

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 1017 – HB 1085

March 17, 2015

SUMMARY OF ORIGINAL BILL: Requires a person who places a collection receptacle in public view for the purpose of collecting donated clothing, household, or other items, to include signage on all sides of the receptacle indicating specified unique information depending on whether (1) the person represents a charitable organization and all proceeds from the sale of donated items will go to the benefit of the specified charitable organization, (2) the person is not a charitable organization and such person intends on retaining all of the proceeds from the sale of donated items, or (3) the person is not a charitable organization, but the person intends on donating a portion or all of the proceeds from the sale of donated items to a specified charitable organization.

Requires the person placing the collection receptacle to obtain written permission to place and operate the collection receptacle from the owner or lessee of the property where the collection receptacle is located. Authorizes the Secretary of State to impose a civil penalty up to \$5,000 for each violation of this bill, subject to appeal through a contested case hearing.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

IMPACT TO COMMERCE OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (004168): Adds provision requiring persons operating collection receptacles to keep receptacles sanitary and requires them to empty the receptacle every two weeks. Adds provision for leaseholder of the property in which a receptacle is placed a process in which to legally remove the receptacle from their property. Creates civil cause of action for leaseholder or owner of the property who suffers loss of money for removing or disposing receptacles.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

SB 1017 – HB 1085

- The Department of State reports the department will be able to utilize current resources and staffing to investigate potential violations of the bill as amended.
- There will not be a sufficient number of contested case hearings for state to experience any significant increase in revenue or expenditures.

IMPACT TO COMMERCE WITH PROPOSED AMENDMENT:

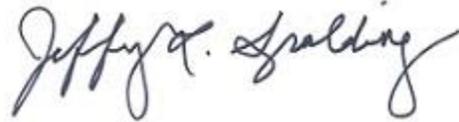
Unchanged from the original fiscal note.

Assumption for the bill as amended:

- The provisions of the bill are not expected to alter current operations of charitable organizations, agents acting on behalf of charitable organizations, or businesses which maintain and use collection receptacles. Any impact to commerce is considered not significant.

CERTIFICATION:

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



Jeffrey L. Spalding, Executive Director

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