



April 22, 2019

**SUMMARY OF ORIGINAL BILL:** Expands the Attorney General and Reporter's duties to include representation of a local education agency (LEA) or certain LEA employees in a legal proceeding arising out of the LEA's adoption of a policy or practice designating multi-person restrooms, locker rooms, or other facilities for use based only on one's biological sex and if requested by the State Board of Education, to provide advice regarding the development of a model policy for use by an LEA that chooses to implement a policy on the use of multi-person locker rooms, restrooms, or other similar facilities for use based on one's biological sex.

**FISCAL IMPACT OF ORIGINAL BILL:**

Other Fiscal Impact – To the extent the Attorney General determines that a private attorney would be in the best interest of the local education agency (LEA) or the LEA's employee, there will be an increase in state expenditures for reimbursement of defense costs. The timing and extent of any such impact cannot be reasonably determined.

**SUMMARY OF AMENDMENT (008504):** Deletes and replaces all language after the enacting clause such that the substantive changes are to: (1) limit such duties to a policy, rather than a policy or practice, adopted by an LEA; and (2) specify that an LEA policy that in the opinion of the Attorney General and Reporter is not constitutional upon consideration of definitive court decisions on the constitutionality of similar policies.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Unchanged from the original fiscal note.**

Assumptions for the bill as amended:

- Tennessee Code Annotated § 8-6-109 sets forth the Attorney General's duties.
- The proposed legislation would require the Attorney General to represent an LEA or certain LEA employees in a legal proceeding arising out of the LEA's adoption of a policy designating multi-person restrooms, locker rooms, or other facilities for use based only on one's biological sex.

- In addition, the proposed legislation requires the state to pay for the employee's attorney fees if the Attorney General determines that it is in the best interest of the state for the employee to hire private counsel.
- To the extent the Attorney General determines that the state's best interests are served by the LEA employee hiring private counsel, the proposed legislation will increase state expenditures, but the extent and timing of any such increase cannot reasonably be determined.

**CERTIFICATION:**

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

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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