $2,000 annually. Any increase in local government expenditures for collecting local privilege taxes is estimated to be not significant.
- State and local sales taxes and a 15.0 percent liquor-by-the-drink (LBD) tax will be assessed on alcoholic beverage sales.
- The current state sales tax rate is 7.0 percent; the local option sales tax rate in Hickman County is 2.75 percent; the effective rate of apportionment to local government pursuant to the state-shared allocation is estimated to be 3.617 percent.

- Pursuant to Tenn. Code Ann. § 57-4-306(a), 50.0 percent of the 15.0 percent LBD tax is allocated to the state General Fund and 50.0 percent is distributed to the local government.
- It is assumed that the establishments will begin selling alcohol in FY20-21.
- Based on the interquartile average of FY18-19 LBD tax returns and assuming reasonable growth rates in LBD tax collections, the average taxable base per establishment is estimated to be approximately $130,000 per year.
- Given current limitations on the availability of LBD sales data by venue type and size, it is assumed that there are three venue-type categories: smaller than average; average; and larger than average. For the purpose of estimating the tax base for entities authorized to conduct LBD sales pursuant to legislation, the following ratios relative to the average LBD taxable base for all sized entities are utilized: 50 percent for smaller than average; 100 percent for average; and 150 percent for larger than average.
- Given the size and location of these particular venues, the recurring increase in sales is estimated to be $130,000 per year.
- The recurring increase in state revenue to the General Fund in FY20-21 and subsequent years is estimated to be $55,563 {[($130,000 x 7.0%) – ($130,000 x 7.0% x 3.617%) + ($130,000 x 15.0% x 50.0%)] x 3}.
- The recurring increase in local revenue in FY20-21 and subsequent years is estimated to be $46,962 {[$2,000 + ($130,000 x 2.75%) + ($130,000 x 7.0% x 3.617%) + ($130,000 x 15.0% x 50.0%)] x 3}.
- Any revenue collected from any state or local taxes imposed on manufacturers or wholesalers is estimated to be not significant.

Willow Creek Golf Club – Knox County

- This legislation only applies to one "premier type tourist resort" located in Knoxville, Knox County.
- There is an initial application fee of $300 and a $2,000 annual fee payable to the Tennessee Alcoholic Beverage Commission (ABC).
- A total increase in state revenue to ABC of $2,300 ($300 + $2,000) in FY20-21 and an increase in state revenue to ABC of $2,000 in FY21-22 and subsequent years.
- No additional personnel or resources will be required by the ABC.
- Local privilege tax is estimated to be $2,000 annually. Any increase in local government expenditures for collecting local privilege taxes is estimated to be not significant.
- State and local sales taxes and a 15.0 percent liquor-by-the-drink (LBD) tax will be assessed on alcoholic beverage sales.
- The current state sales tax rate is 7.0 percent; the local option sales tax rate in Knox County is 2.25 percent; the effective rate of apportionment to local government pursuant to the state-shared allocation is estimated to be 3.617 percent.
- Pursuant to Tenn. Code Ann. § 57-4-306(a), 50.0 percent of the 15.0 percent LBD tax is allocated to the state General Fund and 50.0 percent is distributed to the local government.
- It is assumed that the establishment will begin selling alcohol in FY20-21.

- Based on the interquartile average of FY18-19 LBD tax returns and assuming reasonable growth rates in LBD tax collections, the average taxable base per establishment is estimated to be approximately $130,000 per year.
- Given current limitations on the availability of LBD sales data by venue type and size, it is assumed that there are three venue-type categories: smaller than average; average; and larger than average. For the purpose of estimating the tax base for entities authorized to conduct LBD sales pursuant to legislation, the following ratios relative to the average LBD taxable base for all sized entities are utilized: 50 percent for smaller than average; 100 percent for average; and 150 percent for larger than average.
- Given the size and location of this particular venue, the recurring increase in sales is estimated to be $130,000 per year.
- The recurring increase in state revenue to the General Fund in FY20-21 and subsequent years is estimated to be $18,521 [($130,000 x 7.0%) – ($130,000 x 7.0% x 3.617%) + ($130,000 x 15.0% x 50.0%)].
- The recurring increase in local revenue in FY20-21 and subsequent years is estimated to be $15,004 [$2,000 + ($130,000 x 2.25%) + ($130,000 x 7.0% x 3.617%) + ($130,000 x 15.0% x 50.0%)].
- Any revenue collected from any state or local taxes imposed on manufacturers or wholesalers is estimated to be not significant.

HarborChase – Shelby County

- This legislation only applies to one "premier type tourist resort" located in Memphis, Shelby County.
- There is an initial application fee of $300 and a $2,000 annual fee payable to the Tennessee Alcoholic Beverage Commission (ABC).
- A total increase in state revenue to ABC of $2,300 ($300 + $2,000) in FY20-21 and an increase in state revenue to ABC of $2,000 in FY21-22 and subsequent years.
- No additional personnel or resources will be required by the ABC.
- Local privilege tax is estimated to be $2,000 annually. Any increase in local government expenditures for collecting local privilege taxes is estimated to be not significant.
- State and local sales taxes and a 15.0 percent liquor-by-the-drink (LBD) tax will be assessed on alcoholic beverage sales.
- The current state sales tax rate is 7.0 percent; the local option sales tax rate in Memphis is 2.75 percent; the effective rate of apportionment to local government pursuant to the state-shared allocation is estimated to be 3.617 percent.
- Pursuant to Tenn. Code Ann. § 57-4-306(a), 50.0 percent of the 15.0 percent LBD tax is allocated to the state General Fund and 50.0 percent is distributed to the local government.
- It is assumed that the establishment will begin selling alcohol in FY20-21.
- Based on the interquartile average of FY18-19 LBD tax returns and assuming reasonable growth rates in LBD tax collections, the average taxable base per establishment is estimated to be approximately $130,000 per year.
- Given current limitations on the availability of LBD sales data by venue type and size, it is assumed that there are three venue-type categories: smaller than average; average; and larger than average. For the purpose of estimating the tax base for entities authorized to

conduct LBD sales pursuant to legislation, the following ratios relative to the average LBD taxable base for all sized entities are utilized: 50 percent for smaller than average; 100 percent for average; and 150 percent for larger than average.

- Given the size and location of this particular venue, the recurring increase in sales is estimated to be $130,000 per year.
- The recurring increase in state revenue to the General Fund in FY20-21 and subsequent years is estimated to be $18,521 [($130,000 x 7.0%) – ($130,000 x 7.0% x 3.617%) + ($130,000 x 15.0% x 50.0%)].
- The recurring increase in local revenue in FY20-21 and subsequent years is estimated to be $15,654 [$2,000 + ($130,000 x 2.75%) + ($130,000 x 7.0% x 3.617%) + ($130,000 x 15.0% x 50.0%)].
- Any revenue collected from any state or local taxes imposed on manufacturers or wholesalers is estimated to be not significant.

Cherokee Marina and Steakhouse – Wilson County

- This legislation only applies to one "premier type tourist resort" located in Lebanon, Wilson County.
- There is an initial application fee of $300 and a $2,000 annual fee payable to the Tennessee Alcoholic Beverage Commission (ABC).
- A total increase in state revenue to ABC of $2,300 ($300 + $2,000) in FY20-21 and an increase in state revenue to ABC of $2,000 in FY21-22 and subsequent years.
- No additional personnel or resources will be required by the ABC.
- Local privilege tax is estimated to be $2,000 annually. Any increase in local government expenditures for collecting local privilege taxes is estimated to be not significant.
- State and local sales taxes and a 15.0 percent liquor-by-the-drink (LBD) tax will be assessed on alcoholic beverage sales.
- The current state sales tax rate is 7.0 percent; the local option sales tax rate in Wilson County is 2.25 percent; the effective rate of apportionment to local government pursuant to the state-shared allocation is estimated to be 3.617 percent.
- Pursuant to Tenn. Code Ann. § 57-4-306(a), 50.0 percent of the 15.0 percent LBD tax is allocated to the state General Fund and 50.0 percent is distributed to the local government.
- It is assumed that the establishment will begin selling alcohol in FY20-21.
- Based on the interquartile average of FY18-19 LBD tax returns and assuming reasonable growth rates in LBD tax collections, the average taxable base per establishment is estimated to be approximately $130,000 per year.
- Given current limitations on the availability of LBD sales data by venue type and size, it is assumed that there are three venue-type categories: smaller than average; average; and larger than average. For the purpose of estimating the tax base for entities authorized to conduct LBD sales pursuant to legislation, the following ratios relative to the average LBD taxable base for all sized entities are utilized: 50 percent for smaller than average; 100 percent for average; and 150 percent for larger than average.
- Given the size and location of this particular venue, the recurring increase in sales is estimated to be $130,000 per year.

- The recurring increase in state revenue to the General Fund in FY20-21 and subsequent years is estimated to be $18,521 [($130,000 x 7.0%) – ($130,000 x 7.0% x 3.617%) + ($130,000 x 15.0% x 50.0%)].
- The recurring increase in local revenue in FY20-21 and subsequent years is estimated to be $15,004 [$2,000 + ($130,000 x 2.25%) + ($130,000 x 7.0% x 3.617%) + ($130,000 x 15.0% x 50.0%)].
- Any revenue collected from any state or local taxes imposed on manufacturers or wholesalers is estimated to be not significant.

Bigfoot Adventure – Grundy County

- This legislation only applies to one "premier type tourist resort" located in Tracy City, Grundy County.
- There is an initial application fee of $300 and a $2,000 annual fee payable to the Tennessee Alcoholic Beverage Commission (ABC).
- A total increase in state revenue to ABC of $2,300 ($300 + $2,000) in FY20-21 and an increase in state revenue to ABC of $2,000 in FY21-22 and subsequent years.
- No additional personnel or resources will be required by the ABC.
- Local privilege tax is estimated to be $2,000 annually. Any increase in local government expenditures for collecting local privilege taxes is estimated to be not significant.
- State and local sales taxes and a 15.0 percent liquor-by-the-drink (LBD) tax will be assessed on alcoholic beverage sales.
- The current state sales tax rate is 7.0 percent; the local option sales tax rate in Grundy County is 2.25 percent; the effective rate of apportionment to local government pursuant to the state-shared allocation is estimated to be 3.617 percent.
- Pursuant to Tenn. Code Ann. § 57-4-306(a), 50.0 percent of the 15.0 percent LBD tax is allocated to the state General Fund and 50.0 percent is distributed to the local government.
- It is assumed that the establishment will begin selling alcohol in FY20-21.
- Based on the interquartile average of FY18-19 LBD tax returns and assuming reasonable growth rates in LBD tax collections, the average taxable base per establishment is estimated to be approximately $130,000 per year.
- Given current limitations on the availability of LBD sales data by venue type and size, it is assumed that there are three venue-type categories: smaller than average; average; and larger than average. For the purpose of estimating the tax base for entities authorized to conduct LBD sales pursuant to legislation, the following ratios relative to the average LBD taxable base for all sized entities are utilized: 50 percent for smaller than average; 100 percent for average; and 150 percent for larger than average.
- Given the size and location of this particular venue, the recurring increase in sales is estimated to be $65,000 per year.
- The recurring increase in state revenue to the General Fund in FY20-21 and subsequent years is estimated to be $9,260 [($65,000 x 7.0%) – ($65,000 x 7.0% x 3.617%) + ($65,000 x 15.0% x 50.0%)].
- The recurring increase in local revenue in FY20-21 and subsequent years is estimated to be $8,502 [$2,000 + ($65,000 x 2.25%) + ($65,000 x 7.0% x 3.617%) + ($65,000 x 15.0% x 50.0%)].

- Any revenue collected from any state or local taxes imposed on manufacturers or wholesalers is estimated to be not significant.

Nearest Green Distillery – Bedford County

- This legislation only applies to one "premier type tourist resort" located in Shelbyville, Bedford County.
- There is an initial application fee of $300 and a $2,000 annual fee payable to the Tennessee Alcoholic Beverage Commission (ABC).
- A total increase in state revenue to ABC of $2,300 ($300 + $2,000) in FY20-21 and an increase in state revenue to ABC of $2,000 in FY21-22 and subsequent years.
- No additional personnel or resources will be required by the ABC.
- Local privilege tax is estimated to be $300 annually. Any increase in local government expenditures for collecting local privilege taxes is estimated to be not significant.
- State and local sales taxes and a 15.0 percent liquor-by-the-drink (LBD) tax will be assessed on alcoholic beverage sales.
- The current state sales tax rate is 7.0 percent; the local option sales tax rate in Bedford County is 2.75 percent; the effective rate of apportionment to local government pursuant to the state-shared allocation is estimated to be 3.617 percent.
- Pursuant to Tenn. Code Ann. § 57-4-306(a), 50.0 percent of the 15.0 percent LBD tax is allocated to the state General Fund and 50.0 percent is distributed to the local government.
- It is assumed that the establishment will begin selling alcohol in FY20-21.
- Based on the interquartile average of FY18-19 LBD tax returns and assuming reasonable growth rates in LBD tax collections, the average taxable base per establishment is estimated to be approximately $130,000 per year.
- Given current limitations on the availability of LBD sales data by venue type and size, it is assumed that there are three venue-type categories: smaller than average; average; and larger than average. For the purpose of estimating the tax base for entities authorized to conduct LBD sales pursuant to legislation, the following ratios relative to the average LBD taxable base for all sized entities are utilized: 50 percent for smaller than average; 100 percent for average; and 150 percent for larger than average.
- Given the size and location of this particular venue, the recurring increase in sales is estimated to be $130,000 per year.
- The recurring increase in state revenue to the General Fund in FY20-21 and subsequent years is estimated to be $18,521 [($130,000 x 7.0%) – ($130,000 x 7.0% x 3.617%) + ($130,000 x 15.0% x 50.0%)].
- The recurring increase in local revenue in FY20-21 and subsequent years is estimated to be $13,954 [$300 + ($130,000 x 2.75%) + ($130,000 x 7.0% x 3.617%) + ($130,000 x 15.0% x 50.0%)].
- Any revenue collected from any state or local taxes imposed on manufacturers or wholesalers is estimated to be not significant.

East port Marina and The Farm – Pickett County; Mitchell Creek Marina and Willow Grove Dock – Clay County

- This legislation applies to four "premier type tourist resorts"; two in Clay County and two in Pickett County.
- There is an initial application fee of $300 and a $2,000 annual fee payable to the Tennessee Alcoholic Beverage Commission (ABC).
- A total increase in state revenue to ABC of $9,200 [($300 + $2,000) x 4] in FY20-21 and an increase in state revenue to ABC of $8,000 ($2,000 x 4) in FY21-22 and subsequent years.
- No additional personnel or resources will be required by the ABC.
- Local privilege tax is estimated to be $2,000 annually per resort. Any increase in local government expenditures for collecting local privilege taxes is estimated to be not significant.
- State and local sales taxes and a 15.0 percent liquor-by-the-drink (LBD) tax will be assessed on alcoholic beverage sales.
- The current state sales tax rate is 7.0 percent; the local option sales tax rate is 2.75 percent in Pickett County and 2.75 percent in Clay County; the effective rate of apportionment to local government pursuant to the state-shared allocation is estimated to be 3.617 percent.
- Pursuant to Tenn. Code Ann. § 57-4-306(a), 50.0 percent of the 15.0 percent LBD tax is allocated to the state General Fund and 50.0 percent is distributed to the local government.
- It is assumed that the establishment will begin selling alcohol in FY20-21.
- Based on the interquartile average of FY18-19 LBD tax returns and assuming reasonable growth rates in LBD tax collections, the average taxable base per establishment is estimated to be approximately $130,000 per year.
- Given current limitations on the availability of LBD sales data by venue type and size, it is assumed that there are three venue-type categories: smaller than average; average; and larger than average. For the purpose of estimating the tax base for entities authorized to conduct LBD sales pursuant to legislation, the following ratios relative to the average LBD taxable base for all sized entities are utilized: 50 percent for smaller than average; 100 percent for average; and 150 percent for larger than average.
- Given the size and location of this particular venue, the recurring increase in sales is estimated to be $65,000 per year.
- The recurring increase in state revenue to the General Fund in FY20-21 and subsequent years is estimated to be $37,040 {[($65,000 x 7.0%) – ($65,000 x 7.0% x 3.617%) + ($65,000 x 15.0% x 50.0%)] x 4}.
- The recurring increase in local revenue in FY20-21 and subsequent years is estimated to be $35,310 [$2,000 + ($65,000 x 2.75%) + ($65,000 x 7.0% x 3.617%) + ($65,000 x 15.0% x 50.0%)] x 4}.
- Any revenue collected from any state or local taxes imposed on manufacturers or wholesalers is estimated to be not significant.

Defeated Creek Marina – Smith County

- This legislation only applies to one "premier type tourist resort" located in Carthage, Smith County.

- There is an initial application fee of $300 and a $2,000 annual fee payable to the Tennessee Alcoholic Beverage Commission (ABC).
- A total increase in state revenue to ABC of $2,300 ($300 + $2,000) in FY20-21 and an increase in state revenue to ABC of $2,000 in FY21-22 and subsequent years.
- No additional personnel or resources will be required by the ABC.
- Local privilege tax is estimated to be $300 annually. Any increase in local government expenditures for collecting local privilege taxes is estimated to be not significant.
- State and local sales taxes and a 15.0 percent liquor-by-the-drink (LBD) tax will be assessed on alcoholic beverage sales.
- The current state sales tax rate is 7.0 percent; the local option sales tax rate in Smith County is 2.75 percent; the effective rate of apportionment to local government pursuant to the state-shared allocation is estimated to be 3.617 percent.
- Pursuant to Tenn. Code Ann. § 57-4-306(a), 50.0 percent of the 15.0 percent LBD tax is allocated to the state General Fund and 50.0 percent is distributed to the local government.
- It is assumed that the establishment will begin selling alcohol in FY20-21.
- Based on the interquartile average of FY18-19 LBD tax returns and assuming reasonable growth rates in LBD tax collections, the average taxable base per establishment is estimated to be approximately $130,000 per year.
- Given current limitations on the availability of LBD sales data by venue type and size, it is assumed that there are three venue-type categories: smaller than average; average; and larger than average. For the purpose of estimating the tax base for entities authorized to conduct LBD sales pursuant to legislation, the following ratios relative to the average LBD taxable base for all sized entities are utilized: 50 percent for smaller than average; 100 percent for average; and 150 percent for larger than average.
- Given the size and location of this particular venue, the recurring increase in sales is estimated to be $130,000 per year.
- The recurring increase in state revenue to the General Fund in FY20-21 and subsequent years is estimated to be $18,521 [($130,000 x 7.0%) – ($130,000 x 7.0% x 3.617%) + ($130,000 x 15.0% x 50.0%)].
- The recurring increase in local revenue in FY20-21 and subsequent years is estimated to be $13,954 [$300 + ($130,000 x 2.75%) + ($130,000 x 7.0% x 3.617%) + ($130,000 x 15.0% x 50.0%)].
- Any revenue collected from any state or local taxes imposed on manufacturers or wholesalers is estimated to be not significant

Lucky Rooster – Wilson County

- This legislation only applies to one restaurant located in Old Hickory, Wilson County.
- There is an initial application fee of $300 and a $750 annual fee payable to the Tennessee Alcoholic Beverage Commission (ABC).
- A total increase in state revenue to ABC of $1,050 ($300 + $750) in FY20-21 and an increase in state revenue to ABC of $750 in FY21-22 and subsequent years.
- No additional personnel or resources will be required by the ABC.
- Local privilege tax is estimated to be $750 annually. Any increase in local government expenditures for collecting local privilege taxes is estimated to be not significant.

- State and local sales taxes and a 15.0 percent liquor-by-the-drink (LBD) tax will be assessed on alcoholic beverage sales.
- The current state sales tax rate is 7.0 percent; the local option sales tax rate in Wilson County is 2.25 percent; the effective rate of apportionment to local government pursuant to the state-shared allocation is estimated to be 3.617 percent.
- Pursuant to Tenn. Code Ann. § 57-4-306(a), 50.0 percent of the 15.0 percent LBD tax is allocated to the state General Fund and 50.0 percent is distributed to the local government.
- It is assumed that the establishment will begin selling alcohol in FY20-21.
- Based on the interquartile average of FY18-19 LBD tax returns and assuming reasonable growth rates in LBD tax collections, the average taxable base per establishment is estimated to be approximately $130,000 per year.
- Given current limitations on the availability of LBD sales data by venue type and size, it is assumed that there are three venue-type categories: smaller than average; average; and larger than average. For the purpose of estimating the tax base for entities authorized to conduct LBD sales pursuant to legislation, the following ratios relative to the average LBD taxable base for all sized entities are utilized: 50 percent for smaller than average; 100 percent for average; and 150 percent for larger than average.
- Given the size and location of this particular venue, the recurring increase in sales is estimated to be $130,000 per year.
- The recurring increase in state revenue to the General Fund in FY20-21 and subsequent years is estimated to be $18,521 [($130,000 x 7.0%) – ($130,000 x 7.0% x 3.617%) + ($130,000 x 15.0% x 50.0%)].
- The recurring increase in local revenue in FY20-21 and subsequent years is estimated to be $13,754 [$750 + ($130,000 x 2.25%) + ($130,000 x 7.0% x 3.617%) + ($130,000 x 15.0% x 50.0%)].
- Any revenue collected from any state or local taxes imposed on manufacturers or wholesalers is estimated to be not significant.

Indian River Marina – Campbell County

- This legislation only applies to one restaurant located in Jacksboro, Campbell County.
- There is an initial application fee of $300 and a $750 annual fee payable to the Tennessee Alcoholic Beverage Commission (ABC).
- A total increase in state revenue to ABC of $1,050 ($300 + $750) in FY20-21 and an increase in state revenue to ABC of $750 in FY21-22 and subsequent years.
- No additional personnel or resources will be required by the ABC.
- Local privilege tax is estimated to be $750 annually. Any increase in local government expenditures for collecting local privilege taxes is estimated to be not significant.
- State and local sales taxes and a 15.0 percent liquor-by-the-drink (LBD) tax will be assessed on alcoholic beverage sales.
- The current state sales tax rate is 7.0 percent; the local option sales tax rate in Campbell County is 2.25 percent; the effective rate of apportionment to local government pursuant to the state-shared allocation is estimated to be 3.617 percent.

- Pursuant to Tenn. Code Ann. § 57-4-306(a), 50.0 percent of the 15.0 percent LBD tax is allocated to the state General Fund and 50.0 percent is distributed to the local government.
- It is assumed that the establishment will begin selling alcohol in FY20-21.
- Based on the interquartile average of FY18-19 LBD tax returns and assuming reasonable growth rates in LBD tax collections, the average taxable base per establishment is estimated to be approximately $130,000 per year.
- Given current limitations on the availability of LBD sales data by venue type and size, it is assumed that there are three venue-type categories: smaller than average; average; and larger than average. For the purpose of estimating the tax base for entities authorized to conduct LBD sales pursuant to legislation, the following ratios relative to the average LBD taxable base for all sized entities are utilized: 50 percent for smaller than average; 100 percent for average; and 150 percent for larger than average.
- Given the size and location of this particular venue, the recurring increase in sales is estimated to be $130,000 per year.
- The recurring increase in state revenue to the General Fund in FY20-21 and subsequent years is estimated to be $18,521 [($130,000 x 7.0%) – ($130,000 x 7.0% x 3.617%) + ($130,000 x 15.0% x 50.0%)].
- The recurring increase in local revenue in FY20-21 and subsequent years is estimated to be $13,754 [$750 + ($130,000 x 2.25%) + ($130,000 x 7.0% x 3.617%) + ($130,000 x 15.0% x 50.0%)].
- Any revenue collected from any state or local taxes imposed on manufacturers or wholesalers is estimated to be not significant.

Graystone Quarry – Williamson County

- This legislation only applies to one entity located in Franklin, Williamson County.
- It is assumed that Graystone Quarry will seek a caterer's license.
- There is an initial application fee of $300 and a $625 annual fee payable to the Tennessee Alcoholic Beverage Commission (ABC).
- A total increase in state revenue to ABC of $925 ($300 + $625) in FY20-21 and an increase in state revenue to ABC of $625 in FY21-22 and subsequent years.
- An increase in local privilege tax of $300. Any increase in local government expenditures for collecting local privilege taxes is estimated to be not significant.
- State and local sales taxes and a 15.0 percent liquor-by-the-drink (LBD) tax will be assessed on alcoholic beverage sales.
- The current state sales tax rate is 7.0 percent; the local option sales tax rate in Williamson County is 2.75 percent; the effective rate of apportionment to local government pursuant to the state-shared allocation is estimated to be 3.617 percent.
- Pursuant to Tenn. Code Ann. § 57-4-306(a), 50.0 percent of the 15.0 percent LBD tax is allocated to the state General Fund and 50.0 percent is distributed to the local government.
- It is assumed that the establishment will begin selling alcohol in FY20-21.
- Based on the interquartile average of FY18-19 LBD tax returns and assuming reasonable growth rates in LBD tax collections, the average taxable base per establishment is estimated to be approximately $130,000 per year.

- Given current limitations on the availability of LBD sales data by venue type and size, it is assumed that there are three venue-type categories: smaller than average; average; and larger than average. For the purpose of estimating the tax base for entities authorized to conduct LBD sales pursuant to legislation, the following ratios relative to the average LBD taxable base for all sized entities are utilized: 50 percent for smaller than average; 100 percent for average; and 150 percent for larger than average.
- Given the size and location of this particular venue, the recurring increase in sales is estimated to be $130,000 per year.
- The recurring increase in state revenue to the General Fund in FY20-21 and subsequent years is estimated to be $18,521 [($130,000 x 7.0%) – ($130,000 x 7.0% x 3.617%) + ($130,000 x 15.0% x 50.0%)].
- The recurring increase in local revenue in FY20-21 and subsequent years is estimated to be $13,954 [$300 + ($130,000 x 2.75%) + ($130,000 x 7.0% x 3.617%) + ($130,000 x 15.0% x 50.0%)].
- Any revenue collected from any state or local taxes imposed on manufacturers or wholesalers is estimated to be not significant.

Lilly Pad Hopyard Brewery – Morgan County

- This legislation only applies to one "premier type tourist resort" located in Lancing, Morgan County.
- There is an initial application fee of $300 and a $2,000 annual fee payable to the Tennessee Alcoholic Beverage Commission (ABC).
- A total increase in state revenue to ABC of $2,300 ($300 + $2,000) in FY20-21 and an increase in state revenue to ABC of $2,000 in FY21-22 and subsequent years.
- No additional personnel or resources will be required by the ABC.
- Local privilege tax is estimated to be $2,000 annually. Any increase in local government expenditures for collecting local privilege taxes is estimated to be not significant.
- State and local sales taxes and a 15.0 percent liquor-by-the-drink (LBD) tax will be assessed on alcoholic beverage sales.
- The current state sales tax rate is 7.0 percent; the local option sales tax rate in Morgan County is 2.0 percent; the effective rate of apportionment to local government pursuant to the state-shared allocation is estimated to be 3.617 percent.
- Pursuant to Tenn. Code Ann. § 57-4-306(a), 50.0 percent of the 15.0 percent LBD tax is allocated to the state General Fund and 50.0 percent is distributed to the local government.
- It is assumed that the establishments will begin selling alcohol in FY20-21.
- Based on the interquartile average of FY18-19 LBD tax returns and assuming reasonable growth rates in LBD tax collections, the average taxable base per establishment is estimated to be approximately $130,000 per year.
- Given current limitations on the availability of LBD sales data by venue type and size, it is assumed that there are three venue-type categories: smaller than average; average; and larger than average. For the purpose of estimating the tax base for entities authorized to conduct LBD sales pursuant to legislation, the following ratios relative to the average LBD taxable base for all sized entities are utilized: 50 percent for smaller than average; 100 percent for average; and 150 percent for larger than average.

- Given the size and location of these particular venues, the recurring increase in sales is estimated to be $65,000 per year.
- The recurring increase in state revenue to the General Fund in FY20-21 and subsequent years is estimated to be $9,260 [($65,000 x 7.0%) – ($65,000 x 7.0% x 3.617%) + ($65,000 x 15.0% x 50.0%)].
- The recurring increase in local revenue in FY20-21 and subsequent years is estimated to be $8,340 [$2,000 + ($65,000 x 2.00%) + ($65,000 x 7.0% x 3.617%) + ($65,000 x 15.0% x 50.0%)].
- Any revenue collected from any state or local taxes imposed on manufacturers or wholesalers is estimated to be not significant.

Total – State and Local Revenue

- The total recurring increase in state revenue to the General Fund is estimated to be $268,551 ($9,260 + $55,563 + $18,521 + $18,521 + $18,521 + $9,260 + $18,521 + $37,040 + $18,521 + $18,521 + $18,521 + $18,521 + $9,260).
- The total one-time increase in state revenue to the ABC in FY20-21 is estimated to be $35,795 ($570 + $6,900 + $2,300 + $2,300 + $2,300 + $2,300 + $2,300 + $9,200 + $2,300 + $1,050 + $1,050 + $925 + $2,300).
- The total recurring increase in state revenue to the ABC beginning in FY21-22 is estimated to be $30,395 ($270 + $6,000 + $2,000 + $2,000 + $2,000 + $2,000 + $2,000 + $8,000 + $2,000 + $750 + $750 + $625 + $2,000).
- The total permissive recurring increase in local revenue is estimated to be $221,243 ($7,097 + $46,962 + $15,004 + $15,654 + $15,004 + $8,502 + $13,954 + $35,310 + $13,954 + $13,754 + $13,754 + $13,954 + $8,340).

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/abw

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

Amendment No. _____

Ramsey

_____
Signature of Sponsor

AMEND Senate Bill No. 2492 **House Bill No. 1930***

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

SECTION 1. 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 of 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

(iv) Is located on Bolestown Road in a county having a population of 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 of 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 of 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;

SECTION 2. 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 must 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 must 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;

SECTION 3. 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;

SECTION 4. 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;

SECTION 5. 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

(viii) Has a full-service barber and beauty salon;

SECTION 6. 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;

(*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;

SECTION 7. 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;

( ) 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;

SECTION 8. 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;

SECTION 9. Tennessee Code Annotated, Section 57-4-102(27), is amended by adding the following new subdivisions:

( ) A commercially operated marina having the following characteristics:

( ) Has open and covered boat slips, a store, a restaurant, and a fuel dock;

( ) Has cabins and RV campsites available for rent; and

( ) Is located on Cordell Hull Lake approximately three thousand feet (3,000') from the confluence of Defeated Creek and the Cumberland River in a county having a population of not less than nineteen thousand one hundred fifty-one (19,151) nor more than nineteen thousand two hundred (19,200), according to the 2010 federal census or any subsequent federal census;

( ) A commercially operated restaurant having the following characteristics:

( ) Has a structure of not less than two thousand square feet (2,000 sq. ft.) that has seating at tables and at the bar for at least ninety-six (96) guests and serves at least one (1) meal a day seven (7) days a week, with the exception of holidays, vacations, and periods of redecorating; and

( ) Is located approximately two thousand five hundred feet (2,500') from two (2) islands in Old Hickory Lake in a county having a population of not less than one hundred thirteen thousand nine hundred (113,900) nor more than one hundred fourteen thousand (114,000), according to the 2010 federal census or any subsequent federal census;

SECTION 10. Tennessee Code Annotated, Section 57-4-102(27), is amended by adding the following as a new subdivision:

( ) A commercially operated marina possessing each of the following characteristics:

(i) Is located on Norris Lake in a county having a population of not less than forty thousand seven hundred (40,700) nor more than forty thousand eight hundred (40,800), according to the 2010 federal census or any subsequent federal census;

(ii) Has at least sixty (60) covered boat slips and at least twelve (12) uncovered boat slips;

(iii) Has a ship store offering gasoline and other boating supplies and a restaurant with seating for at least eighty (80) patrons, including indoor and outdoor seating; and

(iv) Is located approximately one and one-half (1 ½) miles from a county-owned, public-use airport with a runway four thousand feet (4,000') in length;

SECTION 11. Tennessee Code Annotated, Section 57-4-102(27) is amended by adding the following new subdivision:

(i) A commercially operated facility that:

(*a*) Has a limestone quarry that sits approximately one thousand seven hundred feet (1,700') southeast of Interstate 65, two thousand seven hundred feet (2,700') south of Interstate 840, and four and six-tenths (4.6) miles north of the junction of US 431 and State Route 247;

(*b*) Is a venue for live music, weddings, meetings, and other events;

(*c*) Serves or sells food to patrons;

(*d*) Has an outdoor amphitheater with a capacity for at least seven thousand (7,000) guests;

(*e*) Has exclusive or non-exclusive rights to possess or use a commercial kitchen or service kitchen where food is staged and served; and

(*f*) Is located in a county having a population of not less than one hundred eighty-three thousand one hundred (183,100) and not more than one hundred eighty-three thousand two hundred (183,200), according to the 2010 federal census or any subsequent federal census;

(ii) The premises of any facility licensed under this subdivision (27)( ) means any and all of the property that constitutes the facility, including all enclosed and outdoor areas of the property. 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;

(iii) Any facility as described in this subdivision (27)( ), may hold any of the licenses authorized under this subdivision (27)( ) and shall have the privilege of granting a franchise to one (1) or more entities authorizing such an entity to provide food or beverages, including alcoholic beverages and beer, on its premises. For purposes of this subdivision (27)( )(iii), the licensee is not required to have exclusive control of a commercial kitchen or any service kitchen, where food is staged and served, as a condition of the license;

(iv) Any licensed entity that holds a license under this subdivision (27)( ) may store alcoholic beverages and beer at one (1) or more storage locations in the facility and in any commercial kitchen or service kitchen within the facility; provided, that each licensed entity shall store its inventory of alcoholic beverages and beer in a separately locked cage or other storage area;

(v) Notwithstanding § 57-4-101(p), any facility licensed under this subdivision (27)( ) 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, or 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 facility. Any franchisee holding a license under this subdivision (27)( ) shall comply with the requirements of § 57-4-101(p); provided, however, that a sticker identifying the licensee, which is reasonably designed to stay affixed to a container, cup, or glassware, must comply with § 57-4-101(p);

(vi) The commission shall enforce chapter 4 of this title against each licensee under this subdivision (27)( ) and shall not cite, penalize, or take any other adverse action against a licensee for any violation committed by another licensee on the licensed premises. There is a rebuttable presumption of liability for a specific licensee for any underage sale or other violation based on the unlabeled or labeled container, or unlabeled or labeled cup or glassware, as required pursuant to subdivision (27)( )(v), provided to the minor. In the absence of a container, glass, or cup identifying the licensee, the commission has the discretion to determine which licensee to cite for an underage sale or other such violation. If the commission is unable to determine which licensee committed the violation after conducting a reasonable investigation, the commission may issue a citation to one (1) or more licensees that share the premises where the violation occurred;

(vii) Notwithstanding any provision of chapter 5 of this title to the contrary, the premises of any facility described under this subdivision (27)( ) means, for the purpose of obtaining a beer permit, any and all of the property that constitutes the facility, including all enclosed and outdoor areas of the property. The beer permittee shall designate the premises to be licensed 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 beer board shall enforce chapter 5 of this title against each licensee as a beer permittee and shall not cite, penalize, or take any other adverse action against a licensee for any violation committed by another licensee on the licensed premises. There is a rebuttable

presumption of liability for a specific licensee for any underage sale or other violation based on the unlabeled or labeled container, or unlabeled or labeled cup or glassware, as required pursuant to subdivision (27)( )(v), provided to the minor. In the absence of a container, glass, or cup identifying the licensee, the local beer board has the discretion to determine which licensee to cite for an underage sale or other such violation. If the beer board is unable to determine which licensee committed the violation after conducting a reasonable investigation, the beer board may issue a citation to one (1) or more licensees that share the premises where the violation occurred;

(viii) Notwithstanding § 57-4-203(e)(1), any licensee licensed under this subdivision (27)( ) may sell and distribute wine in any unsealed container for consumption on the licensed premises;

(ix) Any licensee licensed under this subdivision (27)( ) may seek an additional license as a caterer under chapter 4 of this title, and is not required to comply with the requirements of § 57-4-102(6)(A) or show exclusive control of a commercial kitchen or any service kitchen, where food is staged and served, as a condition of the license. Caterers licensed under this subdivision (27)( )(ix) may store alcoholic beverages and beer in any shared commercial kitchen or service kitchen. The inventory of alcoholic beverages and beer must be stored in a separately locked cage or other storage area;

(x) Nothing in this subdivision (27)( ) may be construed to prevent a facility, as described under this subdivision (27)( ), from designating any area of its premises for purposes authorized under this subdivision (27)( ), or for the purposes of an entity licensed under this title; provided, that premises designated for use by another entity under this title are no longer part of the premises of any license issued under this subdivision (27)( ), except as provided in § 57-4-101(p); and

(xi) The facility, landlord, tenant, or any licensee located in the facility shall provide periodic security for the entire licensed premises;

SECTION 12. Tennessee Code Annotated, Section 57-4-102(27), is amended by adding the following as a new subdivision:

( )

(i) A commercially operated recreational facility having all of the following characteristics:

(a) The facility is located approximately one mile (1 mi.) from the confluence of Clear Creek and the Obed River and is centrally located in one of this state's rock climbing meccas;

(b) The facility is located on approximately forty (40) acres;

(c) The facility provides at least forty (40) campsites and contains a restaurant and a brewery; and

(d) The facility is located in a county having a population of not less than twenty-one thousand nine hundred (21,900) nor more than twenty-two thousand (22,000), according to the 2010 federal census or any subsequent federal census; and

(ii) The premises of any facility licensed under this subdivision (27)( ) means any or all of the property that constitutes the facility. A 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;

SECTION 13. This act shall take effect upon becoming a law, the public welfare requiring it.

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

SB 2206 - HB 2809

May 21, 2020

SUMMARY OF ORIGINAL BILL: Decreases, from 90 to 60 calendar days, the period of time in which the General Assembly is required to confirm the appointment of a citizen member to the Peace Officer Standards and Training (POST) Commission.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (017596): Deletes all language after the enacting clause. Establishes that a student admitted to a two-year public postsecondary institution (institution) and enrolled in a basic law enforcement academy operated by the institution is eligible to apply for a Tennessee Reconnect Grant (TRG) and receive the grant until the basic training is complete. Establishes that current prerequisite requirements for the TRG do not apply to applicants under the proposed legislation, other than the requirement for the applicant not to be ineligible for the grant and to be a Tennessee resident.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures - $653,800/FY20-21 and Subsequent Years/ Lottery for Education Account

Other Fiscal Impact - Recurring funding in an amount estimated to be $653,800 beginning in FY20-21 will not be available for transfer from the Lottery for Education Account to the Tennessee Promise Special Reserve Account.

Assumptions for the bill as amended:

- Three community colleges in the state currently provide a certified basic training law enforcement program: Cleveland State, Nashville State, and Walters State.
- According to the Tennessee Board of Regents, enrollment in the basic training law enforcement programs at Cleveland State, Nashville State, and Walters State for the previous academic school year was 103, 115, and 262 respectively.

- Students currently enrolled in the college law enforcement programs are not prohibited from applying for aid through a TRG; however, it is estimated that expanding eligibility for a TRG will increase awards by 50 percent.
- Applicants for a TRG are required to be Tennessee residents. The average in-state tuition for each college basic training program is $2,724.
- The recurring increase in state expenditures from the Lottery for Education Account, beginning in FY20-21, is estimated to be $653,760 {[(103 + 115 + 262) x 50.0%] x $2,724}.

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/agr

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

Amendment No. 2

Signature of Sponsor

AMEND Senate Bill No. 2206* **House Bill No. 2809**

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

SECTION 1. Tennessee Code Annotated, Section 49-4-944, is amended by adding the following language as a new subsection (l):

(l)

(1) Subsections (b) through (k) do not apply to the award of Tennessee reconnect grants under this subsection (l).

(2) As used in this subsection (l):

(A) "Basic law enforcement training academy" means a Tennessee peace officer standards and training commission certified basic training program operated by an eligible postsecondary institution; and

(B) "Eligible postsecondary institution" means a two-year public postsecondary institution.

(3) To be eligible for a Tennessee reconnect grant under this subsection (l), a student must:

(A) Not be ineligible for the grant under § 49-4-904;

(B) Have been a Tennessee resident as required by § 49-4-905(a)(1); and

(C) Be admitted to an eligible postsecondary institution and enrolled in a basic law enforcement training academy operated by the eligible postsecondary institution.

(4) The course of study at the basic law enforcement training academy must consist of at least four hundred eighty (480) classroom hours.

(5) A student may receive the Tennessee reconnect grant under this subsection (l) until the student has completed the basic law enforcement training academy's course of study.

(6) A student who has an approved medical or personal leave of absence from a basic law enforcement academy may continue to receive the grant upon resuming study in the basic law enforcement academy so long as the student continues to meet all applicable eligibility requirements.

(7) Subject to amounts appropriated by the general assembly, the amount of a Tennessee reconnect grant under this subsection (l) must not exceed the eligible postsecondary institution's cost of tuition and mandatory fees charged to students for the course of study at the basic law enforcement academy.

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it, and shall apply to students seeking a Tennessee reconnect grant on or after that date.

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 2758 - SB 2787

May 21, 2020

SUMMARY OF ORIGINAL BILL: Creates a position within the General Assembly for a Legislative Ombudsman, to assist members with dispute resolution and conflict management. Establishes that the Speakers of the Senate and House of Representatives will appoint and determine the compensation of the Ombudsman.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures - $137,300/FY20-21
$132,300/FY21-22 and Subsequent Years

SUMMARY OF AMENDMENT (017235): Deletes and rewrites all language after the enacting clause such that the only substantive changes are: 1) creates the position within the Office of Minority Affairs, rather than the General Assembly; 2) requires the Legislative Ombudsman be appointed from existing staff of the General Assembly; and 3) deletes the provision establishing that the Speakers of the Senate and House of Representatives will determine the compensation of the Ombudsman.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- According to Legislative Administration, dispute resolution practitioner services are performed by a licensed attorney.
- It is assumed that the Speakers of the Senate and House of Representatives will appoint a licensed attorney currently employed with the Office of Legal Services to act as Legislative Ombudsman within the Office of Minority Affairs.
- The extent of the workload of the Legislative Ombudsman is unknown; however, it is reasonably assumed that the appointed licensed attorney will not have the capacity to accomplish both Legislative Ombudsman and Legal Services duties.
- It is assumed that the Office of Legal Services will hire a Legislative Attorney 3 to replace the attorney appointed as Legislative Ombudsman.

- A recurring increase in state expenditures, beginning in FY20-21, of $132,338 ($107,857 salary + $24,481 benefits).
- A one-time increase in state expenditures in FY20-21 of $5,000 for computer, telephone, and office equipment.
- A total increase in state expenditures in FY20-21 for the Legislative Attorney 3 position of $137,338 ($132,338 recurring + $5,000 one-time).
- A recurring increase in state expenditures of $132,338 in FY21-22 and subsequent years.

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/agr

5bb
Keisling

Amendment No._____

John Deberry
Signature of Sponsor

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

AMEND Senate Bill No. 2787 House Bill No. 2758*

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

SECTION 1. Tennessee Code Annotated, Title 3, Chapter 14, is amended by adding the following new part:

3-14-301.

There is created the position of legislative ombudsman within the office of minority affairs. The ombudsman has the duty to:

(1) Assist members of the general assembly with dispute resolution practitioner services;

(2) Maintain confidential, neutral, impartial, and independent dispute resolution options for members of the general assembly;

(3) Assist members of the general assembly in identifying goals and developing a range of conflict management tools and strategies to help resolve disputes;

(4) Provide neutral third-party assistance to members of the general assembly when called upon to prepare for a difficult conversation or negotiation; and

(5) Assist in clarifying issues, interests, and the concerns of legislators.

3-14-302.

The speakers of the senate and the house of representatives shall appoint a legislative ombudsman from among existing staff of the general assembly who shall have such training or experience in government as may be deemed necessary to

perform the duties of the position. The ombudsman shall be chosen without reference to party affiliation but solely on the basis of fitness to perform the duties of the position.

3-14-303.

All books, papers, records, and correspondence pertaining to the work of the ombudsman are confidential and not subject to the open records law, compiled in title 10, chapter 7.

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

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 2291 - SB 2368

May 21, 2020

SUMMARY OF ORIGINAL BILL: Changes, from 14 to 21, the number of calendar days in which a hearing requested by a police officer who has been dismissed, demoted, suspended, or transferred for punitive reasons must be set following the request.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (017604): Deletes all language after the enacting clause. Prohibits the governor or the chief executive officer of a local government from requiring a law enforcement agency or officer to enforce a provision of an executive order that requires a private business to close or restricts the freedom to peacefully assemble or travel.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumption for the bill as amended:

- Prohibiting the governor or the chief executive officer of a local government from requiring a law enforcement agency or officer to enforce a provision of an executive order that requires a private business to close or restricts the freedom to peacefully assemble or travel will not significantly impact state or local government revenue or expenditures.

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/jmg

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

Amendment No. _____

Bud Hulsey

Signature of Sponsor

AMEND Senate Bill No. 2368 **House Bill No. 2291***

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

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 9, is amended by adding the following new section:

The governor or the chief executive officer of a local government shall not require a law enforcement agency or an officer thereof to enforce a provision of an executive order:

(1) Requiring a private business entity to close;

(2) Restricting the freedom to assemble peaceably; or

(3) Restricting the freedom to travel.

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

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 2480 - SB 2482

February 24, 2020

SUMMARY OF ORIGINAL BILL: Increases, from 30 to 45, the number of days the Commissioner of the Department of Revenue may extend the deadline by which any liquor-by-the-drink licensee may file tax returns.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (015267): Deletes all language after the enacting clause. Establishes "food hall" as a type of premises on which certain sales and consumption of alcoholic beverages is authorized. Authorizes one entity, Food Hall Co. in Davidson County, to sell alcoholic beverages for on-premises consumption as a food hall. Authorizes licensed food halls to grant a franchise to any person who regularly prepares and sells food on the food hall premises. Requires any franchisee of a food hall to pay the Alcoholic Beverage Commission $200. Requires vendors within the food hall to put a sticker with the licensee number on the drinks that are served. Requires the ABC to fine points of sale separately who serve alcohol within the food hall premises, unless a reasonable investigation shows that it is unknown which point of sale made the violation at which point the ABC may fine an area within the food hall.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Revenue –

Exceeds $3,300/FY20-21/ABC Fund
Exceeds $3,000/FY21-22 and Subsequent Years/ABC Fund
Exceeds $27,800/FY20-21/General Fund
Exceeds $55,600/FY21-22 and Subsequent Years/General Fund

Increase Local Revenue –

Exceeds $22,500/FY20-21
Exceeds $42,000/FY21-22 and Subsequent Years/Permissive

Assumptions for the bill as amended:

- There is an initial application fee of $300 and a $2,000 annual fee payable to the Tennessee Alcoholic Beverage Commission (ABC) for the food hall license.

- It is estimated there will be at least 5 franchisees from the food hall licensee which will pay the annual $200 fee to ABC.
- A total increase in state revenue to ABC of at least $3,300 [$300 + $2,000 + ($200 x 5)] in FY20-21 and an increase in state revenue to ABC of $3,000 [$2,000 + ($200 x 5)]in FY21-22 and subsequent years.
- No additional personnel or resources will be required by the ABC.
- Local privilege tax is estimated to be $3,000 annually. Any increase in local government expenditures for collecting local privilege taxes is estimated to be not significant.
- State and local sales taxes and a 15.0 percent liquor-by-the-drink (LBD) tax will be assessed on alcoholic beverage sales.
- The current state sales tax rate is 7.0 percent; the local option sales tax rate in Davidson County is 2.25 percent; the effective rate of apportionment to local government pursuant to the state-shared allocation is estimated to be 3.617 percent.
- Pursuant to Tenn. Code Ann. § 57-4-306(a), 50.0 percent of the 15.0 percent LBD tax is allocated to the state General Fund and 50.0 percent is distributed to the local government.
- The food hall is schedule to open in Fall 2020. For the purposes of this fiscal analysis, it is assumed that the establishment will begin selling alcohol on January 1, 2021.
- Based on the interquartile average of FY18-19 LBD tax returns and assuming reasonable growth rates in LBD tax collections, the average taxable base per establishment is estimated to be approximately $130,000 per year.
- Given current limitations on the availability of LBD sales data by venue type and size, it is assumed that there are three venue-type categories: smaller than average; average; and larger than average. For the purpose of estimating the tax base for entities authorized to conduct LBD sales pursuant to legislation, the following ratios relative to the average LBD taxable base for all sized entities are utilized: 50 percent for smaller than average; 100 percent for average; and 150 percent for larger than average.
- Given the size and location of these particular venues, the recurring increase in sales is estimated to be $65,000 ($130,000 x 50%) per year per venue.
- The recurring increase in state revenue to the General Fund in FY21-22 and subsequent years is estimated to be at least $55,563 [($65,000 x 7.0%) – ($65,000 x 7.0% x 3.617%) + ($65,000 x 15.0% x 50.0%) x 6]. The first year (FY20-21) increase is estimated to be $27,782 ($55,563 x 50%).
- The recurring increase in local revenue in FY21-22 and subsequent years is estimated to be at least $42,018 {$3,000 + [($65,000 x 2.25%) + ($65,000 x 7.0% x 3.617%) + ($65,000 x 15.0% x 50.0%)] x 6}. The first year (FY20-21) increase is estimated to be $22,509 {$3,000 + {[($65,000 x 2.25%) + ($65,000 x 7.0% x 3.617%) + ($65,000 x 15.0% x 50.0%)] x 6 x 50%}}.
- Any revenue collected from any state or local taxes imposed on manufacturers or wholesalers is estimated to be not significant.

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/abw

House Departments & Agencies Subcommittee Am. #1

Amendment No._____

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

_____

Signature of Sponsor

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:

(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.

(l) 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

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.

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 2480 - SB 2482

March 16, 2020

SUMMARY OF ORIGINAL BILL: Increases, from 30 to 45, the number of days the Commissioner of the Department of Revenue may extend the deadline by which any liquor-by-the-drink licensee may file tax returns.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (017062): Deletes all language after the enacting clause. Establishes "food hall" as a type of premises on which certain sales and consumption of alcoholic beverages is authorized. Authorizes one entity, Food Hall Co. in Davidson County, to sell alcoholic beverages for on-premises consumption as a food hall. Authorizes licensed food halls to grant a franchise to any person who regularly prepares and sells food on the food hall premises. Authorizes licensed food halls to suspend or revoke franchisee licenses. Requires any franchisee of a food hall to pay the Alcoholic Beverage Commission $625. Requires vendors within the food hall to put a sticker with the licensee number on the drinks that are served. Requires the ABC to fine points of sale separately who serve alcohol within the food hall premises, unless a reasonable investigation shows that it is unknown which point of sale made the violation at which point the ABC may fine an area within the food hall. Authorizes the ABC to fine, suspend or revoke franchises.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Revenue –
Exceeds $4,700/FY20-21/ABC Fund
Exceeds $4,400/FY21-22 and Subsequent Years/ABC Fund
Exceeds $27,800/FY20-21/General Fund
Exceeds $55,600/FY21-22 and Subsequent Years/General Fund

Increase Local Revenue –
Exceeds $23,900/FY20-21
Exceeds $43,400/FY21-22 and Subsequent Years/Permissive

Assumptions for the bill as amended:

- There is an initial application fee of $300 and a $1,250 annual fee payable to the Tennessee Alcoholic Beverage Commission (ABC) for the food hall license.
- It is estimated there will be at least 5 franchisees from the food hall licensee which will pay the annual $625 fee to ABC.
- A total increase in state revenue to ABC of at least $4,675 [$300 + $1,250 + ($625 x 5)] in FY20-21 and an increase in state revenue to ABC of $4,375 [$1,250 + ($625 x 5)]in FY21-22 and subsequent years.
- No additional personnel or resources will be required by the ABC.
- Local privilege tax is estimated to be $4,375 annually. Any increase in local government expenditures for collecting local privilege taxes is estimated to be not significant.
- State and local sales taxes and a 15.0 percent liquor-by-the-drink (LBD) tax will be assessed on alcoholic beverage sales.
- The current state sales tax rate is 7.0 percent; the local option sales tax rate in Davidson County is 2.25 percent; the effective rate of apportionment to local government pursuant to the state-shared allocation is estimated to be 3.617 percent.
- Pursuant to Tenn. Code Ann. § 57-4-306(a), 50.0 percent of the 15.0 percent LBD tax is allocated to the state General Fund and 50.0 percent is distributed to the local government.
- The food hall is schedule to open in Fall 2020. For the purposes of this fiscal analysis, it is assumed that the establishment will begin selling alcohol on January 1, 2021.
- Based on the interquartile average of FY18-19 LBD tax returns and assuming reasonable growth rates in LBD tax collections, the average taxable base per establishment is estimated to be approximately $130,000 per year.
- Given current limitations on the availability of LBD sales data by venue type and size, it is assumed that there are three venue-type categories: smaller than average; average; and larger than average. For the purpose of estimating the tax base for entities authorized to conduct LBD sales pursuant to legislation, the following ratios relative to the average LBD taxable base for all sized entities are utilized: 50 percent for smaller than average; 100 percent for average; and 150 percent for larger than average.
- Given the size and location of these particular venues, the recurring increase in sales is estimated to be $65,000 ($130,000 x 50%) per year per venue.
- The recurring increase in state revenue to the General Fund in FY21-22 and subsequent years is estimated to be at least $55,563 [($65,000 x 7.0%) – ($65,000 x 7.0% x 3.617%) + ($65,000 x 15.0% x 50.0%) x 6]. The first year (FY20-21) increase is estimated to be $27,782 ($55,563 x 50%).
- The recurring increase in local revenue in FY21-22 and subsequent years is estimated to be at least $43,393 {$4,375 + [($65,000 x 2.25%) + ($65,000 x 7.0% x 3.617%) + ($65,000 x 15.0% x 50.0%)] x 6}. The first year (FY20-21) increase is estimated to be $23,884 ($4,375 + {[($65,000 x 2.25%) + ($65,000 x 7.0% x 3.617%) + ($65,000 x 15.0% x 50.0%)] x 6 x 50%}).
- Any revenue collected from any state or local taxes imposed on manufacturers or wholesalers is estimated to be not significant.

CERTIFICATION:

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

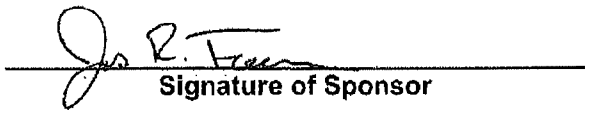
Krista Lee Carsner

Krista Lee Carsner, Executive Director

/abw

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

Amendment No. _____



Signature of Sponsor

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:

(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 six hundred twenty-five dollar ($625) annual privilege tax, which may be prorated for the first year based on the renewal date of the licensee. 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 or franchise after written notice and an opportunity to implement remedial measures.

(2)

(A) In determining whether the license or franchise 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;

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

(v) The licensee has maintained adequate and commercially reasonable supervision and control over the premises, points of sales, and staff involved in the sale of beer and alcoholic beverages.

(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. The commission may consider such other evidence as it deems relevant.

(3) The licensee may, in its discretion, suspend or revoke the privilege of a franchisee to sell beer and alcoholic beverages for any infraction of § 57-4-203(b), § 57-4-203(c), or other prohibited offenses, by providing written notice to the franchisee and the commission. The commission may consider the licensee's suspension or revocation of a franchisee's privileges to sell beer and alcoholic beverages in connection with imposing sanctions for citations; provided however, that the commission is not bound by any actions of the licensee.

(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 $1,250

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.

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

SB 1773 - HB 2045

February 11, 2020

SUMMARY OF ORIGINAL BILL: Increases the maximum monthly 401k matching amount from a state employer from 100 percent of the first $40 contributed to 100 percent of the first $75 contributed per employee per month, unless a higher maximum is specifically prescribed in the annual general appropriations act.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures –
Exceeds $12,479,300/FY20-21 and Subsequent Years

SUMMARY OF AMENDMENT (014610): Deletes all language after the enacting clause. Increases the maximum monthly 401k matching amount from a state employer from 100 percent of the first $40 contributed to 100 percent of the first $50 contributed per employee per month, unless a higher maximum is specifically prescribed in the annual general appropriations act.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

NOT SIGNIFICANT

Assumption for the bill as amended:

- The Department of Finance and Administration currently budgets so that the effective matching amount from state employers is 100 percent of the first $50 per employee per month. It is assumed that, pursuant to this legislation, the effective matching amount from state employers will continue to be 100 percent of the first $50 per employee per month; therefore, the fiscal impact is estimated to be not significant.

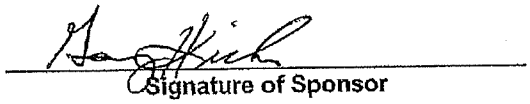
CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/abw



FILED
Date 3-2-2020
Time 3:14
Clerk DKS
Comm. Amdt. _____

Amendment No._____

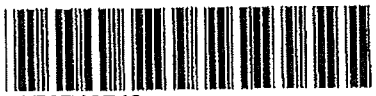
Signature of Sponsor

AMEND Senate Bill No. 1773* **House Bill No. 2045**

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

SECTION 1. Tennessee Code Annotated, Section 8-25-303(a)(1), is amended by deleting the language "forty dollars ($40.00)" and substituting instead the language "fifty dollars ($50.00)".

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



TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 1930 - SB 2492

March 1, 2020

SUMMARY OF ORIGINAL BILL: Deletes Tenn. Code Ann. § 57-4-202(e), which required the Executive Director of the Alcoholic Beverage Commission to submit a report by March 15, 2014 regarding the success or failure of a pilot project concerning local and municipal beer boards.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (015438): Deletes all language after the enacting clause. Authorizes multiple entities to sell alcoholic beverages for on-premises consumption.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Revenue - $30,500/FY20-21/ABC Fund
$26,300/FY21-22 and Subsequent Years/ABC Fund
$194,500/FY20-21 and Subsequent Years/General Fund

Increase Local Revenue - $165,500/FY20-21 and Subsequent Years/Permissive

Assumptions for the bill as amended:

Restaurant – Henry County

- This legislation only applies to one restaurant located in Paris, Henry County.
- There is an initial application fee of $300 and a $270 annual fee payable to the Tennessee Alcoholic Beverage Commission (ABC).
- A total increase in state revenue to ABC of $570 ($300 + $270) in FY20-21 and an increase in state revenue to ABC of $270 in FY21-22 and subsequent years.
- No additional personnel or resources will be required by the ABC.
- Local privilege tax is estimated to be $270 annually. Any increase in local government expenditures for collecting local privilege taxes is estimated to be not significant.
- State and local sales taxes and a 15.0 percent liquor-by-the-drink (LBD) tax will be assessed on alcoholic beverage sales.

- The current state sales tax rate is 7.0 percent; the local option sales tax rate in Henry County is 2.75 percent; the effective rate of apportionment to local government pursuant to the state-shared allocation is estimated to be 3.617 percent.
- Pursuant to Tenn. Code Ann. § 57-4-306(a), 50.0 percent of the 15.0 percent LBD tax is allocated to the state General Fund and 50.0 percent is distributed to the local government.
- It is assumed that the establishment will begin selling alcohol in FY20-21.
- Based on the interquartile average of FY18-19 LBD tax returns and assuming reasonable growth rates in LBD tax collections, the average taxable base per establishment is estimated to be approximately $130,000 per year.
- Given current limitations on the availability of LBD sales data by venue type and size, it is assumed that there are three venue-type categories: smaller than average; average; and larger than average. For the purpose of estimating the tax base for entities authorized to conduct LBD sales pursuant to legislation, the following ratios relative to the average LBD taxable base for all sized entities are utilized: 50 percent for smaller than average; 100 percent for average; and 150 percent for larger than average.
- Given the size and location of this particular venue, the recurring increase in sales is estimated to be $65,000 per year.
- The recurring increase in state revenue to the General Fund in FY20-21 and subsequent years is estimated to be $9,260 [($65,000 x 7.0%) – ($65,000 x 7.0% x 3.617%) + ($65,000 x 15.0% x 50.0%)].
- The recurring increase in local revenue in FY20-21 and subsequent years is estimated to be $7,097 [$270 + ($65,000 x 2.75%) + ($65,000 x 7.0% x 3.617%) + ($65,000 x 15.0% x 50.0%)].
- Any revenue collected from any state or local taxes imposed on manufacturers or wholesalers is estimated to be not significant.

Three entities – Hickman County

- This legislation only applies to three "premier type tourist resorts" located in Bon Aqua, Hickman County.
- There is an initial application fee of $300 and a $2,000 annual fee payable to the Tennessee Alcoholic Beverage Commission (ABC).
- A total increase in state revenue to ABC of $6,900 [($300 + $2,000) x 3] in FY20-21 and an increase in state revenue to ABC of $6,000 ($2,000 x 3) in FY21-22 and subsequent years.
- No additional personnel or resources will be required by the ABC.
- Local privilege tax is estimated to be $2,000 annually. Any increase in local government expenditures for collecting local privilege taxes is estimated to be not significant.
- State and local sales taxes and a 15.0 percent liquor-by-the-drink (LBD) tax will be assessed on alcoholic beverage sales.
- The current state sales tax rate is 7.0 percent; the local option sales tax rate in Hickman County is 2.75 percent; the effective rate of apportionment to local government pursuant to the state-shared allocation is estimated to be 3.617 percent.

- Pursuant to Tenn. Code Ann. § 57-4-306(a), 50.0 percent of the 15.0 percent LBD tax is allocated to the state General Fund and 50.0 percent is distributed to the local government.
- It is assumed that the establishments will begin selling alcohol in FY20-21.
- Based on the interquartile average of FY18-19 LBD tax returns and assuming reasonable growth rates in LBD tax collections, the average taxable base per establishment is estimated to be approximately $130,000 per year.
- Given current limitations on the availability of LBD sales data by venue type and size, it is assumed that there are three venue-type categories: smaller than average; average; and larger than average. For the purpose of estimating the tax base for entities authorized to conduct LBD sales pursuant to legislation, the following ratios relative to the average LBD taxable base for all sized entities are utilized: 50 percent for smaller than average; 100 percent for average; and 150 percent for larger than average.
- Given the size and location of these particular venues, the recurring increase in sales is estimated to be $130,000 per year.
- The recurring increase in state revenue to the General Fund in FY20-21 and subsequent years is estimated to be $55,563 {[($130,000 x 7.0%) – ($130,000 x 7.0% x 3.617%) + ($130,000 x 15.0% x 50.0%)] x 3}.
- The recurring increase in local revenue in FY20-21 and subsequent years is estimated to be $46,962 {[$2,000 + ($130,000 x 2.75%) + ($130,000 x 7.0% x 3.617%) + ($130,000 x 15.0% x 50.0%)] x 3}.
- Any revenue collected from any state or local taxes imposed on manufacturers or wholesalers is estimated to be not significant.

Willow Creek Golf Club – Knox County

- This legislation only applies to one "premier type tourist resort" located in Knoxville, Knox County.
- There is an initial application fee of $300 and a $2,000 annual fee payable to the Tennessee Alcoholic Beverage Commission (ABC).
- A total increase in state revenue to ABC of $2,300 ($300 + $2,000) in FY20-21 and an increase in state revenue to ABC of $2,000 in FY21-22 and subsequent years.
- No additional personnel or resources will be required by the ABC.
- Local privilege tax is estimated to be $2,000 annually. Any increase in local government expenditures for collecting local privilege taxes is estimated to be not significant.
- State and local sales taxes and a 15.0 percent liquor-by-the-drink (LBD) tax will be assessed on alcoholic beverage sales.
- The current state sales tax rate is 7.0 percent; the local option sales tax rate in Knox County is 2.25 percent; the effective rate of apportionment to local government pursuant to the state-shared allocation is estimated to be 3.617 percent.
- Pursuant to Tenn. Code Ann. § 57-4-306(a), 50.0 percent of the 15.0 percent LBD tax is allocated to the state General Fund and 50.0 percent is distributed to the local government.
- It is assumed that the establishment will begin selling alcohol in FY20-21.

- Based on the interquartile average of FY18-19 LBD tax returns and assuming reasonable growth rates in LBD tax collections, the average taxable base per establishment is estimated to be approximately $130,000 per year.
- Given current limitations on the availability of LBD sales data by venue type and size, it is assumed that there are three venue-type categories: smaller than average; average; and larger than average. For the purpose of estimating the tax base for entities authorized to conduct LBD sales pursuant to legislation, the following ratios relative to the average LBD taxable base for all sized entities are utilized: 50 percent for smaller than average; 100 percent for average; and 150 percent for larger than average.
- Given the size and location of this particular venue, the recurring increase in sales is estimated to be $130,000 per year.
- The recurring increase in state revenue to the General Fund in FY20-21 and subsequent years is estimated to be $18,521 [($130,000 x 7.0%) – ($130,000 x 7.0% x 3.617%) + ($130,000 x 15.0% x 50.0%)].
- The recurring increase in local revenue in FY20-21 and subsequent years is estimated to be $15,004 [$2,000 + ($130,000 x 2.25%) + ($130,000 x 7.0% x 3.617%) + ($130,000 x 15.0% x 50.0%)].
- Any revenue collected from any state or local taxes imposed on manufacturers or wholesalers is estimated to be not significant.

Log Cabin Inn –Johnson County

- This legislation only applies to one "premier type tourist resort" located in Mountain City, Johnson County.
- There is an initial application fee of $300 and a $2,000 annual fee payable to the Tennessee Alcoholic Beverage Commission (ABC).
- A total increase in state revenue to ABC of $2,300 ($300 + $2,000) in FY20-21 and an increase in state revenue to ABC of $2,000 in FY21-22 and subsequent years.
- No additional personnel or resources will be required by the ABC.
- Local privilege tax is estimated to be $2,000 annually. Any increase in local government expenditures for collecting local privilege taxes is estimated to be not significant.
- State and local sales taxes and a 15.0 percent liquor-by-the-drink (LBD) tax will be assessed on alcoholic beverage sales.
- The current state sales tax rate is 7.0 percent; the local option sales tax rate in Johnson County is 1.5 percent; the effective rate of apportionment to local government pursuant to the state-shared allocation is estimated to be 3.617 percent.
- Pursuant to Tenn. Code Ann. § 57-4-306(a), 50.0 percent of the 15.0 percent LBD tax is allocated to the state General Fund and 50.0 percent is distributed to the local government.
- It is assumed that the establishment will begin selling alcohol in FY20-21.
- Based on the interquartile average of FY18-19 LBD tax returns and assuming reasonable growth rates in LBD tax collections, the average taxable base per establishment is estimated to be approximately $130,000 per year.
- Given current limitations on the availability of LBD sales data by venue type and size, it is assumed that there are three venue-type categories: smaller than average; average; and larger than average. For the purpose of estimating the tax base for entities authorized to

conduct LBD sales pursuant to legislation, the following ratios relative to the average LBD taxable base for all sized entities are utilized: 50 percent for smaller than average; 100 percent for average; and 150 percent for larger than average.

- Given the size and location of this particular venue, the recurring increase in sales is estimated to be $65,000 ($130,000 x 50%) per year.
- The recurring increase in state revenue to the General Fund in FY20-21 and subsequent years is estimated to be $9,260 [($65,000 x 7.0%) – ($65,000 x 7.0% x 3.617%) + ($65,000 x 15.0% x 50.0%)].
- The recurring increase in local revenue in FY20-21 and subsequent years is estimated to be $8,015 [$2,000 + ($65,000 x 1.5%) + ($65,000 x 7.0% x 3.617%) + ($65,000 x 15.0% x 50.0%)].
- Any revenue collected from any state or local taxes imposed on manufacturers or wholesalers is estimated to be not significant.

HarborChase – Shelby County

- This legislation only applies to one "premier type tourist resort" located in Memphis, Shelby County.
- There is an initial application fee of $300 and a $2,000 annual fee payable to the Tennessee Alcoholic Beverage Commission (ABC).
- A total increase in state revenue to ABC of $2,300 ($300 + $2,000) in FY20-21 and an increase in state revenue to ABC of $2,000 in FY21-22 and subsequent years.
- No additional personnel or resources will be required by the ABC.
- Local privilege tax is estimated to be $2,000 annually. Any increase in local government expenditures for collecting local privilege taxes is estimated to be not significant.
- State and local sales taxes and a 15.0 percent liquor-by-the-drink (LBD) tax will be assessed on alcoholic beverage sales.
- The current state sales tax rate is 7.0 percent; the local option sales tax rate in Memphis is 2.75 percent; the effective rate of apportionment to local government pursuant to the state-shared allocation is estimated to be 3.617 percent.
- Pursuant to Tenn. Code Ann. § 57-4-306(a), 50.0 percent of the 15.0 percent LBD tax is allocated to the state General Fund and 50.0 percent is distributed to the local government.
- It is assumed that the establishment will begin selling alcohol in FY20-21.
- Based on the interquartile average of FY18-19 LBD tax returns and assuming reasonable growth rates in LBD tax collections, the average taxable base per establishment is estimated to be approximately $130,000 per year.
- Given current limitations on the availability of LBD sales data by venue type and size, it is assumed that there are three venue-type categories: smaller than average; average; and larger than average. For the purpose of estimating the tax base for entities authorized to conduct LBD sales pursuant to legislation, the following ratios relative to the average LBD taxable base for all sized entities are utilized: 50 percent for smaller than average; 100 percent for average; and 150 percent for larger than average.
- Given the size and location of this particular venue, the recurring increase in sales is estimated to be $130,000 per year.

- The recurring increase in state revenue to the General Fund in FY20-21 and subsequent years is estimated to be $18,521 [($130,000 x 7.0%) – ($130,000 x 7.0% x 3.617%) + ($130,000 x 15.0% x 50.0%)].
- The recurring increase in local revenue in FY20-21 and subsequent years is estimated to be $15,654 [$2,000 + ($130,000 x 2.75%) + ($130,000 x 7.0% x 3.617%) + ($130,000 x 15.0% x 50.0%)].
- Any revenue collected from any state or local taxes imposed on manufacturers or wholesalers is estimated to be not significant.

Cherokee Marina and Steakhouse – Wilson County

- This legislation only applies to one "premier type tourist resort" located in Lebanon, Wilson County.
- There is an initial application fee of $300 and a $2,000 annual fee payable to the Tennessee Alcoholic Beverage Commission (ABC).
- A total increase in state revenue to ABC of $2,300 ($300 + $2,000) in FY20-21 and an increase in state revenue to ABC of $2,000 in FY21-22 and subsequent years.
- No additional personnel or resources will be required by the ABC.
- Local privilege tax is estimated to be $2,000 annually. Any increase in local government expenditures for collecting local privilege taxes is estimated to be not significant.
- State and local sales taxes and a 15.0 percent liquor-by-the-drink (LBD) tax will be assessed on alcoholic beverage sales.
- The current state sales tax rate is 7.0 percent; the local option sales tax rate in Wilson County is 2.25 percent; the effective rate of apportionment to local government pursuant to the state-shared allocation is estimated to be 3.617 percent.
- Pursuant to Tenn. Code Ann. § 57-4-306(a), 50.0 percent of the 15.0 percent LBD tax is allocated to the state General Fund and 50.0 percent is distributed to the local government.
- It is assumed that the establishment will begin selling alcohol in FY20-21.
- Based on the interquartile average of FY18-19 LBD tax returns and assuming reasonable growth rates in LBD tax collections, the average taxable base per establishment is estimated to be approximately $130,000 per year.
- Given current limitations on the availability of LBD sales data by venue type and size, it is assumed that there are three venue-type categories: smaller than average; average; and larger than average. For the purpose of estimating the tax base for entities authorized to conduct LBD sales pursuant to legislation, the following ratios relative to the average LBD taxable base for all sized entities are utilized: 50 percent for smaller than average; 100 percent for average; and 150 percent for larger than average.
- Given the size and location of this particular venue, the recurring increase in sales is estimated to be $130,000 per year.
- The recurring increase in state revenue to the General Fund in FY20-21 and subsequent years is estimated to be $18,521 [($130,000 x 7.0%) – ($130,000 x 7.0% x 3.617%) + ($130,000 x 15.0% x 50.0%)].
- The recurring increase in local revenue in FY20-21 and subsequent years is estimated to be $15,004 [$2,000 + ($130,000 x 2.25%) + ($130,000 x 7.0% x 3.617%) + ($130,000 x 15.0% x 50.0%)].

- Any revenue collected from any state or local taxes imposed on manufacturers or wholesalers is estimated to be not significant.

Bigfoot Adventure – Grundy County

- This legislation only applies to one "premier type tourist resort" located in Tracy City, Grundy County.
- There is an initial application fee of $300 and a $2,000 annual fee payable to the Tennessee Alcoholic Beverage Commission (ABC).
- A total increase in state revenue to ABC of $2,300 ($300 + $2,000) in FY20-21 and an increase in state revenue to ABC of $2,000 in FY21-22 and subsequent years.
- No additional personnel or resources will be required by the ABC.
- Local privilege tax is estimated to be $2,000 annually. Any increase in local government expenditures for collecting local privilege taxes is estimated to be not significant.
- State and local sales taxes and a 15.0 percent liquor-by-the-drink (LBD) tax will be assessed on alcoholic beverage sales.
- The current state sales tax rate is 7.0 percent; the local option sales tax rate in Grundy County is 2.25 percent; the effective rate of apportionment to local government pursuant to the state-shared allocation is estimated to be 3.617 percent.
- Pursuant to Tenn. Code Ann. § 57-4-306(a), 50.0 percent of the 15.0 percent LBD tax is allocated to the state General Fund and 50.0 percent is distributed to the local government.
- It is assumed that the establishment will begin selling alcohol in FY20-21.
- Based on the interquartile average of FY18-19 LBD tax returns and assuming reasonable growth rates in LBD tax collections, the average taxable base per establishment is estimated to be approximately $130,000 per year.
- Given current limitations on the availability of LBD sales data by venue type and size, it is assumed that there are three venue-type categories: smaller than average; average; and larger than average. For the purpose of estimating the tax base for entities authorized to conduct LBD sales pursuant to legislation, the following ratios relative to the average LBD taxable base for all sized entities are utilized: 50 percent for smaller than average; 100 percent for average; and 150 percent for larger than average.
- Given the size and location of this particular venue, the recurring increase in sales is estimated to be $65,000 per year.
- The recurring increase in state revenue to the General Fund in FY20-21 and subsequent years is estimated to be $9,260 [($65,000 x 7.0%) – ($65,000 x 7.0% x 3.617%) + ($65,000 x 15.0% x 50.0%)].
- The recurring increase in local revenue in FY20-21 and subsequent years is estimated to be $8,502 [$2,000 + ($65,000 x 2.25%) + ($65,000 x 7.0% x 3.617%) + ($65,000 x 15.0% x 50.0%)].
- Any revenue collected from any state or local taxes imposed on manufacturers or wholesalers is estimated to be not significant.

Nearest Green Distillery – Bedford County

- This legislation only applies to one "premier type tourist resort" located in Shelbyville, Bedford County.

- There is an initial application fee of $300 and a $2,000 annual fee payable to the Tennessee Alcoholic Beverage Commission (ABC).
- A total increase in state revenue to ABC of $2,300 ($300 + $2,000) in FY20-21 and an increase in state revenue to ABC of $2,000 in FY21-22 and subsequent years.
- No additional personnel or resources will be required by the ABC.
- Local privilege tax is estimated to be $300 annually. Any increase in local government expenditures for collecting local privilege taxes is estimated to be not significant.
- State and local sales taxes and a 15.0 percent liquor-by-the-drink (LBD) tax will be assessed on alcoholic beverage sales.
- The current state sales tax rate is 7.0 percent; the local option sales tax rate in Bedford County is 2.75 percent; the effective rate of apportionment to local government pursuant to the state-shared allocation is estimated to be 3.617 percent.
- Pursuant to Tenn. Code Ann. § 57-4-306(a), 50.0 percent of the 15.0 percent LBD tax is allocated to the state General Fund and 50.0 percent is distributed to the local government.
- It is assumed that the establishment will begin selling alcohol in FY20-21.
- Based on the interquartile average of FY18-19 LBD tax returns and assuming reasonable growth rates in LBD tax collections, the average taxable base per establishment is estimated to be approximately $130,000 per year.
- Given current limitations on the availability of LBD sales data by venue type and size, it is assumed that there are three venue-type categories: smaller than average; average; and larger than average. For the purpose of estimating the tax base for entities authorized to conduct LBD sales pursuant to legislation, the following ratios relative to the average LBD taxable base for all sized entities are utilized: 50 percent for smaller than average; 100 percent for average; and 150 percent for larger than average.
- Given the size and location of this particular venue, the recurring increase in sales is estimated to be $130,000 per year.
- The recurring increase in state revenue to the General Fund in FY20-21 and subsequent years is estimated to be $18,521 [($130,000 x 7.0%) – ($130,000 x 7.0% x 3.617%) + ($130,000 x 15.0% x 50.0%)].
- The recurring increase in local revenue in FY20-21 and subsequent years is estimated to be $13,954 [$300 + ($130,000 x 2.75%) + ($130,000 x 7.0% x 3.617%) + ($130,000 x 15.0% x 50.0%)].
- Any revenue collected from any state or local taxes imposed on manufacturers or wholesalers is estimated to be not significant.

East port Marina and The Farm – Pickett County; Mitchell Creek Marina and Willow Grove Dock – Clay County

- This legislation applies to four "premier type tourist resorts"; two in Clay County and two in Pickett County.
- There is an initial application fee of $300 and a $2,000 annual fee payable to the Tennessee Alcoholic Beverage Commission (ABC).
- A total increase in state revenue to ABC of $9,200 [($300 + $2,000) x 4] in FY20-21 and an increase in state revenue to ABC of $8,000 ($2,000 x 4) in FY21-22 and subsequent years.

- No additional personnel or resources will be required by the ABC.
- Local privilege tax is estimated to be $2,000 annually per resort. Any increase in local government expenditures for collecting local privilege taxes is estimated to be not significant.
- State and local sales taxes and a 15.0 percent liquor-by-the-drink (LBD) tax will be assessed on alcoholic beverage sales.
- The current state sales tax rate is 7.0 percent; the local option sales tax rate is 2.75 percent in Pickett County and 2.75 percent in Clay County; the effective rate of apportionment to local government pursuant to the state-shared allocation is estimated to be 3.617 percent.
- Pursuant to Tenn. Code Ann. § 57-4-306(a), 50.0 percent of the 15.0 percent LBD tax is allocated to the state General Fund and 50.0 percent is distributed to the local government.
- It is assumed that the establishment will begin selling alcohol in FY20-21.
- Based on the interquartile average of FY18-19 LBD tax returns and assuming reasonable growth rates in LBD tax collections, the average taxable base per establishment is estimated to be approximately $130,000 per year.
- Given current limitations on the availability of LBD sales data by venue type and size, it is assumed that there are three venue-type categories: smaller than average; average; and larger than average. For the purpose of estimating the tax base for entities authorized to conduct LBD sales pursuant to legislation, the following ratios relative to the average LBD taxable base for all sized entities are utilized: 50 percent for smaller than average; 100 percent for average; and 150 percent for larger than average.
- Given the size and location of this particular venue, the recurring increase in sales is estimated to be $65,000 per year.
- The recurring increase in state revenue to the General Fund in FY20-21 and subsequent years is estimated to be $37,040 {[($65,000 x 7.0%) – ($65,000 x 7.0% x 3.617%) + ($65,000 x 15.0% x 50.0%)] x 4}.
- The recurring increase in local revenue in FY20-21 and subsequent years is estimated to be $35,310 [$2,000 + ($65,000 x 2.75%) + ($65,000 x 7.0% x 3.617%) + ($65,000 x 15.0% x 50.0%)] x 4}.
- Any revenue collected from any state or local taxes imposed on manufacturers or wholesalers is estimated to be not significant.

Total – State and Local Revenue

- The total recurring increase in state revenue to the General Fund is estimated to be $194,467 ($9,260 + $55,563 + $18,521 + $9,260 + $18,521 + $18,521 + $9,260 + $18,521 + $37,040).
- The total one-time increase in state revenue to the ABC in FY20-21 is estimated to be $30,470 ($570 + $6,900 + $2,300 + $2,300 + $2,300 + $2,300 + $2,300 + $2,300 + $9,200).
- The total recurring increase in state revenue to the ABC beginning in FY21-22 is estimated to be $26,270 ($270 + $6,000 + $2,000 + $2,000 + $2,000 + $2,000 + $2,000 + $2,000 + $8,000).

- The total permissive recurring increase in local revenue is estimated to be $165,502 ($7,097 + $46,962 + $15,004 + $8,015 + $15,654 + $15,004 + $8,502 + $13,954 + $35,310).

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/abw

House Departments & Agencies Subcommittee Am. #1

Amendment No._____

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

_____

Signature of Sponsor

AMEND Senate Bill No. 2492 **House Bill No. 1930***

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

SECTION 1. 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

(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;

SECTION 2. 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;

SECTION 3. 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;

SECTION 4. 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;

SECTION 5. 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;

SECTION 6. 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

(viii) Has a full-service barber and beauty salon;

SECTION 7. 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;

(*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;

SECTION 8. 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;

( ) 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;

SECTION 9. 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;

SECTION 10. This act shall take effect upon becoming a law, the public welfare requiring it.

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 1930 - SB 2492

March 16, 2020

SUMMARY OF ORIGINAL BILL: Deletes Tenn. Code Ann. § 57-4-202(e), which required the Executive Director of the Alcoholic Beverage Commission to submit a report by March 15, 2014 regarding the success or failure of a pilot project concerning local and municipal beer boards.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (017221): Deletes all language after the enacting clause. Authorizes multiple entities to sell alcoholic beverages for on-premises consumption.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Revenue - $34,700/FY20-21/ABC Fund
$29,600/FY21-22 and Subsequent Years/ABC Fund
$250,000/FY20-21 and Subsequent Years/General Fund

Increase Local Revenue - $207,500/FY20-21 and Subsequent Years/Permissive

Assumptions for the bill as amended:

Restaurant – Henry County

- This legislation only applies to one restaurant located in Paris, Henry County.
- There is an initial application fee of $300 and a $270 annual fee payable to the Tennessee Alcoholic Beverage Commission (ABC).
- A total increase in state revenue to ABC of $570 ($300 + $270) in FY20-21 and an increase in state revenue to ABC of $270 in FY21-22 and subsequent years.
- No additional personnel or resources will be required by the ABC.
- Local privilege tax is estimated to be $270 annually. Any increase in local government expenditures for collecting local privilege taxes is estimated to be not significant.
- State and local sales taxes and a 15.0 percent liquor-by-the-drink (LBD) tax will be assessed on alcoholic beverage sales.

- The current state sales tax rate is 7.0 percent; the local option sales tax rate in Henry County is 2.75 percent; the effective rate of apportionment to local government pursuant to the state-shared allocation is estimated to be 3.617 percent.
- Pursuant to Tenn. Code Ann. § 57-4-306(a), 50.0 percent of the 15.0 percent LBD tax is allocated to the state General Fund and 50.0 percent is distributed to the local government.
- It is assumed that the establishment will begin selling alcohol in FY20-21.
- Based on the interquartile average of FY18-19 LBD tax returns and assuming reasonable growth rates in LBD tax collections, the average taxable base per establishment is estimated to be approximately $130,000 per year.
- Given current limitations on the availability of LBD sales data by venue type and size, it is assumed that there are three venue-type categories: smaller than average; average; and larger than average. For the purpose of estimating the tax base for entities authorized to conduct LBD sales pursuant to legislation, the following ratios relative to the average LBD taxable base for all sized entities are utilized: 50 percent for smaller than average; 100 percent for average; and 150 percent for larger than average.
- Given the size and location of this particular venue, the recurring increase in sales is estimated to be $65,000 per year.
- The recurring increase in state revenue to the General Fund in FY20-21 and subsequent years is estimated to be $9,260 [($65,000 x 7.0%) – ($65,000 x 7.0% x 3.617%) + ($65,000 x 15.0% x 50.0%)].
- The recurring increase in local revenue in FY20-21 and subsequent years is estimated to be $7,097 [$270 + ($65,000 x 2.75%) + ($65,000 x 7.0% x 3.617%) + ($65,000 x 15.0% x 50.0%)].
- Any revenue collected from any state or local taxes imposed on manufacturers or wholesalers is estimated to be not significant.

Three entities – Hickman County

- This legislation only applies to three "premier type tourist resorts" located in Bon Aqua, Hickman County.
- There is an initial application fee of $300 and a $2,000 annual fee payable to the Tennessee Alcoholic Beverage Commission (ABC).
- A total increase in state revenue to ABC of $6,900 [($300 + $2,000) x 3] in FY20-21 and an increase in state revenue to ABC of $6,000 ($2,000 x 3) in FY21-22 and subsequent years.
- No additional personnel or resources will be required by the ABC.
- Local privilege tax is estimated to be $2,000 annually. Any increase in local government expenditures for collecting local privilege taxes is estimated to be not significant.
- State and local sales taxes and a 15.0 percent liquor-by-the-drink (LBD) tax will be assessed on alcoholic beverage sales.
- The current state sales tax rate is 7.0 percent; the local option sales tax rate in Hickman County is 2.75 percent; the effective rate of apportionment to local government pursuant to the state-shared allocation is estimated to be 3.617 percent.

- Pursuant to Tenn. Code Ann. § 57-4-306(a), 50.0 percent of the 15.0 percent LBD tax is allocated to the state General Fund and 50.0 percent is distributed to the local government.
- It is assumed that the establishments will begin selling alcohol in FY20-21.
- Based on the interquartile average of FY18-19 LBD tax returns and assuming reasonable growth rates in LBD tax collections, the average taxable base per establishment is estimated to be approximately $130,000 per year.
- Given current limitations on the availability of LBD sales data by venue type and size, it is assumed that there are three venue-type categories: smaller than average; average; and larger than average. For the purpose of estimating the tax base for entities authorized to conduct LBD sales pursuant to legislation, the following ratios relative to the average LBD taxable base for all sized entities are utilized: 50 percent for smaller than average; 100 percent for average; and 150 percent for larger than average.
- Given the size and location of these particular venues, the recurring increase in sales is estimated to be $130,000 per year.
- The recurring increase in state revenue to the General Fund in FY20-21 and subsequent years is estimated to be $55,563 {[($130,000 x 7.0%) – ($130,000 x 7.0% x 3.617%) + ($130,000 x 15.0% x 50.0%)] x 3}.
- The recurring increase in local revenue in FY20-21 and subsequent years is estimated to be $46,962 {[$2,000 + ($130,000 x 2.75%) + ($130,000 x 7.0% x 3.617%) + ($130,000 x 15.0% x 50.0%)] x 3}.
- Any revenue collected from any state or local taxes imposed on manufacturers or wholesalers is estimated to be not significant.

Willow Creek Golf Club – Knox County

- This legislation only applies to one "premier type tourist resort" located in Knoxville, Knox County.
- There is an initial application fee of $300 and a $2,000 annual fee payable to the Tennessee Alcoholic Beverage Commission (ABC).
- A total increase in state revenue to ABC of $2,300 ($300 + $2,000) in FY20-21 and an increase in state revenue to ABC of $2,000 in FY21-22 and subsequent years.
- No additional personnel or resources will be required by the ABC.
- Local privilege tax is estimated to be $2,000 annually. Any increase in local government expenditures for collecting local privilege taxes is estimated to be not significant.
- State and local sales taxes and a 15.0 percent liquor-by-the-drink (LBD) tax will be assessed on alcoholic beverage sales.
- The current state sales tax rate is 7.0 percent; the local option sales tax rate in Knox County is 2.25 percent; the effective rate of apportionment to local government pursuant to the state-shared allocation is estimated to be 3.617 percent.
- Pursuant to Tenn. Code Ann. § 57-4-306(a), 50.0 percent of the 15.0 percent LBD tax is allocated to the state General Fund and 50.0 percent is distributed to the local government.
- It is assumed that the establishment will begin selling alcohol in FY20-21.

- Based on the interquartile average of FY18-19 LBD tax returns and assuming reasonable growth rates in LBD tax collections, the average taxable base per establishment is estimated to be approximately $130,000 per year.
- Given current limitations on the availability of LBD sales data by venue type and size, it is assumed that there are three venue-type categories: smaller than average; average; and larger than average. For the purpose of estimating the tax base for entities authorized to conduct LBD sales pursuant to legislation, the following ratios relative to the average LBD taxable base for all sized entities are utilized: 50 percent for smaller than average; 100 percent for average; and 150 percent for larger than average.
- Given the size and location of this particular venue, the recurring increase in sales is estimated to be $130,000 per year.
- The recurring increase in state revenue to the General Fund in FY20-21 and subsequent years is estimated to be $18,521 [($130,000 x 7.0%) – ($130,000 x 7.0% x 3.617%) + ($130,000 x 15.0% x 50.0%)].
- The recurring increase in local revenue in FY20-21 and subsequent years is estimated to be $15,004 [$2,000 + ($130,000 x 2.25%) + ($130,000 x 7.0% x 3.617%) + ($130,000 x 15.0% x 50.0%)].
- Any revenue collected from any state or local taxes imposed on manufacturers or wholesalers is estimated to be not significant.

HarborChase – Shelby County

- This legislation only applies to one "premier type tourist resort" located in Memphis, Shelby County.
- There is an initial application fee of $300 and a $2,000 annual fee payable to the Tennessee Alcoholic Beverage Commission (ABC).
- A total increase in state revenue to ABC of $2,300 ($300 + $2,000) in FY20-21 and an increase in state revenue to ABC of $2,000 in FY21-22 and subsequent years.
- No additional personnel or resources will be required by the ABC.
- Local privilege tax is estimated to be $2,000 annually. Any increase in local government expenditures for collecting local privilege taxes is estimated to be not significant.
- State and local sales taxes and a 15.0 percent liquor-by-the-drink (LBD) tax will be assessed on alcoholic beverage sales.
- The current state sales tax rate is 7.0 percent; the local option sales tax rate in Memphis is 2.75 percent; the effective rate of apportionment to local government pursuant to the state-shared allocation is estimated to be 3.617 percent.
- Pursuant to Tenn. Code Ann. § 57-4-306(a), 50.0 percent of the 15.0 percent LBD tax is allocated to the state General Fund and 50.0 percent is distributed to the local government.
- It is assumed that the establishment will begin selling alcohol in FY20-21.
- Based on the interquartile average of FY18-19 LBD tax returns and assuming reasonable growth rates in LBD tax collections, the average taxable base per establishment is estimated to be approximately $130,000 per year.
- Given current limitations on the availability of LBD sales data by venue type and size, it is assumed that there are three venue-type categories: smaller than average; average; and larger than average. For the purpose of estimating the tax base for entities authorized to

conduct LBD sales pursuant to legislation, the following ratios relative to the average LBD taxable base for all sized entities are utilized: 50 percent for smaller than average; 100 percent for average; and 150 percent for larger than average.

- Given the size and location of this particular venue, the recurring increase in sales is estimated to be $130,000 per year.
- The recurring increase in state revenue to the General Fund in FY20-21 and subsequent years is estimated to be $18,521 [($130,000 x 7.0%) – ($130,000 x 7.0% x 3.617%) + ($130,000 x 15.0% x 50.0%)].
- The recurring increase in local revenue in FY20-21 and subsequent years is estimated to be $15,654 [$2,000 + ($130,000 x 2.75%) + ($130,000 x 7.0% x 3.617%) + ($130,000 x 15.0% x 50.0%)].
- Any revenue collected from any state or local taxes imposed on manufacturers or wholesalers is estimated to be not significant.

Cherokee Marina and Steakhouse – Wilson County

- This legislation only applies to one "premier type tourist resort" located in Lebanon, Wilson County.
- There is an initial application fee of $300 and a $2,000 annual fee payable to the Tennessee Alcoholic Beverage Commission (ABC).
- A total increase in state revenue to ABC of $2,300 ($300 + $2,000) in FY20-21 and an increase in state revenue to ABC of $2,000 in FY21-22 and subsequent years.
- No additional personnel or resources will be required by the ABC.
- Local privilege tax is estimated to be $2,000 annually. Any increase in local government expenditures for collecting local privilege taxes is estimated to be not significant.
- State and local sales taxes and a 15.0 percent liquor-by-the-drink (LBD) tax will be assessed on alcoholic beverage sales.
- The current state sales tax rate is 7.0 percent; the local option sales tax rate in Wilson County is 2.25 percent; the effective rate of apportionment to local government pursuant to the state-shared allocation is estimated to be 3.617 percent.
- Pursuant to Tenn. Code Ann. § 57-4-306(a), 50.0 percent of the 15.0 percent LBD tax is allocated to the state General Fund and 50.0 percent is distributed to the local government.
- It is assumed that the establishment will begin selling alcohol in FY20-21.
- Based on the interquartile average of FY18-19 LBD tax returns and assuming reasonable growth rates in LBD tax collections, the average taxable base per establishment is estimated to be approximately $130,000 per year.
- Given current limitations on the availability of LBD sales data by venue type and size, it is assumed that there are three venue-type categories: smaller than average; average; and larger than average. For the purpose of estimating the tax base for entities authorized to conduct LBD sales pursuant to legislation, the following ratios relative to the average LBD taxable base for all sized entities are utilized: 50 percent for smaller than average; 100 percent for average; and 150 percent for larger than average.
- Given the size and location of this particular venue, the recurring increase in sales is estimated to be $130,000 per year.

- The recurring increase in state revenue to the General Fund in FY20-21 and subsequent years is estimated to be $18,521 [($130,000 x 7.0%) – ($130,000 x 7.0% x 3.617%) + ($130,000 x 15.0% x 50.0%)].
- The recurring increase in local revenue in FY20-21 and subsequent years is estimated to be $15,004 [$2,000 + ($130,000 x 2.25%) + ($130,000 x 7.0% x 3.617%) + ($130,000 x 15.0% x 50.0%)].
- Any revenue collected from any state or local taxes imposed on manufacturers or wholesalers is estimated to be not significant.

Bigfoot Adventure – Grundy County

- This legislation only applies to one "premier type tourist resort" located in Tracy City, Grundy County.
- There is an initial application fee of $300 and a $2,000 annual fee payable to the Tennessee Alcoholic Beverage Commission (ABC).
- A total increase in state revenue to ABC of $2,300 ($300 + $2,000) in FY20-21 and an increase in state revenue to ABC of $2,000 in FY21-22 and subsequent years.
- No additional personnel or resources will be required by the ABC.
- Local privilege tax is estimated to be $2,000 annually. Any increase in local government expenditures for collecting local privilege taxes is estimated to be not significant.
- State and local sales taxes and a 15.0 percent liquor-by-the-drink (LBD) tax will be assessed on alcoholic beverage sales.
- The current state sales tax rate is 7.0 percent; the local option sales tax rate in Grundy County is 2.25 percent; the effective rate of apportionment to local government pursuant to the state-shared allocation is estimated to be 3.617 percent.
- Pursuant to Tenn. Code Ann. § 57-4-306(a), 50.0 percent of the 15.0 percent LBD tax is allocated to the state General Fund and 50.0 percent is distributed to the local government.
- It is assumed that the establishment will begin selling alcohol in FY20-21.
- Based on the interquartile average of FY18-19 LBD tax returns and assuming reasonable growth rates in LBD tax collections, the average taxable base per establishment is estimated to be approximately $130,000 per year.
- Given current limitations on the availability of LBD sales data by venue type and size, it is assumed that there are three venue-type categories: smaller than average; average; and larger than average. For the purpose of estimating the tax base for entities authorized to conduct LBD sales pursuant to legislation, the following ratios relative to the average LBD taxable base for all sized entities are utilized: 50 percent for smaller than average; 100 percent for average; and 150 percent for larger than average.
- Given the size and location of this particular venue, the recurring increase in sales is estimated to be $65,000 per year.
- The recurring increase in state revenue to the General Fund in FY20-21 and subsequent years is estimated to be $9,260 [($65,000 x 7.0%) – ($65,000 x 7.0% x 3.617%) + ($65,000 x 15.0% x 50.0%)].
- The recurring increase in local revenue in FY20-21 and subsequent years is estimated to be $8,502 [$2,000 + ($65,000 x 2.25%) + ($65,000 x 7.0% x 3.617%) + ($65,000 x 15.0% x 50.0%)].

- Any revenue collected from any state or local taxes imposed on manufacturers or wholesalers is estimated to be not significant.

Nearest Green Distillery – Bedford County

- This legislation only applies to one "premier type tourist resort" located in Shelbyville, Bedford County.
- There is an initial application fee of $300 and a $2,000 annual fee payable to the Tennessee Alcoholic Beverage Commission (ABC).
- A total increase in state revenue to ABC of $2,300 ($300 + $2,000) in FY20-21 and an increase in state revenue to ABC of $2,000 in FY21-22 and subsequent years.
- No additional personnel or resources will be required by the ABC.
- Local privilege tax is estimated to be $300 annually. Any increase in local government expenditures for collecting local privilege taxes is estimated to be not significant.
- State and local sales taxes and a 15.0 percent liquor-by-the-drink (LBD) tax will be assessed on alcoholic beverage sales.
- The current state sales tax rate is 7.0 percent; the local option sales tax rate in Bedford County is 2.75 percent; the effective rate of apportionment to local government pursuant to the state-shared allocation is estimated to be 3.617 percent.
- Pursuant to Tenn. Code Ann. § 57-4-306(a), 50.0 percent of the 15.0 percent LBD tax is allocated to the state General Fund and 50.0 percent is distributed to the local government.
- It is assumed that the establishment will begin selling alcohol in FY20-21.
- Based on the interquartile average of FY18-19 LBD tax returns and assuming reasonable growth rates in LBD tax collections, the average taxable base per establishment is estimated to be approximately $130,000 per year.
- Given current limitations on the availability of LBD sales data by venue type and size, it is assumed that there are three venue-type categories: smaller than average; average; and larger than average. For the purpose of estimating the tax base for entities authorized to conduct LBD sales pursuant to legislation, the following ratios relative to the average LBD taxable base for all sized entities are utilized: 50 percent for smaller than average; 100 percent for average; and 150 percent for larger than average.
- Given the size and location of this particular venue, the recurring increase in sales is estimated to be $130,000 per year.
- The recurring increase in state revenue to the General Fund in FY20-21 and subsequent years is estimated to be $18,521 [($130,000 x 7.0%) – ($130,000 x 7.0% x 3.617%) + ($130,000 x 15.0% x 50.0%)].
- The recurring increase in local revenue in FY20-21 and subsequent years is estimated to be $13,954 [$300 + ($130,000 x 2.75%) + ($130,000 x 7.0% x 3.617%) + ($130,000 x 15.0% x 50.0%)].
- Any revenue collected from any state or local taxes imposed on manufacturers or wholesalers is estimated to be not significant.

East port Marina and The Farm – Pickett County; Mitchell Creek Marina and Willow Grove Dock – Clay County

- This legislation applies to four "premier type tourist resorts"; two in Clay County and two in Pickett County.
- There is an initial application fee of $300 and a $2,000 annual fee payable to the Tennessee Alcoholic Beverage Commission (ABC).
- A total increase in state revenue to ABC of $9,200 [($300 + $2,000) x 4] in FY20-21 and an increase in state revenue to ABC of $8,000 ($2,000 x 4) in FY21-22 and subsequent years.
- No additional personnel or resources will be required by the ABC.
- Local privilege tax is estimated to be $2,000 annually per resort. Any increase in local government expenditures for collecting local privilege taxes is estimated to be not significant.
- State and local sales taxes and a 15.0 percent liquor-by-the-drink (LBD) tax will be assessed on alcoholic beverage sales.
- The current state sales tax rate is 7.0 percent; the local option sales tax rate is 2.75 percent in Pickett County and 2.75 percent in Clay County; the effective rate of apportionment to local government pursuant to the state-shared allocation is estimated to be 3.617 percent.
- Pursuant to Tenn. Code Ann. § 57-4-306(a), 50.0 percent of the 15.0 percent LBD tax is allocated to the state General Fund and 50.0 percent is distributed to the local government.
- It is assumed that the establishment will begin selling alcohol in FY20-21.
- Based on the interquartile average of FY18-19 LBD tax returns and assuming reasonable growth rates in LBD tax collections, the average taxable base per establishment is estimated to be approximately $130,000 per year.
- Given current limitations on the availability of LBD sales data by venue type and size, it is assumed that there are three venue-type categories: smaller than average; average; and larger than average. For the purpose of estimating the tax base for entities authorized to conduct LBD sales pursuant to legislation, the following ratios relative to the average LBD taxable base for all sized entities are utilized: 50 percent for smaller than average; 100 percent for average; and 150 percent for larger than average.
- Given the size and location of this particular venue, the recurring increase in sales is estimated to be $65,000 per year.
- The recurring increase in state revenue to the General Fund in FY20-21 and subsequent years is estimated to be $37,040 {[($65,000 x 7.0%) – ($65,000 x 7.0% x 3.617%) + ($65,000 x 15.0% x 50.0%)] x 4}.
- The recurring increase in local revenue in FY20-21 and subsequent years is estimated to be $35,310 [$2,000 + ($65,000 x 2.75%) + ($65,000 x 7.0% x 3.617%) + ($65,000 x 15.0% x 50.0%)] x 4}.
- Any revenue collected from any state or local taxes imposed on manufacturers or wholesalers is estimated to be not significant.

Defeated Creek Marina – Smith County

- This legislation only applies to one "premier type tourist resort" located in Carthage, Smith County.

- There is an initial application fee of $300 and a $2,000 annual fee payable to the Tennessee Alcoholic Beverage Commission (ABC).
- A total increase in state revenue to ABC of $2,300 ($300 + $2,000) in FY20-21 and an increase in state revenue to ABC of $2,000 in FY21-22 and subsequent years.
- No additional personnel or resources will be required by the ABC.
- Local privilege tax is estimated to be $300 annually. Any increase in local government expenditures for collecting local privilege taxes is estimated to be not significant.
- State and local sales taxes and a 15.0 percent liquor-by-the-drink (LBD) tax will be assessed on alcoholic beverage sales.
- The current state sales tax rate is 7.0 percent; the local option sales tax rate in Smith County is 2.75 percent; the effective rate of apportionment to local government pursuant to the state-shared allocation is estimated to be 3.617 percent.
- Pursuant to Tenn. Code Ann. § 57-4-306(a), 50.0 percent of the 15.0 percent LBD tax is allocated to the state General Fund and 50.0 percent is distributed to the local government.
- It is assumed that the establishment will begin selling alcohol in FY20-21.
- Based on the interquartile average of FY18-19 LBD tax returns and assuming reasonable growth rates in LBD tax collections, the average taxable base per establishment is estimated to be approximately $130,000 per year.
- Given current limitations on the availability of LBD sales data by venue type and size, it is assumed that there are three venue-type categories: smaller than average; average; and larger than average. For the purpose of estimating the tax base for entities authorized to conduct LBD sales pursuant to legislation, the following ratios relative to the average LBD taxable base for all sized entities are utilized: 50 percent for smaller than average; 100 percent for average; and 150 percent for larger than average.
- Given the size and location of this particular venue, the recurring increase in sales is estimated to be $130,000 per year.
- The recurring increase in state revenue to the General Fund in FY20-21 and subsequent years is estimated to be $18,521 [($130,000 x 7.0%) – ($130,000 x 7.0% x 3.617%) + ($130,000 x 15.0% x 50.0%)].
- The recurring increase in local revenue in FY20-21 and subsequent years is estimated to be $13,954 [$300 + ($130,000 x 2.75%) + ($130,000 x 7.0% x 3.617%) + ($130,000 x 15.0% x 50.0%)].
- Any revenue collected from any state or local taxes imposed on manufacturers or wholesalers is estimated to be not significant

Lucky Rooster – Wilson County

- This legislation only applies to one restaurant located in Old Hickory, Wilson County.
- There is an initial application fee of $300 and a $750 annual fee payable to the Tennessee Alcoholic Beverage Commission (ABC).
- A total increase in state revenue to ABC of $1,050 ($300 + $750) in FY20-21 and an increase in state revenue to ABC of $750 in FY21-22 and subsequent years.
- No additional personnel or resources will be required by the ABC.
- Local privilege tax is estimated to be $750 annually. Any increase in local government expenditures for collecting local privilege taxes is estimated to be not significant.

- State and local sales taxes and a 15.0 percent liquor-by-the-drink (LBD) tax will be assessed on alcoholic beverage sales.
- The current state sales tax rate is 7.0 percent; the local option sales tax rate in Wilson County is 2.25 percent; the effective rate of apportionment to local government pursuant to the state-shared allocation is estimated to be 3.617 percent.
- Pursuant to Tenn. Code Ann. § 57-4-306(a), 50.0 percent of the 15.0 percent LBD tax is allocated to the state General Fund and 50.0 percent is distributed to the local government.
- It is assumed that the establishment will begin selling alcohol in FY20-21.
- Based on the interquartile average of FY18-19 LBD tax returns and assuming reasonable growth rates in LBD tax collections, the average taxable base per establishment is estimated to be approximately $130,000 per year.
- Given current limitations on the availability of LBD sales data by venue type and size, it is assumed that there are three venue-type categories: smaller than average; average; and larger than average. For the purpose of estimating the tax base for entities authorized to conduct LBD sales pursuant to legislation, the following ratios relative to the average LBD taxable base for all sized entities are utilized: 50 percent for smaller than average; 100 percent for average; and 150 percent for larger than average.
- Given the size and location of this particular venue, the recurring increase in sales is estimated to be $130,000 per year.
- The recurring increase in state revenue to the General Fund in FY20-21 and subsequent years is estimated to be $18,521 [($130,000 x 7.0%) – ($130,000 x 7.0% x 3.617%) + ($130,000 x 15.0% x 50.0%)].
- The recurring increase in local revenue in FY20-21 and subsequent years is estimated to be $13,754 [$750 + ($130,000 x 2.25%) + ($130,000 x 7.0% x 3.617%) + ($130,000 x 15.0% x 50.0%)].
- Any revenue collected from any state or local taxes imposed on manufacturers or wholesalers is estimated to be not significant.

Graystone Quarry – Williamson County

- This legislation only applies to one entity located in Franklin, Williamson County.
- It is assumed that Graystone Quarry will seek a caterer's license.
- There is an initial application fee of $300 and a $625 annual fee payable to the Tennessee Alcoholic Beverage Commission (ABC).
- A total increase in state revenue to ABC of $925 ($300 + $625) in FY20-21 and an increase in state revenue to ABC of $625 in FY21-22 and subsequent years.
- An increase in local privilege tax of $300. Any increase in local government expenditures for collecting local privilege taxes is estimated to be not significant.
- State and local sales taxes and a 15.0 percent liquor-by-the-drink (LBD) tax will be assessed on alcoholic beverage sales.
- The current state sales tax rate is 7.0 percent; the local option sales tax rate in Williamson County is 2.75 percent; the effective rate of apportionment to local government pursuant to the state-shared allocation is estimated to be 3.617 percent.

- Pursuant to Tenn. Code Ann. § 57-4-306(a), 50.0 percent of the 15.0 percent LBD tax is allocated to the state General Fund and 50.0 percent is distributed to the local government.
- It is assumed that the establishment will begin selling alcohol in FY20-21.
- Based on the interquartile average of FY18-19 LBD tax returns and assuming reasonable growth rates in LBD tax collections, the average taxable base per establishment is estimated to be approximately $130,000 per year.
- Given current limitations on the availability of LBD sales data by venue type and size, it is assumed that there are three venue-type categories: smaller than average; average; and larger than average. For the purpose of estimating the tax base for entities authorized to conduct LBD sales pursuant to legislation, the following ratios relative to the average LBD taxable base for all sized entities are utilized: 50 percent for smaller than average; 100 percent for average; and 150 percent for larger than average.
- Given the size and location of this particular venue, the recurring increase in sales is estimated to be $130,000 per year.
- The recurring increase in state revenue to the General Fund in FY20-21 and subsequent years is estimated to be $18,521 [($130,000 x 7.0%) – ($130,000 x 7.0% x 3.617%) + ($130,000 x 15.0% x 50.0%)].
- The recurring increase in local revenue in FY20-21 and subsequent years is estimated to be $13,954 [$300 + ($130,000 x 2.75%) + ($130,000 x 7.0% x 3.617%) + ($130,000 x 15.0% x 50.0%)].
- Any revenue collected from any state or local taxes imposed on manufacturers or wholesalers is estimated to be not significant.

Lilly Pad Hopyard Brewery – Morgan County

- This legislation only applies to one "premier type tourist resort" located in Lancing, Morgan County.
- There is an initial application fee of $300 and a $2,000 annual fee payable to the Tennessee Alcoholic Beverage Commission (ABC).
- A total increase in state revenue to ABC of $2,300 ($300 + $2,000) in FY20-21 and an increase in state revenue to ABC of $2,000 in FY21-22 and subsequent years.
- No additional personnel or resources will be required by the ABC.
- Local privilege tax is estimated to be $2,000 annually. Any increase in local government expenditures for collecting local privilege taxes is estimated to be not significant.
- State and local sales taxes and a 15.0 percent liquor-by-the-drink (LBD) tax will be assessed on alcoholic beverage sales.
- The current state sales tax rate is 7.0 percent; the local option sales tax rate in Morgan County is 2.0 percent; the effective rate of apportionment to local government pursuant to the state-shared allocation is estimated to be 3.617 percent.
- Pursuant to Tenn. Code Ann. § 57-4-306(a), 50.0 percent of the 15.0 percent LBD tax is allocated to the state General Fund and 50.0 percent is distributed to the local government.
- It is assumed that the establishments will begin selling alcohol in FY20-21.

- Based on the interquartile average of FY18-19 LBD tax returns and assuming reasonable growth rates in LBD tax collections, the average taxable base per establishment is estimated to be approximately $130,000 per year.
- Given current limitations on the availability of LBD sales data by venue type and size, it is assumed that there are three venue-type categories: smaller than average; average; and larger than average. For the purpose of estimating the tax base for entities authorized to conduct LBD sales pursuant to legislation, the following ratios relative to the average LBD taxable base for all sized entities are utilized: 50 percent for smaller than average; 100 percent for average; and 150 percent for larger than average.
- Given the size and location of these particular venues, the recurring increase in sales is estimated to be $65,000 per year.
- The recurring increase in state revenue to the General Fund in FY20-21 and subsequent years is estimated to be $9,260 [($65,000 x 7.0%) – ($65,000 x 7.0% x 3.617%) + ($65,000 x 15.0% x 50.0%)].
- The recurring increase in local revenue in FY20-21 and subsequent years is estimated to be $8,340 [$2,000 + ($65,000 x 2.00%) + ($65,000 x 7.0% x 3.617%) + ($65,000 x 15.0% x 50.0%)].
- Any revenue collected from any state or local taxes imposed on manufacturers or wholesalers is estimated to be not significant.

Total – State and Local Revenue

- The total recurring increase in state revenue to the General Fund is estimated to be $250,030 ($9,260 + $55,563 + $18,521 + $18,521 + $9,260 + $18,521 + $37,040 + $18,521 + $18,521 + $18,521 + $18,521 + $9,260).
- The total one-time increase in state revenue to the ABC in FY20-21 is estimated to be $34,745 ($570 + $6,900 + $2,300 + $2,300 + $2,300 + $2,300 + $2,300 + $9,200 + $2,300 + $1,050 + $925 + $2,300).
- The total recurring increase in state revenue to the ABC beginning in FY21-22 is estimated to be $29,645 ($270 + $6,000 + $2,000 + $2,000 + $2,000 + $2,000 + $2,000 + $8,000 + $2,000 + $750 + $625 + $2,000).
- The total permissive recurring increase in local revenue is estimated to be $207,489 ($7,097 + $46,962 + $15,004 + $15,654 + $15,004 + $8,502 + $13,954 + $35,310 + $13,954 + $13,754 + $13,954 + $8,340).

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/abw

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

Amendment No._____

_____
Signature of Sponsor

AMEND Senate Bill No. 2492 House Bill No. 1930*

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

SECTION 1. 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 of 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

(iv) Is located on Bolestown Road in a county having a population of 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 of 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 of 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;

SECTION 2. 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 must 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 must 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;

SECTION 3. 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;

SECTION 4. 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;

SECTION 5. 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

(viii) Has a full-service barber and beauty salon;

SECTION 6. 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;

(*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;

SECTION 7. 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;

( ) 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;

SECTION 8. 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;

SECTION 9. Tennessee Code Annotated, Section 57-4-102(27), is amended by adding the following new subdivisions:

( ) A commercially operated marina having the following characteristics:

( ) Has open and covered boat slips, a store, a restaurant, and a fuel dock;

( ) Has cabins and RV campsites available for rent; and

( ) Is located on Cordell Hull Lake approximately three thousand feet (3,000') from the confluence of Defeated Creek and the Cumberland River in a county having a population of not less than nineteen thousand one hundred fifty-one (19,151) nor more than nineteen thousand two hundred (19,200), according to the 2010 federal census or any subsequent federal census;

( ) A commercially operated restaurant having the following characteristics:

( ) Has a structure of not less than two thousand square feet (2,000 sq. ft.) that has seating at tables and at the bar for at least ninety-six (96) guests and serves at least one (1) meal a day seven (7) days a week, with the exception of holidays, vacations, and periods of redecorating; and

( ) Is located approximately two thousand five hundred feet (2,500') from two (2) islands in Old Hickory Lake in a county having a population of not less than one hundred thirteen thousand nine hundred (113,900) nor more than one hundred fourteen thousand (114,000), according to the 2010 federal census or any subsequent federal census;

SECTION 10. Tennessee Code Annotated, Section 57-4-102(27) is amended by adding the following new subdivision:

(i) A commercially operated facility that:

(*a*) Has a limestone quarry that sits approximately one thousand seven hundred feet (1,700') southeast of Interstate 65, two thousand seven hundred feet (2,700') south of Interstate 840, and four and six-tenths (4.6) miles north of the junction of US 431 and State Route 247;

(*b*) Is a venue for live music, weddings, meetings, and other events;

(*c*) Serves or sells food to patrons;

(*d*) Has an outdoor amphitheater with a capacity for at least seven thousand (7,000) guests;

(*e*) Has exclusive or non-exclusive rights to possess or use a commercial kitchen or service kitchen where food is staged and served; and

(*f*) Is located in a county having a population of not less than one hundred eighty-three thousand one hundred (183,100) and not more than one hundred eighty-three thousand two hundred (183,200), according to the 2010 federal census or any subsequent federal census;

(ii) The premises of any facility licensed under this subdivision (27)( ) means any and all of the property that constitutes the facility, including all enclosed and outdoor areas of the property. 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;

(iii) Any facility as described in this subdivision (27)( ), may hold any of the licenses authorized under this subdivision (27)( ) and shall have the privilege of granting a franchise to one (1) or more entities authorizing such an entity to provide food or beverages, including alcoholic beverages and beer, on its premises. For purposes of this subdivision (27)( )(iii), the licensee is not required to have exclusive control of a

commercial kitchen or any service kitchen, where food is staged and served, as a condition of the license;

(iv) Any licensed entity that holds a license under this subdivision (27)( ) may store alcoholic beverages and beer at one (1) or more storage locations in the facility and in any commercial kitchen or service kitchen within the facility; provided, that each licensed entity shall store its inventory of alcoholic beverages and beer in a separately locked cage or other storage area;

(v) Notwithstanding § 57-4-101(p), any facility licensed under this subdivision (27)( ) 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, or 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 facility. Any franchisee holding a license under this subdivision (27)( ) shall comply with the requirements of § 57-4-101(p); provided, however, that a sticker identifying the licensee, which is reasonably designed to stay affixed to a container, cup, or glassware, must comply with § 57-4-101(p);

(vi) The commission shall enforce chapter 4 of this title against each licensee under this subdivision (27)( ) and shall not cite, penalize, or take any other adverse action against a licensee for any violation committed by another licensee on the licensed premises. There is a rebuttable presumption of liability for a specific licensee for any underage sale or other violation based on the unlabeled or labeled container, or unlabeled or labeled cup or glassware, as required pursuant to subdivision (27)( )(v), provided to the minor. In the absence of a container, glass, or cup identifying the licensee, the commission has the discretion to determine which licensee to cite for an underage sale or other such violation. If the commission is unable to determine which licensee committed the violation after conducting a reasonable investigation, the

commission may issue a citation to one (1) or more licensees that share the premises where the violation occurred;

(vii) Notwithstanding any provision of chapter 5 of this title to the contrary, the premises of any facility described under this subdivision (27)( ) means, for the purpose of obtaining a beer permit, any and all of the property that constitutes the facility, including all enclosed and outdoor areas of the property. The beer permittee shall designate the premises to be licensed 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 beer board shall enforce chapter 5 of this title against each licensee as a beer permittee and shall not cite, penalize, or take any other adverse action against a licensee for any violation committed by another licensee on the licensed premises. There is a rebuttable presumption of liability for a specific licensee for any underage sale or other violation based on the unlabeled or labeled container, or unlabeled or labeled cup or glassware, as required pursuant to subdivision (27)( )(v), provided to the minor. In the absence of a container, glass, or cup identifying the licensee, the local beer board has the discretion to determine which licensee to cite for an underage sale or other such violation. If the beer board is unable to determine which licensee committed the violation after conducting a reasonable investigation, the beer board may issue a citation to one (1) or more licensees that share the premises where the violation occurred;

(viii) Notwithstanding § 57-4-203(e)(1), any licensee licensed under this subdivision (27)( ) may sell and distribute wine in any unsealed container for consumption on the licensed premises;

(ix) Any licensee licensed under this subdivision (27)( ) may seek an additional license as a caterer under chapter 4 of this title, and is not required to comply with the requirements of § 57-4-102(6)(A) or show exclusive control of a commercial kitchen or any service kitchen, where food is staged and served, as a condition of the license. Caterers licensed under this subdivision (27)( )(ix) may store alcoholic beverages and

beer in any shared commercial kitchen or service kitchen. The inventory of alcoholic beverages and beer must be stored in a separately locked cage or other storage area;

(x) Nothing in this subdivision (27)( ) may be construed to prevent a facility, as described under this subdivision (27)( ), from designating any area of its premises for purposes authorized under this subdivision (27)( ), or for the purposes of an entity licensed under this title; provided, that premises designated for use by another entity under this title are no longer part of the premises of any license issued under this subdivision (27)( ), except as provided in § 57-4-101(p); and

(xi) The facility, landlord, tenant, or any licensee located in the facility shall provide periodic security for the entire licensed premises;

SECTION 11. Tennessee Code Annotated, Section 57-4-102(27), is amended by adding the following as a new subdivision:

( )

(i) A commercially operated recreational facility having all of the following characteristics:

(a) The facility is located approximately one mile (1 mi.) from the confluence of Clear Creek and the Obed River and is centrally located in one of this state's rock climbing meccas;

(b) The facility is located on approximately forty (40) acres;

(c) The facility provides at least forty (40) campsites and contains a restaurant and a brewery; and

(d) The facility is located in a county having a population of not less than twenty-one thousand nine hundred (21,900) nor more than twenty-two thousand (22,000), according to the 2010 federal census or any subsequent federal census; and

(ii) The premises of any facility licensed under this subdivision (27)( ) means any or all of the property that constitutes the facility. A 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;

SECTION 12. This act shall take effect upon becoming a law, the public welfare requiring it.

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 2132 - SB 2756

March 13, 2020

SUMMARY OF ORIGINAL BILL: Requires governmental entities to provide access to certain documents on their websites, no later than January 1, 2021. Prohibits governmental entities from assessing fees for copies of such documentation.

FISCAL IMPACT OF ORIGINAL BILL:

Decrease Local Revenue – Exceeds $5,000/FY20-21 and Subsequent Years

Increase Local Expenditures – Exceeds $10,000/FY20-21*

SUMMARY OF AMENDMENT (017023): Deletes and rewrites all language after the enacting clause such that the substantive changes: (1) establish agendas and supplemental meeting documents relative to special-called meetings are not required to be available three days prior to the meeting; (2) require supplemental documents provided to members during a meeting to be available to the public either during the meeting or immediately after; (3) remove certain documents which must be provided as basic government information; (4) restore a governmental entity's ability to charge for copies for applicable documents; (5) authorize governmental entities with websites to forgo posting and maintaining such information on their website if it is deemed burdensome; and (6) limit the definition of website.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- The proposed language is applicable to all governmental entities which are governed by bodies subject to the Sunshine Law, pursuant to Tenn. Code Ann. § 8-44-102.
- Applicable entities are required to provide upcoming meeting agendas and supplemental meeting information. If the entity maintains a website, posting to such website satisfies these requirements.
- Applicable entities are required to make the following documents available to the public on the entity's website, if one exists, no later than January 1, 2021:

- The contact information of elected officials and members of each governing body;
- Minutes of the last 12 most recent meetings;
- The comprehensive annual financial reports and audits from the previous five years;
- The entity's charter or other organizing documents; and
- The contact information of a person to contact for more information.

- Governmental entities are also required to make reasonable, periodic efforts each year to notify the public of where such documents are available. Parameters for such notification are not provided; however it is assumed such notice will be accomplished either on the entity's website itself, or a printed notification available at the entity's physical address. Such notification is not estimated to result in any significant fiscal impact to state or local government.
- According to Strategic Technology Solutions (STS) within the Department of Finance and Administration, all state agencies currently have a web presence and the requirements of the proposed legislation will not result in any significant fiscal impact to the state.
- The proposed language requires entities which maintain a website to post all of the required information to the entity's website, if such posting and maintenance is not considered burdensome for the entity.
- Local governments who consider such posting and maintenance too burdensome will elect to not post such information.
- Any fiscal impact to state and local government is estimated to be not significant.

CERTIFICATION:

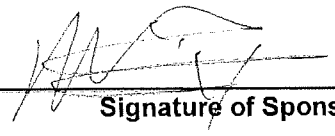
The information contained herein is true and correct to the best of my knowledge.

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/jrh

Amendment No._____



Signature of Sponsor

FILED
Date 3-13-2020
Time 1:51
Clerk DKS
Comm. Amdt. ____

AMEND Senate Bill No. 2756 **House Bill No. 2132***

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

SECTION 1. Tennessee Code Annotated, Section 10-7-503, is amended by adding the following as a new subsection:

(h)

(1)

(A) It is the intent of this subsection (h) to facilitate prompt and timely access to citizens to public records related to public meetings and to other basic government information.

(B) This subsection (h) does not apply to a governmental entity during an emergency, as that term is defined in § 58-2-101, to the extent that the emergency directly impacts the governmental entity. After an emergency ceases to exist, the impacted governmental entity shall resume compliance with this subsection (h) as soon as reasonably practicable.

(C) The public access requirements of this subsection (h) are in addition to public notice requirements under § 8-44-103 and any other applicable public notice requirements under state law. Compliance by a governmental entity with this subsection (h) must not be construed to satisfy public notice requirements under § 8-44-103 and any other applicable public notice requirements under state law. If a governmental entity has complied with the public notice requirements under § 8-44-103 and with any other applicable public notice requirements under state law,

nothing in this subsection (h) shall operate to nullify any action of the governmental entity taken in accordance with such public notice requirements.

(2)

(A) No later than January 1, 2021, a governing body shall make accessible to the public for a period of at least three (3) days prior to a meeting;

(i) The agendas of upcoming meetings; and

(ii) Any supplemental meeting documents, which may be referred to as board packets, for upcoming meetings if the supplemental meeting documents have been provided to members of the governing body. If supplemental meeting documents have not been provided to members of the governing body at least three (3) days prior to the meeting, the supplemental meeting documents must be made publicly accessible as soon as possible after they are provided to governing body members, but prior to the meeting. Supplemental documents provided to governing bodies during a meeting must be made accessible to the public during the meeting or immediately after the meeting. Notwithstanding any law to the contrary, this subsection (h) does not require a governing body to make available to the public any supplemental documents that are deemed confidential under state or federal law.

(B)

(i) For governing bodies of governmental entities that maintain a website, meeting agendas must be posted on their websites. A governing body that posts an agenda on its website at least three (3) days prior to the meeting satisfies the

requirements to make the agenda accessible to the public under subdivision (h)(2)(A).

(ii) A governing body that posts its supplemental meeting documents on its website within the time limits described in (h)(2)(A)(ii) satisfies the requirements to make the documents accessible to the public under subdivision (h)(2)(A).

(C)

(i) Agendas must reasonably describe matters scheduled to be discussed or under contemplation for a vote; provided, however, that this subsection (h) does not limit or restrict a governing body's ability to consider or vote on items of new business not listed on the agenda, pursuant to the governing body's bylaws or properly adopted rules or procedures and in compliance with other state law.

(ii) Draft versions of agendas and supplemental meeting documents are not subject to the requirements of this subsection (h).

(D) As used in this subdivision (h)(2), "three (3) days" means at least three (3) calendar days, which may include the day of the meeting if the meeting is held after regular business hours. The three-day requirement in this subdivision (h)(2) does not apply to special-called meetings; provided, that the number of days that the agenda is made accessible to the public in the manner required in this subsection (h) is the same amount of time required for adequate public notice in state law for special meetings.

(3)

(A) No later than January 1, 2021, a governmental entity shall provide the following basic government information on its website if the governmental entity maintains a website:

(i) A list of elected officials, as applicable, and the members of its governing body, including a method of contact for such persons;

(ii) The comprehensive annual financial reports and audits of the governmental entity that are required to be produced by law, from the most recent five (5) years;

(iii) The charter or other organizing documents of the governmental entity, as applicable;

(iv) Contact information for more information about public meetings, public hearings, and public records of the governmental entity; and

(v) Minutes from meetings of the governmental entity's governing body from the most recent twelve (12) months.

(B) A governmental entity that maintains a website does not have to post on its website the basic government information identified in this subdivision (h)(3) if the governing body for the governmental entity determines it would be an overly burdensome hardship on the governmental entity to post or maintain such information on its website. The governing body shall memorialize this determination in a vote properly recorded in its minutes.

(4) A governmental entity shall make reasonable, periodic efforts each year to notify the public of:

(A) The locations, including a website, if applicable, at which a member of the public can access information and documents identified in subdivisions (h)(2) and (3); and

(B) Other methods provided by the governmental entity by which a member of the public may access such information and documents.

(5) As used in this subsection (h):

(A) "Governing body" has the same meaning as defined in § 8-44-102(b)(1)(A);

(B) "Governmental entity" means an entity under the control and authority of a governing body;

(C) "Meeting" has the same meaning as defined in § 8-44-102; and

(D) "Website" means a website operated by and under the control of the governmental entity and does not include websites maintained on behalf of the governmental entity by an outside entity such as a chamber of commerce or tourism promotion entity. However, nothing in this subsection (h) prevents a governmental entity from entering into an agreement with an outside entity to provide the basic government information described in this subsection (h) on a website in accordance with this subsection (h).

(6) Nothing in this subsection (h) may be used to deny access to public records or copies of public records; provided, that a governmental entity may provide an internet link to the information and documents described in this subsection (h) in lieu of providing copies if the person requesting access or copies has the ability to access the information on the internet.

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

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

SB 981 - HB 1103

February 25, 2020

SUMMARY OF ORIGINAL BILL: Enacts the Public Contracts for Legal Services Act by establishing the process a political subdivision of this state must follow to enter into a contingent fee contract for legal services. Establishes that a political subdivision may enter into such contracts if a written notice of a meeting, along with a statement of the reasons for pursuing the matter with contingency through a specific law firm, is made available to the public. Requires the political subdivision to approve such contracts in an open meeting called to determine the necessity of the contract. Requires the political subdivision, before executing such contracts, to submit the contract and all related descriptions for the Attorney General and Reporter (AG) to approve within a 90-day timeframe. Voids any contract entered into in violation of this part.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (014808): Deletes and rewrites all language after the enacting clause such that the only substantive changes are: (1) adds definition of "issue of statewide concern" to mean any conduct that is more likely than not to adversely affect the interests of citizens of at least five counties in the state; 2) clarifies that the AG's statutory or constitutional obligations include the trial and direction of all civil litigated matters for any state entity and duty to exercise discretion to defend the validity of acts and laws enacted by the General Assembly; and 3) requires the AG to submit a report to the Speakers of the Senate and the House of Representatives stating the reason for disapproval and manner to address the issue if a political subdivision's request for approval of a contract is denied.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- The number of political subdivisions entering into contingency fee contracts for legal services is estimated to be minimal; holding a public meeting to approve such contracts

and preparing documentation for approval by the AG can be accomplished within existing resources.

- The AG can review, make determinations on contract approvals in a 90-day timeframe, and submit a report to each Speaker if the contract request is denied, within existing resources.
- No significant fiscal impact to state or local government.

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/agr

House Public Service & Employees Subcommittee Am. #1

Amendment No._____

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

_____

Signature of Sponsor

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

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.

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

SB 981 - HB 1103

March 4, 2020

SUMMARY OF ORIGINAL BILL: Enacts the Public Contracts for Legal Services Act by establishing the process a political subdivision of this state must follow to enter into a contingent fee contract for legal services. Establishes that a political subdivision may enter into such contracts if a written notice of a meeting, along with a statement of the reasons for pursuing the matter with contingency through a specific law firm, is made available to the public. Requires the political subdivision to approve such contracts in an open meeting called to determine the necessity of the contract. Requires the political subdivision, before executing such contracts, to submit the contract and all related descriptions for the Attorney General and Reporter (AG) to approve within a 90-day timeframe. Voids any contract entered into in violation of this part.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (015996): Adds language to the original bill that clarifies the proposed legislation does not prohibit a district attorney from pursuing any civil action or other authorized remedy, or affect any existing power of a district attorney working with or on behalf of a political subdivision of this state.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- The number of political subdivisions entering into contingency fee contracts for legal services is estimated to be minimal; holding a public meeting to approve such contracts and preparing documentation for approval by the AG can be accomplished within existing resources.
- The AG can review and make determinations on contract approvals in a 90-day timeframe within existing resources.
- No significant fiscal impact to state or local government.

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/agr

House Public Service & Employees Subcommittee Am. #2

Amendment No._____

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

_____
Signature of Sponsor

AMEND Senate Bill No. 981* **House Bill No. 1103**

by adding the following as a new, appropriately designated section to SECTION 1:

12-4-11__.

This part does not prohibit a district attorney from pursuing any civil action or other remedy authorized under title 29, chapter 38, or affect or abrogate any existing power of a district attorney working with or on behalf of a political subdivision of this state.

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015996

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 1635 - SB 1628

February 24, 2020

SUMMARY OF ORIGINAL BILL: Requires the Chief Procurement Officer (CPO) to define grant recipient and sub-recipient information sufficient to determine which entities are subject to audit under the United States Single Audit Act of 1984 and under the Comptroller of the Treasury (Comptroller) in a central database before January 1, 2021. Requires the database to be sufficient for entities to prepare the schedule of expenditures of federal awards required by the United States Office of Management and Budget's guidance.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures - $2,075,000/FY20-21
$150,000/FY21-22 and Subsequent Years

SUMMARY OF AMENDMENT (014971): Deletes and rewrites a provision of the original bill such that the only substantive changes are: 1) Extends the date by which the CPO is required to establish the central database from January 1, 2021 to December 31, 2021; and 2) Requires all state agencies to use and provide information to the central database, which must be fully implemented by March 31, 2022.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Public Act 1098 of 2010 created the Procurement Office and the Chief Procurement Officer position. The Public Act further required a central grant management process to assist agencies in identifying grant opportunities and provide for a central database of information regarding grant recipients and sub-recipients for monitoring purposes. At the time of passage, $80,000 was appropriated to create such database.
- Due to the current requirement for the CPO to monitor grant recipients and subrecipients, it is assumed any additional work can be accomplished within existing resources and personnel.
- Tenn. Code Ann. § 4-3-304(8) gives the Comptroller general audit authority over entities receiving grants and state agency grant agreements.

- These entities are further required to undergo an audit by the Comptroller or an independent Certified Public Accountant if they receive a combined total of $750,000 or more.
- Currently, the CPO is unable to identify these recipients and sub-recipients appropriately or identify the amount of state or federal funding that they are receiving.
- Based on information provided by the CPO and the Department of Finance and Administration (F&A), the Edison program does not currently provide access to grant information in a manner such that the CPO can adequately monitor grant sub-recipient spending.
- Further information from F&A indicates the Edison vendor will create a Grant Sub-Recipient System within Edison and convert all grants to the system resulting in a onetime increase in expenditures of $2,000,000 in FY20-21.
- There will also be recurring licensure expenditures for the system of $150,000 beginning in FY21-22 and subsequent years.
- Licensure will begin by January 1, 2021; therefore, licensure will be $75,000 ($150,000 x 50.0%) in FY20-21.
- It is assumed that the Grant Sub-Recipient System within Edison will be funded and begin expansion in FY20-21, regardless of the date by which the database must be completed and fully implemented.

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/agr

House Departments & Agencies Subcommittee Am. #1

Amendment No._____

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

_____
Signature of Sponsor

AMEND Senate Bill No. 1628 **House Bill No. 1635***

by deleting Section 2 and substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-56-105, is amended by adding the following language as a new subdivision:

(21)

(A) On or before December 31, 2021, develop rules, policies, procedures, or templates regarding the grant management process that must be approved by the commission, and that establish a central database of information regarding grant recipients and sub-recipients for monitoring purposes, including, but not limited to:

(i) Defining the grant recipient and sub-recipient information, including state grants and loans, sufficient for entities to prepare the schedule of expenditures of federal awards required by the United States office of management and budget's uniform guidance;

(ii) Defining the federal grant recipient and sub-recipient information sufficient to determine which entities are subject to audit under the Single Audit Act of 1984 (P.L. 98-502) and the United States office of management and budget's uniform guidance;

(iii) Defining the state grant recipient and sub-recipient information sufficient to determine which entities are subject to audit under policies and procedures promulgated by the comptroller of the treasury;

(iv) Specifying the extent of the state procurement office's responsibilities to develop and implement this database and ensure the completeness and validity of the information included; and

(v) Specifying the extent of other state agencies' responsibilities to ensure the information contained in the central database is complete and accurate.

(B) All state agencies shall use the central database established pursuant to this subdivision (21) and shall provide and update information in the central database, as required by the chief procurement officer.

(C) The database established pursuant to this subdivision (21) must be fully implemented and functioning on or before March 31, 2022.

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 1804 - SB 1764

March 3, 2020

SUMMARY OF ORIGINAL BILL: Requires all law enforcement officers to undergo training on the proper testing procedures for investigating cases of suspected driving under the influence. Beginning January 1, 2021, requires training on suspected driving under the influence to be included in the annual in-service training for law enforcement officers certified by the Peace Officers Standards and Training (POST) Commission.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (015579): Deletes and rewrites all language after the enacting clause such that the only substantive changes are: (1) clarifying that the annual training must include any relevant changes in state law and procedure relating to the investigation of cases of suspected driving under the influence; and (2) changing the effective date from upon becoming a law to January 1, 2021.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- According to the POST Commission, training for investigating cases of suspected driving under the influence is currently provided during basic recruit school.
- Pursuant to Tenn. Code Ann. § 38-8-111, all police officers are required to complete an in-service training course each calendar year appropriate to the officer's rank and responsibility at a school certified by the POST Commission of at least 40 hours.
- The POST Commission releases an annual memorandum to all law enforcement agency administrators detailing the mandatory topics that are required to be included in the 40 hour in-service training. Additional subjects outside of the mandated topics are at the discretion of the training agency.
- According to the POST Commission 2020 training course schedule, drunk driving and intoxicated driving are currently available as approved training courses.

- Any additional expenditures to local law enforcement agencies to include investigating suspected driving under the influence as a mandatory topic in annual training for officers is estimated to be minimal.
- No significant fiscal impact to state or local government.

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/agr

House Public Service & Employees Subcommittee Am. #1

Amendment No._____

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

_____

Signature of Sponsor

AMEND Senate Bill No. 1764 **House Bill No. 1804***

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

SECTION 1. Tennessee Code Annotated, Section 38-8-107, is amended by adding the following as new subsections:

(f) The course of training required of officer candidates for the receipt of a basic certificate of compliance issued by the commission pursuant to this section must include a course of instruction in the detection and investigation of cases of suspected driving under the influence, as prohibited under § 55-10-401.

(g) Relevant changes in state law and procedure relating to the detection and investigation of persons suspected of driving under the influence as prohibited under § 55-10-401 must be included as part of the required annual in-service training for officer candidates.

SECTION 2. This act shall take effect January 1, 2021, the public welfare requiring it.

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 2669 - SB 2898

February 25, 2020

SUMMARY OF ORIGINAL BILL: Changes the term "member" to "trustee" in reference to persons sitting on the Tennessee Consolidated Retirement System Board of Trustees. Clarifies that in the event of a death, disability, resignation, or ineligibility of a trustee who was appointed as a teacher trustee or a retired teacher trustee, the Speaker of the Senate or the Speaker of the House of Representatives who appointed the now deceased, disabled, resigned, or ineligible trustee will appoint another trustee to fill the trustee's unexpired term.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (015326): Deletes all language after the enacting clause. Authorizes the chief governing body of a political subdivision to have an actuarial study done at the expense of the political division, to determine the share of the assets of the retirement system and associated liabilities attributable to the new political subdivision. Establishes the information that must be included in the actuarial study. Authorizes the political subdivision to make payments towards the entity's pension liability with any assets from the actuarial study. Authorizes the state Treasurer to require the political subdivision and the entity to provide documentation, including, but not limited to, financial statements, actuarial assessments, and an opinion of an independent actuary.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

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

Increase Local Expenditures – $1,000/FY20-21 and Subsequent Years/Permissive

Assumption for the bill as amended:

- It is estimated that at least one political subdivision will pay the cost of an actuarial study from Tennessee Consolidated Retirement Systems (TCRS) each year, resulting in a recurring increase in local expenditures and a corresponding increase in revenue to TCRS exceeding $1,000 beginning in FY20-21.

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/abw

House Public Service & Employees Subcommittee Am. #1

Amendment No._____

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

_____
Signature of Sponsor

AMEND Senate Bill No. 2898 **House Bill No. 2669***

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

SECTION 1. Tennessee Code Annotated, Section 8-35-248, is amended by deleting the section and substituting instead the following:

(a) Except as otherwise expressly provided by law, should any department, agency, or instrumentality of a participating political subdivision become a separate local governmental entity from the political subdivision, the employees of such entity shall not be entitled to future membership in the retirement system on account of continued service with the entity unless the chief governing body of the entity elects to become a participating employer pursuant to § 8-35-201.

(b) Upon such election, the chief governing body of the political subdivision may request the retirement system to have an actuarial study conducted to determine the share of the assets of the retirement system attributable to contributions of the political subdivision that would be needed for the entity to maintain a comparable employer contribution rate or funding level as the political subdivision as of the date of separation. Upon receipt of the actuarial study, the chief governing body of the political subdivision has the authority to pass and file with the retirement system a resolution requesting that such amount be transferred from the credit of the political subdivision to the entity.

(c)

(1) The chief governing body of the political subdivision may also request the retirement system to have an actuarial study conducted, at the political subdivision's expense, to determine the share of the assets of the retirement system and associated liabilities attributable to the new political subdivision for

the time period before or after a department, agency, or instrumentality of the political subdivision became a separate governmental entity participating in the retirement system.

(2) The actuarial study must calculate the political subdivision's pension liability for this period of time based on the following factors:

(A) Review of assets and liabilities;

(B) Member creditable service;

(C) Demographics and salaries;

(D) Required and optional plan provisions;

(E) Contributions made;

(F) Investment earnings; and

(G) Any other factors that will assist in determining the political subdivision's pension obligations before a part of it became a separate entity.

(3) Based on the results of the actuarial study, the political subdivision and the entity, in consultation with the actuary, may determine payment of the entity's pension liabilities using all, any one (1), or a combination of the factors contained in the actuarial study. The actuary shall compare this calculation to the new entity's assets, liabilities, and the structure and solvency of any of its other pension plans.

(4) Upon receipt of the actuarial study, the chief governing bodies of the political subdivision and the entity have the authority to pass and file with the retirement system resolutions, acceptable to the retirement system in both form and substance, requesting that all or a portion of the assets and the liabilities associated thereto contributed by the political subdivision to fund the pension liability that was accrued while the entity was a part of the political subdivision, be transferred from the retirement system account of the political subdivision to the retirement system account of the new entity. Such transfer must include some or

all of the assets with the associated liabilities which may include, without limitation, employer contributions or investment earnings.

(5) Prior to the transfer of some or all of the assets and the associated liabilities from the political subdivision to the new governmental entity, the state treasurer may approve such a request if the political subdivision demonstrates that such a transfer would not negatively impact the long-term solvency of the entity. The state treasurer may require the political subdivision and the entity to provide documentation, including, but not limited to, financial statements, actuarial assessments, and an opinion of an independent actuary.

(d) Any amounts transferred pursuant to this section are considered retirement system assets of the new governmental entity pursuant to chapters 34-37 of this title, and shall not be used for any other purposes.

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

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 2899 - SB 2835

March 2, 2020

SUMMARY OF ORIGINAL BILL: Increases, from three feet to four feet, the distance at which a sign on the exterior of a container used by a winery direct shippers for shipments of wine must be readable to a person, which states "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY".

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (015560): Deletes all language after the enacting clause. Requires that winery direct shippers only ship the wines sold under a brand name owned or licensed to the winery that they produce at the winery, produce exclusively for the winery under an existing written contract with the winery, or produced and bottled exclusively for the winery. Clarifies that a fulfillment warehouse is not eligible for licensure or renewal of a winery direct shippers license. Defines a "fulfillment warehouse" as a "business, other than a winery, that operates a warehouse and provides storage, packaging, and shipping services for wineries for the purposes of effectuating shipment directly to consumers." Requires winery direct shippers to satisfy certain criteria as a condition of license renewal. Authorizes the Alcoholic Beverage Commission (ABC) to require any licensed winery direct shipper to provide periodic reports to ABC.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- According to ABC, no part of this proposed legislation will impact the current number of licenses applied for or renewed.
- No change to initial or annual license fees.
- Any increase in workload as a result of the periodic reports filed with ABC by winery direct shippers is estimated to be absorbable within existing ABC staff and resources.

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/abw

House Departments & Agencies Subcommittee Am. #1

Amendment No._____

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

_____
Signature of Sponsor

AMEND Senate Bill No. 2835 **House Bill No. 2899***

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

SECTION 1. Tennessee Code Annotated, Section 57-3-217(b), is amended by deleting the subsection and substituting instead the following:

(b) A winery direct shipper, meeting the requirements of this section, is authorized to make sales and delivery of wine, as defined in § 57-3-101, by common carrier to the citizens of this state over twenty-one (21) years of age who have purchased the wine directly from the winery direct shipper, subject to the limitations and requirements imposed by this section; provided, however, a winery direct shipper may only ship wine sold under a brand name owned or licensed to the winery, that is:

(1) Produced by the winery;

(2) Produced exclusively for the winery under an existing written contract with the winery; or

(3) Produced and bottled exclusively for the winery.

SECTION 2. Tennessee Code Annotated, Section 57-3-217(c), is amended by deleting the language "issuance of a winery direct shipper's license" and substituting instead the language "issuance or renewal of a winery direct shipper's license".

SECTION 3. Tennessee Code Annotated, Section 57-3-217, is amended by adding the following language as new subsections:

( ) Notwithstanding any law or rule to the contrary, a fulfillment warehouse is not eligible for licensure or renewal of a winery direct shipper's license.

( ) For purposes of this section, a "fulfillment warehouse" means a business, other than a winery, that operates a warehouse and provides storage, packaging, and

shipping services for wineries for the purposes of effectuating shipment directly to consumers.

( ) The commission may require any winery direct shipper licensed under this section to provide periodic reports to the commission. The commission may request any information or records that the commission may deem necessary to enforce this section to be included in the reports.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to any winery direct shipper's license issued or renewed on or after the effective date of this act.

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 2195 - SB 2557

March 2, 2020

SUMMARY OF ORIGINAL BILL: Requires the Department of Veterans Services (DVS) to provide burial services for any person who died while on active duty with the armed forces and is being interred in a State Veterans Cemetery on any date requested by the family members, if given at least 72 hours notice.

FISCAL IMPACT OF ORIGINAL BILL:

Other Fiscal Impact – The precise impact is dependent on multiple unknown factors and cannot be reasonably determined; however, each burial that takes place outside of normal operating hours is reasonably estimated to increase state expenditures by an amount exceeding $500.

SUMMARY OF AMENDMENT (015376): Deletes all language after the enacting clause. Requires the DVS to provide burial services for any person who died while on active duty with the armed forces and is being interred in a State Veterans Cemetery on any date requested by the family members, if given at least 72 hours notice. Specifies that no burial services may be provided on scheduled, legal holidays. Authorizes the DVS Commissioner sanction burial services to be provided on a weekend if a weekday burial cannot be held due to inclement weather, an emergency that directly affects the ability for persons to conduct a burial service, or other circumstance that would adversely affect the ability to provide burial services.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- This legislation is not expected to significantly alter the total number of burials, but the timing thereof.
- It is not expected that the DVS Commissioner will authorize enough weekend burial services to significantly impact state expenditures.

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/jmg

House Departments & Agencies Subcommittee Am. #1

Amendment No._____

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

_____

Signature of Sponsor

AMEND Senate Bill No. 2557 **House Bill No. 2195***

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

SECTION 1. Tennessee Code Annotated, Title 46, Chapter 6, is amended by adding the following as a new section:

(a) This section shall be known and may be cited as the "Major Trevor Joseph Act."

(b)

(1) The department of veterans services shall provide burial services for any person who died in the line of duty or while on active duty with the United States armed forces, the Tennessee national guard, or the Tennessee air national guard and is being interred in a state veterans' cemetery on any date requested by the family members of the person if the department is given notice of the burial at least seventy-two (72) hours in advance of the burial service.

(2) No burial services may be provided pursuant to subdivision (b)(1) that are scheduled on legal holidays, as defined in § 15-1-101.

(3) Notwithstanding subdivisions (b)(1) and (2), the commissioner may authorize burial services to be provided on a weekend if a weekday burial cannot be held due to inclement weather, an emergency that directly affects the ability for persons to conduct a burial service, or other circumstance that would adversely affect the department's ability to provide burial services.

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

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 2195 - SB 2557

March 5, 2020

SUMMARY OF ORIGINAL BILL: Requires the Department of Veterans Services (DVS) to provide burial services for any person who died while on active duty with the armed forces and is being interred in a State Veterans Cemetery on any date requested by the family members, if given at least 72 hours notice.

FISCAL IMPACT OF ORIGINAL BILL:

Other Fiscal Impact – The precise impact is dependent on multiple unknown factors and cannot be reasonably determined; however, each burial that takes place outside of normal operating hours is reasonably estimated to increase state expenditures by an amount exceeding $500.

SUMMARY OF AMENDMENT (016020): Deletes all language after the enacting clause. Requires the DVS to provide burial services for any person who died while on active duty with the armed forces and is being interred in a State Veterans Cemetery on any date requested by the family members, if given at least 72 hours notice. Specifies that no burial services may be provided on scheduled, legal holidays. Authorizes the DVS Commissioner sanction burial services to be provided on a weekend if a weekday burial cannot be held due to inclement weather, an emergency that directly affects the ability for persons to conduct a burial service, or other circumstance that would adversely affect the ability to provide burial services.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- This legislation is not expected to significantly alter the total number of burials, but the timing thereof.
- It is not expected that the DVS Commissioner will authorize enough weekend burial services to significantly impact state expenditures.

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/jmg

Amendment No._____

Signature of Sponsor

FILED
Date 3/5/2020
Time 11:04
Clerk DFS
Comm. Amdt. _____

AMEND Senate Bill No. 2557 House Bill No. 2195*

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

SECTION 1. Tennessee Code Annotated, Title 46, Chapter 6, is amended by adding the following as a new section:

(a) This section shall be known and may be cited as the "Major Trevor Joseph Act."

(b)

(1) The department of veterans services shall provide burial services for any person who died in the line of duty or while on active duty with the United States armed forces, the Tennessee national guard, or the Tennessee air national guard and is being interred in a state veterans' cemetery on any date requested by the family members of the person if the department is given notice of the burial at least seventy-two (72) hours in advance of the burial service.

(2) No burial services may be provided pursuant to subdivision (b)(1) that are scheduled on legal holidays, as defined in § 15-1-101.

(3) Notwithstanding subdivisions (b)(1) and (2), the commissioner may authorize burial services to be provided on a weekday if a weekend burial cannot be held due to inclement weather, an emergency that directly affects the ability for persons to conduct a burial service, or other circumstance that would adversely affect the department's ability to provide burial services.

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

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 773 - SB 724

February 29, 2020

SUMMARY OF ORIGINAL BILL: Establishes a procedure for the Department of Revenue (DOR) to delete confidential information from revenue and letter rulings, upon request.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (015352): Deletes all language after the enacting clause. Clarifies that if the Commissioner of Revenue changes guidance regarding a certain rule, law, or tax, a taxpayer who relied on such guidance before it was changed is not liable for any assessment of additional tax or penalty that accrued before the guidance was changed and was unpaid because of the taxpayer's reliance upon the guidance. Defines terms associated with audits and published guidance.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- It is assumed that the current practice of the Department of Revenue (DOR) is not retroactive enforcement of taxes and fees on any such monies that previously had not been included under such tax or fee.
- As a result, any impact on state or local tax revenue is estimated to be not significant.

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/abw

House Departments & Agencies Subcommittee Am. #1

Amendment No._____

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

_____
Signature of Sponsor

AMEND Senate Bill No. 724 **House Bill No. 773***

by deleting all language after the caption and substituting instead the following:

WHEREAS, the General Assembly has enacted laws to provide revenue for the funding of State and local governments; and

WHEREAS, it is the duty of the commissioner of revenue to administer many of these laws; and

WHEREAS, in order to properly administer these laws, the commissioner of revenue must communicate guidance to taxpayers; and

WHEREAS, the General Assembly wants to foster an environment in which the commissioner of revenue can effectively communicate such guidance, and taxpayers will be confident in relying upon such guidance; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Section 67-1-108, is amended by deleting the section in its entirety and substituting instead the following:

(a) It is the commissioner's duty to implement and enforce the laws administered by the commissioner under this or any other title. The commissioner's enforcement of these laws shall be consistent with all applicable statutes, rules, and regulations. When the commissioner publishes guidance regarding the taxability of any privilege, affected taxpayers are entitled to rely on the guidance. If the commissioner changes the guidance, a taxpayer who relied on such guidance before it was changed is not liable for any assessment of additional tax, interest, or penalty that accrued before the guidance was changed and was unpaid because of the taxpayer's reasonable reliance upon the guidance.

(b) If a taxpayer is either audited by the department or requests specific advice from the department and receives erroneous audit findings or advice, the taxpayer is not liable for any assessment of additional tax, interest, or penalty attributable to the erroneous finding or advice furnished by the department, to the extent the following conditions are all satisfied:

(1) The finding or advice was reasonably relied upon by the taxpayer. In determining whether such reliance was reasonable, the taxpayer is deemed to be aware of any changes in applicable law that occurred after the finding or advice was furnished by the department;

(2) The additional assessment did not result from the taxpayer's failure to provide adequate or accurate information; and

(3) The department provided the finding or advice to the taxpayer in writing or the department's records establish that the department provided erroneous verbal advice to the taxpayer. In furtherance of this condition, the department shall adopt formal audit procedures to allow taxpayers the right to memorialize audit findings in the final audit document prepared by the audit division upon completion of the audit.

(c) If the commissioner changes the policy of the department as to the taxability of any privilege, such policy change must be applied to the exercise of such privileges occurring after the date of the policy change only, unless otherwise provided by law.

(d) The commissioner is encouraged to continue providing and publishing guidance and advice to taxpayers to assist with compliance with this state's tax statutes. Except as specifically provided in this section, the issuance of guidance, advice, or audit findings by the commissioner does not constitute new or revised enforcement of the law.

(e) This section is intended only to prevent audit assessments against taxpayers that reasonably relied upon guidance, advice, or prior findings communicated to the taxpayer by the department. Such guidance, advice, or findings do not have the force and effect of law and do not independently establish a basis for a claim for refund under

§ 67-1-1802. Any claim for refund must be based on applicable statutes, rules, and regulations.

(f) As used in this section:

(1) "Audit finding" or "finding" means the specific conclusions contained in the final document written by the audit division or hearing office and presented to the taxpayer upon completion of an audit or an informal conference conducted to review an audit. "Audit finding" or "finding" also includes findings memorialized in the final document written by the audit division pursuant to the procedures established under subdivision (b)(3). "Audit finding" or "finding" does not include the issuance of a license, certificate, or application approval;

(2) "Published guidance" or "guidance" means tax manuals, important notices, statements presented in a question-and-answer format, or other substantive statements regarding the taxability of a privilege that are published on the department's website. The department shall designate such materials on its website that meet this definition. "Published guidance" or "guidance" does not include verbal comments from an auditor or letter rulings or revenue rulings, as described in § 67-1-109, that are redacted and placed on the department's website; and

(3) "Published" means displayed on the department's website.

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

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 1127 - SB 1125

March 2, 2020

SUMMARY OF ORIGINAL BILL: Requires the State Fire Marshal Office (SFMO) to submit a report, comparing the benefits of sealed battery smoke alarms to standard smoke alarms in residential buildings, to the Commissioner of the Department of Commerce and Insurance no later than February 15, 2020.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

IMPACT TO COMMERCE OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (015394): Deletes all language after the enacting clause. Requires one-family, two-family, and multi-family residential dwellings in existence before the effective date of this act to replace a battery-powered smoke alarm with a tamper-resistant battery unit that enables the smoke alarm to operate for no less than 10 years when the following occurs: (1) an existing battery-powered smoke alarm becomes more than 10 years old, fails to respond to operability tests, or is replaced for any reason; (2) when there is a change of tenant in a residential unit; or (3) when a building permit is issued for an additional residential unit or alteration to an existing unit. Establishes that replacing a battery-powered smoke alarm with a tamper-resistant smoke alarm is not required when the unit receives power from the electrical system of a building or uses a low power radio frequency wireless communication signal. Requires tenants of a residential unit to maintain the smoke alarm in the dwelling unit, test the unit annually, and notify the owner of the unit of any deficiencies of the smoke alarm.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- According to the International Residential Code Section R314 of 2012 for new construction of one and two-family residential dwellings, smoke alarms receiving power from the electrical system of a building are currently required for new construction.
- The provisions of the proposed legislation will not significantly impact the procedures of inspections performed by the SFMO for building permits issued for residential dwellings in existence before the effective date of this legislation.
- The number of residential dwellings under the Tennessee Housing Development Agency that utilize battery-powered or hardwired smoke alarms is unknown; however, any battery-powered smoke alarms existing in current units can be replaced with tamper-resistant battery units at the required time within existing resources.
- No significant fiscal impact to state or local government.

IMPACT TO COMMERCE WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Any increase in business expenditures associated with replacement of smoke alarms is assumed to be passed on to tenants. Therefore, any impact on jobs or commerce in Tennessee is estimated to be not significant.

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/agr

House Departments & Agencies Subcommittee Am. #1

Amendment No._____

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

_____

Signature of Sponsor

AMEND Senate Bill No. 1125 **House Bill No. 1127***

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

SECTION 1. Tennessee Code Annotated, Section 68-120-111, is amended by designating the existing language as subsection (a) and adding the following new subsections:

(b) In one-family, two-family, and multi-family residential dwellings in existence before the effective date of this act, a smoke alarm, as defined in § 68-120-112(a), that contains a tamper-resistant battery unit designed to enable the smoke alarm to operate continuously for a period of not less than ten (10) years must be used to replace an existing battery-powered smoke alarm when:

(1) An existing battery-powered smoke alarm becomes more than ten (10) years of age from the date of manufacture;

(2) An existing battery-powered smoke alarm fails to respond to operability tests or otherwise malfunctions;

(3) There is a change of tenant in a residential unit and the residential unit has not been previously equipped in accordance with this subsection (b);

(4) A building permit is issued for an additional residential unit or an alteration to a residential unit, if the installation of a hardwired smoke alarm is not required due to the issuance of the building permit;

(5) A battery-powered smoke alarm is replaced for any reason; or

(6) A battery-powered smoke alarm lacks any indication of its date of manufacture.

(c) Subsection (b) does not apply to a fire alarm, smoke detector, smoke alarm, or ancillary component when:

(1) The unit receives power from an electrical system of a building or is electronically connected as a part of a centrally monitored or supervised alarm system; or

(2) The unit uses:

(i) A low power radio frequency wireless communication signal;

(ii) WiFi or other wireless local area network capability to send and receive notifications to and from the Internet, such as early low battery warnings before the device reaches a critically low power level; or

(iii) Such other devices as the state fire marshal designates through its regulatory process.

(d) The tenant of a residential unit:

(1) Shall maintain the smoke alarm in the dwelling unit in good repair;

(2) Shall test the smoke alarm in the dwelling unit annually;

(3) Shall not remove or render the smoke alarm in the dwelling unit inoperable; and

(4) Shall notify the owner of the dwelling unit or its authorized agent in writing of any deficiencies relating to the smoke alarm.

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

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 1127 - SB 1125

March 13, 2020

SUMMARY OF ORIGINAL BILL: Requires the State Fire Marshal Office (SFMO) to submit a report, comparing the benefits of sealed battery smoke alarms to standard smoke alarms in residential buildings, to the Commissioner of the Department of Commerce and Insurance no later than February 15, 2020.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

IMPACT TO COMMERCE OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (016712): Deletes all language after the enacting clause. Requires one-family, two-family, and multi-family residential dwellings constructed before July 1, 2020 to replace a battery-powered smoke alarm with a tamper-resistant battery unit that enables the smoke alarm to operate for no less than 10 years when the following occurs: (1) an existing battery-powered smoke alarm becomes more than 10 years old, fails to respond to operability tests, or is replaced for any reason; (2) when there is a change of tenant in a residential unit; or (3) when a building permit is issued for an additional residential unit or alteration to an existing unit. Establishes that replacing a battery-powered smoke alarm with a tamper-resistant smoke alarm is not required when the unit receives power from the electrical system of a building or uses a low power radio frequency wireless communication signal. Requires tenants of a residential unit to maintain the smoke alarm in the dwelling unit, test the unit annually, and notify the owner of the unit of any deficiencies of the smoke alarm.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- According to the International Residential Code Section R314 of 2012 for new construction of one and two-family residential dwellings, smoke alarms receiving power from the electrical system of a building are currently required for new construction.

- The provisions of the proposed legislation will not significantly impact the procedures of inspections performed by the SFMO for building permits issued for residential dwellings constructed before July 1, 2020.
- The number of residential dwellings under the Tennessee Housing Development Agency that utilize battery-powered or hardwired smoke alarms is unknown; however, any battery-powered smoke alarms existing in current units can be replaced with tamper-resistant battery units at the required time within existing resources.
- No significant fiscal impact to state or local government.

IMPACT TO COMMERCE WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumption for the bill as amended:

- Any increase in business expenditures associated with replacement of smoke alarms is assumed to be passed on to tenants. Therefore, any impact on jobs or commerce in Tennessee is estimated to be not significant.

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/agr

FILED
Date 3/12/2020
Time 1:00
Clerk DKS
Comm. Amdt. _____

Amendment No. _____

Rick Gillis

Signature of Sponsor

AMEND Senate Bill No. 1125 **House Bill No. 1127***

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

SECTION 1. Tennessee Code Annotated, Section 68-120-111, is amended by designating the existing language as subsection (a) and adding the following new subsections:

(b) In one-family, two-family, and multi-family residential dwellings constructed prior to July 1, 2020, a smoke alarm, as defined in § 68-120-112(a), that contains a tamper-resistant battery unit designed to enable the smoke alarm to operate continuously for a period of not less than ten (10) years must be used to replace an existing battery-powered smoke alarm when:

(1) An existing battery-powered smoke alarm becomes more than ten (10) years of age from the date of manufacture;

(2) An existing battery-powered smoke alarm fails to respond to operability tests or otherwise malfunctions;

(3) There is a change of tenant in a residential unit and the residential unit has not been previously equipped in accordance with this subsection (b);

(4) A building permit is issued for an additional residential unit or an alteration to a residential unit, if the installation of a hardwired smoke alarm is not required due to the issuance of the building permit;

(5) A battery-powered smoke alarm is replaced for any reason; or

(6) A battery-powered smoke alarm lacks any indication of its date of manufacture.

(c) Subsection (b) does not apply to a fire alarm, smoke detector, smoke alarm, or ancillary component when:

(1) The unit receives power from an electrical system of a building or is electronically connected as a part of a centrally monitored or supervised alarm system; or

(2) The unit uses:

(i) A low power radio frequency wireless communication signal;

(ii) WiFi or other wireless local area network capability to send and receive notifications to and from the internet, such as early low battery warnings before the device reaches a critically low power level; or

(iii) Such other devices as the state fire marshal designates through its regulatory process.

SECTION 2. Tennessee Code Annotated, Section 68-102-151(d), is amended by adding the following as a new subdivision:

(4) In addition to any responsibility of the tenant in subdivision (d)(1), a tenant shall also:

(A) Maintain the smoke alarm in the dwelling unit in good repair;

(B) Test the smoke alarm in the dwelling unit annually;

(C) Not remove or render the smoke alarm in the dwelling unit inoperable; and

(D) Notify the owner of the dwelling unit or its authorized agent in writing of any deficiencies relating to the smoke alarm.

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

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 2442 - SB 2481

March 2, 2020

SUMMARY OF ORIGINAL BILL: Makes changes to the requirements and the permissions of entities with caterer's licenses with regards to alcohol sales. Prohibits the Alcoholic Beverage Commission (ABC) from conducting more than two undercover investigations in a year on a licensed entity unless ABC receives a complaint about the particular licensee or if ABC determines that conducting an additional undercover investigation is in the best interest of public safety. Requires multiple minor violations, as defined in the proposed legislation, to be counted as a single offense. Requires the ABC to allow 10 business days for a licensee to cure a minor violation prior to imposing a fine for the minor violation. Requires all doorkeepers to have a servers permit.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Revenue - $36,800/FY20-21/Strategic Technology Services

Increase State Expenditures - $36,800/FY20-21/ABC Fund

SUMMARY OF AMENDMENT (015739): Deletes all language after the enacting clause, such that the only substantive changes are to: 1) remove the two business day requirement by which a caterer must inform ABC of their intent to sell alcohol at an event; 2) require a fee be paid from a caterer to a wholesaler that delivers alcohol to the event site for the caterer; 3) require ABC to promulgate rules regarding undercover sting operations before June 1, 2021; and 4) remove from the original bill the prohibition from ABC conducting more than two undercover investigations in a year on a licensed entity unless ABC receives a complaint about the particular licensee.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Any decrease in revenue from combining the multiple fines in to one and for giving the entities 10 days to cure the issue will be offset by the increase in revenue of requiring all doorkeepers to pay the $35 fee for a servers permit.

- ABC's Regulatory Licensing and Permitting system will need to be updated to incorporate the proposed changes. The estimated increase in expenditures for updates to ABC's systems is $36,780. It is assumed these costs will be paid to STS to cover the update costs.
- A one-time corresponding increase in revenue for STS would be $36,780.

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/abw

House Departments & Agencies Subcommittee Am. #1

Amendment No._____

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

_____

Signature of Sponsor

AMEND Senate Bill No. 2481 **House Bill No. 2442***

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

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

(a) Notwithstanding § 57-4-201(a)(3), an applicant for a catering license or the renewal of a catering license under this chapter may choose the expiration date of the license as long as the expiration date chosen is more than twelve (12) months but less than twenty-four (24) months from the date the license is issued or renewed and is the same date as an expiration date of another license issued under this chapter that is held by the applicant. The license fee for a license issued for more than twelve (12) months but less than twenty-four (24) months must be prorated according to the length of the license.

(b) A licensed caterer shall provide notice to the commission before an event at which the licensed caterer has contracted to provide and sell alcoholic beverages on a form developed by the commission. The notification must be transmitted electronically, and the commission shall confirm receipt of the notification.

(c) The department of revenue shall not use the event notification form submitted by a licensed caterer for purposes of an audit of the caterer.

(d) A wholesaler may deliver alcoholic beverages directly to the site where a licensed caterer is catering an event and charge a fee to the caterer for the delivery.

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015739

(e) A new server hired by a licensed caterer may work for sixty-one (61) days after being hired without a server permit. A server who has worked for sixty-one (61) days must have a server permit.

(f)

(1) A licensed caterer may cater to a site that is a conveyance if the conveyance:

(A) Has enough interior space and is equipped for a bartender holding a valid server permit to serve drinks and food;

(B) Has space available to store alcoholic beverages in a manner that restricts access to alcoholic beverages by persons other than the bartender; and

(C) Maintains a fixed route.

(2) A caterer licensee catering to a conveyance may cater to the conveyance seven (7) days a week.

(3) For purposes of notification under subsection (b), a licensed caterer is only required to provide notification prior to the commencement of performance of a contract for catering services to a conveyance. The licensed caterer shall provide a new notification each time the contract is renewed. The notification must include a detailed description of the fixed route the conveyance will take during the events.

SECTION 2. Tennessee Code Annotated, Section 57-4-201, is amended by adding the following as new subsections:

( ) Notwithstanding subdivision (a)(3), an applicant for a license or the renewal of a license under this chapter who possesses more than one (1) licenses issued under this chapter may choose the expiration date of the license as long as the expiration date chosen is more than twelve (12) months but less than twenty-four (24) months from the date the license is issued or renewed and is the same date as the expiration date of

another license issued under this chapter that is held by the applicant. The license fee for a license issued for more than twelve (12) months but less than twenty-four (24) months must be prorated according to the length of the license.

( ) On or before June 1, 2021, the commission shall promulgate rules for a program of cooperative sting initiatives that are designed to increase compliance with the law, protect public safety, and train industry employees. In developing the program, the commission shall consult in good faith with representatives of the liquor-by-the-drink industry.

( ) Any documentation required by this chapter to be maintained by a licensee may be stored electronically, and the commission shall accept the electronic documentation for purposes of an inspection of the licensee or verification of compliance with this chapter.

SECTION 3. Tennessee Code Annotated, Section 57-4-102, is amended by adding the following as a new subdivision:

( ) "Minor violation" means a failure to:

(A) Maintain the establishment in proper sanitary conditions;

(B) Register all management personnel with the commission;

(C) Give adequate notice to the commission of catered events;

(D) Maintain copies of server permits on licensed premises; or

(E) Properly display any required permits or licenses;

SECTION 4. Tennessee Code Annotated, Section 57-4-201, is amended by adding the following as a new subsection:

( ) Notwithstanding § 57-1-201(b)(1)(B), multiple minor violations discovered during a single investigation of the same type by an entity licensed under this chapter must be treated as a single offense.

SECTION 5. Tennessee Code Annotated, Section 57-4-201(d), is amended by adding the following as a new subdivision (7) and renumbering the subsequent subdivision accordingly:

(7) The name of an individual or individuals to whom notification of violations must be given;

SECTION 6. Tennessee Code Annotated, Section 57-4-203, is amended by adding the following as new subsections:

(p) The commission shall provide a written notification of any violation to the individual identified in Section 5. The written notification must be sent by certified mail or some other form of communication that provides confirmation of receipt of the notification by the individual identified in Section 5.

(q) The commission shall allow a licensee a period of ten (10) business days to cure a minor violation prior to imposing a fine for the minor violation. The commission shall not impose a fine if the licensee cures the minor violation.

SECTION 7. Tennessee Code Annotated, Section 57-4-203(h), is amended by deleting the first sentence of the subsection and substituting instead the following:

An entity holding a license issued pursuant to § 57-4-101 shall not employ any person in the serving of beer, wine, or other alcoholic beverages, or to verify the age of persons who enter the establishment, who does not possess a server permit from the commission.

SECTION 8. Tennessee Code Annotated, Section 57-3-704, is amended by adding the following as a new subsection (b) and redesignating the existing subsections accordingly:

(b) An applicant for a server permit who is POST-certified is exempt from the training requirements of subdivision (a)(1).

SECTION 9. Tennessee Code Annotated, Section 57-3-703, is amended by deleting the language "§ 57-3-704(b)" wherever it appears and substituting instead the language "§ 57-3-704(c)".

SECTION 10. This act shall take effect upon becoming a law, the public welfare requiring it.

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 2442 - SB 2481

March 16, 2020

SUMMARY OF ORIGINAL BILL: Makes changes to the requirements and the permissions of entities with caterer's licenses with regards to alcohol sales. Prohibits the Alcoholic Beverage Commission (ABC) from conducting more than two undercover investigations in a year on a licensed entity unless ABC receives a complaint about the particular licensee or if ABC determines that conducting an additional undercover investigation is in the best interest of public safety. Requires multiple minor violations, as defined in the proposed legislation, to be counted as a single offense. Requires the ABC to allow 10 business days for a licensee to cure a minor violation prior to imposing a fine for the minor violation. Requires all doorkeepers to have a servers permit.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Revenue - $36,800/FY20-21/Strategic Technology Services

Increase State Expenditures - $36,800/FY20-21/ABC Fund

SUMMARY OF AMENDMENT (017158): Deletes and replaces all language after the enacting clause, such that the only substantive changes are to: 1) remove the two business day requirement by which a caterer must inform ABC of their intent to sell alcohol at an event; 2) adds requirements for catering a conveyance; 3) require a fee be paid from a caterer to a wholesaler that delivers alcohol to the event site for the caterer; 4) require ABC to promulgate rules regarding undercover sting operations before June 1, 2021; and 5) remove from the original bill the prohibition from ABC conducting more than two undercover investigations in a year on a licensed entity unless ABC receives a complaint about the particular licensee.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Any decrease in revenue from combining the multiple fines in to one and for giving the entities 10 days to cure the issue will be offset by the increase in revenue of requiring all doorkeepers to pay the $35 fee for a servers permit.

- ABC's Regulatory Licensing and Permitting system will need to be updated to incorporate the proposed changes. The estimated increase in expenditures for updates to ABC's systems is $36,780. It is assumed these costs will be paid to STS to cover the update costs.
- A one-time corresponding increase in revenue for STS would be $36,780.

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/abw

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

_____
Signature of Sponsor

AMEND Senate Bill No. 2481 **House Bill No. 2442***

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

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

(a) Notwithstanding § 57-4-201(a)(3), an applicant for a catering license or the renewal of a catering license under this chapter may choose the expiration date of the license as long as the expiration date chosen is more than twelve (12) months but less than twenty-four (24) months from the date the license is issued or renewed and is the same date as an expiration date of another license issued under this chapter that is held by the applicant. The license fee for a license issued for more than twelve (12) months but less than twenty-four (24) months must be prorated according to the length of the license.

(b) A licensed caterer shall provide notice to the commission before an event at which the licensed caterer has contracted to provide and sell alcoholic beverages on a form developed by the commission. The notification must be transmitted electronically, and the commission shall confirm receipt of the notification.

(c) The department of revenue shall not use the event notification form submitted by a licensed caterer for purposes of an audit of the caterer.

(d) A wholesaler may deliver alcoholic beverages directly to the site where a licensed caterer is catering an event and charge a fee to the caterer for the delivery.

(e) A new server hired by a licensed caterer may work for sixty-one (61) days after being hired without a server permit. A server who has worked for sixty-one (61) days must have a server permit.

(f)

(1) A licensed caterer may cater to a site that is a conveyance if the conveyance:

(A) Has enough interior space and is equipped for a bartender holding a valid server permit to serve drinks and food;

(B) Has space available to store alcoholic beverages in a manner that restricts access to alcoholic beverages by persons other than the bartender;

(C) Is a registered motor vehicle, pursuant to § 55-4-101, that has a top speed in excess of twenty-five (25) miles per hour, or is a motorboat, as defined in § 69-9-204, that is at least twenty-five feet (25') in length; and

(D) Maintains a fixed route.

(2) A caterer licensee catering to a conveyance may cater to the conveyance seven (7) days a week.

(3) For purposes of notification under subsection (b), a licensed caterer is only required to provide notification prior to the commencement of performance of a contract for catering services to a conveyance. The licensed caterer shall provide a new notification each time the contract is renewed. The notification must include a detailed description of the fixed route the conveyance will take during the events.

SECTION 2. Tennessee Code Annotated, Section 57-4-201, is amended by adding the following as new subsections:

( ) Notwithstanding subdivision (a)(3), an applicant for a license or the renewal of a license under this chapter who possesses more than one (1) licenses issued under this chapter may choose the expiration date of the license as long as the expiration date chosen is more than twelve (12) months but less than twenty-four (24) months from the date the license is issued or renewed and is the same date as the expiration date of another license issued under this chapter that is held by the applicant. The license fee for a license issued for more than twelve (12) months but less than twenty-four (24) months must be prorated according to the length of the license.

( ) On or before June 1, 2021, the commission shall promulgate rules for a program of cooperative sting initiatives that are designed to increase compliance with the law, protect public safety, and train industry employees. In developing the program, the commission shall consult in good faith with representatives of the liquor-by-the-drink industry.

( ) Any documentation required by this chapter to be maintained by a licensee may be stored electronically, and the commission shall accept the electronic documentation for purposes of an inspection of the licensee or verification of compliance with this chapter.

SECTION 3. Tennessee Code Annotated, Section 57-4-102, is amended by adding the following as a new subdivision:

( ) "Minor violation" means a failure to:

(A) Maintain the establishment in proper sanitary conditions;

(B) Register all management personnel with the commission;

(C) Give adequate notice to the commission of catered events;

(D) Maintain copies of server permits on licensed premises; or

(E) Properly display any required permits or licenses;

SECTION 4. Tennessee Code Annotated, Section 57-4-201, is amended by adding the following as a new subsection:

( ) Notwithstanding § 57-1-201(b)(1)(B), multiple minor violations discovered during a single investigation of the same type by an entity licensed under this chapter must be treated as a single offense.

SECTION 5. Tennessee Code Annotated, Section 57-4-201(d), is amended by adding the following as a new subdivision (7) and renumbering the subsequent subdivision accordingly:

(7) The name of an individual or individuals to whom notification of violations must be given;

SECTION 6. Tennessee Code Annotated, Section 57-4-203, is amended by adding the following as new subsections:

(p) The commission shall provide a written notification of any violation to the individual identified in Section 5. The written notification must be sent by certified mail or some other form of communication that provides confirmation of receipt of the notification by the individual identified in Section 5.

(q) The commission shall allow a licensee a period of ten (10) business days to cure a minor violation prior to imposing a fine for the minor violation. The commission shall not impose a fine if the licensee cures the minor violation.

SECTION 7. Tennessee Code Annotated, Section 57-4-203(h), is amended by deleting the first sentence of the subsection and substituting instead the following:

An entity holding a license issued pursuant to § 57-4-101 shall not employ any person in the serving of beer, wine, or other alcoholic beverages, or to verify the age of persons who enter the establishment, who does not possess a server permit from the commission.

SECTION 8. Tennessee Code Annotated, Section 57-3-704, is amended by adding the following as a new subsection (b) and redesignating the existing subsections accordingly:

(b) An applicant for a server permit who is POST-certified is exempt from the training requirements of subdivision (a)(1).

SECTION 9. Tennessee Code Annotated, Section 57-3-703, is amended by deleting the language "§ 57-3-704(b)" wherever it appears and substituting instead the language "§ 57-3-704(c)".

SECTION 10. This act shall take effect upon becoming a law, the public welfare requiring it.

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 1906 - SB 2494

March 2, 2020

SUMMARY OF ORIGINAL BILL: Authorizes any commercially operated facility as a "premier type tourist resort" for purposes of on-premises consumption of alcohol if the following qualifications are met:

- Has an actual total value of more than $5,000,000.
- Have 50 or more full-time employees.
- Features resort activities like boating, golf, camping, or other resort activities that have a significant economic effect.
- Is located in an unincorporated part of a county.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Revenue - $6,900/FY20-21/ABC Fund
$6,000/FY21-22 and Subsequent Years/ABC Fund
$83,300/FY20-21 and Subsequent Years/General Fund

Increase Local Revenue - $66,000/FY20-21 and Subsequent Years/Permissive

SUMMARY OF AMENDMENT (015068): Deletes and replaces all language of the original bill except the effective date clause. Requires any licensee for purposes of on-premises consumption of alcohol to maintain the license issued by ABC at the licensed premises and to display it upon request.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- Requiring private entities to maintain a license and display it upon request is estimated to have no significant fiscal impact on the state or its agencies.
- It is assumed that ABC can promulgate rules to require licenses to be displayed in a manner satisfactory to ABC's enforcement efforts. As a result, any impact on ABC's fine revenue is estimated to be not significant.

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/abw

House Departments & Agencies Subcommittee Am. #1

Amendment No._____

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

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Signature of Sponsor

AMEND Senate Bill No. 2494 House Bill No. 1906*

by deleting SECTION 1 and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 57-4-201, is amended by adding the following new subsection:

(h) Any licensee pursuant to this chapter shall maintain the license issued by the commission at the licensed premises and shall display it upon request.

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 2136 - SB 2108

March 5, 2020

SUMMARY OF ORIGINAL BILL: Requires the Department of Correction (DOC) to pay a qualifying county an additional $5 per day recidivism-reduction discount per eligible felon if certain criteria are met. Authorizes Tennessee community colleges and Tennessee's colleges of applied technology to assist county governments in the development of programs and contract and partner with local government to provide programming. Effective January 1, 2021.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – $4,606,500/FY20-21
$8,784,300/FY21-22 and Subsequent Years

Increase Local Revenue – $4,140,600/FY20-21
$8,281,100/FY21-22 and Subsequent Years

Increase Local Expenditures –
Up to $4,140,600/FY20-21/Permissive
Up to $8,281,100/FY21-22 and Subsequent Years/Permissive

Other Fiscal Impact - In future fiscal years, there will be a decrease in state incarceration expenditures resulting from programs provided at local jails to felons reducing recidivism. The timing and amount of any decrease is dependent upon multiple unknown factors and cannot be quantified with reasonable certainty.

SUMMARY OF AMENDMENT (016207): Deletes and replaces all language of the original bill such that the substantive changes are to: (1) authorize a county to agree, for a determinate period of time, pursuant to an interlocal agreement for the joint development or operation of a transition center; and (2) specify that any amounts contributed to the transition center are revenues of the transition center that are authorized to be used for any lawful purpose of the transition center.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

Program and Analysis Parameters

- The proposed legislation applies to counties with a population less than 336,000 according to the 2010 federal census, that pursuant to a state contract house convicted felons in county jail facilities or houses convicted felons awaiting transfer to a state facility and provide DOC approved evidence-based programs to reduce recidivism rates among convicted felons.
- According to data from the 2010 federal census, counties exceeding 336,000 in population are:
  - Davidson
  - Hamilton
  - Knox
  - Shelby
- The proposed legislation requires the stipend be set at $5 per day per inmate participating in a qualifying program, and requires DOC to compensate the county for each program in which the felon is enrolled.
- In order to maintain such stipend, the proposed legislation requires eligible counties to provide documentation that at least 70 percent of felons who enroll in such programs go on to complete them in a timely manner as determined by DOC.
- The proposed legislation requires the DOC to review recidivism rates of programs after a period of three years. If the program does not reduce recidivism by at least 25 percent, the program is disqualified from stipend eligibility.
- The proposed legislation is effective January 1, 2021 which is approximately 50 percent of FY20-21. As such, this analysis estimates 50 percent of the fiscal year impact will occur in FY20-21 and 100 percent will occur in FY21-22 and subsequent fiscal years.

Program Participation

- Any action taken by a county to contract with the state to house state convicted felons and participate in offering such programs is permissive.
- Based on information provided by the DOC, in FY18-19 an average of 6,046 convicted felons were housed in local jails in counties with a population of less than 300,000.
- This analysis estimates 75 percent of such inmates will reside in a participating county and take one eligible year-long program each year.
- This analysis assumes such programs will comply with all DOC requirements.
- The total one-time increase in state expenditures in FY20-21 resulting from the proposed legislation is estimated to be $4,140,565 {[(6,046 x 75%) x $5 x 365.25] x 50%}.
- The recurring increase in state expenditures in FY21-22 and subsequent fiscal years resulting from the proposed legislation is estimated to be $8,281,131 [(6,046 x 75%) x $5 x 365.25)].
- The proposed legislation will result in a corresponding one-time increase in local revenue in FY20-21estimated to be $4,140,565 and a recurring increase of local revenue in FY21-22 and subsequent fiscal years estimated to be $8,281,131.
- Some counties will be incentivized to establish such programs, while counties with existing programs may choose to invest additional funds into such programs. The exact

extent to which local revenue will be invested into such programs is unknown; however, the permissive one-time increase in local expenditures in FY20-21 estimated to be up to $4,140,565 and a permissive recurring increase in local expenditures in FY21-22 and subsequent fiscal years estimated to be up to $8,281,131 to provide materials, training, and staff necessary to offer such programming and ensure DOC compliance.

DOC Oversight

- The proposed legislation requires the DOC to determine the eligibility of programs that are evidence-based and matched to the risk needs of enrolled offenders and to ensure at least 70 percent of enrollees in such programs go on to complete them in a timely manner.
- In order to accomplish the required oversight, DOC will require additional personnel.
- The DOC will require six Correctional Counselor 1 positions for quality assurance of programs.
- The recurring salary and benefits for each of the six positions is estimated to be $45,313 ($33,228 salary + $12,085 benefits).
- The DOC will require two Correction Program Manager 1 positions for program oversight.
- The recurring salary and benefits for each position is estimated to be $47,244 ($34,884 salary + $12,360 benefits).
- Additionally, the eight (6 + 2) positions will require recurring funding for travel, supplies, user licenses, training, etc., estimated to be $17,100 per year.
- The one-time increase in state expenditures in FY20-21 for of the eight positions is estimated to be $214,400 [($1,800 computer + $25,000 vehicle) x 8].

Transition Centers

- The proposed legislation may result in an increase in local government expenditures with an equal corresponding increase in local revenue for jointly developed transition centers.
- The net impact to local government resulting from authorizing a county to enter into a interlocal agreement for the joint development or operation of a transition center is estimated to be not significant.

State Impact

- The total increase in state expenditures in FY20-21 resulting from the proposed legislation is estimated to be $4,606,548 ($4,140,565 + {[($45,313 x 6) + ($47,244 x 2) + ($17,100 x 8)] x 50%} + $214,400).
- The total increase in state expenditures in FY21-22 and subsequent fiscal years resulting from the proposed legislation is estimated to be $8,784,297 [$8,281,131 + ($45,313 x 6) + ($47,244 x 2) + ($17,100 x 8)].
- This analysis assumes the DOC will select and approve evidence-based programs that will result in a reduction in recidivism rates among convicted felons.
- The proposed legislation is effective January 1, 2021; therefore, any felon participating in programs outlined in the proposed legislation will complete them at least one year from that time and be released from the local facility sometime after completing such programs.

- This analysis assumes the proposed legislation will reduce recidivism and result in a decrease in state incarceration expenditures in future fiscal years; however, due to multiple unknown factors, including: the timing of any release of any participating felon, the program offerings, and the timing of any offense and sentence avoided through participation in programs, such decrease cannot be quantified with reasonable certainty.
- Based on information provided by the Tennessee Board of Regents, any impact to community colleges or colleges of applied technology resulting from assisting county governments in the development of such programs will be accomplished utilizing existing resources. Any fiscal impact is estimated to be not significant.

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/amj

House Corrections Subcommittee Am. #1

Amendment No._____

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

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Signature of Sponsor

AMEND Senate Bill No. 2108 **House Bill No. 2136***

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

SECTION 1. Tennessee Code Annotated, Section 41-8-106, is amended by adding the following new subsection:

(1) In addition to the reimbursement under subsection (c) and subdivision (g)(2), the department shall pay a recidivism-reduction stipend to any county:

(A) That has a population of less than three hundred thirty-six thousand (336,000), according to the 2010 federal census or any subsequent federal census; and

(B) In which the county jail houses convicted felons pursuant to a contract with the state or houses convicted felons awaiting transfer to a state facility, and provides evidence-based programs to those inmates designed to reduce recidivism rates among convicted felons.

(2) The recidivism-reduction stipend must be set at an additional five dollars ($5.00) per day to be added to the reimbursement for each convicted felon who is enrolled in a qualifying program at the county jail. If a felon is enrolled in more than one (1) program, the department shall pay a stipend for each program in which the felon is enrolled.

(3) The department shall determine the eligibility of qualifying programs, which may focus on education, vocational training, mental health, substance abuse rehabilitation, building healthy relationships, or any other specialty that can be shown by scientific research to effectively reduce the recidivism rate of felons and increase the

likelihood of success following release from incarceration. Each eligible program must be evidence-based and matched to the risk needs of enrolled offenders.

(4) In order to maintain the recidivism-reduction stipend, the county must provide documentation that at least seventy percent (70%) of the felons who enroll in the program go on to complete the program in a timely manner as determined by the department.

(5) After a program has been in existence for three (3) years, the department shall review the recidivism rates of felons who complete qualifying programs to determine whether the program has been effective in reducing recidivism rates. If the program does not reduce the recidivism rate by at least twenty-five percent (25%), the program shall no longer be eligible for the additional stipend as a qualifying program.

(6) The commissioner is hereby authorized to promulgate rules and regulations that, in the commissioner's judgment will implement and help effectuate this subsection. The rules and regulations shall be promulgated pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(7) Tennessee's community colleges, established pursuant to title 49, chapter 8 and Tennessee's colleges of applied technology, established pursuant to title 49, chapter 11, part 4, are authorized and encouraged to assist county governments in the development of programs, particularly relative to identifying appropriate job training and workforce development programs that will be in demand in that county's region.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 8, Part 2, is amended by adding the following new section:

In addition to all other authorized functions of the community colleges and state colleges of applied technology within the board of regents, such facilities are authorized to contract and partner with local governments for the purpose of providing educational and workforce development programs to assist with reducing recidivism rates of criminal

offenders held in local correctional facilities and improving opportunities for successful reentry upon release from incarceration.

SECTION 3. Tennessee Code Annotated, Section 49-11-404, is amended by adding the following new subdivision (a)(3) and renumbering the current subdivision (a)(3) and subsequent subdivisions as appropriate:

(3) Sheriff's departments or other officials or departments charged with oversight of a county jail or workhouse for the purpose of developing reentry programs to effectively reduce the recidivism rate of felons and increase the likelihood of successful reintegration into society following release of the individual from incarceration;

SECTION 4. Tennessee Code Annotated, Title 5, Chapter 9, Part 1, is amended by adding the following as a new section:

(a) A county may agree, for a determinate period of time, pursuant to an interlocal agreement entered into under § 12-9-104 that relates to the joint development or operation of a transition center.

(b) Any amounts contributed to the transition center pursuant to subsection (a) are revenues of the transition center that may be used for any lawful purpose of the transition center.

(c) As used in this section, "transition center" means a local correctional facility that assists inmates' crossover from jail or prison life to productive citizenship through the use of phases and a series of programs and services designed to equip and empower inmates to make life changes in order to reduce recidivism. The local correctional facility must be operated in accordance with § 41-4-140.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it, for the purpose of promulgating rules pursuant to Section 2 of this act. For all other purposes, this act shall take effect January 1, 2021, the public welfare requiring it.

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 1673 - SB 2762

March 4, 2020

SUMMARY OF ORIGINAL BILL: Requires, by January 1, 2022, all emergency communications districts (ECDs) to utilize the direct dispatch method in response to emergency calls.

FISCAL IMPACT OF ORIGINAL BILL:

Increase Local Expenditures –
Exceeds $250,000/FY20-21*
Exceeds $1,250,000/FY21-22*
Exceeds $1,000,000/FY22-23 and Subsequent Years*

SUMMARY OF AMENDMENT (015534): Deletes and rewrites all language after the enacting clause such that the substantive changes are: (1) to require, by January 1, 2022, all ECDs to utilize the direct dispatch method in response to emergency calls and one of three methods in response to non-emergency calls; (2) to require all emergency 911 calls to be dispatched without being transferred; and (3) to authorize ECDs to transfer non-emergency calls at the discretion of the dispatcher via attended transfer.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 7-86-103 there are three methods of relaying emergency calls to the proper emergency service unit. They are as follows:
  - The direct dispatch method (DDM), once an emergency call is received, provides for the dispatch of appropriate emergency service units and a decision as to the proper action to be taken;
  - The relay method, once an emergency call is received, notes the pertinent information of the caller and relays the information to the right agency for dispatch of an emergency unit; and
  - The transfer method, once an emergency call is received, directly transfers the call to the appropriate public safety agency or provider of emergency services.

- According to the Department of Commerce and Insurance:
    - There are 100 ECDs statewide;
    - Approximately 20 utilize a method other than DDM; and
    - Most ECDs do have the capability to do some direct dispatching of emergency calls.
- According to the Tennessee Emergency Number Association, ECDs not currently utilizing DDM as the primary form of dispatch will require some new infrastructure, employees, employee training, as well as continued software and hardware updates.
- While the precise one-time mandatory increase in local expenditures for infrastructure will vary from ECD to ECD, it is reasonably estimated to exceed $500,000 statewide.
- The precise timing of implementation is unknown, but it is reasonably assumed that half, or $250,000 ($500,000 x 50.0%), of expenditures associated with infrastructure will occur in FY20-21 with the remaining half, or $250,000, occurring in FY21-22.
- Recurring mandatory increases in local expenditures associated with additional employees, employee training, and updates to new software and hardware are estimated to exceed $1,000,000 statewide, annually.
- The total mandatory increase in local expenditures is estimated to exceed $250,000 in FY20-21.
- The total mandatory increase in local expenditures is estimated to exceed $1,250,000 ($1,000,000 + $250,000) in FY21-22.
- The recurring mandatory increase in local expenditures is estimated to exceed $1,000,000 in FY22-23 and subsequent years.

*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

Krista Lee Carsner, Executive Director

/jrh

House Departments & Agencies Subcommittee Am. #1

Amendment No._____

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

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Signature of Sponsor

AMEND Senate Bill No. 2762 **House Bill No. 1673***

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

SECTION 1. Tennessee Code Annotated, Section 7-86-107(a), is amended by deleting subdivision (1) and substituting instead the following:

(1) Prior to January 1, 2022, the board of directors of the district shall create an emergency communications service designed to have the capability of direct dispatching emergency 911 calls and utilizing at least one (1) of the following three (3) methods in response to non-emergency calls:

(A) Direct dispatch method;

(B) Relay method; or

(C) Transfer method.

SECTION 2. Tennessee Code Annotated, Section 7-86-107(b), is amended by deleting the language "the right to dispatch its own services" and substituting instead the language "the right to dispatch its own non-emergency services".

SECTION 3. Tennessee Code Annotated, Section 7-86-107(f), is amended by deleting the language "911 service" and substituting instead the language "911 non-emergency service".

SECTION 4. Tennessee Code Annotated, Section 7-86-107, is further amended by adding the following as new subsections:

(g) Emergency 911 calls shall be dispatched by the initial public service answering point without being transferred.

(h) Non-emergency calls can be transferred at the discretion of the dispatcher via attended transfer. As used in this subsection (h), "attended transfer" means the

transfer of a telephone call received by a dispatcher where, before actually transferring the call to the end destination or third party for further assistance, the call is not put on hold and another call is initiated by the dispatcher to confirm that the end destination or third party is prepared to take the call so that the two (2) calls can be merged together.

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

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 1673 - SB 2762

March 16, 2020

SUMMARY OF ORIGINAL BILL: Requires, by January 1, 2022, all emergency communications districts (ECDs) to utilize the direct dispatch method in response to emergency calls.

FISCAL IMPACT OF ORIGINAL BILL:

Increase Local Expenditures –
Exceeds $250,000/FY20-21*
Exceeds $1,250,000/FY21-22*
Exceeds $1,000,000/FY22-23 and Subsequent Years*

SUMMARY OF AMENDMENT (016823): Deletes and rewrites all language after the enacting clause such that the substantive changes: (1) require ECDs to utilize the direct dispatch method in response to emergency 911 calls and one of three methods in response to non-emergency calls; (2) establish different deadlines for ECDs based on the number of ECD employees; (3) require all emergency 911 calls, with the exception of misrouted calls, to be dispatched without being transferred; (4) authorize ECDs to transfer non-emergency calls at the discretion of the dispatcher via attended transfer; and (5) establish that such requirements do not apply to calls received through any dispatch system within the Department of Safety.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- The proposed language establishes the following implementation deadlines:
  - For ECDs with fewer than 300 employees, by January 1, 2022; and
  - For ECDs with more than 300 employees, by January 1, 2023.
- Pursuant to Tenn. Code Ann. § 7-86-103 there are three methods of relaying emergency calls to the proper emergency service unit. They are as follows:
  - The direct dispatch method (DDM), once an emergency call is received, provides for the dispatch of appropriate emergency service units and a decision as to the proper action to be taken;

- The relay method, once an emergency call is received, notes the pertinent information of the caller and relays the information to the right agency for dispatch of an emergency unit; and
- The transfer method, once an emergency call is received, directly transfers the call to the appropriate public safety agency or provider of emergency services.

- According to the Department of Commerce and Insurance:
  - There are 100 ECDs statewide;
  - Approximately 20 utilize a method other than DDM; and
  - Most ECDs do have the capability to do some direct dispatching of emergency calls.
- According to the Tennessee Emergency Number Association, ECDs not currently utilizing DDM as the primary form of dispatch will require some new infrastructure, employees, employee training, as well as continued software and hardware updates.
- While the precise one-time mandatory increase in local expenditures for infrastructure will vary from ECD to ECD, it is reasonably estimated to exceed $500,000 statewide.
- The precise number of ECDs with more than 300 employees is unknown; however it is reasonably assumed that ECDs serving the four largest local governments have more than 300 employees. It is further assumed such ECDs currently utilize the direct dispatch method.
- The precise timing of implementation is unknown, but it is reasonably assumed that half, or $250,000 ($500,000 x 50.0%), of expenditures associated with infrastructure will occur in FY20-21 with the remaining half, or $250,000, occurring in FY21-22.
- Recurring mandatory increases in local expenditures associated with additional employees, employee training, and updates to new software and hardware are estimated to exceed $1,000,000 statewide, annually.
- The total mandatory increase in local expenditures is estimated to exceed $250,000 in FY20-21.
- The total mandatory increase in local expenditures is estimated to exceed $1,250,000 ($1,000,000 + $250,000) in FY21-22.
- The recurring mandatory increase in local expenditures is estimated to exceed $1,000,000 in FY22-23 and subsequent years.

*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

Krista Lee Carsner, Executive Director

/jrh

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

Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 2762 **House Bill No. 1673***

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

SECTION 1. Tennessee Code Annotated, Section 7-86-107(a), is amended by deleting subdivision (1) and substituting instead the following:

(1)

(A) Prior to January 1, 2022, the board of directors of the district shall create an emergency communications service designed to have the capability for each primary public safety answering point within their emergency communications district to have the capability of direct dispatching emergency 911 calls and utilizing at least one (1) of the following three (3) methods in response to non-emergency calls:

(i) Direct dispatch method;

(ii) Relay method; or

(iii) Transfer method.

(B) This subdivision (a)(1) does not apply to a district with more than three hundred (300) employees until January 1, 2023.

SECTION 2. Tennessee Code Annotated, Section 7-86-107(b), is amended by deleting the language "the right to dispatch its own services" and substituting instead the language "the right to dispatch its own non-emergency services".

SECTION 3. Tennessee Code Annotated, Section 7-86-107(f), is amended by deleting the language "911 service" and substituting instead the language "911 non-emergency service".

SECTION 4. Tennessee Code Annotated, Section 7-86-107, is further amended by adding the following as new subsections:

(g) Emergency 911 calls shall be dispatched by the initial public service answering point without being transferred.

(h) Non-emergency calls can be transferred at the discretion of the dispatcher via attended transfer. As used in this subsection (h), "attended transfer" means the transfer of a telephone call received by a dispatcher where, before actually transferring the call to the end destination or third party for further assistance, the call is not put on hold and another call is initiated by the dispatcher to confirm that the end destination or third party is prepared to take the call so that the two (2) calls can be merged together.

(i) Notwithstanding subsection (g), misrouted 911 emergency calls can be transferred via attended transfer. As used in this subsection (i), "misrouted" means a call routed to a public safety answering point that should not have received it due to a provisioning error or other misconfiguration.

(j) This section does not apply to calls received through any dispatch system within the department of safety.

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

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

SB 2206 - HB 2809

March 7, 2020

SUMMARY OF ORIGINAL BILL: Decreases, from 90 to 60 calendar days, the period of time in which the General Assembly is required to confirm the appointment of a citizen member to the Peace Officer Standards and Training (POST) Commission.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (015301): Deletes all language after the enacting clause. Establishes that a student admitted to a two-year public postsecondary institution (institution) and enrolled in a basic law enforcement academy operated by the institution is eligible to apply for a Tennessee Reconnect Grant (TRG) and receive the grant until the basic training is complete. Establishes that current prerequisite requirements for the TRG do not apply to applicants under the proposed legislation, other than the requirement for the applicant not to be ineligible for the grant and to be a Tennessee resident.

Requires the Department of Commerce and Insurance (DCI) to create a five-year pilot program to fund local law enforcement agencies' costs of recruits attending Basic Law Enforcement Training at the Tennessee Law Enforcement Training Academy (TLETA). Requires DCI to submit a report to the House of Representatives and Senate Finance, Ways, and Means Committees of the total number of recruits paid for by the pilot program by August 1 each year.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures –$1,603,800/Each Year FY20-21 through FY24-25/ General Fund
$653,800/FY20-21 and Subsequent Years/ Lottery for Education Account

Decrease Local Expenditures - $1,603,800/Each Year FY20-21 through FY24-25

Other Fiscal Impact – Recurring funding in an amount estimated to be $653,800 beginning in FY20-21 will not be available for transfer from the Lottery for Education Account to the Tennessee Promise Special Reserve Account.

Assumptions for the bill as amended:

- Three community colleges in the state currently provide a certified basic training law enforcement program: Cleveland State, Nashville State, and Walters State.
- According to the Tennessee Board of Regents, enrollment in the basic training law enforcement programs at Cleveland State, Nashville State, and Walters State for the previous academic school year was 103, 115, and 262 respectively.
- Students currently enrolled in the college law enforcement programs are not prohibited from applying for aid through a TRG; however, it is estimated that expanding eligibility for a TRG will increase awards by 50 percent.
- Applicants for a TRG are required to be Tennessee residents. The average in-state tuition for each college basic training program is $2,724.
- The recurring increase in state expenditures from the Lottery for Education Account, beginning in FY20-21, is estimated to be $653,760 {[(103 + 115 + 262) x 50.0%] x $2,724}.
- According to the Peace Officers Standards and Training (POST) Commission, there are currently 486 local officers attending Basic Law Enforcement Training at TLETA.
- The number of annual local recruits is assumed to remain constant over the duration of the five-year pilot program as there is currently almost always a waitlist for enrollment and class sizes are at capacity.
- The Basic Law Enforcement Training fee at TLETA for county and local officers is $3,300.
- An increase in state expenditures, and equivalent decrease in local expenditures, in each FY20-21 through FY24-25, of $1,603,800 (486 x $3,300).
- Any funds appropriated for this purpose are to remain with the program throughout the term of the pilot. At the end of the pilot, any unused funds are to revert to the General Fund. It is assumed all funds will be used during the pilot.
- DCI can provide the report of recruits paid for by the pilot program within existing resources.

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/agr

House Public Service & Employees Subcommittee Am. #1

Amendment No._____

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Signature of Sponsor

AMEND Senate Bill No. 2206* **House Bill No. 2809**

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

SECTION 1. Tennessee Code Annotated, Section 49-4-944, is amended by adding the following language as a new subsection (l):

(l)

(1) Subsections (b) through (k) do not apply to the award of Tennessee reconnect grants under this subsection (l).

(2) As used in this subsection (l):

(A) "Basic law enforcement training academy" means a Tennessee peace officer standards and training commission certified basic training program operated by an eligible postsecondary institution; and

(B) "Eligible postsecondary institution" means a two-year public postsecondary institution.

(3) To be eligible for a Tennessee reconnect grant under this subsection (l), a student must:

(A) Not be ineligible for the grant under § 49-4-904;

(B) Have been a Tennessee resident as required by § 49-4-905(a)(1); and

(C) Be admitted to an eligible postsecondary institution and enrolled in a basic law enforcement training academy operated by the eligible postsecondary institution.

(4) The course of study at the basic law enforcement training academy must consist of at least four hundred eighty (480) classroom hours.

(5) A student may receive the Tennessee reconnect grant under this subsection (l) until the student has completed the basic law enforcement training academy's course of study.

(6) A student who has an approved medical or personal leave of absence from a basic law enforcement academy may continue to receive the grant upon resuming study in the basic law enforcement academy so long as the student continues to meet all applicable eligibility requirements.

(7) Subject to amounts appropriated by the general assembly, the amount of a Tennessee reconnect grant under this subsection (l) must not exceed the eligible postsecondary institution's cost of tuition and mandatory fees charged to students for the course of study at the basic law enforcement academy.

SECTION 2. Tennessee Code Annotated, Title 38, Chapter 8, is amended by adding the following language as a new part 4:

38-8-401.

As used in this part:

(1) "Basic training" means the basic law enforcement training program operated by the Jerry F. Agee Tennessee law enforcement training academy;

(2) "Department" means the department of commerce and insurance;

(3) "Local costs" means all costs associated with a recruit's attendance at basic training paid by the recruit's local law enforcement agency;

(4) "Recruit" means a local law enforcement officer who is employed by a local law enforcement agency, but who has not completed basic training; and

(5) "TLETA" means the Jerry F. Agee Tennessee law enforcement training academy created pursuant to title 38, chapter 8, part 2.

38-8-402. The department shall create a five-year pilot program to fund local law enforcement agencies' local costs of recruits attending basic training at TLETA. The purpose of the pilot program is to relieve the financial burden on local law enforcement agencies of funding recruits' basic training at TLETA. The department shall establish and administer the pilot program to begin with fiscal year 2020-2021.

38-8-403. To the extent that the general assembly appropriates funds in the general appropriations act to fund the pilot program during the program's five-year existence, the department, upon receipt of an invoice from a local law enforcement agency, shall transfer funds equaling the local costs of the agency's recruits' attendance at TLETA. The department shall provide funding for recruits to attend TLETA on a first come, first served basis until the funding appropriated in the general appropriations act for the respective fiscal year or in the general appropriations acts for past fiscal years pursuant to § 38-8-404 is exhausted.

38-8-404.

(a) Funds appropriated by the general assembly for the pilot program do not revert to the general fund at the end of any fiscal year in which the pilot program is in effect, but must be carried forward for use in the pilot program for the next fiscal year.

(b) At the end of the 2024-2025 fiscal year, any funds appropriated for the pilot program that remain unexpended revert to the general fund.

38-8-405 The department shall report, by August 1 following each fiscal year in which the pilot program was in effect, to the finance, ways and means committees of the senate and house of representatives. The department's report must contain for the fiscal year prior to the August 1 reporting date the total number of recruits and the number of recruits by law enforcement agency for whom the pilot program paid the local costs of basic training, the total amount expended through the pilot program, and the unexpended amount remaining in the pilot program.

38-8-406. This part is not an appropriation of funds, and no funds are obligated or expended pursuant to this part unless the funds are specifically appropriated by the general appropriations act.

SECTION 3. Section 1 of this act shall take effect July 1, 2020, the public welfare requiring it, and shall apply to students seeking a Tennessee reconnect grant under the provisions of Section 1 on or after that date. The remaining sections of this act shall take effect upon becoming a law, the public welfare requiring it.

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 2007 - SB 2073

March 10, 2020

SUMMARY OF ORIGINAL BILL: Establishes that certain documents currently held as confidential are open for public inspection.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (016376): Deletes and rewrites language of the original bill such that the substantive changes: (1) delete portions of the original language which established previously held confidential audit working papers are subject to public inspection; (2) authorize public records subject to public inspection being used during an audit to be released prior to the conclusion of the audit in certain circumstances; (3) require such records to be released no later than 30 days following the conclusion of the audit or 180 after the initiation of the audit; and (4) authorize such records to be withheld from public inspection for an additional 30 days upon a showing of good cause.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- The proposed language would establish that records which are open for public inspection being used during an audit may be released prior to the audit's conclusion, if the auditor determines that such record's release will not prejudice the audit. Such records are required to be released within 30 days of the conclusion of the audit or 180 days after the initiation of the audit, whichever is earlier.
- Such records are currently subject to public inspection. Authorizing the release of such records prior to conclusion of an audit, upon the discretion of the auditor will not result in any fiscal impact to state or local government.

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/jrh

House Public Service & Employees Subcommittee Am. #1

Amendment No._____

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Signature of Sponsor

AMEND Senate Bill No. 2073 **House Bill No. 2007***

by deleting Section 2 and substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 10-7-503, is amended by adding the following as a new subsection:

( ) A public record subject to public inspection being used during an audit or investigation by the comptroller of the treasury or state, county, or local government audit staff may be released prior to the conclusion of the audit or investigation by the audited or investigated entity when, in the opinion of the auditor or investigator, such disclosure will not prejudice the audit or investigation. If records are subject to such release, the records must be made open to public inspection by the audited or investigated entity no later than thirty (30) days following the conclusion of the audit or investigation, or one hundred eighty (180) days after the initiation of the audit or investigation, whichever is earlier. Upon a showing of good cause by the audited or investigated entity, such records may be withheld an additional thirty (30) days after the one hundred eighty (180) days after the initiation of the audit or investigation.

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 2687 - SB 2541

March 4, 2020

SUMMARY OF ORIGINAL BILL: Increases, from 15 to 20, the number of days after receipt of a proposal regarding the private negotiated sale of a refunding bond that the Comptroller of Treasury (COT) has to approve or deny the proposal.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (014666): Deletes all language after the enacting clause. Prohibits a state agency from entering into or renewing a contract with a company unless the company declares, via the contract, that it is not boycotting any jurisdiction with whom this state can enjoy open trade.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Other Fiscal Impact – In the event a company boycotts an applicable jurisdiction and the state would have otherwise contracted with such company, there may be an increase in state expenditures associated with procurement of goods or services; however a precise impact to state expenditures cannot reasonably be determined.

Assumptions for the bill as amended:

- According to the Department of General Services, current contracts can be altered to account for the required declaration utilizing existing staff and resources.
- According to the Comptroller of the Treasury, additional review of procurements to ensure such declarations are included can be accomplished utilizing existing staff and resources.
- In the event a company chooses to boycott an applicable jurisdiction and the state would have otherwise contracted with such company, there may be an increase in state expenditures associated with procurement of goods or services; however any such increase in state expenditures cannot reasonably be determined.

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/jrh

House Public Service & Employees Subcommittee Am. #1

Amendment No._____

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

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Signature of Sponsor

AMEND Senate Bill No. 2541 **House Bill No. 2687***

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

SECTION 1. Tennessee Code Annotated, Title 12, Chapter 4, Part 1, is amended by adding the following as a new section:

(a) A state agency shall not enter into or renew a contract with a company for the acquisition or provision of supplies, equipment, or services, including construction services, unless the contract declares that the company is not boycotting any jurisdiction with whom this state can enjoy open trade, including Israel, and will not do so during the contract period.

(b) As used in this section:

(1) "Boycott":

(A) Means engaging in refusals to deal, terminating business activities, or other actions that are intended to limit commercial relations with persons or entities in a discriminatory manner; and

(B) Does not include:

(i) Boycotts to which 50 U.S.C. § 4607(c) applies;

(ii) A decision based on business or economic reasons, or the specific conduct of a targeted person or entity;

(iii) A boycott against a public entity of a foreign state when the boycott is applied in a nondiscriminatory manner; and

(iv) Conduct necessary to comply with applicable law in the business's home jurisdiction;

(2) "Company" means a sole proprietorship, partnership, corporation, national association, societe anonyme, limited liability company, limited partnership, limited liability partnership, joint venture, or other business organization, including their subsidiaries and affiliates, that operates to earn a profit;

(3) "Israel" means Israel or Israeli-controlled territories;

(4) "Jurisdiction with whom this state can enjoy open trade" means any world trade organization member and any jurisdiction with which the United States has free trade or other agreements aimed at ensuring open and nondiscriminatory trade relations; and

(5) "State agency" means an organized body, office, agency, department, institution, or other entity established by the laws of the state for the exercise of a function of state government.

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

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 2376 - SB 2564

March 9, 2020

SUMMARY OF ORIGINAL BILL: Decreases, from $50,000 to $50, the maximum civil penalty the Secretary of State (SOS) is authorized to assess against a person or nonprofit organization that has violated the Tennessee Nonprofit Gaming Law. Decreases the criminal penalty for any offense under the Tennessee Nonprofit Gaming Law to a Class C misdemeanor, punishable by fine only

FISCAL IMPACT OF ORIGINAL BILL:

Decrease State Revenue - $5,000/FY20-21 and Subsequent Years/
Division of Charitable Solicitations and Gaming

SUMMARY OF AMENDMENT (016449): Deletes all language after the enacting clause. Establishes that the SOS is authorized to assess a civil penalty against a person or nonprofit organization that has violated the Tennessee Nonprofit Gaming Law of up to $50 for the first violation or a violation occurring more than one year after a previous violation, $50 for a second violation within one year, $500 for a third violation within one year, $5,000 for a fourth violation within one year, and $50,000 for a fifth or subsequent violation within one year.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- Pursuant To Tenn. Code Ann. § 37-13-113, the SOS is authorized to assess a civil penalty against a person or nonprofit organization for violation of annual charitable gaming laws up to $50,000.
- The SOS does not impose the maximum civil penalty of $50,000 for initial violations; therefore, designating a penalty limit for each initial and subsequent violation under the proposed legislation is not estimated to reduce civil penalty revenue for the SOS.

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/agr

House Departments & Agencies Subcommittee Am. #1

Amendment No._____

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

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Signature of Sponsor

AMEND Senate Bill No. 2564 House Bill No. 2376*

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

SECTION 1. Tennessee Code Annotated, Section 3-17-113, is amended by deleting subsection (a) and substituting instead the following:

(a)

(1) The secretary may publicly or privately investigate, as the secretary of state deems necessary, any person or organization that the secretary has reason to believe has violated this chapter.

(2) The secretary may assess a civil penalty against any person, or a nonprofit organization, for a violation of this chapter or any rule or regulation adopted pursuant to this chapter. The secretary may assess the following civil penalties:

(A) For a first violation or a violation occurring more than one (1) year after a previous violation, a civil penalty not to exceed fifty dollars ($50.00);

(B) For a second violation occurring within one (1) year, a civil penalty not to exceed fifty dollars ($50.00);

(C) For a third violation occurring within one (1) year, a civil penalty not to exceed five hundred dollars ($500);

(D) For a fourth violation occurring within one (1) year, a civil penalty not to exceed five thousand dollars ($5,000); and

(E) For a fifth or subsequent violation within one (1) year, a civil penalty not to exceed fifty thousand dollars ($50,000).

(3) Any hearing on the imposition of a civil penalty pursuant to this section shall be in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

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

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 1172 - SB 1300

March 9, 2020

SUMMARY OF ORIGINAL BILL: Creates the Tennessee Office of Cooperative Disability Investigation, which would be attached to the Governor's Office, and exist from July 1, 2019, through July 21, 2021.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (016410): Deletes all language after the enacting clause. Creates the Tennessee Office of Cooperative Disability Investigation (Division), which would be attached to the Department of Finance and Administration (F&A), and exist from July 1, 2020, through July 1, 2023. Requires the Division to have a staff of five persons and prohibits state funds from being used to fund or operate the Division.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- The United States Congress Bipartisan Budget Act of 2015 requires the Acting Commissioner of the Social Security Administration (SSA) to expand the Cooperative Disability Investigation (CDI) program to cover all states and territories no later than October 1, 2022.
- There are currently 46 units covering 40 states, the District of Columbia and the Commonwealth of Puerto Rico. The SSA estimates initial startup and operating expenses of up to $1,200,000 and annual operating costs of $600,000 to $800,000 per unit.
- The proposed legislation stipulates that all fiscal responsibilities needed to fund and operate the division, including, but not limited to, salaries, overtime, insurance benefits, retirement benefits, paid leave, and operating costs, must be provided by the United States SSA.
- If the United States SSA fails to provide the funding needed to fund and operate the Division, then the Division shall cease to exist.

- It is assumed the courts can handle any increases in caseloads utilizing existing resources; therefore, any fiscal impact to state or local governments is estimated to be not significant.

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/jem

House Departments & Agencies Subcommittee Am. #1

Amendment No._____

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

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Signature of Sponsor

AMEND Senate Bill No. 1300 **House Bill No. 1172***

by deleting all language after the caption and substituting instead the following:

WHEREAS, disability fraud can involve malingering, filing multiple applications, concealing work or other activities, and exaggerating or lying about disabilities, costing the State of Tennessee millions of dollars every year; and

WHEREAS, the United States Social Security Administration (SSA) - Office of Inspector General (OIG), Cooperative Disability Investigations (CDI) program's primary mission is to obtain evidence that can resolve questions of fraud before benefits are ever paid; and

WHEREAS, SSA and OIG jointly established the CDI program in fiscal year 1998, in conjunction with state Disability and Determination Services (DDS) and state or local law enforcement agencies, to effectively pool resources and expertise and prevent fraud in SSA's disability programs; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Title 4, is amended by adding the following as a new chapter:

4-45-101.

(a)

(1) There is created a Tennessee office of cooperative disability investigation, referred to in this chapter as the "division".

(2) The division:

(A) Is administratively attached to the department of finance and administration and may employ up to five (5) staff persons;

0120769722

016410

(B) Is headed by an agency director, who also serves as a special agent for investigative purposes;

(C) Is separate and distinct from any other bureau or agency in the state, and works primarily with the United States social security administration - cooperative disability investigation unit; and

(D) Shall report quarterly to the chair of the health and welfare committee of the senate, the chair of the health committee of the house of representatives, the chair of the government operations committee of the senate, and the chair of the government operations committee of the house of representatives on the number of disability cases investigated, the results of those investigations, and any other matter the general assembly may deem relevant to the function of the division.

(b) The division is a temporary agency of state law enforcement officers, known as special agents, who shall work solely with the United States social security administration - cooperative disability investigation unit, for the purpose of saving taxpayer funds by investigating disability claims under the United States social security administration's Title II and Title XVI programs that state disability examiners believe are suspicious.

(c) The division shall enter into a memorandum of understanding with the United States social security administration specifying that all fiscal responsibilities needed to fund and operate the division, including, but not limited to, salaries, overtime, insurance benefits, retirement benefits, paid leave, operating costs, and personal duty equipment must be provided by the United States social security administration. State funds may not be used to fund or operate the division. If the United States social security administration fails to provide the funding needed to fund and operate the division at any time prior to July 1, 2023, then the division shall cease to exist.

(d) State special agents who work with the United States social security administration - cooperative disability investigation unit team shall investigate allegations of disability fraud. Upon completion of an investigation, a report detailing the investigation must be sent to the disability determination services, where disability determination services staff serves as the ultimate decision-making entity in determining whether a person is eligible to receive a monthly disability benefit payment.

4-45-102.

The division has the authority to:

(1) Investigate the allegation of disability fraud by conducting interviews of the applicant and third parties and conducting surveillance on those parties;

(2) Investigate civil and criminal fraud and abuse, and investigate any other violations of state criminal law;

(3) Cooperate with any other law enforcement agency, and where a preliminary investigation of fraud and abuse by a provider establishes a sufficient basis to warrant a full investigation, refer matters to the appropriate enforcement authority for criminal prosecution;

(4) Refer matters to the appropriate enforcement authorities for civil proceedings of funds that have been inappropriately paid by the disability program, including, but not limited to, referral to the attorney general for civil recovery; and

(5) Cooperate with other state agencies to investigate disability fraud and abuse.

4-45-103.

(a)

(1) When conducting an investigation or as part of a legal proceeding, the division has the authority to issue subpoenas to compel the attendance of witnesses to examine persons under oath, and to compel persons, firms, or

corporations to produce information, including books, accounts, papers, records, and other relevant documents.

(2) If a person, firm, or corporation fails to attend or fails to produce information as prescribed in subdivision (a)(1), then, after giving reasonable notice to the person, firm, or corporation, the division may seek judicial enforcement of the subpoena by filing, through the attorney general, a petition with the circuit or chancery court of Davidson County or of the judicial district in which the person, firm, or corporation resides. The petition must incorporate, or be accompanied by, a certification regarding the notice given and the failure of the person, firm, or corporation to attend or produce the information.

(3) Upon the filing of a petition under subdivision (a)(2) in proper form, the court shall order the person, firm, or corporation named in the petition to appear and show cause why they should not comply with the subpoena or be held in contempt for failure to comply. The court may employ all judicial power as provided by law to compel compliance with the subpoena, including those powers granted in §§ 29-9-103 - 29-9-106. The court may impose costs and sanctions against any such person, firm, or corporation, in the same manner and on the same basis as may be imposed for failure to comply with judicially issued subpoenas under the Tennessee Rules of Civil Procedure.

(4) The court may order the person, firm, or corporation to comply, and has the authority to punish the persons and entities for each day they fail to comply with an order as a separate contempt of court.

(5) The subpoena enforcement remedies set forth in this subsection (a) are cumulative, and not exclusive, of any other remedies provided by law for the enforcement of such subpoenas.

(b) The division has the authority to compel the production of current and former employment records as part of an investigation. Employment records include, but are

not limited to, employment details, wages, and insurance information of disability applicants and enrollees. Employment records must be open to inspection and be subject to being copied by a special agent at any reasonable time and as often as may be necessary. The division also has the authority to compare information reported to the United States social security administration and the bureau of TennCare by applicants or enrollees with data maintained by the credit bureaus.

(c) The complete patient record of any applicant for disability benefits must be made available to the division upon request. The record may include any services, goods, and pharmaceuticals dispensed regardless of the payment source. Records accessed during an investigation must be protected in accordance with state and federal privacy laws.

4-45-104.

(a) The staff of the division must include law enforcement officers, as defined in § 39-11-106, who shall be known as special agents and must be qualified in accordance with § 38-8-106, and must have successfully completed a training course approved by the Tennessee peace officer standards and training commission. All special agents must undergo a federal background investigation conducted by the United States social security administration - office of inspector general, who must also approve any appointment of personnel to the division.

(b) Any duly authorized special agent who has been designated by the division to enforce this chapter is authorized and empowered to go armed while on active duty engaged in enforcing this chapter. Any special agent is also considered a commissioned qualified criminal investigator for the purposes of the Law Enforcement Officers Safety Act of 2004, P.L. 108-277, and is directed, pursuant to § 39-17-1315(a)(1), to carry firearms at all times, regardless of regular duty hours or assignments. Special agents are also empowered to execute search warrants and do all

acts incident thereto in the same manner as search warrants may be executed by sheriffs and other peace officers.

(c) Special agents of the division have the authority to make arrests for any state felony or misdemeanor violations and the authority to make traffic stops in an emergency situation where the safety of the public is in jeopardy.

4-45-105.

(a) All records obtained pursuant to this chapter must be treated as confidential investigative records of the division and must not be open to public inspection.

(b) Notwithstanding any other law to the contrary, a person or entity is not subject to any civil or criminal liability for providing the division with access to data as required by this chapter.

(c) This chapter does not require any person or entity to create new records or data that did not exist at the time of the request; however, a person or entity shall not destroy existing data after having been put on notice that access to the data is required pursuant to this section.

4-45-106.

Representatives from the cooperative disability investigations program shall appear before the government operations committee of the senate and the government operations committee of the house of representatives by December 31, 2022, to report on all aspects of the division's performance.

4-45-107.

No later than January 31, 2022, the division shall submit a final report on its overall operations to the legislative committees listed in § 4-45-101(a)(2)(D). The division shall also provide the legislative committees with any other information related to the function of the division upon request.

4-45-108. This chapter is repealed July 1, 2023.

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

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 2627 - SB 2813

March 9, 2020

SUMMARY OF ORIGINAL BILL: Clarifies that the Department of Treasury is not required to invest funds for deferred compensation programs for public employees in gold, silver, or other minerals.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (016045): Deletes all language after the enacting clause. Authorizes political subdivisions with at least 1,000 employees, or any instrumentality of a political subdivision, to establish automatic deferred or tax-sheltered compensation plans with elections for the employees to withdraw from the holdings and with auto enrollment that the employee may choose to not participate in.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- According to the Tennessee Consolidated Retirement System (TCRS), the proposed legislation would have no fiscal impact on the TCRS.
- Furthermore, the authorization granted under the proposed legislation for employers to auto enroll their employees or for the employees to opt out of contributing is already authorized under 26 CFR § 1.414(w)-1, and is therefore estimated to be not significant for local governments.

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/abw

Amendment No. 1 to HB2627

Lynn
Signature of Sponsor

AMEND Senate Bill No. 2813 House Bill No. 2627*

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

SECTION 1. Tennessee Code Annotated, Section 8-25-104, is amended by adding the following as a new subsection:

Notwithstanding any law to the contrary, a political subdivision, or an instrumentality of a political subdivision that has at least one thousand (1,000) employees, may implement, adopt, or administer an automatic deferred or tax-sheltered compensation plan for employees of that political subdivision that constitutes an eligible automatic contribution arrangement under § 414(w) of the Internal Revenue Code of 1986, codified in 26 U.S.C. § 414(w). Such deferred or tax-sheltered compensation plan may provide, subject to the notice, election to withdraw, and other requirements of § 414(w) of the Internal Revenue Code of 1986, as amended, and regulations promulgated thereunder, that employees or a classification of employees eligible to participate in the plan on or after implementation of the plan shall participate in the plan as a condition of employment unless such covered employee files notice with the sponsoring employer indicating that person's election not to participate in the manner and in the time period prescribed by the sponsoring employer.

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

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

SB 2134 - HB 2643

March 4, 2020

SUMMARY OF ORIGINAL BILL: Establishes that membership in a hate group or terrorist organization disqualifies a police officer for employment and is grounds for termination.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (015849): Deletes and rewrites all language after the enacting clause such that the only substantive change is defining "hate group" as an organization whose primary purpose is to promote animosity, hostility, and malice against a person or persons because of race, religion, disability, sexual orientation, ethnicity, or national origin.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- The proposed legislation will not cause a significant change to the number of police officers employed by any governmental entity.
- No significant fiscal impact to state or local government

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/agr

House Public Service & Employees Subcommittee Am. #1

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

Amendment No._____

_____
Signature of Sponsor

AMEND Senate Bill No. 2134* **House Bill No. 2643**

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

SECTION 1. Tennessee Code Annotated, Section 38-8-106, is amended by deleting subdivision (8) and substituting instead the following:

(8) Have a good moral character as determined by a thorough investigation conducted by the employing agency. For purposes of this section, a person is not deemed to have good moral character if the person is a member of a hate group or terrorist organization, as determined by the employing agency. It is not the intent of this subdivision (8) to interfere with the exercise of rights protected by the constitution of the United States. As used in this subdivision (8), "hate group" means an organization whose primary purpose is to promote animosity, hostility, and malice against a person or persons, or against the property of a person or persons, because of race, religion, disability, sexual orientation, ethnicity, or national origin; and

SECTION 2. Tennessee Code Annotated, Title 38, Chapter 8, Part 3, is amended by adding the following new section:

Membership in a hate group or terrorist organization, as determined by the employing agency, is sufficient grounds for termination of a law enforcement officer for lack of good moral character. It is not the intent of this section to interfere with the exercise of rights protected by the constitution of the United States. As used in this section, "hate group" means an organization whose primary purpose is to promote animosity, hostility, and malice against a person or persons, or against the property of a

person or persons because, of race, religion, disability, sexual orientation, ethnicity, or national origin.

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

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 1932 - SB 2129

February 21, 2020

SUMMARY OF ORIGINAL BILL: Authorizes local governments participating in the Tennessee Consolidated Retirement System (TCRS) to adopt a mandatory age of retirement for emergency medical services (EMS) personnel.

FISCAL IMPACT OF ORIGINAL BILL:

Increase Local Expenditures – Up to $68,302,000/FY20-21/Permissive

SUMMARY OF AMENDMENT (014586): Deletes all language after the enacting clause. Grants eligibility to EMS personnel retiring after 25 years of service to receive benefits computed as an actuarial equivalent of the retirement allowance that would have been payable under a service retirement allowance.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Other Fiscal Impact – Shifts of payments for local retirement benefits from later years to earlier years. The extent and timing of such benefit payment shifts cannot be determined for they are dependent upon unknown factors. However, the net overall impact on local retirement plan liability is not significant due to accelerated benefit payments for formative years being offset by equal and reduced benefit payments in later years.

Assumptions for the bill as amended:

- Increasing early retirement options for EMS personnel will result in a shift in the overall payment pattern of retirement benefits for EMS personnel.
- The precise shift in timing and magnitude of any EMS personnel retirement cannot be reasonably determined.
- Retirement benefits for early retirees will be reduced to the actuarial equivalent resulting in the total benefit collection in a lifetime to be unchanged; however, local expenditures for retirement payments will shift to earlier dates than what would be incurred under the current retirement benefit payment pattern. Future local expenditures for retirement benefits for the applicable early retirees will decrease as these retirees will be receiving the reduced benefit amount in future years.

- The net overall impact to the liability of local retirement plans is estimated to be not significant.
- Certain insurance premiums can currently be withheld from retirement benefit payments when a retiree is covered by an insurance plan. Authorizing local governments to require premium payments will result in a net impact that is not significant.

*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

Krista Lee Carsner, Executive Director

/abw

Amendment No. 1 to HB1932

Lynn
Signature of Sponsor

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.

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 2291 - SB 2368

February 28, 2020

SUMMARY OF ORIGINAL BILL: Changes, from 14 to 21, the number of calendar days in which a hearing requested by a police officer who has been dismissed, demoted, suspended, or transferred for punitive reasons must be set following the request.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIGICANT

SUMMARY OF AMENDMENT (015200): Deletes all language after the enacting clause. Defines Brady list. Requires certain conditions be met whenever a law enforcement agency investigation is likely to lead to an officer being placed on a Brady list. Requires a police officer be notified before placement on a Brady list and authorizes the officer to request a hearing. Requires that, if a panel determines that an officer was placed on a Brady list without good cause, the officer's name be removed and the finding must be noted in the officer's employment record.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Per the language of this legislation, a Brady list is defined as a list, compiled by the agency or district attorney general, of officers who may be subject to questioning during a criminal prosecution regarding the officer's credibility or truthfulness.
- As a result of the 1963 Supreme Court case, *Brady v. Maryland*, prosecutors are required to notify defendants and their attorneys whenever a law enforcement official involved in their case has a confirmed record of knowingly lying in an official capacity.
- Pursuant to Tenn. Code Ann. § 38-8-302, whenever an investigation by an agency focuses on matters that are likely to lead to the dismissal, demotion, suspension or transfer for punitive reasons of a police officer, the certain conditions must be complied with.
- To include placement on a Brady list to these particular conditions which must be met will not have a significant impact of local government expenditures.

- Providing written notice of placement on a Brady list and eligibility for a hearing will not result in a significant impact to local government expenditures.
- If a panel determines that an officer was placed on a Brady list without good cause, the panel shall order that the officer's name be removed from the Brady list and the finding must be noted in the officer's employment record. This can be accomplished with existing personnel and resources.

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/jmg

House Public Service & Employees Subcommittee Am. #1

Amendment No._____

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

_____
Signature of Sponsor

AMEND Senate Bill No. 2368 **House Bill No. 2291***

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

SECTION 1. Tennessee Code Annotated, Section 38-8-301, is amended by adding the following new subdivision:

( ) "Brady list" means a list, compiled by the agency or district attorney general, of officers who may be subject to questioning during a criminal prosecution regarding the officer's credibility or truthfulness;

SECTION 2. Tennessee Code Annotated, Section 38-8-302, is amended by deleting the language "dismissal, demotion, suspension or transfer for punitive reasons of a police officer" and substituting instead the following:

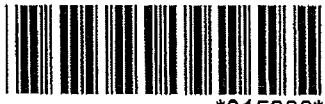
dismissal, demotion, suspension, or transfer for punitive reasons of a police officer or placement of a police officer on a Brady list

SECTION 3. Tennessee Code Annotated, Section 38-8-304, is amended by deleting the section and substituting instead the following:

Before any dismissal, demotion, suspension without pay, transfer for punitive reasons, or placement on a Brady list may be imposed, the following must be complied with:

(1) The police officer shall be notified in writing of all charges or allegations, the basis for the charges or allegations, and the action that may be taken;

(2) The police officer shall be given an opportunity, within a reasonable time limit after the date of the written notice provided for in subdivision (1), to



respond orally and in writing to the charges or allegations. The time limit must be determined by the agency, but in no event must it be less than five (5) calendar days unless agreed to by the police officer; and

(3) In making a response, the police officer may be assisted by counsel at the officer's own expense.

SECTION 4. Tennessee Code Annotated, Section 38-8-305, is amended by deleting the language "dismissed, demoted, suspended or transferred for punitive reasons" and substituting instead the language "dismissed, demoted, suspended, transferred for punitive reasons, or placed on a Brady list".

SECTION 5. Tennessee Code Annotated, Section 38-8-305, is amended by adding the following as a new subsection:

(g) If the panel determines that the officer was placed on a Brady list without good cause, the panel shall order that the officer's name be removed from the Brady list and the finding must be noted in the officer's employment record.

SECTION 6. This act shall take effect July 1, 2020, the public welfare requiring it.

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 1366 - SB 1502

March 24, 2019

SUMMARY OF ORIGINAL BILL: Clarifies that the time period in which insurance premiums deducted from the salaries of participating county employees and officials are to be deposited to the county insurance fund within three calendar days, rather than three days.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

IMPACT TO COMMERCE OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (005922): Deletes all language after the enacting clause. Requires the State Insurance Committee, beginning in the 2020 plan year, to contract with an entity that provides each enrollee with online information on the cost and quality of healthcare services and providers, allows an enrollee to shop for healthcare services and providers in accordance with the plan, and rewards an enrollee by sharing savings generated by the enrollees' choice of healthcare services or providers. Requires the basic health plan, beginning in the 2020 plan year, to establish an alternate allowable charges schedule that allows an enrollee to utilize the services of any licensed medical provider in the United States without being penalized with out-of-network cost sharing charges except as provided in the alternate allowable charges schedule.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures - $374,400

Increase Federal Expenditures - $3,300

Other Fiscal Impact – Due to unknown factors, such as the impact of out of network cost sharing, what provider reimbursement rates will be, the impact of the alternate allowable charges schedule, and any savings; an exact fiscal impact to the Benefits Administration Plans cannot be determined. However, any increase in expenditures would be mandatory for local governments.*

Assumptions for the bill as amended:

- This legislation shall take effect upon becoming law for purposes of promulgating rules, and shall apply to plans pursuant to Tenn. Code Ann. § 8-27-202(a)(1) beginning with 2020 year plans.
- The Division of Benefits Administration's (Benefits Administration) existing benefits consultant contract is in compliance with subsection (d) of the proposed legislation; however, the requirement to procure a shared savings program vendor will have an impact on the plan.
- Benefits Administration's existing benefits consultant provides consulting services to another state with a shared savings program. Based on their data, the consultant estimates that the shared savings program would cost the State Insurance Committee $900,000 each year to administer the program through a vendor. Fiscal Review staff cannot verify the validity of this estimate.
- It is estimated that 52 percent of members are on the State Employee Plan, 39 percent are on the Local Education Plan and 9 percent are on the Local Government Plan.
- According to Benefits Administration, the state contributes 80 percent of member premiums resulting in a recurring increase in state expenditures of $374,400 ($900,000 x 52.0% x 80.0%).
- The state contributes 45 percent of instructional member premiums (75 percent of Local Education Plan members) and 30 percent of support staff member premiums (25 percent of Local Education Plan members), however, this cost would only apply to the State Insurance Committee.
- According to Benefits Administration, some state plan members' insurance premiums are funded through federal dollars. It is estimated 0.89 percent of the state share of the state plan is funded with federal dollars, resulting in an increase in federal expenditures estimated to be $3,332 ($374,400 x 0.89%).
- There will be no impact to the Local Government Plan for administrative costs to the vendor.
- Due to unknown factors, such as the impact of out of network cost sharing, what provider reimbursement rates will be, the impact of the alternate allowable charges schedule, and any savings; an exact fiscal impact to the Benefits Administration plans cannot be reasonably determined.
- The Department of Commerce and Insurance can accommodate the proposed legislation within existing resources without an increased appropriation or reduced reversion.

IMPACT TO COMMERCE WITH PROPOSED AMENDMENT:

Other Commerce Impact – Due to several unknown factors, an exact impact to commerce cannot be determined; however, any impact to jobs in Tennessee is estimated to be not significant.

Assumptions for the bill as amended:

- Due to multiple unknown factors, such as the impact of out of network cost sharing, what provider reimbursement rates will be, the impact of the alternate allowable charges schedule, and any savings, an exact impact to commerce and jobs cannot be determined with reasonable certainty.
- The proposed legislation will not result in additional services; therefore, any impact on jobs in Tennessee is estimated to be not significant.

*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

Krista Lee Carsner, Executive Director

/jem

Amendment No. 1 to HB1366

Lynn
Signature of Sponsor

AMEND Senate Bill No. 1502 House Bill No. 1366*

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

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 27, Part 2, is amended by adding the following as a new section:

(a) As used in this section, "plan" means the basic health plan described in § 8-27-202(a)(1).

(b) In an effort to reduce plan rates, beginning with the 2020 plan year, the state insurance committee shall contract with an entity that provides each enrollee with online information on the cost and quality of healthcare services and providers, allows an enrollee to shop for healthcare services and providers in accordance with the plan, and rewards an enrollee by sharing savings generated by the enrollee's choice of healthcare services or providers. The contract must require the entity to:

(1) Establish an internet-based, consumer-friendly platform that educates and informs enrollees about the cost and quality of healthcare services and providers, including the average amount paid in each county for healthcare services and providers. The average amounts paid for healthcare services and providers may be expressed for service bundles, which include all products and services associated with a particular treatment or episode of care, or for separate and distinct products and services;

(2) Allow enrollees to shop for healthcare services and providers in accordance with the plan using the cost and quality information provided on the internet-based platform described in subdivision (b)(1);

Amendment No. 1 to HB1366

Lynn
Signature of Sponsor

AMEND Senate Bill No. 1502 House Bill No. 1366*

(3) Allow enrollees to shop for healthcare services and providers in neighboring states in accordance with the plan when the quality of the services is the same or better than the quality of the services offered in this state and the cost savings justify the travel as determined by the state insurance committee by rule;

(4) Permit a certified bargaining agent of state employees to provide educational materials and counseling to enrollees regarding the internet-based platform described in subdivision (b)(1);

(5) Identify the savings realized to the enrollee and this state if the enrollee chooses high-quality, lower-cost healthcare services or providers, and facilitate a shared savings payment to the enrollee. The amount of shared savings must be determined by a methodology approved by the state insurance committee and must maximize value-based purchasing by enrollees. The amount payable to the enrollee must first be credited to the enrollee's deductible, coinsurance, copays, or other out-of-pocket costs and then may be:

(A) Credited to the enrollee's flexible spending account;

(B) Credited to the enrollee's health savings account; or

(C) Paid as additional plan reimbursements not exceeding the amount of the enrollee's out-of-pocket medical expenses.

(c) On or before January 1, 2021, and on or before January 1 each year thereafter, the state insurance committee shall report to the governor, the speaker of the

senate, and the speaker of the house of representatives on the participation level, the amount paid to enrollees, and cost-savings to both the enrollees and the state resulting from the implementation of subsection (b).

(d) In an effort to reduce plan rates:

(1) Beginning with the 2020 plan year, the state insurance committee shall competitively procure an independent benefits consultant;

(2) The independent benefits consultant must not:

(A) Be owned or controlled by a health maintenance organization or insurer;

(B) Have an ownership interest in a health maintenance organization or insurer; or

(C) Have a direct or indirect financial interest in a health maintenance organization or insurer;

(3) The independent benefits consultant must have substantial experience in consultation and design of employee benefit programs for large employers and public employers; and

(4) The independent benefits consultant shall:

(A) Provide the state insurance committee with an ongoing assessment of trends in benefits and employer-sponsored insurance that affect the plan;

(B) Conduct a comprehensive analysis of the plan, including available benefits, coverage options, and claims experience;

(C) Identify and establish appropriate adjustment procedures necessary to respond to any risk segmentation that may occur when increased choices are offered to employees;

(D) Assist the state insurance committee with the submission of any necessary plan revisions for federal review;

(E) Assist the state insurance committee in ensuring compliance with applicable federal and state rules and regulations; and

(F) Assist the state insurance committee in preparing recommendations for any modifications to the plan that are submitted to the governor, the speaker of the senate, and the speaker of the house of representatives by January 1, 2021, and by January 1 each year thereafter.

SECTION 2. Tennessee Code Annotated, Section 8-27-202, is amended by adding the following as a new subsection:

(d) Beginning in the 2020 plan year, the basic health plan described in subdivision (a)(1) must establish an alternate allowable charges schedule that allows an enrollee to utilize the services of any licensed medical provider in the United States without being penalized with out-of-network cost sharing charges except as provided in the alternate allowable charges schedule. The allowable charges schedule must be the medicare payment schedule plus seventy-five percent (75%) of the cost of the service provided. If there is no medicare payment rate for a particular service, then the allowable charges schedule for that particular service is one hundred forty percent (140%) of the cost of the service provided.

SECTION 3. The state insurance committee is authorized to promulgate rules to effectuate the purposes of this act. Rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 4. 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, 2019, the public welfare requiring it.

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 1366 - SB 1502

March 10, 2020

SUMMARY OF ORIGINAL BILL: Authorizes an appellant to submit a written statement by electronic means in support of an appeal regarding eligibility and enrollment for plans and benefit structure of plans administered by the State Insurance Committee, Local Education Insurance Committee, and the Local Government Insurance Committee.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

IMPACT TO COMMERCE OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (016541): Deletes all language after the enacting clause. Requires the basic health plan, beginning in the 2021 plan year, to establish an alternate allowable charges schedule that allows an enrollee to utilize the services of any licensed medical provider in the United States without being penalized with out-of-network cost sharing charges except as provided in the alternate allowable charges schedule. The maximum allowable charges schedule must be the Medicare payment schedule plus 60 percent of the Medicare reimbursement rate for the service provided for facility fees, and the Medicare payment schedule plus 25 percent of the Medicare reimbursement rate for the service provided for medical provider charges. If there is no Medicare payment rate for a particular service, then the allowable charges schedule for that particular service is 40 percent of the cost of the service provided.

Further requires the basic health plan to be modified to have a preferred tier and a non-preferred tier. Requires providers who agree to accept charges below the maximum allowable charges be in the preferred tier, and the preferred tier must have lower cost sharing for the employee. Requires providers in the non-preferred tier be providers who have not agreed to accept charges below the maximum plan allowable, and the non-preferred tier must have higher cost sharing for the employees utilizing those providers.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Decrease State Expenditures - $8,964,200/FY20-21
$17,928,500/FY21-22 and Subsequent Years

Decrease Federal Expenditures - $875,800/FY20-21
$1,751,500/FY21-22 and Subsequent Years

Assumptions for the bill as amended:

- Benefits Administration consulted with its contracted qualified independent actuary to determine a fiscal impact for the proposed legislation, resulting in an estimate of a $24,600,000 savings on total claims. Fiscal Review Committee staff is unable to verify the validity of this number.
- The proposed legislation will require Benefits Administration to amend current contracts or procure new ones. These changes will impact state plan contracts beginning January 1, 2021.
- According to Benefits Administration, the state contributes 80 percent of member premiums resulting in a recurring increase in state expenditures of $19,680,000 ($24,600,000 x 80.0%) in FY21-22 and subsequent years. Due to the January 1, 2021 effective date, the increase in state expenditures for the State Plan is estimated to be $9,840,000 ($19,680,000 x 50.0%) in FY20-21.
- According to Benefits Administration, some state plan members' insurance premiums are funded through federal dollars. It is estimated 8.9 percent of the state share of the state plan is funded with federal dollars, resulting in an increase in federal expenditures estimated to be $1,751,520 ($19,680,000 x 8.9%) in FY21-22 and subsequent years. Due to the January 1, 2021 effective date, the increase in federal expenditures for the State Plan is estimated to be $875,760 ($1,751,520 x 50.0%) in FY20-21.
- The total decrease in state expenditures is estimated to be $8,964,240 ($9,840,000 - $875,760) in FY20-21.
- The total decrease in state expenditures is estimated to be $17,928,480 ($19,680,000 - $1,751,520) in FY21-22 and subsequent years.

IMPACT TO COMMERCE WITH PROPOSED AMENDMENT:

Decrease Business Revenue – $9,840,000/FY20-21
$19,680,000/FY21-22 and Subsequent Years

Decrease Business Expenditures – Less than $9,840,000/FY20-21
Less than $19,680,000/FY21-22
and Subsequent Years

Assumptions for the bill as amended:

- Healthcare providers will experience a decrease in business revenue for services provided estimated to be $9,840,000 in FY20-21 and $19,680,000 in FY21-22 and subsequent years.
- For companies to retain solvency, any expenditures will be less than the amount of decreased revenues collected. Therefore, the decrease in business expenditures is estimated to be less than $9,840,000 in FY20-21 and less than $19,680,000 in FY21-22 and subsequent years.

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/jem

House Public Service & Employees Subcommittee Am. #1

Amendment No._____

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

_____
Signature of Sponsor

AMEND Senate Bill No. 1502 **House Bill No. 1366***

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

SECTION 1. Tennessee Code Annotated, Section 8-27-202, is amended by adding the following as a new subsection:

(d)

(1) As used in this subsection (d):

(A) "Allowable charges" means:

(i) The maximum amount the state will pay on the plan as a percentage of the medicare reimbursement rate for each procedure; and

(ii) For any procedure where there is no medicare reimbursement rate, the maximum allowable charges are not to exceed forty percent (40%) of the original bill charge;

(B) "Plan" means the basic health plan described in subdivision (a)(1); and

(C) "Provider" means an individual, establishment, or facility licensed, registered, certified, or permitted pursuant to title 63 or title 68 and regulated under the authority of either the department of health or any agency, board, council, or committee attached to the department of health.

(2)

(A) Beginning in the 2021 plan year, the plan must establish an alternate allowable charges schedule that allows an enrollee to utilize the services of any licensed medical provider in the United States without being penalized with out-

of-network cost sharing charges except as provided in the alternate allowable charges schedule. The maximum allowable charges schedule must be the medicare payment schedule plus sixty percent (60%) of the medicare reimbursement rate for the service provided for facility fees, and the medicare payment schedule plus twenty-five percent (25%) of the medicare reimbursement rate for the service provided for medical provider charges. If there is no medicare payment rate for a particular service, then the maximum allowable charges schedule for that particular service is forty percent (40%) of the billed charges.

(B) Beginning in the 2021 plan year, the plan must be modified to have a preferred tier and a non-preferred tier. Providers who agree to accept charges below the maximum allowable charges must be in the preferred tier, and that tier must have lower cost sharing for the employee. Providers in the non-preferred tier are providers who have not agreed to accept charges below the maximum plan allowable, and that tier must have higher cost sharing for the employees utilizing those providers.

SECTION 2. The state insurance committee may promulgate rules to effectuate the purposes of this act. Rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 3. 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.

House Curriculum, Testing, & Innovation Subcommittee Am. #1

Amendment No._____

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

_____

Signature of Sponsor

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) "Foundational literacy skills" means a method of teaching students to read using systematic phonics instruction, with a focus on phonemic awareness, phonics, vocabulary development, fluency, and oral language, and when taught with knowledge-based reading comprehension, enables students to develop the skills required to meet the Tennessee English language arts standards, as adopted by the state board;

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

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

phonemic awareness, phonics, vocabulary development, reading fluency, and oral language 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 LEA is responsible for implementing instructional programs based on the English language arts standards adopted by the state board that include foundational literacy skills for teaching students in grades kindergarten through two (K-2) to read. The department may review the instructional programming used by each LEA to teach reading to students in grades kindergarten through two (K-2) to verify that the instructional programing is based on foundational literacy skills.

(b)

(1) To ensure that all textbooks and instructional materials used to teach students to read are based on foundational literacy skills, LEAs shall provide students in grades kindergarten through two (K-2) with 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) A waiver is granted pursuant to § 49-6-2206; or

(B) The LEA:

(i) Is using a research-based or evidence-based curriculum;

(ii) Has demonstrated growth at a level of "above expectations" or greater on the Tennessee comprehensive assessment program (TCAP) tests administered in fourth grade, as represented by the Tennessee Value-Added Assessment System (TVAAS), developed pursuant to chapter 1, part 6 of this title, for each of the previous two (2) school years; and

(iii) Continues to demonstrate growth that is "above expectations" or greater for three (3) consecutive school years.

(2) Subject to available funding, the department may issue grants to LEAs to 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) or any other law to the contrary, LEAs shall administer to students in grades kindergarten through two (K-2) a reading diagnostic to benchmark literacy skills and growth. LEAs must utilize the reading diagnostic selected and provided by the department. The reading diagnostic shall not be used for state accountability purposes. 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 a 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. LEAs may use additional assessments to enhance reading proficiency. An LEA that seeks to implement additional literacy assessments to students must submit written notification to 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. All student information must be maintained in accordance with the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g), § 10-7-504, and all other relevant state and federal privacy laws.

(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 foundational literacy skills before the beginning of the next school year. Nothing in this subsection (e) supersedes an LEA's obligations to comply with the Individuals with Disabilities Education Act (20 U.S.C. § 1400, et seq.), or Section 504 of the Rehabilitation Act (29 U.S.C. § 794), with regard to students with disabilities.

(f) LEAs may request an exemption from subsections (a) and (b) 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) Is at least fifteen (15) percentage points above the percentage of the statewide peer group in reading proficiency for each student group referenced in the state's accountability model.

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

(h) Nothing in this section shall be interpreted to require the use of instructional materials based on the common core state standards, or to re-establish the common core state standards replaced under § 49-1-310.

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 training and instruction on:

(A) How to teach students to read based on foundational literacy skills;

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

(C) Dyslexia identification and 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) How to implement reading instruction using high-quality instructional materials;

(E) 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) How to understand and use student reading data; and

(2) The state board, in consultation with the department, shall promulgate revisions to the current state board rules regarding educator preparation providers to effectuate the provisions of 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, and approved by the state board, that tests the candidate's knowledge of foundational literacy skills before receiving the teacher license or endorsement. The department shall recommend the score that constitutes passage of the Tennessee reading instruction test required under this subdivision (b)(1) to the state board for approval. The Tennessee reading instruction test shall not constitute any additional cost for applicants for a teacher license;

(2) An instructor for an educator preparation provider who teaches coursework related to reading instruction in any program that includes candidates who are seeking a teacher license or endorsement that will authorize 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 does not have a teacher license, or the instructor's teacher license has expired, then the instructor must provide documentation of the instructor's passage of the Tennessee reading instruction test required in subdivision (b)(1), or successfully participate in the professional development outlined in § 49-6-2805(b)(2) and (b)(3), within the instructor's first year of employment at no cost to the educator preparation provider;

(3) An educator preparation provider with an instructional leadership specialty area program must include instruction on foundational literacy skills;

(4) Subject to available funding, the department may issue competitive grants to educator 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 hold an initial license and have demonstrated content knowledge in accordance with state board rules and policies must document the candidate's passage of a Tennessee reading instruction test, or must earn a literacy certificate pursuant to § 49-6-2805(b), prior to the renewal or advancement of the candidate's 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 the applicant's passage of a Tennessee reading instruction test, or must earn a literacy certificate pursuant to § 49-6-2805(b), prior to the renewal or advancement of the applicant's 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, for purposes of consolidating existing information for the general assembly, the department shall submit a review 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) A landscape analysis of literacy instruction, including instructional programming and pedagogical practices utilized by educator preparation providers; and

(C) A joint analysis with the Tennessee higher education commission regarding affordability of educator preparation providers, including tuition affordability and net-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 review.

(3) By March 1, 2021, the results of the review must be reported to the commissioner and provided to the state board and the chairs of the education committees of the senate and house of representatives. The results of the review must be posted on the department's website.

49-6-2804. Accountability.

(a) By June 30, 2021, 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 students in any of the grades pre-kindergarten through five (pre-K-5). The 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 foundational literacy skills.

(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 upon demonstrating 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 school or 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 foundational literacy skills, 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. LEAs shall cooperate with the service provider to measure teacher implementation and student achievement. The department shall not award a grant under this subsection (e) 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.

49-6-2806. Procurement of goods and services.

Any good or service that is selected, approved, or procured by the department to effectuate this part, for which state funds are expended, shall be conducted competitively and in compliance with all state laws and administrative rules regarding the procurement of goods and services by state agencies, including §§ 12-3-101 – 12-3-104.

49-6-2807. Rule promulgation.

The state board may promulgate rules pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, to effectuate this part.

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

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.

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 2229 - SB 2160

March 9, 2020

SUMMARY OF ORIGINAL BILL: Establishes the following:

Literacy Instruction: Requires a local education agency (LEA) that enrolls students in any of the grades kindergarten through two (K-2) to provide students in grades (K-2) the instruction necessary for the students to develop the reading skills required to meet the Tennessee academic standards and the developmental expectations for the student's respective grade level. Requires the Department of Education (DOE) to approve the instructional programming and services that must be used to provide evidence-based and scientifically-based systematic phonics instruction. Requires an LEA to provide students in K-2 knowledge-based English language arts elementary curricula. Requires DOE to administer a common reading diagnostic to benchmark literacy skills and growth. Requires an LEA to administer the diagnostic to any student in the third-grade who is reading below grade level. Requires DOE to establish three administration windows each school year for the administration of the diagnostics. Requires LEAs to submit the results of the common reading diagnostic to DOE. Requires DOE to provide additional instructional support to a student reading below grade level.

Educator Preparation Programs: Establishes requirements for educator preparation programs. Requires DOE to develop additional guidance on requirements for educator preparation programs. Requires DOE and the State Board of Education (SBE) to develop a policy for approving educator preparation programs. Requires DOE, in partnership with SBE and the Tennessee Higher Education Commission (THEC), to provide a report to the Chairs of the Education Committees of the Senate and the House of Representatives on the implementation of this section by July 1, 2023. Requires DOE to complete a study of literacy in Tennessee, including current practices, student achievement, and instructional programming by December 31, 2020. Requires DOE and THEC to provide a report on the findings of the study to the Chairs of the Education Committees of the Senate and the House of Representatives by March 1, 2021.

State Accountability Model: Requires DOE to convene an advisory group of stakeholders to advise the Department on the integration of third-grade reading proficiency into the performance goals and measures by June 30, 2020. Requires DOE, in consultation with the advisory group, to review changes to the accountability performance designations for students in grades K-3 regarding the weight attributed to the third-grade reading proficiency levels demonstrated by student performance on TCAP tests. Requires DOE to submit any revisions to the SBE for approval and to the United States Department of Education, if required.

Professional Development and Support: Establishes criteria for literacy training for educators. Requires DOE to provide two separate literacy-related trainings that are required for all

educators serving students in grades kindergarten through five (K-5) by June 30, 2022. Authorizes an LEA to apply for and receive literacy-related implementation and coaching support from service providers approved by DOE. Requires implementation and coaching support to be awarded through a competitive grant process established by DOE. Limits the term of the grant award to three years.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – $48,633,900/FY20-21
$11,133,900/FY21-22 and Subsequent Years

The Governor's proposed budget for FY20-21, on page B-88, recognizes a one-time increase in state expenditures to the General Fund of $37,500,000, and a recurring increase in state expenditures to the General Fund in the amount of $11,250,000, for a total of $48,750,000 in FY20-21.

SUMMARY OF AMENDMENT (016456): Deletes all language after the enacting clause and rewrites the bill to establish the following:

Literacy Instruction: Requires each local education agency (LEA) to be responsible for implementing instructional programs based on the English language arts standards adopted by SBE that include the science of reading when teaching students in grades kindergarten through two (K-2) to read. Authorizes DOE to conduct reviews of the instructional programming used by each LEA to teach reading to students in grades K-2 to verify that the instructional programing is based on the science of reading. Requires LEAs to provide students in grades K-2, textbooks and instructional materials from the list of textbooks and instructional materials approved for adoption by SBE unless a waiver is granted, or the LEA meets certain curriculum and student growth requirements. Requires LEAs to administer a common reading diagnostic selected by DOE to benchmark literacy skills and growth. Prohibits the reading diagnostic to be used for state accountability purposes. Requires an LEA to administer the diagnostic to any student in the third-grade who has a significant reading deficiency. Authorizes DOE to issue grants to LEAs to provide funding for the purchase of textbooks and materials. Requires LEAs to administer a reading diagnostic three times each school year during the administration windows set by DOE. Requires LEAs to submit the results of the common reading diagnostic to DOE. Prohibits a student in the third grade from being 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. However, authorizes a student to be promoted if the student participates in a reading intervention program before the beginning of the next school year.

Educator Preparation Programs: Establishes requirements for educator preparation programs. Authorizes DOE to develop additional policies for educator preparation providers. Requires DOE and SBE to promulgate revisions to the current state board rules regarding the approval of

educator preparation providers. Requires DOE, in partnership with SBE and the Tennessee Higher Education Commission (THEC), to provide a report to the Chairs of the Education Committees of the Senate and the House of Representatives on the implementation of this section by July 1, 2023. Requires DOE to complete a study of literacy in Tennessee, including current practices, student achievement, and instructional programming by December 31, 2020. Requires DOE and THEC to provide a report on the findings of the study to the Chairs of the Education Committees of the Senate and the House of Representatives by March 1, 2021.

State Accountability Model: Requires DOE to convene an advisory group of stakeholders to advise the Department on the integration of third-grade reading proficiency into the performance goals and measures by June 30, 2020. Requires DOE, in consultation with the advisory group, to review changes to the accountability performance designations for students in grades K-3 regarding the weight attributed to the third-grade reading proficiency levels demonstrated by student performance on TCAP tests. Requires DOE to submit any revisions to the SBE for approval and to the United States Department of Education, if required.

Professional Development and Support: Establishes criteria for literacy training for educators. Requires DOE to provide two separate literacy-related trainings that are required for all educators serving students in grades kindergarten through five (K-5) by June 30, 2022. Authorizes an LEA to apply for and receive literacy-related implementation and coaching support from service providers approved by DOE. Requires implementation and coaching support to be awarded through a competitive grant process established by DOE. Limits the term of the grant award to three years.

Procurement of Goods and Services: Requires that goods and services selected, approved, or procured by DOE and mandated for use by LEAs to be acquired through a competitive bidding process.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- It is estimated that the following elements of the proposed legislation will have one-time costs in FY20-21:
  - $31,400,000 for initial literacy training;
  - $10,000,000 for initial implementation support;
  - $3,950,000 for literacy diagnostic and online support, teacher professional development modules, and foundational skill curriculum;
  - $2,000,000 for an educator certification test; and
  - $1,000,000 for initial development of family resources guide.

- DOE will require three additional positions to handle the additional workload created by the proposed legislation.
- One Education Consultant 4 position at a starting salary point will have a recurring cost of $76,630 ($60,084 salary + $16,546 benefits) in FY20-21 and subsequent years.
- Two Education Consultant 3 position at a starting salary point will have a recurring cost of $152,308 [($59,676 salary + $16,478 benefits) x 2] in FY20-21 and subsequent years.
- Travel costs for the three additional positions are estimated to have a recurring cost of $55,000; the total recurring increase in state expenditures for positions and travel is estimated to be $283,938 ($76,630 + $152,308 + $55,000) in FY20-21 and subsequent years.
- It is estimated that the following elements of the proposed legislation will have recurring costs beginning in FY21-22 and subsequent years:
    - $6,750,000 for ongoing implementation support;
    - $2,000,000 for ongoing professional development trainings and educator stipends;
    - $850,000 for updates to online resources available to all educators;
    - $750,000 for ongoing support of the literacy diagnostic;
    - $200,000 for annual updates to the foundational skills curriculum;
    - $200,000 for annual updates to family resource guides; and
    - $100,000 for annual program evaluation.
- The total one time increase in state expenditures is estimated to be $48,633,938 ($31,400,000 + $10,000,000 + $3,950,000 + $2,000,000 + $1,000,000 +$283,938) in FY20-21.
- The total recurring increase in state expenditures is estimated to be $11,133,938 ($6,750,000 + $2,000,000 + $850,000 + $750,000 + $200,000 + $200,000 + $100,000 + $283,938) in FY21-22 and subsequent years.
- The Governor's proposed budget for FY20-21 includes $48,750,000 in funding for FY20-21 and $11,250,000 in FY21-22 and subsequent years.

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/alh

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

Amendment No._____

_____
Signature of Sponsor

AMEND Senate Bill No. 2160 **House Bill No. 2229***

by adding the following as a new subdivision (4) in § 49-6-2805(b) in the amendatory language of Section 1:

(4)

(A) A literacy-related training required for a literacy instructor that is provided at the local level must be scheduled during the regular school term as in-service or professional development training, as provided in § 49-6-3004.

(B) A literacy-related training required for a literacy instructor that is provided outside the regular school term must be offered on multiple dates and at multiples times. The department shall allow a literacy instructor to select the date and time of the training that is most appropriate for the literacy instructor.

(C) The department shall provide compensation to each literacy instructor who receives literacy-related training outside the regular school term at the literacy instructor's daily rate of pay for each day that the literacy instructor is required to attend the literacy-related training. The compensation required under this subdivision (b)(4)(C) must be received by the literacy instructor no later than thirty (30) days after the literacy instructor completes the required training.

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 2229 - SB 2160

March 16, 2020

SUMMARY OF ORIGINAL BILL: Establishes the following:

Literacy Instruction: Requires a local education agency (LEA) that enrolls students in any of the grades kindergarten through two (K-2) to provide students in grades (K-2) the instruction necessary for the students to develop the reading skills required to meet the Tennessee academic standards and the developmental expectations for the student's respective grade level. Requires the Department of Education (DOE) to approve the instructional programming and services that must be used to provide evidence-based and scientifically-based systematic phonics instruction. Requires an LEA to provide students in K-2 knowledge-based English language arts elementary curricula. Requires DOE to administer a common reading diagnostic to benchmark literacy skills and growth. Requires an LEA to administer the diagnostic to any student in the third-grade who is reading below grade level. Requires DOE to establish three administration windows each school year for the administration of the diagnostics. Requires LEAs to submit the results of the common reading diagnostic to DOE. Requires DOE to provide additional instructional support to a student reading below grade level.

Educator Preparation Programs: Establishes requirements for educator preparation programs. Requires DOE to develop additional guidance on requirements for educator preparation programs. Requires DOE and the State Board of Education (SBE) to develop a policy for approving educator preparation programs. Requires DOE, in partnership with SBE and the Tennessee Higher Education Commission (THEC), to provide a report to the Chairs of the Education Committees of the Senate and the House of Representatives on the implementation of this section by July 1, 2023. Requires DOE to complete a study of literacy in Tennessee, including current practices, student achievement, and instructional programming by December 31, 2020. Requires DOE and THEC to provide a report on the findings of the study to the Chairs of the Education Committees of the Senate and the House of Representatives by March 1, 2021.

State Accountability Model: Requires DOE to convene an advisory group of stakeholders to advise the Department on the integration of third-grade reading proficiency into the performance goals and measures by June 30, 2020. Requires DOE, in consultation with the advisory group, to review changes to the accountability performance designations for students in grades K-3 regarding the weight attributed to the third-grade reading proficiency levels demonstrated by student performance on TCAP tests. Requires DOE to submit any revisions to the SBE for approval and to the United States Department of Education, if required.

Professional Development and Support: Establishes criteria for literacy training for educators. Requires DOE to provide two separate literacy-related trainings that are required for all

educators serving students in grades kindergarten through five (K-5) by June 30, 2022. Authorizes an LEA to apply for and receive literacy-related implementation and coaching support from service providers approved by DOE. Requires implementation and coaching support to be awarded through a competitive grant process established by DOE. Limits the term of the grant award to three years.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – $48,633,900/FY20-21
$11,133,900/FY21-22 and Subsequent Years

The Governor's proposed budget for FY20-21, on page B-88, recognizes a one-time increase in state expenditures to the General Fund of $37,500,000, and a recurring increase in state expenditures to the General Fund in the amount of $11,250,000, for a total of $48,750,000 in FY20-21.

SUMMARY OF AMENDMENT (016958): Adds language to the original bill to require that literacy-related training required for a literacy instructor provided at the local level to be scheduled during the regular school term as in-service or professional development training. Requires a literacy-related training that is provided outside the regular school term to be offered on multiple dates and times. Requires DOE to allow a literacy instructor to select the date and time of the training. Requires DOE to provide compensation to each literacy instructor who receives literacy-related training outside the regular school term at the literacy instructor's daily rate of pay for each day the literacy instructor is required to attend the literacy-related training. Requires the compensation to be received by the literacy instructor within 30 days after completion of the required training.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- It is estimated that the following elements of the proposed legislation will have one-time costs in FY20-21:
  - $31,400,000 for initial literacy training;
  - $10,000,000 for initial implementation support;
  - $3,950,000 for literacy diagnostic and online support, teacher professional development modules, and foundational skill curriculum;
  - $2,000,000 for an educator certification test; and
  - $1,000,000 for initial development of family resources guide.

- DOE will require three additional positions to handle the additional workload created by the proposed legislation.
- One Education Consultant 4 position at a starting salary point will have a recurring cost of $76,630 ($60,084 salary + $16,546 benefits) in FY20-21 and subsequent years.
- Two Education Consultant 3 position at a starting salary point will have a recurring cost of $152,308 [($59,676 salary + $16,478 benefits) x 2] in FY20-21 and subsequent years.
- Travel costs for the two additional positions are estimated to have a recurring cost of $55,000; the total recurring increase in state expenditures for positions and travel is estimated to be $283,938 ($76,630 + $152,308 + $55,000) in FY20-21 and subsequent years.
- It is estimated that the following elements of the proposed legislation will have recurring costs beginning in FY21-22 and subsequent years:
    - $6,750,000 for ongoing implementation support;
    - $2,000,000 for ongoing professional development trainings and educator stipends;
    - $850,000 for updates to online resources available to all educators;
    - $750,000 for ongoing support of the literacy diagnostic;
    - $200,000 for annual updates to the foundational skills curriculum;
    - $200,000 for annual updates to family resource guides; and
    - $100,000 for annual program evaluation.
- The total one time increase in state expenditures is estimated to be $48,633,938 ($31,400,000 + $10,000,000 + $3,950,000 + $2,000,000 + $1,000,000 +$283,938) in FY20-21.
- The total recurring increase in state expenditures is estimated to be $11,133,938 ($6,750,000 + $2,000,000 + $850,000 + $750,000 + $200,000 + $200,000 + $100,000 + $283,938) in FY21-22 and subsequent years.
- The Governor's proposed budget for FY20-21 includes $48,750,000 in funding for FY20-21 and $11,250,000 in FY21-22 and subsequent years.

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/alh

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, Section 49-1-901, is amended by deleting the section and substituting instead the following:

This part shall be known and may be cited as the "Tennessee Literacy Success Act."

SECTION 2. Tennessee Code Annotated, Section 49-1-902, is amended by designating the existing language as subsection (b) and adding the following language as a new subsection (a):

(a) The general assembly finds and declares that:

(1) A literate society is key to maintaining a free society;

(2) There is a need to improve literacy rates across the state;

(3) In 2019, Tennessee's third grade English language arts proficiency rate was thirty-six and nine-tenths percent (36.9%); and

(4) In 2019, Tennessee's eighth grade English language arts proficiency rate was twenty-seven and one-tenth percent (27.1%).

SECTION 3. Tennessee Code Annotated, Title 49, Chapter 1, Part 9, is amended by adding the following as new sections:

49-1-903.

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) "Parent" means the parent, guardian, person who has custody of the child, or individual who has caregiving authority under § 49-6-3001;

(4) "Significant reading deficiency" means that the results of a student's universal reading screener or locally adopted reading screener do not meet proficiency, as determined by the state board, in the areas of phonemic awareness, phonics, vocabulary, fluency, and comprehension;

(5) "State board" means the state board of education;

(6) "Systematic foundational skills instruction" means an evidence-based method of teaching students to read that includes the foundational reading skills of phonemic awareness, phonics, fluency, vocabulary, and comprehension that enables students to develop the reading skills required to meet the Tennessee academic standards; and

(7) "Universal reading screener" means a uniform tool that screens and monitors a student's progress in the foundational reading skills of phonemic awareness, phonics, fluency, vocabulary, and comprehension.

49-1-905.

(a) Each LEA shall ensure that the instructional programming, intended to meet the English language arts standards adopted by the state board, for students in grades kindergarten through three (K-3), is based on the foundational reading skills of phonemic awareness, phonics, fluency, vocabulary, and comprehension.

(b) Each LEA shall use a universal reading screener approved by the department, or a comparable alternative reading screener approved by the state board and adopted by the LEA. The universal reading screener approved by the department must be provided at no cost to LEAs. The universal reading screener or a locally adopted reading screener must not be used for student promotion, teacher evaluation, or school or district accountability. An LEA shall administer a reading screener to students

in grades kindergarten through two (K-2) three (3) times each school year during the administration windows set by the department. The administration window for the first reading screener administered to students must occur within the first thirty (30) days of the school year. An LEA shall administer a reading screener to a student in the third grade who has a significant reading deficiency, as demonstrated by the student's performance on the last reading screener administered to the student in second grade.

(c) A student in grades kindergarten through two (K-2) who exhibits, at any time, a significant reading deficiency, as demonstrated by the student's performance on a reading screener, or who exhibits, at any time, a reading skill deficiency, as demonstrated by the student's performance on a locally administered formative or interim assessment or through teacher observation, must be provided with intensive, supplemental instructional supports that address the student's significant reading deficiency or reading skill deficiency immediately following the identification of the student's significant reading deficiency or reading skill deficiency. The additional instructional supports must include an individual reading plan, which must include, at a minimum, the following:

(1) The student's specific reading skill deficiencies identified using the data derived from the reading screener, using the data derived from a locally administered formative or interim assessment, or through teacher observation;

(2) Goals and benchmarks for the student's growth;

(3) How the student's progress will be monitored and evaluated;

(4) The type of additional instructional services and interventions that the student will receive;

(5) The evidence-based reading instructional programming that the teacher will use to provide reading instruction that addresses the areas of phonemic awareness, phonics, fluency, vocabulary, and comprehension;

(6) The strategies that the student's parent is encouraged to use in assisting the student to achieve reading competency;

(7) Any additional services that the teacher deems available and appropriate to accelerate the student's reading skill development; and

(8) Effective instructional strategies and appropriate teaching methodologies necessary to assist the student in becoming:

(A) A successful reader;

(B) Able to read at or above the student's grade level; and

(C) Ready for promotion to the next grade level.

(d) Immediately upon determining that a student in grades kindergarten through two (K-2) has a significant reading deficiency, the LEA shall notify the student's parent in writing of the determination and shall provide the student's parent with a copy of the student's individual reading plan. The LEA shall provide the student's parent with quarterly progress reports until the student demonstrates reading proficiency.

(e)

(1) A student in the third grade shall not be promoted to the next grade level unless the student has shown a basic understanding of the 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 student may be promoted if:

(A) The student participates in an evidence-based reading intervention program before the beginning of the next school year; or

(B) The student is an English language learner and has received less than two (2) years of instruction in English.

(2) This subsection (e) does not supersede an LEA's obligations to comply with the Individuals with Disabilities Education Act (20 U.S.C. § 1400, et seq.) or Section 504 of the Rehabilitation Act (29 U.S.C. § 794).

(f) This section must not be interpreted to require the use of instructional materials based on the common core standards, or to re-establish the common core state standards replaced under § 49-1-310.

49-1-906.

(a) Subject to available funding, the state board, with administrative support from the department, shall establish and administer a literacy skills grant program.

(b) The state board shall establish criteria for an LEA to qualify for a literacy skills grant. To qualify for a literacy skills grant, an LEA must, at a minimum:

(1) Implement an instructional program for English language arts in grades kindergarten through three (K-3) that includes systematic foundational skills instruction;

(2) Ensure all textbooks and instructional materials used to teach students to read include systematic foundational skills instruction, reflect practices shown to have a positive effect on student achievement, and include documentation of a rigorous research approach;

(3) Submit the results of the reading screener required under § 49-1-905(b) to the department;

(4) Ensure all teachers in grades kindergarten through three (K-3) who provide reading instruction to students participate in a literacy-related training provided by the department or by a provider approved by the state board; and

(5) Receive literacy-related implementation and coaching support from service providers approved by the state board.

(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 the house of representatives regarding the implementation of this section.

(d)

(1) By December 31, 2020, for purposes of consolidating existing information for the general assembly, the department shall conduct a review of the following:

(A) A landscape analysis of literacy in this state, including current practices, student achievement, instructional programming, and remediation services;

(B) A landscape analysis of literacy instruction, including instructional programming and pedagogical practices utilized by educator preparation providers; and

(C) A joint analysis with the Tennessee higher education commission regarding affordability of educator preparation providers, including tuition affordability and net-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 review.

(3) By March 1, 2021, the results of the review must be reported to the commissioner and provided to the state board and the chairs of the education committees of the senate and the house of representatives. The results of the review must be posted on the department's website.

(4) All student information must be maintained in accordance with the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g), § 10-7-504, and all other relevant state and federal privacy laws.

49-1-908.

The department shall procure any good or service selected or approved by the department to effectuate this part competitively and in compliance with all state laws and administrative rules regarding the procurement of goods and services by state agencies,

including §§ 12-3-101 – 12-3-104. Contracts for the procurement of any good or service selected or approved by the department to effectuate this part are subject to review by the fiscal review committee of the general assembly.

SECTION 4. Tennessee Code Annotated, Title 49, Chapter 5, Part 56, is amended by adding the following as a new section:

(a) Educator preparation providers must provide candidates seeking licensure to teach in grades kindergarten through three (K-3) with training and instruction on:

(1) How to effectively teach the foundational reading skills of phonemic awareness, phonics, fluency, vocabulary, and comprehension;

(2) How to differentiate instruction for teaching students with advanced reading skills and students with significant reading deficiencies;

(3) Dyslexia identification and 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);

(4) How to implement reading instruction using high-quality instructional materials;

(5) Behavior management, trauma-informed principles and practices for the classroom, and other developmentally appropriate supports to ensure that students can effectively access literacy instruction; and

(6) How to understand and use student reading data.

(b)

(1) Effective August 1, 2022, a candidate seeking a teaching license or endorsement that authorizes the candidate to teach students in grades kindergarten through three (K-3) must provide a certificate documenting passage of a Tennessee reading instruction test developed or identified by the state board that tests the candidate's knowledge of systematic foundational skills instruction.

(2) Subject to available funding, the test developed or identified by the state board pursuant to this section must be provided at no cost to the candidate.

(c) The state board, in consultation with the department, shall promulgate revisions to the state board rules regarding the approval of educator preparation providers and rules regarding educator licensure to effectuate this section.

SECTION 5. Tennessee Code Annotated, Section 49-6-3115, is amended by deleting the section.

SECTION 6. The state board may promulgate rules to effectuate the purposes of this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 2229 - SB 2160

April 8, 2020

SUMMARY OF ORIGINAL BILL: Establishes the following:

Literacy Instruction: Requires a local education agency (LEA) that enrolls students in any of the grades kindergarten through two (K-2) to provide students in grades (K-2) the instruction necessary for the students to develop the reading skills required to meet the Tennessee academic standards and the developmental expectations for the student's respective grade level. Requires the Department of Education (DOE) to approve the instructional programming and services that must be used to provide evidence-based and scientifically-based systematic phonics instruction. Requires an LEA to provide students in K-2 knowledge-based English language arts elementary curricula. Requires DOE to administer a common reading diagnostic to benchmark literacy skills and growth. Requires an LEA to administer the diagnostic to any student in the third-grade who is reading below grade level. Requires DOE to establish three administration windows each school year for the administration of the diagnostics. Requires LEAs to submit the results of the common reading diagnostic to DOE. Requires DOE to provide additional instructional support to a student reading below grade level.

Educator Preparation Programs: Establishes requirements for educator preparation programs. Requires DOE to develop additional guidance on requirements for educator preparation programs. Requires DOE and the State Board of Education (SBE) to develop a policy for approving educator preparation programs. Requires DOE, in partnership with SBE and the Tennessee Higher Education Commission (THEC), to provide a report to the Chairs of the Education Committees of the Senate and the House of Representatives on the implementation of this section by July 1, 2023. Requires DOE to complete a study of literacy in Tennessee, including current practices, student achievement, and instructional programming by December 31, 2020. Requires DOE and THEC to provide a report on the findings of the study to the Chairs of the Education Committees of the Senate and the House of Representatives by March 1, 2021.

State Accountability Model: Requires DOE to convene an advisory group of stakeholders to advise the Department on the integration of third-grade reading proficiency into the performance goals and measures by June 30, 2020. Requires DOE, in consultation with the advisory group, to review changes to the accountability performance designations for students in grades K-3 regarding the weight attributed to the third-grade reading proficiency levels demonstrated by student performance on TCAP tests. Requires DOE to submit any revisions to the SBE for approval and to the United States Department of Education, if required.

Professional Development and Support: Establishes criteria for literacy training for educators. Requires DOE to provide two separate literacy-related trainings that are required for all

educators serving students in grades kindergarten through five (K-5) by June 30, 2022. Authorizes an LEA to apply for and receive literacy-related implementation and coaching support from service providers approved by DOE. Requires implementation and coaching support to be awarded through a competitive grant process established by DOE. Limits the term of the grant award to three years.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – $48,633,900/FY20-21
$11,133,900/FY21-22 and Subsequent Years

The Governor's proposed budget for FY20-21, on page B-88, recognizes a one-time increase in state expenditures to the General Fund of $37,500,000, and a recurring increase in state expenditures to the General Fund in the amount of $11,250,000, for a total of $48,750,000 in FY20-21.

SUMMARY OF AMENDMENT (017200): Deletes all language after the enacting clause. Creates the Tennessee Literacy Success Act. Requires a local education agency (LEA) that enrolls students in any of the grades kindergarten through three (K-3) to ensure that instructional programming intended to meet the English language arts standards adopted by the SBE is based on the foundational reading skills of phonemic awareness, phonics, fluency, vocabulary, and comprehension.

Requires each LEA to use a universal reading screener approved by DOE or alternative reading screener approved by SBE. Requires the universal reading screener approved by DOE to be provided at no cost. Requires an LEA to administer a reading screener to students in grades K-2 three times each school year during the administration windows set by DOE. Requires the administration window for the first reading screener to occur within the first 30 days of the school year. Requires a LEA to administer a reading screener to a student in third grade who has a significant reading deficiency based on the student's performance on the reading screener administered in the second grade. Requires an LEA to provide intensive instructional support for any student in K-2 who at any time demonstrates a significant reading deficiency. Requires the instructional support to include an individual reading plan and establishes minimum requirements for individual reading plans. Requires an LEA to notify the parents of a student who is determined to have a significant reading deficiency and to provide the student's parents with quarterly progress reports. Prohibits a student in the third grade from being promoted to the next grade unless the student demonstrates a basic understanding of the curriculum and the necessary reading skills as indicated by the student's grades or standardized test results. Authorizes a student who lacks the requisite knowledge and skills for the next grade level to be promoted if the student participates in an evidence-based reading intervention program or the student is an English language learner and has received less than two years of English instruction.

Requires SBE, subject to available funding and with administrative support from DOE to administer a literacy skills grant program. Requires SBE to establish criteria for an LEA to qualify for a literacy skills grant and establishes minimum requirements for the literacy skills grant. Requires DOE, in partnership with SBE and the Tennessee Higher Education Committee (THEC), to provide a report to the Chairs of the Education Committees of the Senate and the House of Representatives on the literacy skills grant program by July 1st, 2023. Requires DOE to complete a review of literacy in Tennessee, including current practices, student achievement, and instructional programming; and in a joint analysis with THEC, the affordability of educator preparation providers by December 31, 2020. Requires DOE to provide a report on the results of the review to the Chairs of the Education Committees of the Senate and the House of Representatives by March 1, 2021.

Requires educator preparation providers to provide candidates seeking licensure to teach in K-3 with training and instruction on certain teaching areas. Requires a candidate seeking a teaching license or endorsement that authorizes the candidate to teach in grades K-3 to provide a certificate documenting passage of a Tennessee reading instruction test developed by SBE. Requires the test to be provided to the candidate at no cost if funding is available. Requires SBE, in consultation with DOE, to promulgate revisions to SBE rules regarding the approval of educator preparation providers and rules regarding educator licensure.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures – $36,533,900/FY20-21
$4,133,900/FY21-22 and Subsequent Years

Increase Local Expenditures –
$24,250,000/FY20-21/Permissive
$14,250,000/FY21-22 and Subsequent Years/Permissive
$336,061,500/FY20-21 and Subsequent Years*

Assumptions for the bill as amended:

- It is estimated that the following elements of the proposed legislation will have one-time state costs in FY20-21:
  - $31,400,000 for initial training; and
  - $1,000,000 for a universal reading screener development.
- It is estimated that the following elements of the proposed legislation will have recurring state costs beginning in FY20-21 and subsequent years:
  - $750,000 for a universal reading screener;
  - $2,000,000 for ongoing training;
  - $1,000,000 for an educator preparation certification test; and
  - $100,000 for reporting requirements.

- SBE will require 3 additional full-time positions and 1 one full-time administrative position to administer the literacy grant program. It is estimated that the positions will have the following costs:
    - $64,218 ($49,440 salary + $14,778 benefits) for one SBE Analyst 2 position at a starting salary point;
    - $122,950 ($47,088 salary + $14,387 benefits x 2) for 2 SBE analyst 1 positions at a starting salary point;
    - $51,750 ($38,748 + $13,002 benefits) for 1 SBE administrative assistant; and
    - $45,000 for travel for all four positions.
- The total costs for additional SBE positions is estimated to be $283,918 ($64,218 + $122,950 + $51,750 + $45,000) in FY20-21 and subsequent years.
- The total one-time increase in state expenditures in FY20-21 is estimated to be $36,533,918 ($31,400,000 + $1,000,000 + $750,000, + $2,000,000 + $1,000,000 + $100,000 + 283,918) in FY20-21.
- The total recurring increase in state expenditures is estimated to be $4,133,918 ($750,000 + $2,000,000 + $1,000,000 + $100,000 + $283,918) beginning in FY21-22 and subsequent years.

Local Impact Assumptions:

- It is estimated that the following elements of the proposed legislation will have permissive local costs in FY20-21:
    - $10,000,000 in one-time costs for the purchase of aligned textbooks and instructional materials.
    - $14,250,000 in recurring costs for coaching and implementation support for the literacy grant ($15,000 x 950 schools);
- It is estimated that approximately 75,000, or 66 percent, of students in each grade K-2 have reading deficiencies; thus, the requirements of the proposed legislation will apply to an estimated 148,500 students (75,000 x 3 x 66%).
- It is estimated that the following elements of the proposed legislation will have mandatory recurring local costs beginning in FY20-21:
    - $1,336,500 for quarterly reports ($2.25 x 4x per year x 148,500);
    - $7,425,000 for generating individual reading plans ($50/hr. x 1hr. per plan x 148,500);
    - $59,400,000 for monitoring progress ($50/hr. x 1 hr. per month x 8 months x 148,500);
    - $267,300,000 for support services ($60/hr. x 1 hr. per week x 30 weeks x 148,500); and
    - $600,000 for the platform or service to generate and maintain individual reading plans.
- The total permissive increase in local expenditures is estimated to be $24,250,000 ($14,250,000 +10,000,000) in FY20-21.
- The total mandatory recurring increase in local expenditures is estimated to be $336,061,500 ($1,336,500, + $7,425,000 + $59,400,000 + $267,300,000 + 600,000) 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

Krista Lee Carsner, Executive Director

/alh

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, Section 49-1-901, is amended by deleting the section and substituting instead the following:

This part shall be known and may be cited as the "Tennessee Literacy Success Act."

SECTION 2. Tennessee Code Annotated, Section 49-1-902, is amended by designating the existing language as subsection (b) and adding the following language as a new subsection (a):

(a) The general assembly finds and declares that:

(1) A literate society is key to maintaining a free society;

(2) There is a need to improve literacy rates across the state;

(3) In 2019, Tennessee's third grade English language arts proficiency rate was thirty-six and nine-tenths percent (36.9%); and

(4) In 2019, Tennessee's eighth grade English language arts proficiency rate was twenty-seven and one-tenth percent (27.1%).

SECTION 3. Tennessee Code Annotated, Title 49, Chapter 1, Part 9, is amended by adding the following as new sections:

49-1-903.

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) "Parent" means the parent, guardian, person who has custody of the child, or individual who has caregiving authority under § 49-6-3001;

(4) "Significant reading deficiency" means that the results of a student's universal reading screener or locally adopted reading screener do not meet proficiency, as determined by the state board, in the areas of phonemic awareness, phonics, vocabulary, fluency, and comprehension;

(5) "State board" means the state board of education;

(6) "Systematic foundational skills instruction" means an evidence-based method of teaching students to read that includes the foundational reading skills of phonemic awareness, phonics, fluency, vocabulary, and comprehension that enables students to develop the reading skills required to meet the Tennessee academic standards; and

(7) "Universal reading screener" means a uniform tool that screens and monitors a student's progress in the foundational reading skills of phonemic awareness, phonics, fluency, vocabulary, and comprehension.

49-1-905.

(a) Each LEA shall ensure that the instructional programming, intended to meet the English language arts standards adopted by the state board, for students in grades kindergarten through three (K-3), is based on the foundational reading skills of phonemic awareness, phonics, fluency, vocabulary, and comprehension.

(b) Each LEA shall use a universal reading screener approved by the department, or a comparable alternative reading screener approved by the state board and adopted by the LEA. The universal reading screener approved by the department must be provided at no cost to LEAs. The universal reading screener or a locally adopted reading screener must not be used for student promotion, teacher evaluation, or school or district accountability. An LEA shall administer a reading screener to students

in grades kindergarten through two (K-2) three (3) times each school year during the administration windows set by the department. The administration window for the first reading screener administered to students must occur within the first thirty (30) days of the school year. An LEA shall administer a reading screener to a student in the third grade who has a significant reading deficiency, as demonstrated by the student's performance on the last reading screener administered to the student in second grade.

(c) A student in grades kindergarten through two (K-2) who exhibits, at any time, a significant reading deficiency, as demonstrated by the student's performance on a reading screener, or who exhibits, at any time, a reading skill deficiency, as demonstrated by the student's performance on a locally administered formative or interim assessment or through teacher observation, must be provided with intensive, supplemental instructional supports that address the student's significant reading deficiency or reading skill deficiency immediately following the identification of the student's significant reading deficiency or reading skill deficiency.

(d) Immediately upon determining that a student in grades kindergarten through two (K-2) has a significant reading deficiency, the LEA shall notify the student's parent in writing of the determination.

(e)

(1) A student in the third grade shall not be promoted to the next grade level unless the student has shown a basic understanding of the 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 student may be promoted if:

(A) The student participates in an evidence-based reading intervention program before the beginning of the next school year; or

(B) The student is an English language learner and has received less than two (2) years of instruction in English.

(2) This subsection (e) does not supersede an LEA's obligations to comply with the Individuals with Disabilities Education Act (20 U.S.C. § 1400, et seq.) or Section 504 of the Rehabilitation Act (29 U.S.C. § 794).

(f) This section must not be interpreted to require the use of instructional materials based on the common core standards, or to re-establish the common core state standards replaced under § 49-1-310.

49-1-906.

(a) Subject to available funding, the state board, with administrative support from the department, shall establish and administer a literacy skills grant program.

(b) The state board shall establish criteria for an LEA to qualify for a literacy skills grant. To qualify for a literacy skills grant, an LEA must, at a minimum:

(1) Implement an instructional program for English language arts in grades kindergarten through three (K-3) that includes systematic foundational skills instruction;

(2) Ensure all textbooks and instructional materials used to teach students to read include systematic foundational skills instruction, reflect practices shown to have a positive effect on student achievement, and include documentation of a rigorous research approach;

(3) Submit the results of the reading screener required under § 49-1-905(b) to the department;

(4) Ensure all teachers in grades kindergarten through three (K-3) who provide reading instruction to students participate in a literacy-related training provided by the department or by a provider approved by the state board; and

(5) Receive literacy-related implementation and coaching support from service providers approved by the state board.

(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 the house of representatives regarding the implementation of this section.

(d)

(1) By December 31, 2020, for purposes of consolidating existing information for the general assembly, the department shall conduct a review of the following:

(A) A landscape analysis of literacy in this state, including current practices, student achievement, instructional programming, and remediation services;

(B) A landscape analysis of literacy instruction, including instructional programming and pedagogical practices utilized by educator preparation providers; and

(C) A joint analysis with the Tennessee higher education commission regarding affordability of educator preparation providers, including tuition affordability and net-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 review.

(3) By March 1, 2021, the results of the review must be reported to the commissioner and provided to the state board and the chairs of the education committees of the senate and the house of representatives. The results of the review must be posted on the department's website.

(4) All student information must be maintained in accordance with the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g), § 10-7-504, and all other relevant state and federal privacy laws.

49-1-908.

The department shall procure any good or service selected or approved by the department to effectuate this part competitively and in compliance with all state laws and administrative rules regarding the procurement of goods and services by state agencies, including §§ 12-3-101 – 12-3-104. Contracts for the procurement of any good or service selected or approved by the department to effectuate this part are subject to review by the fiscal review committee of the general assembly.

SECTION 4. Tennessee Code Annotated, Title 49, Chapter 5, Part 56, is amended by adding the following as a new section:

(a) Educator preparation providers must provide candidates seeking licensure to teach in grades kindergarten through three (K-3) with training and instruction on:

(1) How to effectively teach the foundational reading skills of phonemic awareness, phonics, fluency, vocabulary, and comprehension;

(2) How to differentiate instruction for teaching students with advanced reading skills and students with significant reading deficiencies;

(3) Dyslexia identification and 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);

(4) How to implement reading instruction using high-quality instructional materials;

(5) Behavior management, trauma-informed principles and practices for the classroom, and other developmentally appropriate supports to ensure that students can effectively access literacy instruction; and

(6) How to understand and use student reading data.

(b)

(1) Effective August 1, 2022, a candidate seeking a teaching license or endorsement that authorizes the candidate to teach students in grades kindergarten through three (K-3) must provide a certificate documenting passage of a Tennessee reading instruction test developed or identified by the state board that tests the candidate's knowledge of systematic foundational skills instruction.

(2) Subject to available funding, the test developed or identified by the state board pursuant to this section must be provided at no cost to the candidate.

(c) The state board, in consultation with the department, shall promulgate revisions to the state board rules regarding the approval of educator preparation providers and rules regarding educator licensure to effectuate this section.

SECTION 5. Tennessee Code Annotated, Section 49-6-3115, is amended by deleting the section.

SECTION 6. The state board may promulgate rules to effectuate the purposes of this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

CORRECTED FISCAL MEMORANDUM

HB 2229 - SB 2160

May 26, 2020

SUMMARY OF ORIGINAL BILL: Establishes the following:

Literacy Instruction: Requires a local education agency (LEA) that enrolls students in any of the grades kindergarten through two (K-2) to provide students in grades (K-2) the instruction necessary for the students to develop the reading skills required to meet the Tennessee academic standards and the developmental expectations for the student's respective grade level. Requires the Department of Education (DOE) to approve the instructional programming and services that must be used to provide evidence-based and scientifically-based systematic phonics instruction. Requires an LEA to provide students in K-2 knowledge-based English language arts elementary curricula. Requires DOE to administer a common reading diagnostic to benchmark literacy skills and growth. Requires an LEA to administer the diagnostic to any student in the third-grade who is reading below grade level. Requires DOE to establish three administration windows each school year for the administration of the diagnostics. Requires LEAs to submit the results of the common reading diagnostic to DOE. Requires DOE to provide additional instructional support to a student reading below grade level.

Educator Preparation Programs: Establishes requirements for educator preparation programs. Requires DOE to develop additional guidance on requirements for educator preparation programs. Requires DOE and the State Board of Education (SBE) to develop a policy for approving educator preparation programs. Requires DOE, in partnership with SBE and the Tennessee Higher Education Commission (THEC), to provide a report to the Chairs of the Education Committees of the Senate and the House of Representatives on the implementation of this section by July 1, 2023. Requires DOE to complete a study of literacy in Tennessee, including current practices, student achievement, and instructional programming by December 31, 2020. Requires DOE and THEC to provide a report on the findings of the study to the Chairs of the Education Committees of the Senate and the House of Representatives by March 1, 2021.

State Accountability Model: Requires DOE to convene an advisory group of stakeholders to advise the Department on the integration of third-grade reading proficiency into the performance goals and measures by June 30, 2020. Requires DOE, in consultation with the advisory group, to review changes to the accountability performance designations for students in grades K-3 regarding the weight attributed to the third-grade reading proficiency levels demonstrated by student performance on TCAP tests. Requires DOE to submit any revisions to the SBE for approval and to the United States Department of Education, if required.

Professional Development and Support: Establishes criteria for literacy training for educators. Requires DOE to provide two separate literacy-related trainings that are required for all educators serving students in grades kindergarten through five (K-5) by June 30, 2022. Authorizes an LEA to apply for and receive literacy-related implementation and coaching support from service providers approved by DOE. Requires implementation and coaching support to be awarded through a competitive grant process established by DOE. Limits the term of the grant award to three years.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – $48,633,900/FY20-21
$11,133,900/FY21-22 and Subsequent Years

The Governor's proposed budget for FY20-21, on page B-88, recognizes a one-time increase in state expenditures to the General Fund of $37,500,000, and a recurring increase in state expenditures to the General Fund in the amount of $11,250,000, for a total of $48,750,000 in FY20-21.

SUMMARY OF AMENDMENT (017557): Deletes all language after the enacting clause. Creates the Tennessee Literacy Success Act. Requires a local education agency (LEA) that enrolls students in any of the grades kindergarten through three (K-3) to ensure that instructional programming intended to meet the English language arts standards adopted by the SBE is based on the foundational reading skills of phonemic awareness, phonics, fluency, vocabulary, and comprehension.

Requires each LEA to use a universal reading screener approved by DOE or alternative reading screener approved by SBE. Requires the universal reading screener approved by DOE to be provided at no cost. Requires an LEA to administer a reading screener to students in grades K-2 three times each school year during the administration windows set by DOE. Requires the administration window for the first reading screener to occur within the first 30 days of the school year. Requires a LEA to administer a reading screener to a student in third grade who has a significant reading deficiency based on the student's performance on the reading screener administered in the second grade. Requires an LEA to provide intensive instructional support for any student in K-2 who at any time demonstrates a significant reading deficiency. Prohibits a student in the third grade from being promoted to the next grade unless the student demonstrates a basic understanding of the curriculum and the necessary reading skills as indicated by the student's grades or standardized test results. Authorizes a student who lacks the requisite knowledge and skills for the next grade level to be promoted if the student participates in an evidence-based reading intervention program or the student is an English language learner and has received less than two years of English instruction.

Requires SBE, subject to available funding and with administrative support from DOE to administer a literacy skills grant program. Requires SBE to establish criteria for an LEA to qualify for a literacy skills grant and establishes minimum requirements for the literacy skills

grant. Requires DOE, in partnership with SBE and the Tennessee Higher Education Committee (THEC), to provide a report to the Chairs of the Education Committees of the Senate and the House of Representatives on the literacy skills grant program by July 1st, 2023. Requires DOE to complete a review of literacy in Tennessee, including current practices, student achievement, and instructional programming; and in a joint analysis with THEC, the affordability of educator preparation providers by December 31, 2020. Requires DOE to provide a report on the results of the review to the Chairs of the Education Committees of the Senate and the House of Representatives by March 1, 2021.

Requires educator preparation providers to provide candidates seeking licensure to teach in K-3 with training and instruction on certain teaching areas. Requires a candidate seeking a teaching license or endorsement that authorizes the candidate to teach in grades K-3 to provide a certificate documenting passage of a Tennessee reading instruction test developed by SBE. Requires the test to be provided to the candidate at no cost if funding is available. Requires SBE, in consultation with DOE, to promulgate revisions to SBE rules regarding the approval of educator preparation providers and rules regarding educator licensure.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

On May 22, 2020, a fiscal memorandum was issued with the following fiscal impact:

Increase State Expenditures – $36,533,900/FY20-21
$4,133,900/FY21-22 and Subsequent Years

Increase Local Expenditures –
$24,250,000/FY20-21/Permissive
$14,250,000/FY21-22 and Subsequent Years/Permissive
*$326,700,000/FY20-21 and Subsequent Years**

Based on further analysis, this impact was determined to be in error. The corrected fiscal impact is as follows:

(CORRECTED)
Increase State Expenditures – $36,533,900/FY20-21
$4,133,900/FY21-22 and Subsequent Years

Increase Local Expenditures –
$24,250,000/FY20-21/Permissive
$14,250,000/FY21-22 and Subsequent Years/Permissive

Corrected Assumptions for the bill as amended:

- It is estimated that the following elements of the proposed legislation will have one-time state costs in FY20-21:
  - $31,400,000 for initial training; and

- $1,000,000 for a universal reading screener development.

- It is estimated that the following elements of the proposed legislation will have recurring state costs beginning in FY20-21 and subsequent years:
  - $750,000 for a universal reading screener;
  - $2,000,000 for ongoing training;
  - $1,000,000 for an educator preparation certification test; and
  - $100,000 for reporting requirements.
- SBE will require 3 additional full-time positions and 1 one full-time administrative position to administer the literacy grant program. It is estimated that the positions will have the following costs:
  - $64,218 ($49,440 salary + $14,778 benefits) for one SBE Analyst 2 position at a starting salary point;
  - $122,950 ($47,088 salary + $14,387 benefits x 2) for 2 SBE analyst 1 positions at a starting salary point;
  - $51,750 ($38,748 + $13,002 benefits) for 1 SBE administrative assistant; and
  - $45,000 for travel for all four positions.
- The total costs for additional SBE positions is estimated to be $283,918 ($64,218 + $122,950 + $51,750 + $45,000) in FY20-21 and subsequent years.
- The total one-time increase in state expenditures in FY20-21 is estimated to be $36,533,918 ($31,400,000 + $1,000,000 + $750,000, + $2,000,000 + $1,000,000 + $100,000 + 283,918) in FY20-21.
- The total recurring increase in state expenditures is estimated to be $4,133,918 ($750,000 + $2,000,000 + $1,000,000 + $100,000 + $283,918) beginning in FY21-22 and subsequent years.

Local Impact Assumptions:

- It is estimated that the following elements of the proposed legislation will have permissive local costs in FY20-21:
  - $10,000,000 in one-time costs for the purchase of aligned textbooks and instructional materials.
  - $14,250,000 in recurring costs for coaching and implementation support for the literacy grant ($15,000 x 950 schools);
- It is estimated that approximately 75,000, or 66 percent, of students in each grade K-2 have reading deficiencies; thus, the requirements of the proposed legislation will apply to an estimated 148,500 students (75,000 x 3 x 66%).
- It is assumed that the intensive supplemental instructional support required by the proposed legislation can be accommodated using current staff and resources of the LEAs.
- The total permissive increase in local expenditures is estimated to be $24,250,000 ($14,250,000 + $10,000,000) in FY20-21.
- A recurring permissive increase in local expenditures of $14,250,000 in FY21-22 and subsequent years.

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/alh

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Littleton

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

Amendment No._____

Mary [signature]
Signature of Sponsor

AMEND Senate Bill No. 2633 **House Bill No. 2589***

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

SECTION __. Tennessee Code Annotated, Section 12-3-1212, is amended by adding the following language at the end of the section:

For purposes of this section, counties that have adopted the County Financial Management System of 1981, the County Purchasing Law of 1957, or that are similarly centralized for purchasing under a private act, are deemed to have a full-time purchasing agent.

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 2589 - SB 2633

March 10, 2020

SUMMARY OF ORIGINAL BILL: Changes, from $10,000 to $25,000, the amount for which a local board of education or governing body of a public charter school must make purchases or expenditures by competitive bids if an LEA chooses not to follow the local governing body's purchasing procedures. Requires the amounts for purchases and expenditures that must be made by competitive bids to be increased each year by the greater of two percent or the rate of inflation beginning in FY20-21. Requires the resulting amount to be rounded to the nearest one hundred dollars. Requires the Comptroller of the Treasury (COT) to calculate the amount of the required increase and notify the Department of Education (DOE) of the increase. Requires DOE to post the increase and increased amount on DOE's website.

FISCAL IMPACT OF ORIGINAL BILL:

Decrease Local Expenditures - Exceeds $5,700/FY20-21 and Subsequent Years

SUMMARY OF AMENDMENT (015992): Adds language to the original bill such that the only substantive change is to establish that counties that have adopted the County Financial Management System of 1981, the County Purchasing Law of 1957, or that are similarly centralized for purchasing under a private act, are deemed to have a full-time purchasing agent.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Local boards of education and governing bodies of public charter schools are currently required to make procurement through competitive bids for purchases or expenditures at $10,000 or greater.
- Adjusting the threshold for competitive bids does not change the process that is already in place and will not require any additional resources; therefore, any impact to the operations of local boards of education or local governing bodies of public charter schools is estimated to be not significant.

- Competitive bids of $10,000 or more are required to be solicited through advertisement in a newspaper of general circulation. Increasing that threshold will lead to fewer required newspaper advertisements.
- Based on responses to the 2017 Local Government Survey conducted by the Fiscal Review Committee staff, participating local government officials reported the average cost for a newspaper notification is $114.
- The total decrease in required newspaper publications is unknown but reasonably estimated to exceed 50 statewide per year.
- A total recurring decrease in local government expenditures exceeding $5,700 ($114 x 50) beginning in FY20-21.
- No significant impact to DOE or COT.

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/alh

House Higher Education Subcommittee Am. #1

Amendment No._____

_____

Signature of Sponsor

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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AMEND Senate Bill No. 2486 **House Bill No. 2112***

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following new section:

(a) There is created a study committee on the future of collegiate athletics in Tennessee composed of fifteen (15) members as follows:

(1) An athletic director, or the athletic director's designee, of each of the following universities:

(A) University of Tennessee, Knoxville;

(B) Vanderbilt University;

(C) Middle Tennessee State University;

(D) University of Memphis; and

(E) Tennessee State University;

(2) Two (2) former collegiate athletes, one (1) to be appointed by the speaker of the senate and one (1) to be appointed by the speaker of the house of representatives;

(3) Two (2) members of the general assembly, one (1) to be appointed by the speaker of the senate and one (1) to be appointed by the speaker of the house of representatives;

(4) A representative from an athletic department of a college or university in Tennessee participating in the football championship subdivision who is appointed by the speaker of the house of representatives;

(5) A school administrator from a college or university in Tennessee responsible for collegiate admission who is appointed by the speaker of the senate;

(6) The general counsel of a college or university in Tennessee who is appointed by the speaker of the house of representatives;

(7) Two (2) collegiate coaches, one (1) to be appointed by the speaker of the senate and one (1) to be appointed by the speaker of the house of representatives; and

(8) A representative of the governor's office who is appointed by the governor.

(b) The members of the general assembly will serve as co-chairs of the committee.

(c) The chairs will call the first meeting of the committee no later than August 31, 2020. The committee shall conduct additional meetings at the call of the chairs.

(d) A vacancy on the committee must be filled for the balance of the unexpired term in the same manner as the original appointment.

(e) Eight (8) members of the committee constitute a quorum for the purposes of voting and conducting the business of the committee.

(f) The members of the committee are not entitled to per diem or travel expenses for attending meetings or carrying out their duties under this section.

(g) The mission of the committee is to review the current state of collegiate athletics in Tennessee and survey the current landscape across the country with respect to collegiate athletics for the purpose of:

(1) Making recommendations to the general assembly as to best practices in protecting student athletes;

(2) Being responsive to national and regional changes to insure that collegiate athletes, colleges, and universities in this state are not at a competitive disadvantage.

(h) The committee will produce and submit a report to each member of the general assembly no later than February 1, 2021.

(i) This section is repealed on May 1, 2021.

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

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 2112 - SB 2486

March 9, 2020

SUMMARY OF ORIGINAL BILL: Requires each institution governed by the Tennessee Board of Regents (TBR) or a state university board to make the grievance procedure for its support staff employees available on its website.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (016579): Deletes all language after the enacting clause. Creates a study committee, composed of 15 members, to review the current state of collegiate athletics in Tennessee and across the country in order to make recommendations to the General Assembly on best practices in protecting student athletes, and to ensure that colleges, universities, and collegiate athletes are not at a competitive disadvantage. Requires the committee to submit a report on its work to each member of the General Assembly no later than February 1, 2021.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures – $1,400/FY20-21

Assumptions for the bill as amended:

- The committee will consist of two legislative members and 13 non-legislative members, for a total of 15 members.
- It is assumed the committee will meet three times, and that all 15 members will attend all three meetings.
- Legislative members of the committee are to be reimbursed as members of the General Assembly and paid for attending legislative meetings; other members shall not receive compensation for service or reimbursement for travel expenses.
- It is assumed the General Assembly will be in session at the time of one committee meeting.
- Legislative members will receive per diem of $240 per day for two committee meetings.
- The average mileage reimbursement per legislative member for each meeting is estimated to be $110 ($0.47 x 234 miles).

- The cost per legislative member for each meeting is estimated to be $350 ($240 per diem + $110 mileage).
- The one-time increase in state expenditures as a result of this legislation is estimated to be $1,400 (2 members x $350 x 2 meetings) in FY20-21.
- Any increase in state expenditures to administer the committee is estimated to be not significant.
- Any increase in state expenditures for the committee to compile and submit the final report will not be significant.

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/jpj

House Higher Education Subcommittee Am. #1

Amendment No._____

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

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Signature of Sponsor

AMEND Senate Bill No. 2503 **House Bill No. 2601***

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

SECTION 1. Tennessee Code Annotated, Section 49-7-1601, is amended by deleting the language "and Accountability Act" and substituting instead the language "and Tennessee Responsible Borrowing Initiative Act".

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 7, Part 16, is amended by adding the following as a new section:

(a) Beginning in the 2021-2022 academic year, each institution operated by the board of regents, each state university, and each campus in the University of Tennessee system shall provide each student with a detailed and completed current-year federal college financing plan. The plan must be provided to students at least once with the student's notice of financial aid eligibility. An institution may substitute a personalized and detailed institution-specific alternative to the federal college financing plan, if the institution's alternative provides, at a minimum, the following information:

(1) The total cost of attendance;

(2) The total amount per year of grants and scholarships awarded to the student, including awards from the institution, state programs, and federal programs;

(3) The estimated total net cost, based on the institution's cost of attendance, to the student for one (1) year of attendance at the institution, after deducting amounts awarded to the student through grants and scholarships;

(4) The total amount per year of actual student loans and estimated work study funds for which the student is eligible, accompanied by the amount of each

federal, state, or institutional loan by loan type and program origin, and the estimated amount of work study funds from each federal, state, or institutional work study option; and

(5) Information and resources available to the student relative to financial aid planning and loan repayment calculations.

(b) When a student is finalizing acceptance of a financial aid package, the institution shall clearly provide to the student:

(1) The estimated unmet financial need accompanied by the total amount per year of eligible student loans; and

(2) A statement on the importance of responsible student borrowing.

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

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 2601 - SB 2503

March 2, 2020

SUMMARY OF ORIGINAL BILL: Renames the Tuition Transparency and Accountability Act to the Tuition Transparency and Responsible Borrowing Initiative Act.

Requires all public institutions of higher education (institutions) to provide every student a notice of financial aid eligibility to include a detailed and completed current-year federal or institution-specific college financing plan.

Requires each institution to provide a student who is finalizing acceptance of a financial aid package, the net cost of the student's attendance in a prominent and highly visible manner and an interactive student loan scenario calculator that demonstrates repayment levels.

Requires each institution to provide additional financial aid information, including links to appropriate financial aid tools and resources, as determined by the Tennessee Higher Education Commission.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures - $5,600/FY20-21/Tennessee Board of Regents
$33,600/FY20-21/Locally Governed Institutions
$5,600/FY20-21/University of Tennessee

SUMMARY OF AMENDMENT (015405): Deletes and replaces all language after the enacting clause such that the only substantive change is to require institutions to provide students with the estimated unmet financial need accompanied by the total amount per year of eligible student loans and a statement on the importance of responsible student borrowing when a student is finalizing acceptance of a financial aid package, as opposed to an interactive student loan scenario calculator.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

NOT SIGNIFICANT

Assumption for the bill as amended:

- Any increase in administrative expenditures to the institutions for providing the required college financing plan and additional financial aid information is assumed to be absorbed within existing resources.

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/jpj

House Higher Education Subcommittee Am. #1

Amendment No._____

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Signature of Sponsor

AMEND Senate Bill No. 2339 **House Bill No. 1839***

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following as a new section:

(a) Each governing board of a public institution of higher education shall submit a report to the comptroller of the treasury by October 1, 2020, and by October 1 of each year thereafter, detailing for the most recent full fiscal year, each individual who:

(1) Worked for or performed research at a public institution of higher education governed by the governing board at any point during the most recent fiscal year pursuant to an exchange or visitor visa; and

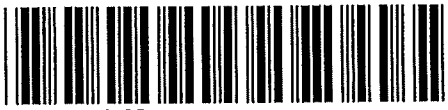
(2) Whose work or research was funded wholly or in part by a foreign entity.

(b) Each governing board submitting a report pursuant to subsection (a) shall not include an individual in the report who was enrolled as a student at a public institution of higher education during the most recent fiscal year.

(c) The comptroller shall compile the data submitted pursuant to subsection (a), and submit a cumulative report of the data to the governor and each member of the general assembly. The comptroller shall post the cumulative report to the comptroller's website.

(d) As used in this section:

(1) "Exchange or visitor visa" means a nonimmigrant visa for a person who enters the United States temporarily for business or to participate in an approved exchange visitor program, and includes J-1 visas, B-1 visas, or a valid



Electronic System for Travel Authorization (ESTA), if traveling without a visa under the Visa Waiver Program; and

(2) "Foreign entity" means a foreign nation, a political subdivision of a foreign nation, or an organization sponsored, operated, or funded by a foreign nation.

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

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 1839 - SB 2339

March 7, 2020

SUMMARY OF ORIGINAL BILL: Prohibits a governing board of a public institution of higher education (institution) from contracting or affiliating with a foreign nation, a political subdivision of a foreign nation, or an organization sponsored, operated, or funded by a foreign nation to provide or establish a program of instruction or learning center. Establishes that any contract or agreement executed before the effective date of this legislation shall remain in full force and effect until the expiration of the contract or agreement.

FISCAL IMPACT OF ORIGINAL BILL:

Other fiscal impact – Passage of the proposed legislation could decrease funding for several programs at public institutions of higher education. However, due to multiple unknown factors, a precise fiscal impact cannot be reasonably quantified.

SUMMARY OF AMENDMENT (015865): Deletes all language after the enacting clause. Requires each governing board of a public institution of higher education (institution) to submit a report to the Comptroller of the Treasury (COT) by October 1, 2020, and October 1 of each year thereafter, detailing: (1) each individual who worked for or performed research at its institution at any point during the most recent fiscal year pursuant to an exchange or visitor visa; and (2) whose work or research was funded wholly or in part by a foreign entity. Excludes individuals who were enrolled as a student at an institution during the most recent fiscal year.

Requires COT to compile the data into a cumulative report and submit it the Governor and each member of the General Assembly, as well as post it to the COT's website.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- Any costs to the institutions to submit the report is assumed to be absorbed within existing resources; therefore, any fiscal impact to state government is estimated to be not significant.
- COT will compile and submit the required report utilizing existing resources; therefore any fiscal impact to state government is estimated to be not significant.

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/jpj

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

Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 2339 House Bill No. 1839*

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following as a new section:

(a) Each governing board of a public institution of higher education shall submit a report to the Tennessee higher education commission by October 1, 2020, and by October 1 of each year thereafter, detailing for the most recent fiscal year, each individual:

(1) Who worked for or performed research at a public institution of higher education governed by the governing board at any point during the most recent fiscal year pursuant to an exchange or visitor visa; and

(2) Whose work or research was funded wholly or in part by a foreign entity.

(b) Each governing board submitting a report pursuant to subsection (a) shall not include an individual in the report who was enrolled as a student at a public institution of higher education during the most recent fiscal year.

(c) The commission shall compile the data submitted pursuant to subsection (a), and submit an aggregate report of the data to the governor and to each member of the general assembly. The commission shall post the aggregate report to the commission's website.

(d) As used in this section:

(1) "Exchange or visitor visa" means a nonimmigrant visa for a person who enters the United States temporarily for business or to participate in an

approved exchange visitor program, and includes J-1 visas, B-1 visas, or a valid Electronic System for Travel Authorization (ESTA), if traveling without a visa under the Visa Waiver Program; and

(2) "Foreign entity" means a foreign nation, a political subdivision of a foreign nation, or an organization sponsored, operated, or funded by a foreign nation.

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

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 1839 - SB 2339

March 10, 2020

SUMMARY OF ORIGINAL BILL: Prohibits a governing board of a public institution of higher education (institution) from contracting or affiliating with a foreign nation, a political subdivision of a foreign nation, or an organization sponsored, operated, or funded by a foreign nation to provide or establish a program of instruction or learning center. Establishes that any contract or agreement executed before the effective date of this legislation shall remain in full force and effect until the expiration of the contract or agreement.

FISCAL IMPACT OF ORIGINAL BILL:

Other fiscal impact – Passage of the proposed legislation could decrease funding for several programs at public institutions of higher education. However, due to multiple unknown factors, a precise fiscal impact cannot be reasonably quantified.

SUMMARY OF AMENDMENT (016741): Deletes all language after the enacting clause. Requires each governing board of a public institution of higher education (institution) to submit a report to the Tennessee Higher Education Commission (THEC) by October 1, 2020, and October 1 of each year thereafter, detailing: (1) each individual who worked for or performed research at its institution at any point during the most recent fiscal year pursuant to an exchange or visitor visa; and (2) whose work or research was funded wholly or in part by a foreign entity. Excludes individuals who were enrolled as a student at an institution during the most recent fiscal year.

Requires THEC to compile the data into an aggregate report and submit to the Governor and each member of the General Assembly, as well as post it to the THEC's website.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- Any costs to the institutions to submit the report is assumed to be absorbed within existing resources; therefore, any fiscal impact to state government is estimated to be not significant.
- THEC will compile and submit the required report utilizing existing resources; therefore any fiscal impact to state government is estimated to be not significant.

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/jpj

House K-12 Subcommittee Am. #1

Amendment No._____

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

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Signature of Sponsor

AMEND Senate Bill No. 2805 **House Bill No. 2872***

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 61, is amended by adding the following language as a new section:

(a)

(1) Each local board of education shall adopt a policy requiring the LEA's schools to develop plans to provide mental and behavioral health services to students with adverse childhood experiences (ACEs), as defined in § 49-1-230. If a school employee finds that a student has one (1) or more ACEs, then the school employee shall report the finding to the school principal or the school counselor. Within ten (10) days of the report, the school principal or the school counselor shall confer with the student's parent and shall refer, with the parent's consent, the student to a school mental health counselor. If the school principal or the school counselor fails to refer a student to a school mental health counselor within ten (10) days of the report, then the director of schools or the director's designee shall confer with the student's parent and shall refer, with the parent's consent, the student to a community-based behavioral health provider within fifteen (15) days of the expiration of the ten-day period. An LEA, school, LEA employee, or school employee shall not be liable for the cost of any counseling or other mental health services provided to a student, regardless of whether the student received the services pursuant to a referral under this subdivision (a)(1).

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(2) Notwithstanding subdivision (a)(1), if a school employee has knowledge or reasonable cause to suspect that a student at the school is a victim of child abuse or child sexual abuse, then the school employee shall act in accordance with the requirements of § 37-1-403, § 37-1-605, or § 49-6-1601.

(b) As used in this section:

(1) "Parent" means a parent, guardian, person who has custody of the child, or an individual who has caregiving authority under § 49-6-3001; and

(2) "School mental health counselor" means any of the persons listed in § 49-2-124(c)(1)-(9) who may perform an evaluation for psychiatric diagnosis or treatment.

SECTION 2. Tennessee Code Annotated, Section 49-1-230, is amended by adding the following as a new subsection:

Each LEA shall conduct at least one (1) ACEs training seminar for parents and community-based partners annually. At a minimum, the seminars shall address the topics listed in subsection (b).

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

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 2872 - SB 2805

March 10, 2020

SUMMARY OF ORIGINAL BILL: Authorizes a local education agency (LEA) to offer an adverse childhood experiences (ACEs) training program partially or wholly online.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (015926): Deletes all language after the enacting clause. Requires each local board of education to adopt a policy requiring the LEA's schools to develop plans to provide mental and behavioral health services to students with ACEs. Requires a school employee to report to the school principal or counselor if it is found that a student has one or more ACEs. Requires the school principal or counselor to confer with the student's parent within 10 days of the report, and refer, with the parent's consent, the student to a school mental health counselor. Requires the director of schools or the director's designee to confer with a student's parent and, with the parent's consent, refer the student to a community-based health provider within 15 days if a school principal or counselor fails to refer a student to a mental health counselor within 10 days of receiving the ACEs report. Prohibits an LEA, school, LEA employee, or other school employee from being liable for the cost of any counseling or other mental health services provided to a student. Requires each LEA to conduct at least one ACEs training seminar for parents and community-based partners.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Each local board of education will be able to adopt a policy requiring an LEA's schools to develop plans to provide mental and behavioral health services to students with ACEs within existing resources.
- Schools will refer students who require mental and behavioral health services to existing school mental health counselors or providers outside of the school system; employees will not be liable for any costs incurred by these services and such actions will not significantly impact local government expenditures.

- Current law, pursuant to Tenn. Code Ann. § 49-1-230(b), requires the DOE to develop a training program on ACEs for school leaders and teachers.
- In addition, and pursuant to Tenn. Code Ann. § 49-1-230(c), an LEA may develop its own ACEs training program to make available to the LEA's school personnel.
- LEAs will be able to conduct at least one ACEs training seminar for parents and community-based partners from one of these two options using existing resources.
- Any impact to DOE is estimated to be not significant for the legislation does not place any additional requirements on the Department.

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/alh

House Curriculum, Testing, & Innovation Subcommittee Am. #1

Amendment No._____

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

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Signature of Sponsor

AMEND Senate Bill No. 2209* **House Bill No. 2761**

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

SECTION 1. Tennessee Code Annotated, Section 49-6-1016, is amended by deleting the section and substituting instead the following:

(a) The department of education and the department of safety, in conjunction with the Tennessee wildlife resources agency (TWRA), shall determine the earliest grade in which it is appropriate for students to begin receiving instruction on firearm safety. In determining the earliest appropriate grade for instruction on firearm safety, the departments shall study all relevant data and risk factors, including, but not limited to, the earliest age at which incidents of injury involving firearms are reported and the earliest age at which children are susceptible to harm from found firearms.

(b) Beginning with the 2021-2022 school year, each LEA and public charter school shall annually provide students with age-appropriate and grade-appropriate instruction on firearm safety. The instruction must begin with the earliest appropriate grade, as determined by the departments under subsection (a), and must continue in each subsequent grade through grade twelve (12).

(c) The instruction required under subsection (b) must:

(1) Teach students:

(A) How to avoid injury if the student finds a firearm;

(B) To never touch a found firearm; and

(C) To immediately notify an adult of the location of a found firearm;

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(2) Be viewpoint neutral on political topics, such as gun rights, gun violence, and the second amendment to the United States constitution;

(3) Be provided in one (1) fifteen-minute period; and

(4) Not include the use or presence of live ammunition, live fire, or live firearms.

(d)

(1) The department of education and the department of safety, in conjunction with the Tennessee wildlife resources agency (TWRA), shall develop or approve a curriculum or program of instruction on firearm safety that meets the requirements of this section and that LEAs and public charter schools are required to implement for purposes of providing the instruction required under subsection (b). The department shall not approve a curriculum or program of instruction if the curriculum, program of instruction, or any of the instructional materials used as part of the curriculum or program of instruction bear a brand or organizational affiliation.

(2) The instruction required under subsection (b) may be provided in a classroom setting, through the viewing of a video, or through the review of online resources or materials, as determined by the department of education.

(3) Each LEA and public charter school shall determine how best to incorporate the instruction required under subsection (b) into the school year.

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

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

SB 2209 - HB 2761

March 9, 2020

SUMMARY OF ORIGINAL BILL: Authorizes a school to post the course curriculum and any course materials related to a noncompulsory gun safety class or program for students in elementary school to the school's or local education agency's (LEA's) website.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (016583): Deletes all language after the enacting clause. Requires the Department of Education (DOE) and the Department of Safety (DOS), in conjunction with the Tennessee Wildlife Resources Agency (TWRA), to determine the earliest appropriate grade for students to begin receiving instruction on firearm safety. Requires DOE, DOS, and TWRA to study all relevant data and risk factors related to children and injuries involving firearms. Requires each local education agency (LEA) and public charter school to annually provide instruction on firearm safety for students in the earliest appropriate grade through grade 12 beginning in the 2021-22 school year. Establishes teaching requirements and topics required to be included in the instruction. Requires DOE, SOS, and TWRA to develop and approve a curriculum or program of instruction on firearm safety. Prohibits DOE from approving curriculum or a program of instruction, including any instructional materials, that bears a brand or organizational affiliation. Authorizes an LEA to provide the instruction in a classroom setting, through the viewing of a video, or through the review of online materials.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- DOE, DOS, and TWRA will be able to comply with the proposed legislation within existing resources.
- LEAs and public charter schools will be able to utilize free materials and instructional programs on firearm safety readily found on the internet to provide the annual instruction.

- LEAs and public charter 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.
- 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

Krista Lee Carsner, Executive Director

/alh

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

Amendment No. 3

Signature of Sponsor

AMEND Senate Bill No. 2209* **House Bill No. 2761**

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

SECTION 1. Tennessee Code Annotated, Section 49-6-1016, is amended by deleting the section and substituting instead the following:

(a) The department of education and the department of safety, in conjunction with the Tennessee wildlife resources agency (TWRA), shall determine the earliest grade in which it is appropriate for students to begin receiving instruction on firearm safety. In determining the earliest appropriate grade for instruction on firearm safety, the departments shall study all relevant data and risk factors, including, but not limited to, the earliest age at which incidents of injury involving firearms are reported and the earliest age at which children are susceptible to harm from found firearms.

(b) Beginning with the 2021-2022 school year, each LEA and public charter school shall annually provide students with age-appropriate and grade-appropriate instruction on firearm safety. The instruction must begin with the earliest appropriate grade, as determined by the departments under subsection (a), and must continue in each subsequent grade through grade twelve (12).

(c) The instruction required under subsection (b) must:

(1) Teach students:

(A) How to avoid injury if the student finds a firearm;

(B) To never touch a found firearm; and

(C) To immediately notify an adult of the location of a found firearm;

(2) Be viewpoint neutral on political topics, such as gun rights, gun violence, and the second amendment to the United States constitution;

(3) Be provided in one (1) fifteen-minute period; and

(4) Not include the use or presence of live ammunition, live fire, or live firearms.

(d)

(1) The department of education and the department of safety, in conjunction with the TWRA, shall develop or approve a curriculum or program of instruction on firearm safety that meets the requirements of this section and that LEAs and public charter schools are required to implement for purposes of providing the instruction required under subsection (b). The departments shall not approve a curriculum or program of instruction if the curriculum, program of instruction, or any of the instructional materials used as part of the curriculum or program of instruction bear a brand or organizational affiliation.

(2) The instruction required under subsection (b) may be provided in a classroom setting, through the viewing of a video, or through the review of online resources or materials, as determined by the department of education.

(3) Each LEA and public charter school shall determine how best to incorporate the instruction required under subsection (b) into the school year.

SECTION 2. Tennessee Code Annotated, Section 49-6-805, is amended by deleting subdivision (7) and substituting instead the following:

(7) Policies and procedures for annual school safety training for all students, teachers, and other school personnel. The fifteen-minute period of instruction on firearm safety required under § 49-6-1016 must be credited toward the annual school safety training required by the state-level safety team's template for district-wide school safety plans and building-level school safety plans for all students, teachers, and other school personnel who receive or provide the instruction; and

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

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 2784* **House Bill No. 2462**

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

SECTION 1. Tennessee Code Annotated, Section 49-6-3001(c)(4), is amended by designating the existing language as subdivision (A) and adding the following as a new subdivision (B):

(B) Notwithstanding subdivision (c)(4)(A), a parent or guardian of a student who has accumulated five (5) or more days of unexcused absences during the school year, and who is subject to the LEA's progressive truancy interventions in § 49-6-3007:

(i) May withdraw the student from school during the school year if the withdrawal occurs in the first thirty (30) days of a school semester; and

(ii) Shall not withdraw the student from school at any time other than the first thirty (30) days of a school semester unless:

(a) The student's place of residence changes;

(b) The student is seeking to withdraw for transfer to another school or LEA pursuant to a local board of education's open enrollment policy or out-of-district transfer policy; or

(c) The director of schools and the student's parent or guardian determine that withdrawing from school is in the student's best interest.

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 2462 - SB 2784

March 10, 2020

SUMMARY OF ORIGINAL BILL: Authorizes a parent or guardian of a student who has accumulated five or more days of unexcused absences during the school year, and who is subject to the local education agency's (LEA's) progressive truancy intervention, to withdraw the student from school if the withdrawal occurs in the first month of a school semester. Prohibits parents or guardians of a student from withdrawing the student during a month other than the first month of a school semester unless certain criteria are met.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (016688): Deletes all language after the enacting clause and rewrites the bill such that the only substantive change is to replace, "month" with "30 days", for purposes of establishing the deadline for student withdrawals from school under certain circumstances.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- The proposed legislation authorizes students who have accumulated five or more days of unexcused absences and who are subject to an LEA's progressive truancy intervention to be withdrawn from school under certain timing restrictions and criteria relating to change-of-residence and school transfers.
- Student enrollment is measured by average daily membership (ADM) and is the primary driver of funds generated by the BEP for the following fiscal year, the funding formula through which state education dollars are generated and distributed to Tennessee schools.
- The extent to which the proposed legislation may increase student withdrawals and transfers and subsequently affect BEP funding allocations cannot be accurately

estimated; therefore, a precise impact to state and local government cannot be determined with reasonable certainty but is estimated to be not significant.

- Total BEP funding will not be impacted as a result of the proposed legislation; therefore, no significant impact to state expenditures.

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/alh

House K-12 Subcommittee Am. #1

Amendment No._____

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

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Signature of Sponsor

AMEND Senate Bill No. 2088* **House Bill No. 2461**

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

SECTION 1. Tennessee Code Annotated, Section 49-6-1601, is amended by deleting the section and substituting instead the following:

(a) Notwithstanding § 37-5-107 or § 37-1-612, if a school teacher, school official, or other school personnel has knowledge or reasonable cause to suspect that a child who attends the school may be a victim of child abuse or child sexual abuse sufficient to require reporting pursuant to § 37-1-403 or § 37-1-605, then the school teacher, school official, or other school personnel must follow the procedures outlined in subsection (d).

(b) Each LEA and each public charter school shall ensure that all school officials and other school personnel annually complete the child abuse training program required in § 37-1-408.

(c) Each LEA and each public charter school shall designate a child abuse coordinator and an alternate child abuse coordinator for each school within the LEA or public charter school. The designation of an alternative child abuse coordinator is not required when only one (1) adult is employed by or responsible for the care of children at a school. The child abuse coordinator and the alternate child abuse coordinator must:

(1) Have access to an area providing privacy and access to a telephone for reporting suspected child abuse and child sexual abuse;

(2) Receive training in regard to:

(A) Mandatory reporting;

(B) Multidisciplinary protocols;

(C) Advocacy centers;

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(D) The importance of limited interviews; and

(E) Signs, symptoms, or suspicions of child abuse;

(3) Be available for school personnel to share information about suspected child abuse and child sexual abuse;

(4) Assist school personnel in reporting suspected child abuse and child sexual abuse to law enforcement and to the department of children's services;

(5) Serve as a liaison between the school, the department, and law enforcement in child abuse and child sexual abuse investigations;

(6) Assist law enforcement and department personnel by sharing available information regarding suspected child abuse and child sexual abuse, and by providing a private area within the school for law enforcement and department personnel to meet with the child and the reporting school personnel as a group or individually if required; and

(7) Maintain confidential files in accordance with §§ 37-5-107 and 37-1-612 regarding all reported suspicions of child abuse and child sexual abuse.

(d)

(1)

(A) If a child voluntarily discloses information about possible abuse to a school teacher, school official, or other school personnel, then the child must be provided a quiet and private place to speak and the person receiving the information must listen openly and speak at the child's level in a positive, non-judgmental tone.

(B) The person receiving the information from the child must:

(i) Allow the child to say what happened in the child's own words;

(ii) Avoid conducting an investigation by asking the child detailed questions;

(iii) Make every effort to write down the child's exact words;

(iv) Refrain from making any statements to the child about the alleged abuse, the alleged abuser, or the consequences of the child reporting the alleged abuse; and

(v) Immediately notify the school child abuse coordinator and report the information to the department and law enforcement.

(2) School teachers, school officials, and other school personnel should be observant of any bruising, injury, markings, or other unusual behavior that may be the result of child abuse or neglect, and immediately report any suspicions to the school's child abuse coordinator. Photographs of any bruising, injury, or markings must not be taken by any school child abuse coordinator, teacher, official, or other school personnel. Upon receiving a report of suspicion of child abuse or child sexual abuse, the child abuse coordinator must, along with the reporting school personnel who obtained the information from the child, report any suspected child abuse or child sexual abuse to law enforcement and the department.

(3) If a third party informs a school teacher, school official, or other school personnel of a reasonable suspicion that a child at the school may be the victim of child abuse or child sexual abuse, then the school teacher, school official, or other school personnel must:

(A) Encourage the third party to report the suspicion to the department and law enforcement;

(B) Notify the school's child abuse coordinator; and

(C) Report all information received from the third party to the department and law enforcement.

(4) School teachers, school officials, and other school personnel must maintain confidentiality of all information regarding any child abuse or child

sexual abuse report made pursuant to this section and all information regarding the suspected child abuse or child sexual abuse must be maintained by the school child abuse coordinator in a confidential file separate from the child's educational file.

(5) School child abuse coordinators, school teachers, school officials, and other school personnel shall not provide any information relevant to the suspected child abuse or child sexual abuse to the child's parent or guardian, and must refer any questions from the child's parent or guardian to the investigating law enforcement agency and the department.

(e) For purposes of this section, "school" means any public or privately operated child care agency, as defined in § 71-3-501; child care program, as defined in § 49-1-1102; preschool; nursery school; kindergarten; elementary school; or secondary school.

(f) Each LEA and public charter school shall publish the requirements of this section in the LEA's and public charter school's policies and procedures manual.

SECTION 2. Tennessee Code Annotated, Section 37-1-403, is amended by deleting subdivisions (i)(2), (i)(3), and (i)(4) and substituting instead the following:

(2) Notwithstanding § 37-5-107 or § 37-1-612, if a school teacher, school official, or other school personnel has knowledge or reasonable cause to suspect that a child who attends the school may be a victim of child abuse or child sexual abuse sufficient to require reporting pursuant to this section, then the school teacher, school official, or other school personnel must follow the procedures outlined in § 49-6-1601.

(3) For purposes of this subsection (i), "school" means any public or privately operated child care agency, as defined in § 71-3-501; child care program, as defined in § 49-1-1102; preschool; nursery school; kindergarten; elementary school; or secondary school.

SECTION 3. Tennessee Code Annotated, Section 37-1-605, is amended by deleting subsection (d) and substituting instead the following:

(1) Notwithstanding § 37-5-107 or § 37-1-612, if a school teacher, school official, or other school personnel has knowledge or reasonable cause to suspect that a child who attends the school may be a victim of child abuse or child sexual abuse sufficient to require reporting pursuant to this section, then the school teacher, school official, or other school personnel must follow the procedures outlined in § 49-6-1601.

(2) For purposes of this subsection (d), "school" means any public or privately operated child care agency, as defined in § 71-3-501; child care program, as defined in § 49-1-1102; preschool; nursery school; kindergarten; elementary school; or secondary school.

SECTION 4. This act shall take effect July 1, 2020, the public welfare requiring it.

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

SB 2088 - HB 2461

March 2, 2020

SUMMARY OF ORIGINAL BILL: Requires each local education agency (LEA) and public charter school to designate a child abuse coordinator and an alternate child abuse coordinator for each school within the LEA and public charter school. Requires each LEA and each public charter school to ensure all school officials and other school personnel annually complete the child abuse training program. Establishes procedures for personnel to adhere to following the disclosure, discovery, or suspicion of child abuse or child sexual abuse.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (015807): Deletes all language after the enacting clause and rewrites the bill such that the only substantive changes are to specify that a designated coordinator is not required in certain circumstances and to revise the guidelines for how school personnel and officials handle child abuse or child sexual abuse disclosures.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- LEAs and public charter schools will be able to comply with the proposed legislation within existing resources.
- LEAs and public charter 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.
- No significant impact to state or local government.

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/alh

House Curriculum, Testing, & Innovation Subcommittee Am. #1

Amendment No._____

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

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Signature of Sponsor

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.

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.

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/alh

House Curriculum, Testing, & Innovation Subcommittee Am. #1

Amendment No._____

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Time _____
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Comm. Amdt. _____

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Signature of Sponsor

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;

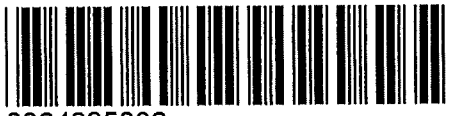
(2) For elementary school students other than students in kindergarten through grade two (K-2), a minimum of one hundred thirty (130) minutes of physical activity into each school week; and

(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.

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.

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/alh

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Comm. Amdt. _____

Amendment No. _____

Signature of Sponsor

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 (b) and substituting instead the following:

(1) Physical activity may include walking, jumping rope, playing volleyball, or other forms of physical activity that promote fitness and well-being; however, walking to and from class is not considered physical activity for purposes of this section.

(2) To satisfy the requirements of subdivision (a)(1), an LEA shall offer elementary students at least one (1) fifteen-minute period of physical activity per day. An LEA shall allow a teacher in any of the grades kindergarten through two (K-2) to provide the teacher's students with two (2) fifteen-minute periods of physical activity per day. If a teacher provides the teacher's students with two (2) fifteen-minute periods of physical activity per day pursuant to this subdivision (b)(2), then the teacher shall notify the school principal of the additional physical activity time.

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 1688 - SB 1739

March 10, 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 (016337): Deletes all language after the enacting clause. Requires an LEA to allow a teacher in any of the grades kindergarten through two (K-2) to provide the teacher's students with two 15-minute periods of physical activity per day. Requires a teacher to notify the school principal if a teacher provides the teacher's students' with two 15-minute periods of physical activity per day.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumption for the bill as amended:

- 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.

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/alh

House K-12 Subcommittee Am. #1

Amendment No._____

Signature of Sponsor

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 1736 **House Bill No. 1689***

by deleting all language after the caption and substituting instead the following:

WHEREAS, girls who compete in interscholastic athletic activities strive to improve their performance in their particular field of competition in order to experience the personal satisfaction of victory, gain opportunities to participate in state and regional events, gain access to opportunities to be recruited and offered athletic scholarships by colleges, and more; and

WHEREAS, it is unfortunate for some girls that those dreams, goals, and opportunities for participation, recruitment, and scholarships can be directly and negatively affected by new school policies permitting boys who are male in every biological respect to compete in girls' athletic competitions if they claim a female gender identity; and

WHEREAS, allowing boys to compete in girls' athletic competitions discriminates against girls by regularly resulting in boys displacing girls in competitive events and excluding specific and identifiable girls from opportunities to compete at higher levels and from public recognition critical to college recruiting and scholarship opportunities that should go to those outstanding female athletes; and

WHEREAS, studies show that boys, on average, can be physically stronger than girls, having more skeletal muscle mass than girls and more upper-body and lower-body strength, which can result in injury to girls if girls participate in contact sports with boys; and

WHEREAS, the State has a legitimate government interest and concern in ensuring that children attending public schools have athletic opportunities that can potentially lead to academic scholarships and in ensuring that interscholastic athletic programs in public schools are conducted in a manner that would prevent undue injury to participants in such programs; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 3, is amended by adding the following new section:

(a) A student's gender for purposes of participation in a public middle school or high school interscholastic athletic activity or event must be determined by the student's sex at the time of the student's birth, as indicated on the student's original birth certificate. If a birth certificate provided by a student pursuant to this subsection (a) does not appear to be the student's original birth certificate or does not indicate the student's sex upon birth, then the student must provide other evidence indicating the student's sex at the time of birth. The student or the student's parent or guardian must pay any costs associated with providing the evidence required under this subsection (a).

(b) The state board of education, each local board of education, and each governing body of a public charter school shall adopt and enforce policies to ensure compliance with subsection (a) in the public schools governed by the respective entity.

(c) As used in this section:

(1) "High school" means a school in which any combination of grades nine through twelve (9-12) are taught; and

(2) "Middle school" means a school in which any combination of grades five through eight (5-8) are taught.

(d) This section does not apply to students in any grade kindergarten through four (K-4).

SECTION 2. This act shall take effect July 1, 2020, 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 1689 - SB 1736

March 9, 2020

SUMMARY OF ORIGINAL BILL: Requires each public school that serves any combination of grades five through twelve and that provides interscholastic sports or athletic events for the school's students, to require each student to verify that the student is of the respective sex before the student may participate in the interscholastic sport or athletic event. Authorizes a student to verify the student's sex by providing the school with a birth certificate or the results of a DNA test. Prohibits a school from accepting a birth certificate that has been revised, altered, or amended with respect to the student's sex or that does not designate the student as male or female. Prohibits a school from allowing a student to participate in a single-sex interscholastic sport or athletic event if a student fails to verify the student's sex or if the public school determines that the student is not of the respective sex.

FISCAL IMPACT OF ORIGINAL BILL:

Other Fiscal Impact – A violation or failure to comply with federal regulations may jeopardize recurring federal funding for education.

SUMMARY OF AMENDMENT (015456): Deletes all language after the caption. Requires that a student's gender, for purposes of participation in a public middle school or high school interscholastic athletic activity, must be determined by the student's sex at the time of birth, as indicated on the student's original birth certificate. Requires a student to provide other evidence indicating the student's sex at the time of birth if the student's original birth certificate does not appear to be the original or does not indicate the student's sex. Requires the student or student's parent to pay any costs associated with providing evidence required in this section. Requires the State Board of Education (SBE), each local board of education, and each governing body of a public charter school to adopt and enforce policies to ensure compliance with this section. Excludes students in kindergarten through grade four from the requirements of this section.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- The proposed legislation requires a student's gender be determined by the student's biological sex as indicated on the student's original birth certificate for the purposes of participating in an interscholastic athletic activity.
- Title IX of the Education Amendments of 1972 prohibits a person, on the basis of sex, from being excluded from participation in, to be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic, intercollegiate, club or intramural athletics offered by a recipient, and no recipient shall provide any such athletics separately on such basis.
- Pursuant to 34 C.F.R. Part 106 a school may operate or sponsor separate teams for members of each sex where selection for such teams is based upon competitive skill or the activity involved is a contact sport.
- Requiring athletes to participate with and compete against other athletes based on the biological sex may exclude certain genders from participation in specific sports.
- A school may use a student's original birth certificate for the basis of determining a student's gender for the purposes participating in an athletic activity and remain in compliance with federal law; in which case there would be no significant impact to state or local government.

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/alh

Amendment No._____

Signature of Sponsor

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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

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.

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 1691 - SB 1738

February 25, 2020

SUMMARY OF ORIGINAL BILL: Changes, from August 15th to June 1st, the date by which children entering kindergarten must be five years of age each year. Changes from August 15th to June 1st the date by which a person must be five years of age in this state to be eligible for free public school for the 2021-22 school year and subsequent years. Changes, from September 30th to July 31st, the date by which a child who is five years of age may enter kindergarten if the director of schools, through evaluation and testing, finds that the child is sufficiently mature emotionally and academically.

FISCAL IMPACT OF ORIGINAL BILL:

Other Fiscal Impact – The proposed legislation may impact student enrollment in kindergarten classrooms throughout the state, which may shift the amount of funds generated by the Basic Education Program (BEP) from FY22-23 to FY23-24.

Actual expenditures will decrease in FY21-22 due to decreased enrollment; these expenditures will shift to FY22-23. Due to multiple unknown factors the precise impact to state and local expenditures cannot reasonably be determined.

SUMMARY OF AMENDMENT (015066): Deletes all language after the enacting clause and rewrites the bill such that the only substantive changes are to: 1) require that children entering kindergarten must be five years of age on or before the following dates: August 15th in 2020-21; July 21st in 2021-22; June 26th in 2022-23; and June 1st in 2023-24 and each school year thereafter; 2) requires public schools to be free to all persons residing in the state who are five years of age on or before the following dates: August 15th in 2020-21; July 21st in 2021-22; June 26th in 2022-23; and June 1st in 2023-24 and each school year thereafter; and 3) authorizes a director of schools, through evaluation and testing, to find that if a child is sufficiently mature emotionally and academically, a child may enter kindergarten who is five years of age on or before the following dates: September 30th in 2020-21 and 2021-22; August 31st in 2022-23; and July 31st 2023-24 and each school year thereafter.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Other Fiscal Impact – The proposed legislation may impact student enrollment in kindergarten classrooms throughout the state, which may shift the amount of funds generated by the Basic Education Program (BEP) forward by one year beginning in FY22-23 and ending in FY24-25.

Actual expenditures will decrease in FY21-22 through FY23-24 due to decreased enrollment relative to current law. The overall net impact on funding and expenditures from FY21-22 through FY25-26 will be not significant.

Assumptions for the bill as amended:

- The proposed legislation may decrease enrollment for kindergarten students in the 2021-22 school year and increase enrollment in the 2022-23 school year; however, that number is expected to be offset in subsequent years such that the impact to kindergarten class size will not be significant.
- The proposed legislation may increase the number of voluntary pre-kindergarten (VPK) classrooms needed to serve children with summer birthdates that are not eligible to enroll in kindergarten.
- Tennessee Code Annotated § 49-6-107 requires that VPK programs are subject to annual appropriations. However, because additional funding has not been appropriated to expand the VPK program, enrollment would continue to limit the number of students that can be served.
- Student enrollment is measured by average daily membership (ADM) and is the primary driver of funds generated by the BEP for the following fiscal year, the funding formula through which state education dollars are generated and distributed to Tennessee schools.
- Decreasing enrollment in FY21-22, FY22-23, and FY23-24 and increasing enrollment in FY24-25 may lead to a shift in funding forward one year beginning in FY22-23 and ending in FY24-25; the net impact over the entire period is not significant.
-

School Year	5 Years of Age By	Change in Funding Based on ADM	Enrollment Change From Prior Year	Change in Funding
2020-21	August 15th	2019-20	None	None
2021-22	July 21st	2020-21	Decrease	None
2022-23	June 26th	2021-22	Decrease	Increase
2023-24	June 1st	2022-23	Decrease	Increase
2024-25	June 1st	2023-24	Increase	Increase
2025-26	June 1st	2024-25	None	Decrease
2026-27	June 1st	2025-26	None	None

- Actual expenditures will decrease in FY21-22 through FY23-24 due to decreased enrollment; these expenditures will shift forward one year until FY24-25. Due to multiple unknown factors, including the extent and distribution of kindergarten enrollment changes across schools the precise impact to state and local expenditures cannot reasonably be determined.

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/alh

Scott Cepicky

Amendment No._____

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Signature of Sponsor

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Comm. Amdt. _____
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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 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. Notwithstanding § 49-6-201(b) or § 49-6-3001(a) or (b), children who participate in an LEA-administered pre-kindergarten program; a pre-kindergarten program administered by a private school, as defined by § 49-6-3001(c)(3)(A)(iii); or a Head Start program in a Head Start classroom, as defined by 42 U.S.C. § 9832 during the 2020-2021, 2021-2022, or 2022-2023 school years may enter kindergarten in the 2021-2022, 2022-2023, or 2023-2024 school years; provided, that such children must be five (5) years of age on or before August 15, 2021 for the 2021-2022 school year, July 21, 2022 for the 2022-2023 school year, and June 26, 2023 for the 2023-2024 school year.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 1691 - SB 1738

March 3, 2020

SUMMARY OF ORIGINAL BILL: Changes, from August 15th to June 1st, the date by which children entering kindergarten must be five years of age each year. Changes from August 15th to June 1st the date by which a person must be five years of age in this state to be eligible for free public school for the 2021-22 school year and subsequent years. Changes, from September 30th to July 31st, the date by which a child who is five years of age may enter kindergarten if the director of schools, through evaluation and testing, finds that the child is sufficiently mature emotionally and academically.

FISCAL IMPACT OF ORIGINAL BILL:

Other Fiscal Impact – The proposed legislation may impact student enrollment in kindergarten classrooms throughout the state, which may shift the amount of funds generated by the Basic Education Program (BEP) from FY22-23 to FY23-24.

Actual expenditures will decrease in FY21-22 due to decreased enrollment; these expenditures will shift to FY22-23. Due to multiple unknown factors the precise impact to state and local expenditures cannot reasonably be determined.

SUMMARY OF AMENDMENT (015885): Deletes all language after the enacting clause and rewrites the bill such that the only substantive changes are to: 1) require that children entering kindergarten must be five years of age on or before the following dates: August 15th in 2020-21; July 21st in 2021-22; June 26th in 2022-23; and June 1st in 2023-24 and each school year thereafter; 2) requires public schools to be free to all persons residing in the state who are five years of age on or before the following dates: August 15th in 2020-21; July 21st in 2021-22; June 26th in 2022-23; and June 1st in 2023-24 and each school year thereafter; and 3) authorizes a director of schools, through evaluation and testing, to find that if a child is sufficiently mature emotionally and academically, a child may enter kindergarten who is five years of age on or before the following dates: September 30th in 2020-21 and 2021-22; August 31st in 2022-23; and July 31st 2023-24 and each school year thereafter. Authorizes children who participate in a pre-kindergarten program administered by an LEA, private school or head to start during the 2020-21, 2021-22, or 2022-23 school years to enter kindergarten in the 2021-22, 2022-23, or 2023-24 school years provide that they are five years of age by the required dates.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Other Fiscal Impact – The proposed legislation may impact student enrollment in kindergarten classrooms throughout the state, which may shift the amount of funds generated by the Basic Education Program (BEP) forward by one year beginning in FY22-23 and ending in FY24-25.

Actual expenditures will decrease in FY21-22 through FY23-24 due to decreased enrollment relative to current law. The overall net impact on funding and expenditures from FY21-22 through FY25-26 will be not significant.

Assumptions for the bill as amended:

- The proposed legislation may decrease enrollment for kindergarten students in the 2021-22 school year and increase enrollment in the 2022-23 school year; however, that number is expected to be offset in subsequent years such that the impact to kindergarten class size will not be significant.
- The proposed legislation may increase the number of voluntary pre-kindergarten (VPK) classrooms needed to serve children with summer birthdates that are not eligible to enroll in kindergarten.
- Tennessee Code Annotated § 49-6-107 requires that VPK programs are subject to annual appropriations. However, because additional funding has not been appropriated to expand the VPK program, enrollment would continue to limit the number of students that can be served.
- Student enrollment is measured by average daily membership (ADM) and is the primary driver of funds generated by the BEP for the following fiscal year, the funding formula through which state education dollars are generated and distributed to Tennessee schools.
- Decreasing enrollment in FY21-22, FY22-23, and FY23-24 and increasing enrollment in FY24-25 may lead to a shift in funding forward one year beginning in FY22-23 and ending in FY24-25; the net impact over the entire period is not significant.
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School Year	5 Years of Age By	Change in Funding Based on ADM	Enrollment Change From Prior Year	Change in Funding
2020-21	August 15th	2019-20	None	None
2021-22	July 21st	2020-21	Decrease	None
2022-23	June 26th	2021-22	Decrease	Increase
2023-24	June 1st	2022-23	Decrease	Increase
2024-25	June 1st	2023-24	Increase	Increase
2025-26	June 1st	2024-25	None	Decrease
2026-27	June 1st	2025-26	None	None

- Actual expenditures will decrease in FY21-22 through FY23-24 due to decreased enrollment; these expenditures will shift forward one year until FY24-25. Due to multiple unknown factors, including the extent and distribution of kindergarten enrollment changes across schools the precise impact to state and local expenditures cannot reasonably be determined.

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/alh

House Curriculum, Testing, & Innovation Subcommittee Am. #1

Amendment No._____

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

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Signature of Sponsor

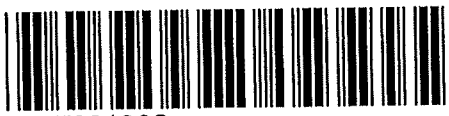
AMEND Senate Bill No. 2568 **House Bill No. 2440***

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 3, is amended by adding the following as a new section:

The instruction provided to a student who is identified for intervention through the response to instruction and intervention (RTI²) framework developed by the department of education must be determined by the student's LEA, based on the individual student's needs. This section does not prohibit the department from using universal screeners or other assessments to measure student performance throughout the school year or at designated benchmarks.

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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016548

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 2440 - SB 2568

March 9, 2020

SUMMARY OF ORIGINAL BILL: Establishes a reporting date of January 15 of each year for the Tennessee Board of Regents (TBR), each state university (LGIs) board, and the Board of Trustees of the University of Tennessee (UT) to submit their report summarizing grievance activities of the previous year to the Education Committees of the Senate and House of Representatives.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (016548): Deletes all language after the enacting clause. Requires a local education agency (LEA) to determine the instruction provided to a student who is identified for intervention through the response to instruction and intervention (RTI^2) framework developed by the Department of Education (DOE) based on the student's needs.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

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 on state or local operations.

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/alh

House K-12 Subcommittee Am. #1

Amendment No._____

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

_____

Signature of Sponsor

AMEND Senate Bill No. 2252 **House Bill No. 2134***

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 "Teacher's Discipline Act."

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 6, is amended by adding the following as a new part:

49-6-3701.

(a) A teacher is authorized to manage the teacher's classroom, discipline students, and refer a student to the principal or the principal's designee to maintain discipline in the classroom, and to hold students in the teacher's charge strictly accountable for any disorderly conduct in school.

(b) Each student discipline policy or code of conduct adopted by a local board of education or public charter school governing body pursuant to § 49-6-4002, must include a provision authorizing teachers to enforce the student discipline policy or code of conduct and to hold students accountable for any disorderly conduct in school, on school buses, or at school-sponsored events.

49-6-3702.

(a)

(1) Each local board of education and each public charter school governing body shall adopt a complete policy regarding a teacher's ability to relocate a student from the student's present location to another location for the student's safety or for the safety of others.

(2) The use of reasonable or justifiable force, as defined in §§ 39-11-603, 39-11-609, 39-11-610, 39-11-612, 39-11-613, 39-11-614, 39-11-621, and 39-11-622, if required to accomplish this task due to the unwillingness of the student to cooperate, is allowed. If steps beyond the use of reasonable or justifiable force are required, then the student shall be allowed to remain in place until such a time as local law enforcement officers or school resource officers can be summoned to relocate the student or take the student into custody until such a time as a parent or guardian can retrieve the student.

(3) The policy required under this subsection (a) must authorize teachers to intervene in a physical altercation between two (2) or more students, or between a student and an LEA employee or public charter school employee, as applicable, using reasonable or justifiable force upon a student, if necessary, to end the altercation by relocating the student to another location.

(b) The policy required under subsection (a) must:

(1) Be in effect on school property, as well as at official school-sponsored events, including, but not limited to, sporting events and approved field trips that take place away from the local school property; and

(2) Cover teachers who are directly responsible for the student's education, and other LEA employees or public charter school employees, as applicable, who interact with students on a professional basis. The LEA employees or public charter school employees described in this subdivision (b)(2) include, but are not limited to, administrators, teachers, school support staff, bus drivers, cafeteria workers, and school resource officers while the employee is acting within the scope of the employee's assigned duties.

(c) The policy required under subsection (a) must require a teacher to file a brief report with the principal detailing the situation that required the relocation of the student. The report must be kept either in a student discipline file, in which case the report does

not become a part of the student's permanent record, or it must be filed in the student's permanent record, if the student's behavior violated the applicable zero tolerance policy. After the teacher files the report required under this subsection (c), the student is subject to additional disciplinary action that may include suspension or expulsion from the school. The principal or the principal's designee must notify the teacher involved of the actions taken to address the behavior of the relocated student.

(d) Each principal shall fully support the authority of every teacher in the principal's school to relocate under this section.

(e) Each school principal shall implement the policies and procedures of the local board of education or public charter school governing body, as applicable, relating to the authority of every teacher to relocate a student and shall disseminate such policies and procedures to the students, faculty, staff, and parents or guardians of students.

(f) The policy required under subsection (a) must comply with all state and federal laws, including the Individuals with Disabilities Education Act (20 U.S.C. § 1400, et seq.), and Section 504 of the Rehabilitation Act (29 U.S.C. § 794).

49-6-3703.

In order to manage student behavior, to ensure the safety of all students in the teacher's classroom and school, and to ensure students the opportunity to learn in an orderly and disciplined classroom, a teacher may refer a student to the principal or the principal's designee. When a teacher disciplines a student by issuing a written referral for the student's behavior, the referral must be returned to the teacher with a notation of the action taken. The referral must be kept in a student discipline file, and shall not become a part of the student's permanent record. If an LEA or school has adopted an electronic system of making disciplinary referrals instead of using written referrals, then the teacher making the referral must be notified of the action taken, but the notification may be made either electronically or in writing. The principal or the principal's designee

must respond to a teacher's disciplinary referral of a student by employing appropriate discipline management techniques that are consistent with the LEA's or school's policy. The director of schools, or the director's designee, must review the LEA's or school's discipline policies, practices, and data annually and recommend any necessary revisions to discipline policies to the local board of education or the public charter school governing body, as applicable, for adoption.

49-6-3704.

(a) A teacher may submit a written request to the principal, or the principal's designee, to remove a student who repeatedly or substantially interferes with the teacher's ability to communicate effectively with the class or with the ability of the student's classmates to learn, if the student's behavior is in violation of the LEA's or school's student discipline policy or code of conduct. The written request must include documentation that the teacher has previously:

(1) Taken action to address the student's disruptive behavior;

(2) Provided consequences for the student's disruptive behavior;

(3) Conducted an oral conference either by a documented telephone conversation or an in-person discussion with the student's parent or guardian regarding the student's disruptive behavior;

(4) Provided an opportunity for school counseling or other support services deemed appropriate to address the student's disruptive behavior;

(5) Developed and implemented a plan to improve the student's behavior in a conference with the student; and

(6) Issued a disciplinary referral under § 49-6-3703 to address the student's disruptive behavior.

(b) The principal or the principal's designee must give the student oral or written notice of the grounds for the teacher's request to remove the student from the teacher's classroom and, if the student denies engaging in the conduct, then the principal or the

principal's designee must explain what caused the teacher to submit a request to the principal or the principal's designee to remove the student from the teacher's classroom, and give the student an opportunity to explain the situation. If the student's account is deemed to be valid, albeit different from the teacher's account, and changes the principal's, or the principal's designee's, perspective of the incident, then the principal or the principal's designee must render a decision regarding the student's placement.

(c) Principals and their designees shall respect the professional judgment of a teacher requesting to remove a student from the teacher's classroom under subsection (a) and shall take any action consistent with the student discipline policy or code of conduct adopted pursuant to § 49-6-4002 in response to the request, which may include:

(1) Assigning the student to another appropriate classroom for a specified period of time, or for the remainder of the student's assignment to the class from which the student was removed under subsection (a);

(2) Assigning the student to in-school suspension for a specified period of time, in compliance with § 49-6-3401;

(3) Remanding the student to an alternative school or to an alternative education program for a specified period of time, in compliance with §§ 49-6-3401 and 49-6-3402;

(4) Suspending the student pursuant to § 49-6-3401;

(5) Requiring the parents or guardians of a student who is removed from a teacher's classroom and assigned to another appropriate classroom under subdivision (c)(1) to participate in conferences before the student is permitted to return to the classroom from which the student was removed; or

(6) Denying the teacher's request to remove a student from the teacher's classroom and offer appropriate supports for the teacher to address the student's disruptive behavior.

(d) Any action taken by a principal, or the principal's designee, in response to a teacher's request to remove a student from the teacher's classroom must comply with all applicable policies of the local board of education or the public charter school governing body, as applicable, the Individuals with Disabilities Education Act (20 U.S.C. § 1400, et seq.), Section 504 of the Rehabilitation Act (29 U.S.C. § 794), the constitutions of the United States and Tennessee, and all applicable federal and state civil rights laws.

(e) Principals or their designees must notify law enforcement, as appropriate, when implementing this section, and in compliance with §§ 49-6-4209 and 49-6-4301.

(f)

(1) A local board of education or public charter school governing body shall establish an appeal process for a teacher to file an appeal when the teacher's request to remove a student from the teacher's classroom is denied. Each local board of education and public charter school governing body shall establish an appeals committee composed of two (2) teachers, one (1) administrator, and a guidance counselor from the school in which the appeal originated. The teacher who filed the appeal shall not serve on the committee.

(2) A teacher shall not be terminated, demoted, harassed, or otherwise retaliated against for filing a request for a student to be removed from the teacher's classroom, or for appealing a decision to deny the teacher's request to remove a student pursuant to this subsection (f).

(g) If a teacher abuses or overuses the student removal process provided in this section, then the principal or the principal's designee must address the abuse or overuse with the teacher in compliance with the local board's or public charter school governing body's policy, as applicable, and may require the teacher to complete additional professional development to improve the teacher's classroom management skills.

(h) To assist local boards of education and public charter school governing bodies in determining the effectiveness of discipline policies and classroom supports

provided to teachers to help address student behavior, each school shall annually report to the director of schools or to the head of the public charter school, as applicable, by July 1, 2021, and by each July 1 thereafter, the number of requests submitted by the school's teachers during the immediately preceding school year to remove a student from the teacher's classroom pursuant to subsection (a). The report must document the actions taken by the teacher's principal, or the principal's designee, in response to each request for a student's removal. Each director of schools must compile the data provided in each school's report and issue a district-wide report to the local board of education by August 1 immediately following the July 1 deadline for school reports.

(i) The commissioner of education may review the school and district-wide reports required under subsection (h) and provide training and other resources to schools and LEAs to address any needs identified through the commissioner's review.

(j) On or before February 1, 2022, and on or before February 1 of each year thereafter, the commissioner shall report to the governor and the general assembly on the implementation of, and compliance with, this part.

SECTION 2. Tennessee Code Annotated, Section 49-6-4102, is amended by deleting subsection (a).

SECTION 3. Tennessee Code Annotated, Section 49-6-4008, is amended by deleting the section.

SECTION 4. Tennessee Code Annotated, Section 49-6-4106, is amended by deleting the section.

SECTION 5. Tennessee Code Annotated, Section 49-6-4002(d), is amended by deleting subdivision (9) and substituting instead the following:

(9) Disobedient, violent, abusive, uncontrollable, or disruptive student conduct on school property, on school buses, and at school-sponsored events;

SECTION 6. Tennessee Code Annotated, Section 49-5-209(b)(5), is amended by deleting the language "§ 49-6-4008" and substituting instead the language "§ 49-6-3702".

SECTION 7. This act shall take effect January 1, 2021, the public welfare requiring it.

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 2134 - SB 2252

March 10, 2020

SUMMARY OF ORIGINAL BILL: Creates the Teacher's Discipline Act. Authorizes a teacher to manage the teacher's classroom, discipline students, and refer a student to the principal or the principal's designee to maintain discipline in the classroom. Authorizes a teacher to remove a student from the classroom whose behavior interferes with the learning process, violates the student code of conduct, or poses a safety threat. Establishes the process for a student's removal and return to the classroom. Requires local education agencies (LEAs) to provide for the establishment of placement review committees at each school. Establishes the composition, role, and procedures of the placement review committee during the consideration of returning a student to the classroom.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (016587): Deletes all language after the enacting clause. Creates the Teacher's Discipline Act. Authorizes a teacher to manage the teacher's classroom, discipline students, and refer a student to the principal or the principal's designee to maintain discipline in the classroom. Requires local boards of education and public charter school governing bodies to include in each student discipline policy, a provision authorizing teachers to enforce the student discipline policy or code of conduct. Requires local boards of education and public charter school governing bodies to adopt a policy authorizing a teacher's ability to relocate a student to another location for the student's safety or for the safety of others. Establishes that the use of force authorized under current law is allowed by teachers under certain conditions. Authorizes a teacher to submit a written request to the principal, or the principal's designee, to remove a student who interferes with the learning process or other disruptive behavior. Authorizes principals and their designees to take certain actions in response to a teacher's request for student removal.

Requires a local board of education or public charter school governing body to establish an appeals process for a teacher to file an appeal when a teacher's request to remove a student has been denied. Requires each school to annually report the number of student removal requests filed by a teacher in the immediately preceding school year. Requires each director of schools to compile the data provided in each school's report and issue a district-wide report to the local board of education each year. Authorizes the Commissioner of the Department of Education (DOE) to review the school and district-wide reports and provide training and resources as needed. Requires the Commissioner of DOE to report to the Governor and the General Assembly on the implementation and compliance with this section by February 1, 2022, and by February 1st of each year thereafter.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Local boards of education, public charter school governing bodies, schools, and DOE will be able to comply with the requirements of the proposed legislation within existing resources.
- Local boards of education, public charter school governing bodies, schools, and DOE 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 impact to state or local government.

CERTIFICATION:

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

Krista Lee Carsner BS

Krista Lee Carsner, Executive Director

/alh

House K-12 Subcommittee Am. #2

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

Amendment No._____

_____
Signature of Sponsor

AMEND Senate Bill No. 2252 **House Bill No. 2134***

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 "Teacher's Discipline Act."

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 6, is amended by adding the following as a new part:

49-6-3701.

(a) A teacher is authorized to manage the teacher's classroom, discipline students, and refer a student to the principal or the principal's designee to maintain discipline in the classroom, and to hold students in the teacher's charge strictly accountable for any disorderly conduct in school.

(b) Each student discipline policy or code of conduct adopted by a local board of education or public charter school governing body pursuant to § 49-6-4002, must include a provision authorizing teachers to enforce the student discipline policy or code of conduct and to hold students accountable for any disorderly conduct in school, on school buses, or at school-sponsored events.

49-6-3702.

(a)

(1) Each local board of education and each public charter school governing body shall adopt a complete policy regarding a teacher's ability to relocate a student from the student's present location to another location for the student's safety or for the safety of others.

(2) The use of reasonable or justifiable force, as defined in §§ 39-11-603, 39-11-609, 39-11-610, 39-11-612, 39-11-613, 39-11-614, 39-11-621, and 39-11-622, if required to accomplish this task due to the unwillingness of the student to cooperate, is allowed. If steps beyond the use of reasonable or justifiable force are required, then the student shall be allowed to remain in place until such a time as local law enforcement officers or school resource officers can be summoned to relocate the student or take the student into custody until such a time as a parent or guardian can retrieve the student.

(3) The policy required under this subsection (a) must authorize teachers to intervene in a physical altercation between two (2) or more students, or between a student and an LEA employee or public charter school employee, as applicable, using reasonable or justifiable force upon a student, if necessary, to end the altercation by relocating the student to another location.

(b) The policy required under subsection (a) must:

(1) Be in effect on school property, as well as at official school-sponsored events, including, but not limited to, sporting events and approved field trips that take place away from the local school property; and

(2) Cover teachers who are directly responsible for the student's education, and other LEA employees or public charter school employees, as applicable, who interact with students on a professional basis. The LEA employees or public charter school employees described in this subdivision (b)(2) include, but are not limited to, administrators, teachers, school support staff, bus drivers, cafeteria workers, and school resource officers while the employee is acting within the scope of the employee's assigned duties.

(c) The policy required under subsection (a) must require a teacher to file a brief report with the principal detailing the situation that required the relocation of the student. The report must be kept either in a student discipline file, in which case the report does

not become a part of the student's permanent record, or it must be filed in the student's permanent record, if the student's behavior violated the applicable zero tolerance policy. After the teacher files the report required under this subsection (c), the student is subject to additional disciplinary action that may include suspension or expulsion from the school. The principal or the principal's designee must notify the teacher involved of the actions taken to address the behavior of the relocated student.

(d) Each principal shall fully support the authority of every teacher in the principal's school to relocate under this section.

(e) Each school principal shall implement the policies and procedures of the local board of education or public charter school governing body, as applicable, relating to the authority of every teacher to relocate a student and shall disseminate such policies and procedures to the students, faculty, staff, and parents or guardians of students.

(f) The policy required under subsection (a) must comply with all state and federal laws, including the Individuals with Disabilities Education Act (20 U.S.C. § 1400, et seq.), and Section 504 of the Rehabilitation Act (29 U.S.C. § 794).

49-6-3703.

In order to manage student behavior, to ensure the safety of all students in the teacher's classroom and school, and to ensure students the opportunity to learn in an orderly and disciplined classroom, a teacher may refer a student to the principal or the principal's designee. When a teacher disciplines a student by issuing a written referral for the student's behavior, the referral must be returned to the teacher with a notation of the action taken. The referral must be kept in a student discipline file, and shall not become a part of the student's permanent record. If an LEA or school has adopted an electronic system of making disciplinary referrals instead of using written referrals, then the teacher making the referral must be notified of the action taken, but the notification may be made either electronically or in writing. The principal or the principal's designee

must respond to a teacher's disciplinary referral of a student by employing appropriate discipline management techniques that are consistent with the LEA's or school's policy. The director of schools, or the director's designee, must review the LEA's or school's discipline policies, practices, and data annually and recommend any necessary revisions to discipline policies to the local board of education or the public charter school governing body, as applicable, for adoption.

49-6-3704.

(a) A teacher may submit a written request to the principal, or the principal's designee, to remove a student who repeatedly or substantially interferes with the teacher's ability to communicate effectively with the class or with the ability of the student's classmates to learn, if the student's behavior is in violation of the LEA's or school's student discipline policy or code of conduct. The written request must include documentation that the teacher has previously:

(1) Taken action to address the student's disruptive behavior;

(2) Provided consequences for the student's disruptive behavior;

(3) Conducted an oral conference either by a documented telephone conversation or an in-person discussion with the student's parent or guardian regarding the student's disruptive behavior;

(4) Provided an opportunity for school counseling or other support services deemed appropriate to address the student's disruptive behavior;

(5) Developed and implemented a plan to improve the student's behavior in a conference with the student; and

(6) Issued a disciplinary referral under § 49-6-3703 to address the student's disruptive behavior.

(b) Principals and their designees shall respect the professional judgment of a teacher requesting to remove a student from the teacher's classroom under subsection

(a) and may take any action consistent with the student discipline policy or code of conduct adopted pursuant to § 49-6-4002 in response to the request, which may include:

(1) Assigning the student to another appropriate classroom for a specified period of time, or for the remainder of the student's assignment to the class from which the student was removed under subsection (a);

(2) Assigning the student to in-school suspension for a specified period of time, in compliance with § 49-6-3401;

(3) Remanding the student to an alternative school or to an alternative education program for a specified period of time, in compliance with §§ 49-6-3401 and 49-6-3402;

(4) Suspending the student pursuant to § 49-6-3401;

(5) Requiring the parents or guardians of a student who is removed from a teacher's classroom and assigned to another appropriate classroom under subdivision (b)(1) to participate in conferences before the student is permitted to return to the classroom from which the student was removed; or

(6) Denying the teacher's request to remove a student from the teacher's classroom and offer appropriate supports for the teacher to address the student's disruptive behavior.

(c) Any action taken by a principal, or the principal's designee, in response to a teacher's request to remove a student from the teacher's classroom must comply with all applicable policies of the local board of education or the public charter school governing body, as applicable, the Individuals with Disabilities Education Act (20 U.S.C. § 1400, et seq.), Section 504 of the Rehabilitation Act (29 U.S.C. § 794), the constitutions of the United States and Tennessee, and all applicable federal and state civil rights laws.

(d) Principals or their designees must notify law enforcement, as appropriate, when implementing this section, and in compliance with §§ 49-6-4209 and 49-6-4301.

(e) A local board of education or public charter school governing body may establish an appeal process for a teacher to file an appeal when the teacher's request to remove a student from the teacher's classroom is denied. A teacher shall not be terminated, demoted, harassed, or otherwise retaliated against for filing a request for a student to be removed from the teacher's classroom, or for appealing a decision to deny the teacher's request to remove a student pursuant to this subsection (e).

(f) If a teacher abuses or overuses the student removal process provided in this section, then the principal or the principal's designee must address the abuse or overuse with the teacher in compliance with the local board's or public charter school governing body's policy, as applicable, and may require the teacher to complete additional professional development to improve the teacher's classroom management skills.

(g) To assist local boards of education and public charter school governing bodies in determining the effectiveness of discipline policies and classroom supports provided to teachers to help address student behavior, each school shall annually report to the director of schools or to the head of the public charter school, as applicable, by July 1, 2021, and by each July 1 thereafter, the number of requests submitted by the school's teachers during the immediately preceding school year to remove a student from the teacher's classroom pursuant to subsection (a). The report must document the actions taken by the teacher's principal, or the principal's designee, in response to each request for a student's removal. Each director of schools must compile the data provided in each school's report and issue a district-wide report to the local board of education by August 1 immediately following the July 1 deadline for school reports.

(h) The commissioner may review the school and district-wide reports required under subsection (g) and provide training and other resources to schools and LEAs to address any needs identified by the commissioner as part of the review.

SECTION 2. Tennessee Code Annotated, Section 49-6-4102, is amended by deleting subsection (a).

SECTION 3. Tennessee Code Annotated, Section 49-6-4008, is amended by deleting the section.

SECTION 4. Tennessee Code Annotated, Section 49-6-4106, is amended by deleting the section.

SECTION 5. Tennessee Code Annotated, Section 49-6-4002(d), is amended by deleting subdivision (9) and substituting instead the following:

(9) Disobedient, violent, abusive, uncontrollable, or disruptive student conduct on school property, on school buses, and at school-sponsored events;

SECTION 6. Tennessee Code Annotated, Section 49-5-209(b)(5), is amended by deleting the language "§ 49-6-4008" and substituting instead the language "§ 49-6-3702".

SECTION 7. This act shall take effect January 1, 2021, the public welfare requiring it.

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 2134 - SB 2252

March 10, 2020

SUMMARY OF ORIGINAL BILL: Creates the Teacher's Discipline Act. Authorizes a teacher to manage the teacher's classroom, discipline students, and refer a student to the principal or the principal's designee to maintain discipline in the classroom. Authorizes a teacher to remove a student from the classroom whose behavior interferes with the learning process, violates the student code of conduct, or poses a safety threat. Establishes the process for a student's removal and return to the classroom. Requires local education agencies (LEAs) to provide for the establishment of placement review committees at each school. Establishes the composition, role, and procedures of the placement review committee during the consideration of returning a student to the classroom.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (016726): Deletes all language after the enacting clause. Creates the Teacher's Discipline Act. Authorizes a teacher to manage the teacher's classroom, discipline students, and refer a student to the principal or the principal's designee to maintain discipline in the classroom. Requires local boards of education and public charter school governing bodies to include in each student discipline policy, a provision authorizing teachers to enforce the student discipline policy or code of conduct. Requires local boards of education and public charter school governing bodies to adopt a policy authorizing a teacher's ability to relocate a student to another location for the student's safety or for the safety of others. Establishes that the use of force authorized under current law is allowed by teachers under certain conditions. Authorizes a teacher to submit a written request to the principal, or the principal's designee, to remove a student who interferes with the learning process or other disruptive behavior. Authorizes principals and their designees to take certain actions in response to a teacher's request for student removal.

Requires a local board of education or public charter school governing body to establish an appeals process for a teacher to file an appeal when a teacher's request to remove a student has been denied. Requires each school to annually report the number of student removal requests filed by a teacher in the immediately preceding school year. Requires each director of schools to compile the data provided in each school's report and issue a district-wide report to the local board of education each year. Authorizes the Commissioner of the Department of Education (DOE) to review the school and district-wide reports and provide training and resources as needed.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Local boards of education, public charter school governing bodies, schools, and DOE will be able to comply with the requirements of the proposed legislation within existing resources.
- Local boards of education, public charter school governing bodies, schools, and DOE 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 impact to state or local government.

CERTIFICATION:

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

Krista Lee Carsner BS

Krista Lee Carsner, Executive Director

/alh

Amendment No. _____

Signature of Sponsor

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

AMEND Senate Bill No. 2252 House Bill No. 2134*

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 "Teacher's Discipline Act."

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 6, is amended by adding the following as a new part:

49-6-3701.

(a) A teacher is authorized to manage the teacher's classroom, discipline students, and refer a student to the principal or the principal's designee to maintain discipline in the classroom, and to hold students in the teacher's charge strictly accountable for any disorderly conduct in school.

(b) Each student discipline policy or code of conduct adopted by a local board of education or public charter school governing body pursuant to § 49-6-4002, must include a provision authorizing teachers and administrators to enforce the student discipline policy or code of conduct and to hold students accountable for any disorderly conduct in school, on school buses, or at school-sponsored events.

49-6-3702.

(a)

(1) Each local board of education and each public charter school governing body shall adopt a complete policy regarding a teacher's ability to relocate a student from the student's present location to another location for the student's safety or for the safety of others.

(2) The use of reasonable or justifiable force, as defined in §§ 39-11-603, 39-11-609, 39-11-610, 39-11-612, 39-11-613, 39-11-614, 39-11-621, and 39-11-622, if required to accomplish this task due to the unwillingness of the student to cooperate, is allowed. If steps beyond the use of reasonable or justifiable force are required, then the student shall be allowed to remain in place until such a time as local law enforcement officers or school resource officers can be summoned to relocate the student or take the student into custody until such a time as a parent or guardian can retrieve the student.

(3) The policy required under this subsection (a) must authorize teachers to intervene in a physical altercation between two (2) or more students, or between a student and an LEA employee or public charter school employee, as applicable, using reasonable or justifiable force upon a student, if necessary, to end the altercation by relocating the student to another location.

(b) The policy required under subsection (a) must:

(1) Be in effect on school property, as well as at official school-sponsored events, including, but not limited to, sporting events and approved field trips that take place away from the local school property; and

(2) Cover teachers who are directly responsible for the student's education, and other LEA employees or public charter school employees, as applicable, who interact with students on a professional basis. The LEA employees or public charter school employees described in this subdivision (b)(2) include, but are not limited to, administrators, teachers, school support staff, bus drivers, cafeteria workers, and school resource officers while the employee is acting within the scope of the employee's assigned duties.

(c) The policy required under subsection (a) must require a teacher to file a brief report with the principal detailing the situation that required the relocation of the student. The report must be kept either in a student discipline file, in which case the report does

not become a part of the student's permanent record, or it must be filed in the student's permanent record, if the student's behavior violated the applicable zero tolerance policy. After the teacher files the report required under this subsection (c), the student is subject to additional disciplinary action that may include suspension or expulsion from the school. The principal or the principal's designee must notify the teacher involved of the actions taken to address the behavior of the relocated student.

(d) Each principal shall fully support the authority of every teacher in the principal's school to relocate under this section.

(e) Each school principal shall implement the policies and procedures of the local board of education or public charter school governing body, as applicable, relating to the authority of every teacher to relocate a student and shall disseminate such policies and procedures to the students, faculty, staff, and parents or guardians of students.

(f) The policy required under subsection (a) must comply with all state and federal laws, including the Individuals with Disabilities Education Act (20 U.S.C. § 1400, et seq.), and Section 504 of the Rehabilitation Act (29 U.S.C. § 794).

49-6-3703.

In order to manage student behavior, to ensure the safety of all students in the teacher's classroom and school, and to ensure students the opportunity to learn in an orderly and disciplined classroom, a teacher may refer a student to the principal or the principal's designee. When a teacher disciplines a student by issuing a written referral for the student's behavior, the referral must be returned to the teacher with a notation of the action taken. The referral must be kept in a student discipline file, and shall not become a part of the student's permanent record. If an LEA or school has adopted an electronic system of making disciplinary referrals instead of using written referrals, then the teacher making the referral must be notified of the action taken, but the notification may be made either electronically or in writing. The principal or the principal's designee

must respond to a teacher's disciplinary referral of a student by employing appropriate discipline management techniques that are consistent with the LEA's or school's policy. The director of schools, or the director's designee, must review the LEA's or school's discipline policies, practices, and data annually and recommend any necessary revisions to discipline policies to the local board of education or the public charter school governing body, as applicable, for adoption.

49-6-3704.

(a) A teacher may submit a written request to the principal, or the principal's designee, to remove a student who repeatedly or substantially interferes with the teacher's ability to communicate effectively with the class or with the ability of the student's classmates to learn, if the student's behavior is in violation of the LEA's or school's student discipline policy or code of conduct. The written request must include documentation that the teacher has previously:

(1) Taken action to address the student's disruptive behavior;

(2) Provided consequences for the student's disruptive behavior;

(3) Conducted an oral conference either by a documented telephone conversation or an in-person discussion with the student's parent or guardian regarding the student's disruptive behavior;

(4) Provided an opportunity for school counseling or other support services deemed appropriate to address the student's disruptive behavior;

(5) Developed and implemented a plan to improve the student's behavior in a conference with the student; and

(6) Issued a disciplinary referral under § 49-6-3703 to address the student's disruptive behavior.

(b) The principal or the principal's designee must give the student oral or written notice of the grounds for the teacher's request to remove the student from the teacher's classroom and, if the student denies engaging in the conduct, then the principal or the

principal's designee must explain what caused the teacher to submit a request to the principal or the principal's designee to remove the student from the teacher's classroom, and give the student an opportunity to explain the situation. If the student's account is deemed to be valid, albeit different from the teacher's account, and changes the principal's, or the principal's designee's, perspective of the incident, then the principal or the principal's designee must render a decision regarding the student's placement.

(c) Principals and their designees shall respect the professional judgment of a teacher requesting to remove a student from the teacher's classroom under subsection (a) and shall take an action consistent with the student discipline policy or code of conduct adopted pursuant to § 49-6-4002 in response to the request, which may include:

(1) Assigning the student to another appropriate classroom for a specified period of time, or for the remainder of the student's assignment to the class from which the student was removed under subsection (a);

(2) Assigning the student to in-school suspension for a specified period of time, in compliance with § 49-6-3401;

(3) Remanding the student to an alternative school or to an alternative education program for a specified period of time, in compliance with §§ 49-6-3401 and 49-6-3402;

(4) Suspending the student pursuant to § 49-6-3401;

(5) Requiring the parents or guardians of a student who is removed from a teacher's classroom and assigned to another appropriate classroom under subdivision (c)(1) to participate in conferences before the student is permitted to return to the classroom from which the student was removed; or

(6) Denying the teacher's request to remove a student from the teacher's classroom and offer appropriate supports for the teacher to address the student's disruptive behavior.

(d) Any action taken by a principal, or the principal's designee, in response to a teacher's request to remove a student from the teacher's classroom must comply with all applicable policies of the local board of education or the public charter school governing body, as applicable, the Individuals with Disabilities Education Act (20 U.S.C. § 1400, et seq.), Section 504 of the Rehabilitation Act (29 U.S.C. § 794), the constitutions of the United States and Tennessee, and all applicable federal and state civil rights laws.

(e) Principals or their designees must notify law enforcement, as appropriate, when implementing this section, and in compliance with §§ 49-6-4209 and 49-6-4301.

(f)

(1) A local board of education or public charter school governing body shall establish an appeal process for a teacher to file an appeal when the teacher's request to remove a student from the teacher's classroom is denied pursuant to subdivision (c)(6). An appeal process established under this subdivision (f)(1) must authorize a teacher to file an appeal with the director of schools, or the director's designee, when the teacher's request to remove a student from the teacher's classroom is denied pursuant to subdivision (c)(6).

(2) A teacher shall not be terminated, demoted, harassed, or otherwise retaliated against for filing a request for a student to be removed from the teacher's classroom, or for appealing a decision to deny the teacher's request to remove a student pursuant to this subsection (f).

(g) If a teacher abuses or overuses the student removal process provided in this section, then the principal or the principal's designee must address the abuse or overuse with the teacher in compliance with the local board's or public charter school governing body's policy, as applicable, and may require the teacher to complete additional professional development to improve the teacher's classroom management skills.

(h) To assist local boards of education and public charter school governing bodies in determining the effectiveness of discipline policies and classroom supports

provided to teachers to help address student behavior, each school shall annually report to the director of schools or to the head of the public charter school, as applicable, by July 1, 2021, and by each July 1 thereafter, the number of requests submitted by the school's teachers during the immediately preceding school year to remove a student from the teacher's classroom pursuant to subsection (a). The report must document the actions taken by the teacher's principal, or the principal's designee, in response to each request for a student's removal. Each director of schools must compile the data provided in each school's report and issue a district-wide report to the local board of education by August 1 immediately following the July 1 deadline for school reports.

(i) The commissioner of education may review the school and district-wide reports required under subsection (h) and provide training and other resources to schools and LEAs to address any needs identified through the commissioner's review.

(j) On or before February 1, 2022, and on or before February 1 of each year thereafter, the commissioner shall report to the governor and the general assembly on the implementation of, and compliance with, this part.

SECTION 3. Tennessee Code Annotated, Section 49-6-4102, is amended by deleting subsection (a).

SECTION 4. Tennessee Code Annotated, Section 49-6-4008, is amended by deleting the section.

SECTION 5. Tennessee Code Annotated, Section 49-6-4106, is amended by deleting the section.

SECTION 6. Tennessee Code Annotated, Section 49-6-4002(d), is amended by deleting subdivision (9) and substituting instead the following:

(9) Disobedient, violent, abusive, uncontrollable, or disruptive student conduct on school property, on school buses, and at school-sponsored events;

SECTION 7. Tennessee Code Annotated, Section 49-5-209(b)(5), is amended by deleting the language "§ 49-6-4008" and substituting instead the language "§ 49-6-3702".

SECTION 8. This act shall take effect January 1, 2021, the public welfare requiring it.

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 2134 - SB 2252

April 8, 2020

SUMMARY OF ORIGINAL BILL: Creates the Teacher's Discipline Act. Authorizes a teacher to manage the teacher's classroom, discipline students, and refer a student to the principal or the principal's designee to maintain discipline in the classroom. Authorizes a teacher to remove a student from the classroom whose behavior interferes with the learning process, violates the student code of conduct, or poses a safety threat. Establishes the process for a student's removal and return to the classroom. Requires local education agencies (LEAs) to provide for the establishment of placement review committees at each school. Establishes the composition, role, and procedures of the placement review committee during the consideration of returning a student to the classroom.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (016961): Deletes all language after the enacting clause. Creates the Teacher's Discipline Act. Authorizes a teacher to manage the teacher's classroom, discipline students, and refer a student to the principal or the principal's designee to maintain discipline in the classroom. Requires local boards of education and public charter school governing bodies to include in each student discipline policy, a provision authorizing teachers and administrators to enforce the student discipline policy or code of conduct. Requires local boards of education and public charter school governing bodies to adopt a policy authorizing a teacher's ability to relocate a student to another location for the student's safety or for the safety of others. Establishes that the use of force authorized under current law is allowed by teachers under certain conditions. Authorizes a teacher to submit a written request to the principal, or the principal's designee, to remove a student who interferes with the learning process or other disruptive behavior. Authorizes principals and their designees to take certain actions in response to a teacher's request for student removal.

Requires a local board of education or public charter school governing body to establish an appeals process for a teacher to file an appeal when a teacher's request to remove a student has been denied. Requires each school to annually report the number of student removal requests filed by a teacher in the immediately preceding school year. Requires each director of schools to compile the data provided in each school's report and issue a district-wide report to the local board of education each year. Authorizes the Commissioner of the Department of Education (DOE) to review the school and district-wide reports and provide training and resources as needed. Requires the Commissioner of DOE to report to the Governor and the General

Assembly on the implementation and compliance with this section by February 1, 2022, and by February 1st of each year thereafter.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Local boards of education, public charter school governing bodies, schools, and DOE will be able to comply with the requirements of the proposed legislation within existing resources.
- Local boards of education, public charter school governing bodies, schools, and DOE 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 impact to state or local government.

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/alh

House Curriculum, Testing, & Innovation Subcommittee Am. #1

Amendment No._____

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

_____

Signature of Sponsor

AMEND Senate Bill No. 2560 **House Bill No. 2595***

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) An LEA shall include instruction in media literacy skills in the LEA's instructional programs.

(b) The department of education is encouraged to post links to recommended resources for media literacy education to the department's website.

(c) As used in this section, "media literacy" means the use or creation of media, digital products, and communication technology of all kinds and the ability to access, analyze, evaluate, and create all forms of communication encompassing the foundational skills of digital citizenship and internet safety, including the norms of appropriate, responsible, ethical, and healthy behavior and cyberbullying prevention.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to the 2021-2022 school year and each school year thereafter.

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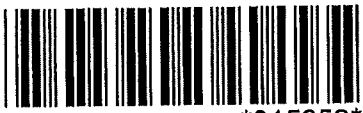

015359

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 2595 - SB 2560

February 24, 2020

SUMMARY OF ORIGINAL BILL: Requires a local education agency (LEA) to include instruction on media literacy skills in a character education curriculum approved by the Department of Education (DOE). Encourages DOE to post links to recommended resources for media literacy education to DOE's website.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (015359): Deletes all language after the enacting clause. Requires an LEA to include instruction on media literacy skills in the LEA's instructional programs. Encourages DOE to post links to recommended resources for media literacy education to DOE's website. The Act applies to the 2021-2022 school year and each school year thereafter.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- LEAs and DOE will use currently available resources without a significant increase in state or local expenditures.
- LEAs and DOE 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.

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/alh

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

Amendment No._____

_____
Signature of Sponsor

AMEND Senate Bill No. 2216* **House Bill No. 2844**

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

SECTION 1. Tennessee Code Annotated, Section 4-51-302, is amended by deleting subdivision (7) and substituting instead the following:

(7) "Council" means the sports wagering advisory council;

SECTION 2. Tennessee Code Annotated, Section 4-51-305(a), is amended by deleting the language "lottery corporation sports wagering advisory council" and substituting instead the language "sports wagering advisory council".

SECTION 3. Tennessee Code Annotated, Section 4-51-305(l), is amended by deleting the language "at the call of the board" and substituting instead the language "at the call of the board or at the call of the chair".

SECTION 4. Tennessee Code Annotated, Section 4-51-305(n), is amended by deleting the subsection and substituting instead the following:

(n) The board and the council shall collaborate for purposes of enforcing this part and supervising compliance with the laws and rules relating to the regulation and control of wagering on sporting events in this state.

SECTION 5. Tennessee Code Annotated, Section 4-51-306, is amended by deleting subsection (b) and substituting instead the following:

(b) Notwithstanding any law to the contrary, all rules promulgated under this act must be promulgated at a joint meeting of the board and the council. Five (5) members of the council and four (4) members of the board must be present for the purpose of transacting business jointly under this subsection (b). Rules must be adopted by a majority of those present and voting at a joint meeting of the board and council under

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Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 2116* **House Bill No. 2731**

by adding the following as a new subdivision (5) in subsection (d) in the amendatory language of SECTION 1:

(E) Subdivisions (d)(1)(D)(i)--(iv) shall not be construed as requiring the disclosure of any compensation or remuneration paid to any lobbyist registered with the Tennessee ethics commission that is registered to lobby for other employers in addition to being registered to lobby for the association or nonprofit.

566

FILED
Date 3/9/2020
Time 9:52
Clerk DKS
Comm. Amdt. _____

Amendment No._____

Mary Kotta
Signature of Sponsor

AMEND Senate Bill No. 1998* **House Bill No. 2358**

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

SECTION 1. Tennessee Code Annotated, Section 57-3-406(j), is amended by adding the following as a new subdivision:

( ) The retailer shall not deliver the alcoholic beverages or beer to a customer who resides or is located at the time of the delivery:

(A) More than fifty (50) miles from the licensed premises of the retailer; or

(B) In any county other than the county in which the retailer is located or a county contiguous to such county.

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

FILED
Date 3-2-2020
Time 9:53
Clerk DKS
Comm. Amdt. _____

Amendment No._____

Jon R. Fu
Signature of Sponsor

AMEND Senate Bill No. 2483 **House Bill No. 2481***

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

SECTION 1. Tennessee Code Annotated, Section 57-4-102(20)(B)(ii), is amended by deleting the last two sentences of the subdivision and substituting instead the following:

> 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 (20(B)(ii);

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

FILED	
Date	3-2-2020
Time	9:19
Clerk	DKS
Comm. Amdt.	

Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 2128* **House Bill No. 2487**

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

SECTION 1. Tennessee Code Annotated, Section 57-3-204(b)(2)(F), is amended by deleting the subdivision and substituting instead the following:

(F) Who is an employee of the commission;

SECTION 2. Tennessee Code Annotated, Section 57-3-204(b)(2), is amended by deleting subdivisions (K) and (L).

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

FILED	
Date	3/5/2020
Time	8:59
Clerk	DKS
Comm. Amdt.	

Amendment No._____

Rush Bricken

Signature of Sponsor

AMEND Senate Bill No. 2688 **House Bill No. 2520***

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

SECTION 1. Tennessee Code Annotated, Title 7, Chapter 86, is amended by adding the following:

(a) By June 30, 2021, the Tennessee Emergency Communications Board (TECB) shall promulgate rules in accordance with title 4, chapter 5 to establish uniform operating standards (Model Standards) for all of this state's 911 emergency communications districts (ECD). The model standards must:

(1) Include uniform dispatching requirements and standards; and

(2) Require all ECD's be staffed by ECD paid employees or contract workers.

(b) Each ECD has until June 30, 2026 to adopt and implement the model standards. An ECD that fails to adopt and implement the model standards by June 30, 2026 will thereafter only receive seventy-five percent (75%) of the 911 user surcharge fees the ECD would have been entitled to through the TECB. The TECB will retain twenty-five percent (25%) of the user surcharge fees from this ECD until the ECD is in compliance with the model standards.

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

Amendment No. _____

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Signature of Sponsor

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 2148 House Bill No. 2217*

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

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

56-1-1001.

This part shall be known and may be cited as the "Licensing Innovation Act."

56-1-1002.

As used in this part:

(1) "Commissioner" means the commissioner of commerce and insurance or the commissioner's designee;

(2) "Department" means the department of commerce and insurance;

(3) "Innovation" means the provision of a product, service, business model, or delivery mechanism that would require a waiver of a statute or rule to offer and has not been regularly used, sold, licensed, or otherwise made available in this state before the effective date of an innovation participant's application;

(4) "Innovation participant" means a person whose application for a regulatory innovation waiver is approved pursuant to this part;

(5) "Market entry" means the date on which an innovation participant is licensed pursuant to this part;

(6) "Market exit" means the date on which an innovation participant's license pursuant to this part expires;

(7) "Person" means any natural or legal person, including, but not limited to, an individual, partnership, association, trust, or corporation;

(8) "Pilot test" means to use, sell, license, or otherwise make available an innovation pursuant to this part; and

(9) "Regulatory innovation waiver" means a license issued by the commissioner that authorizes a person to pilot test an innovation that waives certain statutory and regulatory requirements.

56-1-1003.

(a) The commissioner may issue a regulatory innovation waiver to license a person to pilot test an innovation.

(b)

(1) A person shall not pilot test more than three (3) innovations at the same time.

(2) A regulatory innovation waiver cannot waive any statutory or regulatory requirements concerning:

(A) Assets, deposits, investments, capital, surplus, or other solvency requirements applicable to individuals or companies licensed under title 56;

(B) Required participation in any assigned risk plan, residual market, or guaranty fund under title 56;

(C) Any licensing or certificate of authority requirements under title 56;

(D) The application of any taxes or fees;

(E) Any federal requirement; or

(F) Any required consumer protection.

56-1-1004.

(a) Any person may apply for a regulatory innovation waiver by submitting an application to the department on a form prescribed by the commissioner. The application must, at a minimum, contain the following information:

(1) An acknowledgement by the applicant that the applicant is subject to the commissioner's jurisdiction;

(2) Contact information for the applicant;

(3) If the applicant is an entity, information regarding the applicant's management and organizational structure, including, as applicable:

(A) Natural persons who are directors or executive officers of the applicant;

(B) Qualifying agents of the applicant;

(C) General partners of the applicant;

(D) Members, as defined in § 48-202-101, of the applicant;

(E) Persons who are beneficial owners of ten percent (10%) or more of the voting securities of the applicant;

(F) Persons with direct or indirect power by contract to direct the management and policies of the applicant, other than a commercial contract for goods or non-management services; and

(G) Any conflicts of interest between a person listed pursuant to this subdivision (a)(3) and the department;

(4) A description of the innovation, including:

(A) The scope of the regulatory innovation waiver that the applicant seeks;

(B) The statute or rule the applicant is seeking to be waived;

(C) The reason the statute or rule impedes the applicant from pursuing the innovation;

(D) How the innovation would benefit consumers;

(E) How the innovation is different from other products, services, business models, or delivery mechanisms already in operation by a licensed individual in this state;

(F) Any increased risks to consumer health and safety resulting from the use or purchase of, or participation in, the innovation and plans to address those risks;

(G) How a regulatory innovation waiver would enable a successful pilot test;

(H) A description of the proposed pilot testing plan, including estimated time periods for market entry, market exit, and the pursuit of necessary licensure or authorization;

(I) How the applicant will wind down the pilot test and protect consumers if the pilot test fails to comply with the terms of the regulatory innovation waiver; and

(J) The format in which the applicant intends to deliver the required disclosures to consumers under § 56-1-1006.

(b) If the innovation involves the use of software, hardware, or other technology developed for the purpose of implementing or operating the innovation, then the application must include a detailed description of the operation and general content of the software, hardware, or other technology.

(c) If the innovation involves the issuance of a policy of insurance governed by § 56-7-102, then the application must contain a statement that the insurer on the policy holds a valid certificate of authority and is authorized to issue the insurance coverage.

(d) The commissioner may collect a regulatory innovation waiver application fee in an amount equal to the fee that would otherwise be required to offer the innovation.

(e) The commissioner may request any additional information the commissioner deems reasonably necessary to evaluate the application.

(f) The commissioner shall not issue a regulatory innovation waiver under this part unless the commissioner determines, in the commissioner's sole discretion, that the applicant has demonstrated that:

(1) The applicant has an adequate understanding of the innovation;

(2) The applicant has an adequate plan to pilot test, monitor, and assess the innovation; and

(3) The pilot test will adequately protect consumer health and safety.

(g) The commissioner has the sole discretion to grant or deny an application under this part, and the commissioner's decision is not subject to review under the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

56-1-1005.

(a) If the commissioner approves an application under this part, then the commissioner shall issue a regulatory innovation waiver order. A regulatory innovation waiver order must establish the terms of the waiver, including the statutory and regulatory requirements that are waived with respect to the innovation, requirements for notice to consumer, consumer protection requirements, the length of the regulatory innovation waiver, and other conditions deemed necessary by the commissioner. The commissioner shall also issue the innovation participant a waiver number.

(b) A regulatory innovation waiver may be granted for a period not to exceed twenty-four (24) months.

(c) Once the commissioner approves a person's application for a regulatory innovation waiver, the person is deemed an innovation participant. An innovation participant shall comply with the terms of the regulatory innovation waiver order.

(d) When issuing a regulatory innovation waiver order, the commissioner is only authorized to waive statutes compiled in titles 56 and 62 and rules promulgated pursuant to titles 56 and 62 that are subject to enforcement by the commissioner. Innovation participants are exempt only from the statutory and regulatory requirements that are stated clearly in the regulatory innovation waiver order.

(e) The commissioner shall post each order granting a regulatory innovation waiver on the department's website.

56-1-1006.

(a) Before marketing an innovation to consumers, an innovation participant shall disclose to consumers the following:

(1) That the innovation is authorized pursuant to the regulatory innovation waiver and may not be required to comply with all statutory and regulatory requirements;

(2) That this state does not endorse, warrant, or recommend the innovation;

(3) That the innovation is currently being pilot tested and may be discontinued at the end of the pilot testing period, listing the expected end date of the pilot testing period; and

(4) That a consumer may contact the department to file a complaint regarding the innovation. The innovation participant shall provide the telephone number and website where a complaint may be filed with the department.

(b) An innovation participant shall clearly and conspicuously provide the disclosures required pursuant to subsection (a).

(c) The commissioner may require an innovation participant to make additional disclosures to consumers and may require a specific format for disclosure.

(d) Innovation participants are not exempt from the Tennessee Consumer Protection Act of 1977, compiled in title 47, chapter 18, or any federal law.

(e) Innovation participants are subject to the civil penalty provisions applicable to an innovation participant's license. Any action to seek civil penalties must proceed under the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(f) A regulatory innovation waiver does not affect the legal rights of any third party against the innovation participant.

(g) This part does not create a private cause of action against the state.

56-1-1007.

At least thirty (30) days before the end of the pilot test period, an innovation participant shall:

(1) Notify the commissioner that the innovation participant will exit the market at the end of the pilot test period. However, if the pilot test is for an insurance product, then the innovation participant shall cease selling the product at the end of the pilot test period, and shall mail or deliver to the named insured, at the address shown in the policy, not less than thirty-days' notice of the termination of the policy; or

(2) Seek a regulatory innovation waiver pilot test period extension pursuant to § 56-1-1008 or pursue a license or other authorization required by law.

56-1-1008.

(a) At least sixty (60) days before the end of the pilot test period, an innovation participant may request an extension of the pilot test period for the purpose of additional pilot testing or pursuing a license or other authorization required by law.

(b) The commissioner has sole discretion to grant or deny an extension. An extension may not exceed twelve (12) months from the end of the initial pilot test period. Only one (1) extension may be granted.

(c) When requesting an extension, the innovation participant shall submit a detailed description of the results of the initial pilot test, which must include the following:

(1) A description of how the innovation:

(A) Added value to consumers and served the public interest;

(B) Was economically viable for the applicant; and

(C) Did not pose an unreasonable risk of consumer harm and provided suitable consumer protection;

(2) A description of any statutory and regulatory issues that continue to limit the innovation from being utilized, issued, sold, solicited, distributed, or advertised in the market;

(3) A description of how the innovation is functioning in the market and the manner in which it is offered or provided;

(4) A log of any consumer complaints and a description of the process for addressing consumer complaints; and

(5) Any other information the commissioner reasonably requires.

(d) Prior to granting an extension, the commissioner shall hold a public hearing to receive comments on the application for extension. Notice of the public hearing must be posted on the department's website at least fourteen (14) days prior to the public hearing.

(e) The request for an extension must be accompanied by a fee equal to the renewal fee for the license that would otherwise be required to offer the innovation.

56-1-1009.

Innovation participants shall retain records in the ordinary course of business regarding the innovation and the pilot test to the extent the commissioner requires.

56-1-1010.

(a) Application materials, documents, and other records submitted to the department pursuant to this part, other than information regularly submitted with an application for licensure, are recognized as being proprietary and containing trade secrets. All such records and internal departmental records regarding submissions, except the regulatory innovation waiver order and any request for extension of the regulatory innovation waiver order, made pursuant to this part are confidential and privileged, and are not subject to:

(1) Public inspection under § 10-7-503;

(2) Subpoena; or

(3) Discovery or admissible in evidence in any private civil action.

(b) However, the commissioner may use the materials, documents, or other records in the furtherance of any regulatory or legal action brought as part of the commissioner's official duties.

(c) Neither the commissioner nor any person acting under the authority of the commissioner who receives or views materials, documents, or other records under this part, other than information regularly submitted with an application for licensure, is permitted or required to testify in any private civil action concerning any materials, documents, or other records made confidential under subsection (a).

56-1-1011.

(a) Innovation participants shall submit reports to the commissioner as frequently as the commissioner requires, but no less than annually. The reports must be submitted on a form prescribed by the commissioner and include the following information:

(1) How long the participant has been marketing the innovation to consumers;

(2) The success of the innovation;

(3) The challenges of the innovation;

(4) How the participant has worked to ensure that consumer health and safety are protected during the pilot test; and

(5) Any other information the commissioner reasonably requires.

(b) If an innovation fails to comply with the terms of the regulatory innovation waiver before the end of the pilot test period, then the innovation participant shall notify the commissioner and report on actions taken to ensure consumers have not been harmed as a result of the innovation's failure to comply with such terms.

56-1-1012.

(a) The commissioner may terminate a regulatory innovation waiver at any time if the commissioner determines:

(1) The innovation is causing, or has the potential to cause, consumer harm;

(2) The innovation participant is violating the terms of the regulatory innovation waiver; or

(3) The termination serves the public interest.

(b) Termination of a regulatory innovation waiver is not subject to review under the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

56-1-1013.

The commissioner shall provide to the chairs of the government operations committees of the house of representatives and the senate an annual report of all active innovation participants. This report must include the name of each innovation participant and the statutory and regulatory requirements that have been waived with respect to each innovation participant.

56-1-1014.

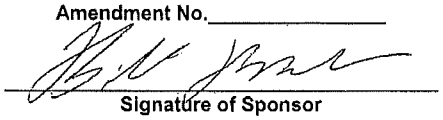
The commissioner may promulgate rules to effectuate this part. All rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

56-1-1015.

The commissioner's authority to grant new regulatory innovation waivers pursuant to this part terminates on January 1, 2025, and this part is repealed on January 1, 2027.

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.

Amendment No._____



Signature of Sponsor

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AMEND Senate Bill No. 2712 House Bill No. 2807*

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

SECTION 1. Tennessee Code Annotated, Section 66-28-301, is amended by adding the following new subsection:

(i)

(1) Upon a tenant's request, all landlords who require a security deposit shall offer and accept at least one (1) of the following options in lieu of the required security deposit:

(A) Rental security insurance or a bond that satisfies the following criteria:

(i) The insurance provider is an approved carrier licensed by, and in good standing with, the department of commerce and insurance;

(ii) The coverage is effective upon the payment of the first premium or fee and remains effective for the entire lease term; and

(iii) The coverage provided per claim is no less than the amount the landlord requires for security deposits; or

(B) Payment of the security deposit over a series of no less than six (6) equal monthly installment payments, which installments shall be due on the same day as the monthly rent payment and which may be paid together with the monthly rent payment in a single transaction, absent separate agreement by the landlord and tenant.

(2) Prior to entering into a rental agreement, a landlord shall provide the tenant written notice of the available security deposit alternatives contained in subdivision (i)(1).

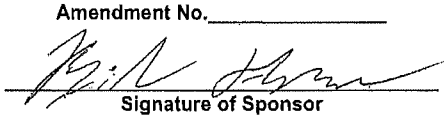
(3) If rental security insurance or a bond meeting the criteria in subdivision (i)(1)(A) is not available to the tenant, then the landlord does not have to offer the rental security deposit alternative described in subdivision (i)(1)(B).

(4) This subsection (i) does not apply to a deposit placed with a landlord to secure the availability of a rental unit more than sixty (60) days prior to the commencement of the rental period.

(5) A tenant who elects to provide rental security insurance or a bond in lieu of a required security deposit is not required to provide additional security or insurance coverage per claim in an amount greater than the amount required for security deposits.

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

Amendment No._____



Signature of Sponsor

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Date _____
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Comm. Amdt. _____

AMEND Senate Bill No. 2712 House Bill No. 2807*

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

SECTION 1. Tennessee Code Annotated, Section 66-28-301, is amended by adding the following new subsection:

(i)

(1) Upon a tenant's request, all landlords who require a security deposit shall offer to accept at least one (1) of the following options in lieu of the required security deposit:

(A) Rental security insurance that satisfies the following criteria:

(i) The insurance provider is an approved carrier licensed by, and in good standing with, the department of commerce and insurance;

(ii) The coverage is effective upon the payment of the first premium and remains effective for the entire lease term; and

(iii) The coverage provided per claim is no less than the amount the landlord requires for security deposits; or

(B) Payment of the security deposit over a series of no less than six (6) equal monthly installment payments, which installments shall be due on the same day as the monthly rent payment and which may be paid together with the monthly rent payment in a single transaction, absent separate agreement by the landlord and tenant.

(2) Prior to entering into a rental agreement, a landlord shall provide the tenant written notice of the available security deposit alternatives contained in subdivision (i)(1).

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(3) If rental security insurance meeting the criteria in subdivision (i)(1)(A) is not available to a tenant, then the landlord does not have to offer the rental security deposit alternative described in subdivision (i)(1)(B).

(4) This subsection (i) does not apply to a deposit placed with a landlord to secure the availability of a rental unit more than sixty (60) days prior to the commencement of the rental period.

(5) A tenant who elects to provide rental security insurance in lieu of a required security deposit is not required to provide additional security or insurance coverage per claim in an amount greater than the amount required for security deposits.

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

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Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 1811 **House Bill No. 1681***

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

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 18, Part 1, is amended by adding the following as a new section:

(a) If an offeror makes an unsolicited offer to purchase real property by sending a written agreement or contract for purchase through mail to an offeree and the offeror does not use the assistance of a broker, as defined in § 62-13-102, who is licensed in this state in making that unsolicited offer, then the offeree may cancel the agreement or contract by mailing written notice of the offeree's election to cancel to the offeror postmarked within thirty (30) days from the date of the confirmation letter described in subdivision (b)(3).

(b) An unsolicited offer to purchase real property by sending a written agreement or contract for purchase through mail is not deemed accepted by the offeree until:

(1) The offeree signs the agreement or contract;

(2) The offeror receives the signed agreement or contract;

(3) The offeror sends by mail a letter to the offeree that confirms receipt of the signed agreement or contract, describes the offeree's right to cancel the agreement or contract, describes the manner by which the offeree may cancel; and states the date by which the offeree must cancel; and

(4) The offeror registers the signed agreement or contract, and the confirmation letter described in subdivision (b)(3), with the register of deeds in the county in which the applicable real property is located.

(c) Cancellation of the agreement or contract under this section is without penalty to the offeree. However, the offeree shall, within thirty (30) days following cancellation under this section, return all payments made by the offeror to the offeree.

(d) The offeree's right to cancellation under this section may not be waived.

(e) A third-party buyer who purchases the real property from the offeror prior to the expiration of the offeree's right to cancellation under this section takes title to the real property subject to the offeree's right to cancellation. If the offeree exercises the offeree's right to cancellation under this section, then the title acquired by the third-party buyer is voided and the title immediately returns to the offeree.

(f) A violation of this section by an offeror constitutes an unfair or deceptive act prohibited under § 47-18-104, and is punishable as provided in this part.

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it, and shall apply to agreements or contracts entered into on or after that date.

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Amendment No. _____

Robin Smith

Signature of Sponsor

AMEND Senate Bill No. 2858 **House Bill No. 1903***

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

SECTION 1. Tennessee Code Annotated, Section 55-17-120, is amended by adding the following as a new subsection:

(f)

(1) Notwithstanding this part, a motor vehicle dealer license is not required to sell previously titled antique or unique motor vehicles through an auction format held in conjunction with a motor vehicle festival:

(A) Held at a municipal convention center, as defined in § 7-4-101, located in a county with a population of not less than three hundred thirty-six thousand four hundred (336,400) and not more than three hundred thirty-six thousand five hundred (336,500), according to the 2010 census or any subsequent census; and

(B) For which a portion of the festival's proceeds are donated to a hospital neurological institute located in located in a county with a population of not less than three hundred thirty-six thousand four hundred (336,400) and not more than three hundred thirty-six thousand five hundred (336,500), according to the 2010 census or any subsequent census.

(2) This subsection (f) is repealed on October 20, 2020.

SECTION 2. Tennessee Code Annotated, Section 62-19-128, is amended by adding the following as a new subsection:

(h)

(1) Notwithstanding subdivision (b)(9), a motor vehicle dealer license is not required to sell previously titled antique or unique motor vehicles through an auction format held in conjunction with a motor vehicle festival:

(A) Held at a municipal convention center, as defined in § 7-4-101, located in a county with a population of not less than three hundred thirty-six thousand four hundred (336,400) and not more than three hundred thirty-six thousand five hundred (336,500), according to the 2010 census or any subsequent census; and

(B) For which a portion of the festival's proceeds are donated to a hospital neurological institute located in located in a county with a population of not less than three hundred thirty-six thousand four hundred (336,400) and not more than three hundred thirty-six thousand five hundred (336,500), according to the 2010 census or any subsequent census.

(2) This subsection (h) is repealed on October 20, 2020.

SECTION 3. This act shall take effect on October 15, 2020, the public welfare requiring it.

Amendment No. _____

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Signature of Sponsor

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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 facility possessing each of the following characteristics:

(i) Has an outdoor waterpark site covering at least fifty (50) acres that has a wave pool and other water attractions that contain at least one million seven hundred thousand (1,700,000) gallons of water; and

(ii) Is located approximately five hundred feet (500') south of a municipal convention center, approximately two thousand two hundred feet (2,200') west of a state highway named in honor of a former governor of this state, and in a county having a population of not less than eighty-nine thousand eight hundred (89,800) nor more than eighty-nine thousand nine hundred (89,900), according to the 2010 federal census or any subsequent federal census;

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Amendment No. _____

Dr. R.L. Ramsey

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 last 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

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;

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Amendment No._____

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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 last section accordingly:

SECTION __. Tennessee Code Annotated, Section 57-4-102(27), is amended by adding the following new subdivision:

( ) A commercially operated facility that:

(i) Offers lodging in the form of a hotel, boutique, bed and breakfast, and short-term rentals;

(ii) Operates a spa, botanical garden, arboretum, museum, and art gallery;

(iii) Serves as an event venue for weddings, a farmer's market, photography, birthdays, festivals, and similar events;

(iv) Contains a small and large dog park with obstacle courses, a dog wash station, and fifteen (15) parking spaces;

(v) Contains a tree grove with approximately nine hundred eighty-three (983) trees representing twenty-eight (28) species;

(vi) Operates a kayak and non-motorized boat launch;

(vii) Operates a facility that is greater than seventeen thousand square feet (17,000 sq. ft.) containing a dual convention space that can accommodate up to five hundred (500) people, and a restaurant with indoor and outdoor seating for approximately two hundred (200) guests;

(viii) Offers scenic mountain overlook views;

(ix) Operates a pump track, bike park and skills course, and multiple trails for various skill levels; and

(x) Is located in a municipality with a population of not less than nine thousand eight hundred forty (9,840) and not more than nine thousand eight hundred forty-nine (9,849);

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Amendment No._____

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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 last section accordingly:

SECTION __. Tennessee Code Annotated, Section 57-4-102(11), is amended by deleting the subdivision and substituting instead the following:

(11) "Commercial passenger boat company" means a company that operates one (1) or more passenger vessels for hire upon navigable waterways and is licensed by the United States Coast Guard to carry not less than fifty (50) passengers on a single vessel. A commercial passenger boat company licensed pursuant to this chapter shall not sell any type of alcoholic beverage or beer while such boat is docked within the boundaries of any local government that has not approved the sale of alcoholic beverages pursuant to § 57-4-103. A commercial passenger boat company may only operate out of a county that has a population:

(A) In excess of two hundred eighty-five thousand (285,000), according to the 1980 federal census or any subsequent federal census;

(B) Not less than eighty-three thousand three hundred (83,300) nor more than eighty-three thousand four hundred (83,400), according to the 1980 federal census or any subsequent federal census; or

(C) Not less than one hundred sixty thousand six hundred (160,600) nor more than one hundred sixty thousand seven hundred (160,700), according to the 2010 federal census or any subsequent federal census;

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 1930 - SB 2492

May 27, 2020

SUMMARY OF ORIGINAL BILL: Deletes Tenn. Code Ann. § 57-4-202(e), which required the Executive Director of the Alcoholic Beverage Commission to submit a report by March 15, 2014 regarding the success or failure of a pilot project concerning local and municipal beer boards.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (017825): Adds language to the original bill to authorize commercial passenger boat companies, for purposes of alcoholic consumption on premises, to operate out of Sumner County.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Revenue - $6,200/FY20-21/ABC Fund
$5,000/FY21-22 and Subsequent Years/ABC Fund
$74,100/FY20-21 and Subsequent Years/General Fund

Increase Local Revenue - $57,000/FY20-21 and Subsequent Years/Permissive

Assumptions for the bill as amended:

- This legislation is estimated to effect to four "commercial passenger boat companies" which dock in Sumner County.
- There is an initial application fee of $300 and a $1,250 annual fee payable to the Tennessee Alcoholic Beverage Commission (ABC).
- A total increase in state revenue to ABC of $6,200 [($300 + $1,250) x 4] in FY20-21 and an increase in state revenue to ABC of $5,000 ($1,250 x 4) in FY21-22 and subsequent years.
- No additional personnel or resources will be required by the ABC.
- Local privilege tax is estimated to be $1,250 annually. Any increase in local government expenditures for collecting local privilege taxes is estimated to be not significant.
- State and local sales taxes and a 15.0 percent liquor-by-the-drink (LBD) tax will be assessed on alcoholic beverage sales.

- The current state sales tax rate is 7.0 percent; the local option sales tax rate in Sumner County is 2.25 percent; the effective rate of apportionment to local government pursuant to the state-shared allocation is estimated to be 3.617 percent.
- Pursuant to Tenn. Code Ann. § 57-4-306(a), 50.0 percent of the 15.0 percent LBD tax is allocated to the state General Fund and 50.0 percent is distributed to the local government.
- It is assumed that the establishments will begin selling alcohol in FY20-21.
- Based on the interquartile average of FY18-19 LBD tax returns and assuming reasonable growth rates in LBD tax collections, the average taxable base per establishment is estimated to be approximately $130,000 per year.
- Given current limitations on the availability of LBD sales data by venue type and size, it is assumed that there are three venue-type categories: smaller than average; average; and larger than average. For the purpose of estimating the tax base for entities authorized to conduct LBD sales pursuant to legislation, the following ratios relative to the average LBD taxable base for all sized entities are utilized: 50 percent for smaller than average; 100 percent for average; and 150 percent for larger than average.
- Given the size and location of these particular venues, the recurring increase in sales is estimated to be $130,000 per year per each venue.
- The recurring increase in state revenue to the General Fund in FY20-21 and subsequent years is estimated to be $74,084 {[($130,000 x 7.0%) – ($130,000 x 7.0% x 3.617%) + ($130,000 x 15.0% x 50.0%)] x 4}.
- The recurring increase in local revenue in FY20-21 and subsequent years is estimated to be $57,016 {[$1,250 + ($130,000 x 2.25%) + ($130,000 x 7.0% x 3.617%) + ($130,000 x 15.0% x 50.0%)] x 4}.
- Any revenue collected from any state or local taxes imposed on manufacturers or wholesalers is estimated to be not significant.

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

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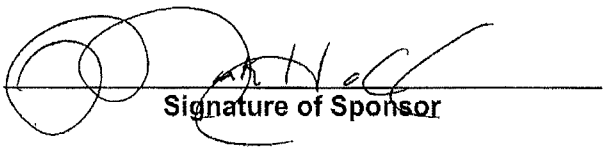
Amendment No. 1



Signature of Sponsor

AMEND Senate Bill No. 1758 House Bill No. 1701*

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

SECTION 1. Tennessee Code Annotated, Section 56-7-1001, is amended by redesignating subdivision (f)(2)(A) as subdivision (f)(2)(A)(i) and adding the following as a new subdivision:

(ii) If a health insurance entity does not provide notice in accordance with subdivision (f)(2)(A)(i), then the application is complete for purposes of subdivision (f)(3)(A). A provider applicant must still submit a complete credentialing application after receiving notice from a health insurance entity in accordance with subdivision (f)(2)(D).

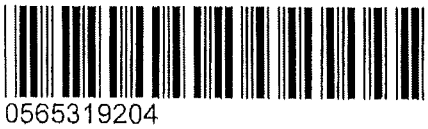
SECTION 2. Tennessee Code Annotated, Section 56-61-102, is amended by deleting subdivision (4) and substituting instead the following:

(4) "Clinical peer" means a physician or other healthcare professional who holds a nonrestricted license:

(A) In a state of the United States; and

(B) In the same specialty that would manage the medical condition, procedure, or treatment under review.

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



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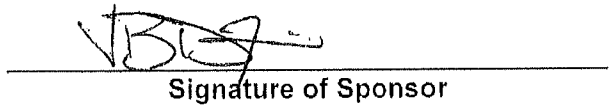

Signature of Sponsor

AMEND Senate Bill No. 1718* **House Bill No. 1832**

by deleting subdivision (f)(2)(A) in SECTION 2 and substituting the following:

Notwithstanding subdivision (f)(1), a health insurance carrier that provides coverage for prescription insulin drugs pursuant to the terms of a policy, program, or contract of insurance shall cap the total amount that a covered patient with diabetes is required to pay for covered prescription insulin drugs at an amount not to exceed one hundred dollars ($100) per thirty-day supply of insulin, regardless of the amount, type, or number of insulins needed to fill the monthly insulin prescriptions of the covered patient with diabetes.

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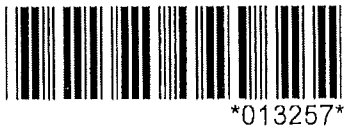

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Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 1718* **House Bill No. 1832**

by deleting Section 3 and renumbering the remaining section accordingly.

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Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 2103 House Bill No. 2044*

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

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 7, Part 11, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Base loss of value" means ten percent (10%) of the value for the motor vehicle as indicated in the most recent edition of the National Automobile Dealers Association pricing guide;

(2) "Damage modifier" means a modifier that accounts for the amount of structural and mechanical damage that a motor vehicle sustains in an accident;

(3) "Mileage modifier" means a modifier that adjusts the value of the motor vehicle based on the number of miles on the odometer; and

(4) "Motor vehicle" means a self-propelled vehicle licensed for highway use.

(b) Every insurer licensed to write automobile liability insurance policies in this state shall include in those policies coverage for diminution in value on motor vehicles that are three (3) years of age or newer and have less than one hundred thousand (100,000) miles on the odometer. Diminution in value must be calculated by multiplying the base loss of value by a damage modifier, and then multiplied by a mileage modifier.

(c) If a claimant and an insurer cannot agree on the fair market value of a vehicle before an accident or the fair market value of the vehicle after an accident, then both

parties may agree to hire a mediator qualified in accordance with Tennessee Supreme Court Rule 31 to conduct a mediation.

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it, and applies to policies entered into, amended, or renewed on or after that date.

Safety & Funding Subcommittee

Thursday, May 28, 2020

Amendment Packet

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Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 2714 **House Bill No. 2867***

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

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 21, is amended by adding the following as a new section:

(a) This section shall be known and may be cited as the "2020 Precious Cargo Act."

(b) The purpose of this section is to empower citizens to communicate specific needs to law enforcement and first responders.

(c) At the time of initial application for the registration of a motor vehicle under this part, or upon renewal, an owner or lessee of a motor vehicle who needs assistance with expressive language or communicating needs to a first responder, including a law enforcement officer, during a traffic stop or welfare check, may request that the department include a designation of such need for assistance in the Tennessee Vehicle Title and Registration System (VTRS) database. The registrant's request must be accompanied by a written statement from a licensed physician, psychiatrist, psychologist or senior psychological examiner, or neurologist, stating that an operator of the person's motor vehicle has an intellectual disability, a developmental disability, or a medical condition that may impede communications with, or impact the operator's encounter with, a first responder. Upon receipt of such a request accompanied by a written statement, the department shall cause the registrant's status to be entered into the VTRS database, and ensure such designation is associated with the applicant's motor vehicle and registration.

(d) Information submitted to the department under this section must be supplied to law enforcement to assist in identifying the operator of the vehicle as possibly needing such assistance. Information collected pursuant to this section must only be available to law enforcement for the purpose of ensuring safe and efficient interactions between law enforcement and persons who have such need for assistance, and must not be used for any other purpose.

(e) All law enforcement officers charged with the enforcement of this title and emergency call takers and public safety dispatchers, as described in § 7-86-205, shall receive instruction in the identification of such designation included in the VTRS database as provided for in this section.

(f) The commissioner is authorized to adopt policies and procedures as necessary to effectuate the purposes of this section.

(g) The commissioner of revenue is authorized to promulgate rules in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, necessary to carry out this section.

SECTION 2. This act shall take effect January 1, 2021, the public welfare requiring it.

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 2867 - SB 2714

March 11, 2020

SUMMARY OF ORIGINAL BILL: Defines "physician" as a person who is licensed or permitted to practice medical care under title 63, chapters 6 and 9 of the Tennessee Code Annotated, and who is in good standing for purposes of a deaf or hard of hearing person presenting a physician's statement seeking a designation as such in the Tennessee Vehicle Title and Registration System database.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (016745): Deletes all language after the enacting clause. Creates the *2020 Precious Cargo Act* (Act). Authorizes the Commissioner of Revenue to adopt policies and procedures to update the Tennessee Vehicle Title and Registration System (VTRS) database to account for persons who need assistance with expressive language or communicating needs to a first responder or law enforcement officer.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumption for the bill as amended:

- Any necessary changes to be made to the VTRS are estimated to be absorbable within existing Department of Revenue staff and resources.

CERTIFICATION:

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

Krista Lee Carsner BS

Krista Lee Carsner, Executive Director

/abw

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

Amendment No._____

_____
Signature of Sponsor

AMEND Senate Bill No. 1587* **House Bill No. 1601**

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

SECTION 1. Tennessee Code Annotated, Section 55-50-354(b), is amended by adding the following as a new, appropriately designated subdivision:

( ) The applicant's NA Form 13038 (certification of military service), showing dates of service and that the applicant received an honorable discharge;

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

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

Amendment No. _____

Dan Howell

Signature of Sponsor

AMEND Senate Bill No. 1608 **House Bill No. 1594***

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

SECTION 1. Tennessee Code Annotated, Section 55-7-201, is amended by deleting subsection (c) and substituting instead the following:

(c) Motor vehicles consisting of a truck-tractor and semitrailer or trailer combination shall be permitted to operate over the federal and state highway system; provided, that the towed vehicle shall not exceed fifty-two feet (52′) in length from the point of attachment to the tractor. If the towed vehicle exceeds forty-eight feet (48′) in length from the point of attachment to the tractor and the load on the vehicle does not consist of livestock, motor vehicle parts, or motor vehicles, or any combination of such items, the distance between the kingpin and a point midway between the two (2) rear axles shall not exceed forty-one feet (41′). The distance between the kingpin and the rear most axle, if the axles are not a tandem axle, shall not exceed forty-four feet (44′).

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

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 1594 - SB 1608

May 26, 2020

SUMMARY OF ORIGINAL BILL: Requires the Commissioner of the Department of Transportation (TDOT) to provide a report to the chairs of the Senate Transportation and Safety Committee and the House Transportation Committee summarizing promulgated rules related to the regulation of equipment required for vehicles using state highways and the establishment of particular highways upon which commercial motor vehicles may operate within 90 days from the effective date of such rules.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (017777): Deletes all language after the enacting clause. Expands, from 50 to 52 feet from the point of attachment to the tractor, the length a truck-tractor and semitrailer or trailer combination shall be permitted to operate over the federal and state highway system. Restricts the distance between the kingpin and the rear most axle, if the axels are not a tandem axle, to no more than 44 feet. Effective November 1, 2020.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- The Commissioner of TDOT is required to charge fees for granting special permits for moving vehicles of excess weight, height, length, or width.
- Pursuant to Tenn. Code Ann. § 55-7-201(c), motor vehicles consisting of a truck-tractor and semitrailer or trailer combination shall be permitted to operate over the federal and state highway system; provided, that the towed vehicle shall not exceed 50 feet in length from the point of attachment to the tractor, except that this length may be increased to 52 feet when the load on the vehicle consists of livestock, motor vehicle parts, automobiles and/or motor vehicles.
- Expanding this 52 foot restriction to all truck-tractor and semitrailer or trailer combinations will not result in a significant fiscal impact to state government, as this legislation will not considerably effect the total number of special permits issued.
- That section of code further states that if the towed vehicle exceeds 48 feet in length from the point of attachment to the tractor and the load on the vehicle does not consist of livestock, motor vehicle parts, automobiles and/or motor vehicles, the distance between

the kingpin and the rearmost axle or a point midway between the two rear axles, if the rear axles are a tandem axle, shall not exceed 41 feet.

- Restricting the distance between the kingpin and the rear most axle, if the axels are not a tandem axle, to no more than 44 feet will not result in a significant fiscal impact to state government.

CERTIFICATION:

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

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/jmg