

Amendment No. 1 to HB1949

Keisling
Signature of Sponsor

AMEND Senate Bill No. 2074

House Bill No. 1949*

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

SECTION 1. Tennessee Code Annotated, Title 9, Chapter 4, Part 51, is amended by adding the following as a new section:

(a) As used in this section, "agency" means a regulatory board, commission, or entity administratively attached to the division of regulatory boards within the department of commerce and insurance or the division of health-related boards with the department of health.

(b) Notwithstanding any other law to the contrary, if an agency did not collect fees in an amount sufficient to pay the cost of operating the agency in the two (2) most recent fiscal years, then the agency may use up to ten percent (10%) of the agency's reserve fund to cover the deficit for the current fiscal year.

(c)

(1) In determining its financial statements, the agency shall provide to the commissioner of the department to which the agency is administratively attached and to the government operations committees of the house of representatives and the senate a five-year historical profile of the agency's revenues and expenses, and a five-year projection of the agency's estimated revenues and expenses.

(2) An agency shall not use the agency's reserve fund more than one (1) time within a three-year period.

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(3) An agency may use revenue funds only to reimburse itself for non-recurring expenses, including, but not limited to, hardware and software, equipment, capital costs, audit expenses, vehicles, and legal expenses.

(d) If an agency uses the agency's reserve fund, then the agency shall:

(1) Give written notice, within ten (10) days from the use of the reserve fund, to the commissioner of the department to which the agency is administratively attached;
and

(2) Appear before the government operations committee of the house of representatives and senate no later than sixty (60) days after the use of the reserve fund to discuss the use of such fund.

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