

Local Government Committee 1

Amendment No. 1 to HB0480

**Wirgau
Signature of Sponsor**

AMEND Senate Bill No. 1201

House Bill No. 480*

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

WHEREAS, it is not the intent of this act to suppress any speech activities protected by the United States Constitution or the Tennessee Constitution, but to enact legislation to further content-neutral governmental interests, to wit, the controlling of secondary effects of private clubs that operate for the purpose of providing members with the opportunity to engage in or view live specified sexual activities; and

WHEREAS, when determining if an establishment is a private or public club, courts consider whether the club is owned and controlled by its members; however, the critical factor is whether the club's membership is truly selective; and

WHEREAS, these private clubs are not selective about the club's membership, the number of members is unlimited, members do not control the admission of other members, and the public can generally enter and join the club with the payment of an entry or membership fee; and

WHEREAS, each of the foregoing reasons establishes that these private clubs are subject to state regulation despite being labeled a private club; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Title 7, Chapter 51, is amended by adding the following language as a new part:

7-51-601.

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As used in this part, "private club" means a club or organization that operates for the purpose of providing members of the club with the opportunity to engage in or view live specified sexual activities, as defined in § 7-51-1401.

7-51-602.

(a) A private club shall not locate within one thousand feet (1,000') of a child care center, private school, public school, charter school, public park, or place of worship.

(b) For the purposes of subsection (a), measurements shall be made in a straight line in all directions, without regard to intervening structures or objects, from the nearest point on the property line of a parcel containing a private club to the nearest point on the property line of a parcel containing a child care center, private school, public school, charter school, public park, or place of worship.

7-51-603.

A private club shall not extend membership or offer access to the club to a person who must comply with title 40, chapter 39, part 2, as a sexual offender or violent sexual offender.

7-51-604.

(a) This part shall apply only in a county having a metropolitan form of government with a population of more than five hundred thousand (500,000), according to the 2010 federal census or any subsequent federal census, upon the adoption of a resolution by two-thirds (2/3) vote of the county legislative body.

(b) Upon the adoption of the resolution, the county legislative body is authorized to deny a building permit, use and occupancy permit, or other zoning permit applicable to a private club determined to be in violation of this part.

7-51-605.

Nothing in this part shall apply to an adult-oriented establishment as defined in title 7, chapter 51, parts 11 and 14.

SECTION 2. 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 3. This act shall take effect upon becoming a law, the public welfare requiring it.