

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 300 – HB 394

February 19, 2014

SUMMARY OF ORIGINAL BILL: Authorizes local governments to establish community gardening programs, and regulate such programs by resolution or ordinance, including the establishment of any fees to be assessed by the local government on permits issued for such projects. Requires the State Board of Education (SBE), in collaboration with the Department of Health (DOH), the Department of Agriculture (AG), and the Department of Finance and Administration (F&A), to develop and implement a program to promote participation of kindergarten through twelfth grade (K-12) students in community garden programs. Authorizes local governments to convey real property suitable for community gardening to private non-profit entities under certain conditions. Exempts from taxation any gross proceeds derived from the sale of products grown in the community garden, if such proceeds are used to defray operating and maintenance costs of the garden. Requires the Commission on Aging and Disability to make available information concerning the nutritional benefits of eating garden produce to promote participation by older persons in community garden programs.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (012706): Deletes all language after the enacting clause and rewrites the bill such that the only substantive changes add the definition of “grand mentoring”; declares it is the policy of the state to encourage community gardening; urges local governments to expedite the use of vacant or unused real property for community gardening; removes the requirement that any gross proceeds derived from the sale of products grown or produced within a community garden must be utilized to defray the cost of operating and maintaining the community garden in order to be tax exempt.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

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Assumptions for the bill as amended:

- According to SBE, any cost associated with the development and implementation of a program to promote participation in community gardens for students in grades K-12 can be accommodated within existing resources without an increased appropriation or reduced reversion.
- According to F&A, and DOH, the provisions of the bill as amended will not result in any significant fiscal impact to any of these Departments.
- According to the Department of Revenue, tax exempt sales from community gardens will reduce taxable sales of food products currently purchased at retail by an amount considered to be not significant.
- According to the Commission on Aging and Disability, providing nutritional information on garden produce can be accomplished utilizing existing resources without an increased appropriation or reduced reversion.
- Any vote required by the local legislative body for passage of a resolution or ordinance establishing regulations for community gardens can be accomplished at regularly-scheduled meetings.
- According to County Technical Assistance Service (CTAS), and Municipal Technical Advisory Service (MTAS), this bill as amended will not result in any significant impact to local government.

CERTIFICATION:

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



Lucian D. Geise, Executive Director

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