

*THE
MONTGOMERY COUNTY COMMISSION
CLARKSVILLE CITY COUNCIL
CLARKSVILLE AREA CHAMBER OF COMMERCE*

*PRESENTS THE
2021 LEGISLATIVE AGENDA*

*TO THE
112TH GENERAL ASSEMBLY
STATE DELEGATION*

*SENATOR BILL POWERS
REPRESENTATIVE CURTIS JOHNSON
REPRESENTATIVE JAY REEDY
REPRESENTATIVE JASON HODGES*

*Forwarded by
Montgomery County Mayor Jim Durrett
City of Clarksville Mayor Joe Pitts
Clarksville Area Chamber of Commerce – Paul Turner, Chairman*

SEPTEMBER 2020

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CONTINUE TO SUPPORT THE FOLLOWING ITEMS

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JUNETEENTH	
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- CTAS SPECIAL RULES FOR COUNTY COMMISSIONERS WHO ARE COUNTY EMPLOYEES	
- CTAS INCOMPATIBLE OFFICES	
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LEGISLATIVE SUCCESSES

- * E-911 User Fee changed back to previous rate of \$1.50 to help fund 911.
- * Opioid task force created to address limiting the number of pills and dosage prescribed.
- * Legislation passed granting beer permitting power to Montgomery County for Downtown Commons property.
- * Dedicated funding for TDOT backlog of projects – IMPACT ACT.
- * Rural broadband and internet service – partial but need more.
- * State Parks – Dunbar Cave repairs, Port Royal interstate signage.
- * Joint procurement ability between local government and federal agencies.
- * Self-driving vehicles on Tennessee roads.
- * Defibrillator – use state funds for school purchases, annual training required.
- * Halt military sequestration cuts - minimum local affect.
- * Increase of state reimbursement per inmate, some but need more.
- * Disclosure of real property depressions or sinkholes of continuous contour lines.
- * Referendum required of the residents before annexation.
- * Ephedrine and pseudoephedrine by prescription – moved behind pharmacy counter.
- * Civil refund – amended TCA 8-21-901 to authorize sheriffs to collect the same fee for unsuccessful service as successful service.

- * TMTF renamed and falls under TBI, DEA, and US Attorney's offices, which provides better funding and in-kind resources to confront dangerous drugs.
- * Broadband and Internet expansion – provide broadband and internet services to County areas by local/municipal providers.
- * Revenue Sales Tax – Local Sales Tax Distribution for Internet Sales.
- * Montgomery County Teen Learning Center – Encourage the continued funding and support of Tennessee's Genesis Programs, which includes Montgomery County's Teen Learning Center.
- * Hotel/Motel Tax Modification.
- * Capturing Sales Tax Within MPEC.



I. JUNETEENTH AS STATE HOLIDAY

LEGISLATIVE ITEM: Amend Tennessee Code Annotated (TCA) 15-1-101 to formally recognize June 19th, known as “Juneteenth”, as a legal holiday for the state of Tennessee.

PURPOSE: Juneteenth commemorates June 19, 1865, when Union General Gordon Granger arrived in Galveston, Texas, and announced freedom by the passage of the Emancipation Proclamation to the enslaved Africans and to announce the end of the Civil War. Although the Emancipation Proclamation came 2 ½ years earlier on January 1, 1863, many slave owners continued to hold their slaves captive after the announcement for harvest and economic reasons, so Juneteenth became a symbolic date representing African American freedom.

The announcement from General Granger led to celebration and jubilation, which has continued each year in various forms throughout the United States for over 150 years.

Juneteenth – a mix between June and nineteenth – is the oldest known U.S. celebration of the end of slavery. Since Texas became the first state to make Juneteenth a holiday in 1980, 47 U.S. states and the District of Columbia (see attached table) have commemorated the day by either marking it as a state holiday or observance. As of this writing, on July 30, 2020, New Jersey is the latest state to pass legislation to formally recognize Juneteenth as a state holiday.

This change in legislation will allow all Tennesseans to celebrate, commemorate, recount, and remember that freedom was not always extended to every life. Tennessee was the first state that seceded from the Union during the Civil War to end slavery by law prior to the final ratification of the 13th Amendment.

This legislative item seeks to designate the third Friday in the month of June as “Juneteenth Day” with state offices closing as designated by the Governor of Tennessee according to TCA 15-1-101.

For more detailed information please contact the following:
Commissioner Rashidah Leverett, district5@mcgtn.net or 931-266-1083
Commissioner Tangi Smith, district8@mcgtn.net or 931-302-6310

(See supporting documents in the back of binder).

II. SEX OFFENDER LAWS REGARDING CUSTODY

LEGISLATIVE ITEM: Amend Tennessee Code Annotated (TCA) 40-39-211(c) which reads: *While mandated to comply with the requirements of this part, no sexual offender, as defined in § 40-39-202, or violent sexual offender, as defined in § 40-39-202, whose victim was a minor, shall knowingly reside with a minor. Notwithstanding this subsection (c), the offender may reside or be alone with a minor if the offender is the parent of the minor, unless one (1) of the following conditions applies:*

- (1) The offender's parental rights have been or are in the process of being terminated as provided by law; or*
- (2) Any minor or adult child of the offender was a victim of a sexual offense or violent sexual offense committed by the offender.*

PURPOSE: To verify parentage of registered sex offenders. Montgomery County Sheriff's Office discovered cases where sex offenders are residing with children under the age of 13 who are claiming to have parented said minor. However, there is currently no system to verify the parentage of a sex offender living with a minor who claims that the minor is their biological child.

Secondly, there are cases where the sex offender's name is listed on the minor child's birth certificate, however, there parentage has not been verified through DNA testing.

TCA 40-39-202 defines a parent and 40-35-321 requires DNA to be collected from all sex offenders, however, there is currently no legislation that requires verification of parentage for sex offenders living with their presumed minor child.

Therefore, we suggest that the legislature update the legal definition of "parent" for the purposes of sex offenders with victims under the age of 13 which could mandate the sex offender to verify parentage through DNA testing when the offender resides in the same residence. This measure would also prevent the production of fraudulent birth certificates when the offender's name has been listed on minor's birth certificates as the parent.

For more detailed information please contact the following:

Commissioner Rashidah Leverett, district5@mcgtn.net or 931-266-1083

Montgomery County Deputy Peggy Macias, pkmacias@mcgtn.net or 931-802-0575

III. BAN OF BOOKING PHOTO REMOVAL FEES

LEGISLATIVE ITEM: Prohibition of Fee Requirements for the Removal of Public Booking Photos.

PURPOSE: It shall be an unlawful practice for any person engaged in publishing or otherwise disseminating a booking photograph through a print or electronic medium to solicit, require, or accept the payment of a fee or other consideration from a subject individual to remove, correct, modify, or to refrain from publishing or otherwise disseminating that booking photograph.

A person operating a private business shall not utilize a booking photograph or a photograph of an inmate taken originally obtained from a public agency for commercial purposes if:

- (a) The photograph will be placed in a publication or posted on a website; and
- (b) Removal of the photograph from the publication or website requires the payment of a fee or other consideration.

Therefore, we are asking for legislative consideration to make it unlawful for a person or entity to require the payment of a fee or other consideration to remove, revise, or refrain from posting to a website or any other publication the arrest and booking records, including booking photographs, of a person who is arrested and booked in the state of Tennessee.

- (1) A person or entity who publishes on the website or any other print or digital publication the arrest and booking records, including booking photographs, of a person who is arrested and booked in Tennessee shall remove the arrest and booking records from the person or website or any other publication without requiring the payment of a fee or other consideration within thirty days (30) of the receipt of a request to remove the arrest, booking photographs and booking records, if the request is made in writing via certified mail, return receipt requested, to the registered agent, principal place of business or primary residence of the person or entity who publishes the website or any other publication.

For more detailed information please contact the following:

Commissioner Rashidah Leverett, district5@mcgtn.net or 931-266-1083

Commissioner Jason Knight, district18@mcgtn.net or 916-752-7807

IV. LAW ENFORCEMENT

LEGISLATIVE ITEM: Encourage the state to establish a fund that will award cost-sharing grants to Police Departments and Sheriff's Offices for the purpose of incentivizing the implementation of body worn cameras (BWC).

PURPOSE: It has been widely held and demonstrated that body worn cameras (BWC's) used by law enforcement officers improves the civility of citizen encounters and enhance citizen perception of law enforcement transparency and legitimacy. Many agencies across the country, to include Tennessee, have implemented BWC programs. However, many challenges exist that impede an agency's ability to fully roll out a program. Some of the challenges include, but are not limited to, policy development, BWC selection, retention and storage of video, public records requests, legal discovery, etc. The least common denominator with all these issues is funding.

A fund, perhaps managed by the Office of Criminal Justice Programs (OCJP), with input from Tennessee Chiefs of Police and Sheriff's Association can establish selection criteria and award requirements to guide and aid law enforcement agencies.

For more detailed information please contact the following:

Commissioner Joe Creek, district11@mcgtn.net or 931-648-2930

Sheriff John Fuson, jsfuson@mcgtn.net or 931-648-0611 x 13500

Chief Deputy John Smith, jrsmith@mcgtn.net or 931-648-0611 x 13500

V. LAW ENFORCEMENT

LEGISLATIVE ITEM: Amend Tennessee Code Annotated (TCA) 8-36-308 to allow all full-time commissioned law enforcement officers to be eligible to early service retirement upon attainment of 25 years of creditable service.

PURPOSE: Effective January 1, 2020, TCA 8-36-308 granted eligibility of police officers and firefighters for early service retirement upon attainment of 25 years of creditable service. On July 15, 2020, Public Chapter 784 of the 111th General Assembly amended TCA 8-36-308 to include emergency medical service personnel and state correctional personnel for early service retirement eligibility effective January 1, 2021.

The original law and the amendments during the 111th General Assembly did not incorporate all local commissioned law enforcement officers. This legislative agenda item seeks to replace ‘police officer,’ which is defined as those whose primary responsibility is the prevention and detection of crime and apprehension of offenders; with ‘full-time commissioned law enforcement personnel’ to be defined as *who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest or apprehension of offenders.* Or, other language to the effect of including all full-time commissioned members of a Tennessee Sheriff’s Office.

This change in language will make all full-time commissioned members of a Tennessee Sheriff’s Office eligible for early service retirement upon 25 years of credible service. Currently, only POST-Certified deputies from Tennessee Sheriff’s Offices are eligible.

For more detailed information please contact the following:
Commissioner John Gannon, district1@mcgtn.net or 931-552-4691
Sheriff John Fuson, jsfuson@mcgtn.net or 931-648-0611 x 13500
Chief Deputy John Smith, jrsmith@mcgtn.net or 931-648-0611 x 13500

VI. LAW ENFORCEMENT

LEGISLATIVE ITEM: Amend Tennessee Code Annotated (TCA) 8-36-205 (a)(2) Mandatory retirement age – Exceptions, by replacing ‘police officer’ with ‘full-time commissioned law enforcement officer;’ and insert ‘emergency medical personnel’ immediately before ‘firefighter’ wherever it appears in the same TCA.

PURPOSE: For political subdivisions (cities and counties), the only members included in the mandatory retirement age exception are police officers and firefighters. This amendment to TCA will add ‘emergency medical personnel’ and all ‘full-time commissioned law enforcement officers’ to the exception.

For the purpose of this TCA, ‘full-time commissioned law enforcement officers’ will be defined as *who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest or apprehension of offenders.* Or, other language to the effect of including all full-time commissioned members of a Tennessee Sheriff’s Office.

This change in language to (TCA) 8-36-205 (a)(2) will provide eligibility to emergency medical personnel and ‘full-time commissioned law enforcement officers’ for the supplement bridge benefit as defined by TCA 8-36-211. The bridge benefit will only be implemented upon passage of resolution by the appropriating legislative body.

For more detailed information please contact the following:

Commissioner John Gannon, district1@mcgtn.net or 931-552-4691

Emergency Services Director Jimmie Edwards, jwedwards@mcgtn.net or 931-920-1800

Sheriff John Fuson, jsfuson@mcgtn.net or 931-648-0611 x 13500

Chief Deputy John Smith, jrsmith@mcgtn.net or 931-648-0611 x 13500

VII. LAW ENFORCEMENT

LEGISLATIVE ITEM: Amend portions of Tennessee Code Annotated Title 8, Chapter 36 (Retirement Benefits), to modify the formula for computing allowances for Group 1 employees that are eligible for Early Service Retirement in accordance with TCA 8-36-308, in a manner that 25 years of creditable service equals the same benefit as 30 years of service. Furthermore, the new formula shall continue to be applied for service above 25 years up to the maximum years of service allowable for the computation of benefits.

PURPOSE: A 2013 study by the National Center for Biotechnology Information revealed that the average life expectancy of police officers compared to the US population was statistically much less. For instance, a male police officer in the age range of 55 to 59 years of age has a .56383 probability of death meaning a 6.2 years life expectancy while the average US male in the same age range has a .013877 probability of death meaning a 30.6 years life expectancy. That result indicates that an average US male will live 24.4 years longer than a male police officer.

To put this data in retirement perspective, a police officer taking advantage of a 25-year early retirement at the age of 55 will likely only draw retirement benefits for a little over six years. Whereas a non-police officer will likely draw retirement benefits for an average of 30.6 years.

This change in formula for a 25-year retirement, seeks to only slightly enhance the benefit received for the remainder of the officer's life.

For more detailed information please contact the following:

Commissioner John Gannon, district1@mcgtn.net or 931-552-4691

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VIII. LANDFILL USER FEE

LEGISLATIVE ITEM: Request for revision of all applicable statutes to allow the billing of all charges and fees of Bi-County Solid Waste Management Authority.

PURPOSE: Revise current law(s) so that any legal entity created as allowed and contemplated by TCA 68-211-700, et seq; TCA 68-211-800 et seq and/or TCA 68-211-900, et seq is authorized and allowed to present, and thereby collect its annual billing so approved by the entity as an addition to the Ad Valorem Property Tax of the County or Counties issued by the Trustee within that entities' geographic area of authority annually.

Previously, BiCounty had imposed a monthly user fee. The fee was collected by the CDE and CEMC electric utilities on their monthly billing for the utility.

Both CDE and CEMC declined to continue to bill and the process for the collection of this existing fee has been less successful. The independent billing of this monthly fee has caused the entity to incurred additional fees and expenses, workforce time, and voluntary payment has decreased dramatically. The process for civil actions to recover the losses likewise is not considered optimal based upon the additional manpower and expense of filing suit and court costs that are appropriate but considered large in light of the monthly fee, near \$5.00 per month.

Charging an annual fee with the real property tax bill, causing the trustee to pay over those funds to the Entity would decrease the cost to the entity, increase voluntary payment and limit manpower necessary to collect the fee.

No increase in the fee would occur, only a modified form of collection of the existing fee.

For more detailed information please contact the following:
Commissioner John Gannon, district1@mcgtn.net or 931-552-4691

IX. LIMITATION OF COUNTY COMMISSIONERS TO HOLD INCOMPATIBLE OFFICES

LEGISLATIVE ITEM: Limitation of County Commissioners to hold County or City offices.

PURPOSE: Several state statutes prohibit a person from holding more than one county office. Pursuant to T.C.A. 5-5-102 (c) (2) no person elected or appointed to fill an office of county mayor, sheriff, trustee, register, county clerk, assessor of property or any other countywide office filled by the vote of the people or the county legislative body shall also be nominated for or elected to membership in the county legislative body.

No member of the county legislative body nor any other county official shall be eligible for election as a member of the county board of education according to T.C.A. 49-2-202 (a) (2). This statute prevents one person from holding an elected county office and being a member of the school board.

In addition to statutory provisions regarding dual office holding, there is a well-recognized common law provision against a public officer holding two incompatible offices at the same time, State ex rel. Little vs Slagle, 89 S.W. 316, 327 (Tenn, 1905).

We consider the legislative offices of City Council and County Commission to be incompatible due to several factors:

- Having the same representative creates an implied conflict of interest in the citizens we serve.
- Meeting Times for committees will often be in conflict causing a lack of attendance.
- Needs of the County can differ at times from those of the City.
- Pay structures of the County are paid by meeting and the City is paid by salary with no attendance requirement.

In 2016, the Legislature enacted Public Chapter 1072 which was effective May 20, 2016. This new law changed the conflict of interest provisions in regards to County Commissioners and while it did not specifically address this issue it does point out the fact that the Legislature would like to eliminate any conflicts if at all possible.

We would ask for counties with a population greater than 150,000 to place a limitation and not allow a County Commissioner to hold the office of City Council at the same time.

For more detailed information please contact the following individual:
Commissioner David Harper, district15@mcgtn.net or 931-624-1971

(See supporting documents in the back of binder).

X. UNEMPLOYMENT COMPENSATION

LEGISLATIVE ITEM: To revise all legislation so that County as previous employer will be notified and allowed to contest unemployment claims.

PURPOSE: We would like to encourage the State of Tennessee to allow reimbursable employers that are Government entities the ability to contest claims that are brought before the State. Currently, the unemployment tax law allows government organizations and non-profits to opt out of the premium base tax system and into what they called a “reimbursing employer” which means the entity would be self-insured. One of the major disadvantages of this is the reimbursing employers do not get “relief of charges”. This means that if your employee resigns or terminates and goes to work elsewhere and then is terminated there then files for unemployment, the government entity could be charged a portion of that employee’s unemployment benefits even though the employee voluntarily left or was terminated. Because of the status of being a “reimbursing employer” we lose our ability to contest the claim.

For more detailed information please contact the following individual:
Commissioner David Harper, district15@mcgtn.net or 931-624-1971

(See supporting documents in the back of binder).

XI. SMOKING BAN

LEGISLATIVE ITEM: To ban smoking and vaping in all public parks.

PURPOSE: We know that the youth of our community are likely more affected in their health by the presence of smoking and vaping in our communities. We would like to prohibit the use of tobacco products to include vaping on any public park, public greenway or public property that is able to be used by the youth of our community. This prohibition would not apply to any buildings, sidewalks or roads contained in that publicly owned property. We believe that this would support the need to have a greater emphasis on the health and wellbeing of citizens in our communities.

For more detailed information please contact the following individual:
Commissioner David Harper, district15@mcgtn.net or 931-624-1971

(See supporting documents in the back of binder).

XII. SCHOOL CONSTRUCTION

LEGISLATIVE ITEM: Financial assistance from the State of Tennessee to help fund school construction and repairs for schools that are in the top five percent growth in Tennessee.

PURPOSE: Public education serves an integral role in the success of local communities and the State of Tennessee. Across the State of Tennessee many communities have an immediate need to build new school buildings as well as to repair existing older school buildings. Due to this immediate need, school districts are forced to utilize portable classrooms for their students which are not the optimal environment for our students. Many Tennessee counties have this need due to considerable industrial and business growth over the past several years. With such growth, there has been a marked increase in people moving to Tennessee counties to live and raise their families. Tennessee counties which have not shared in the population growth still have a need to either repair older school buildings, or where possible, construct new ones to better serve their communities. While local governments across the State of Tennessee have tried to meet the financial demand for such needs, local communities need the financial assistance from the State of Tennessee to help fund school building construction and repairs. Local communities need the State's investment in school construction and repair to continue to move Tennessee and its citizens forward.

For more detailed information please contact the following individual:
Commissioner Chris Rasnic, district17@mcgtn.net or 931-624-3786

XIII. VOTER RIGHTS RESTORED TO CONVICTED FELONS

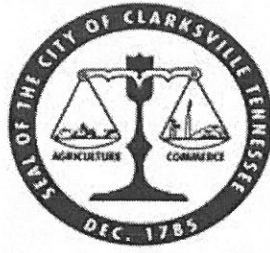
LEGISLATIVE ITEM: Felons and Restored Voting Rights.

PURPOSE: Automatically restore voting rights to felons without a sex offense, a violent offense, or an offense against a child. This is about giving people a second chance and a feeling of being part of the community again.

1. Persons convicted in any court of competent jurisdiction of a felony other than a sex offense, a violent offense, or an offense against a child, but persons hereby excluded shall be restored automatically to their voting rights five years after the completion of their sentence with no other convictions. In all cases, "automatic restoration" does not mean that voter registration is automatic. The prison officials automatically inform election officials that an individual's rights have been restored. The person is then responsible for re-registering through normal processes.
2. In 21 states, felons lose their voting rights during incarceration, and for a period of time after, typically while on parole and/or probation. Voting rights are automatically restored after this time period. Former felons may also have to pay any outstanding fines, fees or restitution before their rights are restored as well.
3. In 16 states and the District of Columbia, felons lose their voting rights only while incarcerated, and receive automatic restoration upon release.
4. In Maine and Vermont, felons never lose their right to vote, even while they are incarcerated.
5. In Tennessee and 10 other states felons lose their voting rights indefinitely for some crimes, or require a governor's pardon in order for voting rights to be restored, face an additional waiting period after completion of sentence (including parole and probation) or require additional action before voting rights can be restored.

For more detailed information please contact the following individual:
Commissioner Chris Rasnic, district17@mcgtn.net or 931-624-3786
Commissioner Lisa Prichard, district12@mcgtn.net or 931-494-0260





**City of Clarksville
2021 Legislative Agenda**

Presented to the

Clarksville/Montgomery County Delegation

Senator Bill Powers, SD-22
Deputy Speaker & Representative Curtis Johnson, HD-68
Representative Jason Hodges HD-67
Representative Jay Reedy, HD-74

For the

112th Tennessee General Assembly

Legislative Agenda Ad-hoc Committee Members

Councilman Jeff Burkhart, Chairman
Councilman Ron Erb
Council-Lady Stacey Streetman
& Clarksville City Council
Mayor Joe Pitts

1. ADMINISTRATIVE PROCESSING FEE INCREASE PROPOSAL TO THE TENNESSEE DEPARTMENT OF SAFETY

Increase the administrative processing fee, from \$4 to \$10 per transaction, provided to local partners for providing DMV services. The citizen pays the fee in addition to the drivers license renewal fee for the convenience of utilizing the City Hall location. The City retains the fee as per state law. The TCA needing to be amended is below:

55-50-331. Examination for, and issuance, renewal and contents of, licenses -- Conditional licenses.

(a) Notwithstanding this chapter to the contrary, the department has oversight of the issuance, examination and renewal of all driver licenses provided for in this chapter. The department is authorized to contract for the provision of any service related to the issuance, examination and renewal of driver licenses subject to applicable contracting statutes and regulations. The commissioner has the discretion to solicit outside consulting services in order to accomplish on a competitive basis the design and application of the system and implementation of this system. Any entity so contracting with the department is authorized to charge an additional fee of four dollars (\$4.00), which shall be retained by the entity for administrative costs.

2. ROAD PROJECTS Encourage the Tennessee Department of Transportation to obligate funding for the following projects:

- Add two additional lanes, both east and west, to the I-24 corridor between Clarksville-Montgomery County and Metropolitan Nashville/Davidson County
- Widen Rossvie Road (SR237) from I-24 to Warfield Boulevard (SR374) with curb and gutters
- Widen Highway 41-A Bypass (SR12) to four lanes plus a center turn lane from Dr. Martin Luther King, Jr. Parkway (SR76) to Riverside Drive (SR12-13)
- Obligate PE-Design funding in FY20-23 TIP for SR 48/Trenton Road (SR374/101st Parkway to I-24)

- Obligate PE-NEPA funding in FY20-23 TIP for widening of I-24 from Kentucky state line to SR76/Exit 11
- Obligate PE-Design funding in FY20-23 TIP for extension of SR374 (Dotsonville Road to SR149)
- Obligate PE-Design funding in FY20-23 TIP for extension of SR374 (Dotsonville Road to UR79/SR76/Dover Road)
- Issue construction bids for sidewalks, service roads, Denny Lane, and SR76 intersections in Spring 2021

The following items were added to the City of Clarksville Legislative Agenda and were adopted during the Council's Regular Session meeting on Thursday, September 3, 2020. The intent of the list is to express the council's interest in the broad scope of the issues raised, i.e. body worn cameras, addressing an improved hiring process for law enforcement officers, housing, employment, voting and holding public office, especially for individuals who have a criminal record. There was considerable discussion among the council members about the wording of each item and we recognize that the exact context and content of this list will require considerable evaluation to determine the best course of action for each.

3. CONVICTED FELONS RIGHT TO VOTE AND HOLD PUBLIC OFFICE

Discontinue disenfranchising convicted felons by no longer taking away their right to vote or hold public office

4. CONVICTED FELONS PROTECTED CLASS

Make convicted felons, except felonly sex offenders, a protected class as it relates to housing and employment discrimination

5. BODY CAMERAS

Make it mandatory for all law enforcement officers to wear a body camera when on duty

6. LAW ENFORCEMENT BACKGROUND CHECKS

Require law enforcement officers to undergo a more thorough background check that includes social media. Any ties to racist and/or terrorist groups would be a disqualification for employment. Any officer that has been decommissioned, fired, or discharged may not be hired as a law enforcement officer

APPROVED BY CITY COUNCIL: September 3, 2020

Road Projects

COMBINED CITY & COUNTY ROAD PROJECTS

LEGISLATIVE ITEM: Encourage the Tennessee Department of Transportation to obligate funding for the following projects:

PURPOSE: Support the Region and State economic vitality by enabling competitiveness, productivity and efficiency. Increase the safety and security of the transportation system. Protect and enhance the environment, promote energy conservation, improve air quality and overall quality of life.

- Widening of Interstate 24 from Exit 11 to Nashville
- Continuation of SR374 from Dunbar Cave Rd. to SR112/Madison St.
- Widening of 41-A Bypass

The road projects listed below are currently part of the Improve Act. We ask for your **continued support** of these projects and to ensure funding is available for timely completion.

- SR48/Trenton Rd. (from SR374/101st Pkwy. to near I-24) Encourage TDOT to complete the PE-NEPA phase in a timely manner. Funding was obligated in the FY2017-2020 Transportation Improvement Program (TIP). Complete the PE-Design phase in a timely manner. Partial funding is obligated in the FY2020-2023 TIP.
- SR374 extension (from Dotsonville Rd. to SR149) Encourage TDOT to complete the PE-NEPA document. Corridor public meetings were conducted in Nov. 1997. Funding was obligated in the FY2005-2008 TIP. Complete the PE-Design phase according to schedule so Right-of-Way phase can begin as per the FY2020-2023 TIP.
- SR374 extension (from Dotsonville Rd. to US79/SR76/Dover Rd.) Encourage TDOT to complete PE-NEPA document. Corridor public meetings were conducted in Nov. 1997. Funding was obligated in the FY2005-2008 TIP. Complete the PE-Design phase according to schedule so Right-of-Way phase can begin as per the FY2020-2023 TIP.
- I-24 widening (from KY State line to SR76/Exit 11) Encourage TDOT to obligate funding to complete the PE-NEPA phase and move to Design in a timely manner.
- SR112/Madison St. Encourage TDOT to issue a Construction bid letting for sidewalks, service roads, Denny Ln. and SR76 intersections in Spring 2021. Funding was obligated in the FY20-23 TIP.

For more detailed information please contact the following individual:

Jim Durrett, Montgomery County Mayor at mayordurrett@mcgtn.net or 931-648-5787

Joe Pitts, City of Clarksville Mayor at joe.pitts@cityofclarksville.com or 931-645-7444

**Continue
to
Support**

CONTINUE TO SUPPORT THE FOLLOWING ITEMS:

REIMBURSEMENT FOR CUSTODY OF TDOC INMATES

LEGISLATIVE ITEM: We are requesting the Tennessee State Legislature to consider increasing the daily reimbursement rate of Tennessee Department of Corrections inmates being held in the Montgomery County Jail.

MONTGOMERY COUNTY STATE PARKS AND NATURAL AREAS

LEGISLATIVE ITEM: A request to our state delegation for continued assistance and support for local state parks and natural areas located within Montgomery County.

JUVENILE DETENTION CENTER

LEGISLATIVE ITEM: Montgomery County has funded a study to determine the feasibility of a juvenile detention center.

PUBLIC SAFETY: REQUEST TO ALLOW EMS TO BE A PART OF BRIDGE PROGRAM

LEGISLATIVE ITEM: Urge legislators to include Emergency Medical Personnel in the 25/55 Bridge Program for retirement.

Supporting Documents

SUPPORTING DOCUMENTS

Juneteenth

Incompatible Office

- CTAS Special Rules for County Commissioners Who Are County Employees
- CTAS Incompatible Offices

Unemployment Compensation

Smoking Ban

Juneteenth

Table I. States That Commemorate or Observe Juneteenth

State	Year of Recognition	Citation
Alabama	2011	2011 Ala. Adv. Legis. Serv. 398 (LexisNexis)
Alaska	2001	Alaska Stat. §44.12.090 (2001)
Arizona	2016	Ariz. Rev. Stat. §1-315 (LexisNexis 2016)
Arkansas	2005	Ark. Code Ann. §1-5-114 (2005)
California	2003	Cal. Gov't Code §6719 (Deering 2003)
Colorado	2004	H.J.Res. 04-1027, 64th Gen. Assemb., 2nd Reg. Sess. (Co. 2004)
Connecticut	2003	Conn. Gen. Stat. §10-29a(a)(48) (2003)
Delaware	2000	Del. Code Ann. tit. 1, §604 (2000)
District of Columbia	2003	Res. 160, 15 th Counsel, 2003 D.C.
Florida	1991	Fla. Stat. §683.21(1991)
Georgia	2011	S.Res. 164, 151 st Gen. Assemb., Reg. Sess (Ga. 1991)
Idaho	2001	S.Con.Res. 101, 56th Leg., Reg. Sess. (Idaho 2001)
Illinois	2003	5 Ill. Comp. Stat. 490/63 (2003)
Indiana	2010	H.Con.Res. 38, 116 th Gen. Assemb., 2d Reg. Sess. (Ind. 2010)
Iowa	2002	Iowa Code §1C.14 (2002).
Kansas	2007	S.Res. 1860, 82 nd Leg., Reg. Sess. (Kan. 2007)
Kentucky	2005	Ky. Rev. Stat. §2.147 (LexisNexis 2005)
Louisiana	2003	La. Stat. Ann. §1:58:2 (2003)
Maine	2011	Me. Stat. tit. 1, §150-H (2011)
Maryland	2014	Md. Code Ann., Gen. Prov. §7-411 (LexisNexis 2014)
Massachusetts	2007	Mass. Gen. Laws ch. 6, §15BBBBB (2007)
Michigan	2005	Mich. Comp. Laws §435.361 (2005)
Minnesota	1996	Minn. Stat. §10.55 (1996)
Mississippi	2010	S.Con.Res. 605, 2010 Leg., Reg. Sess. (Miss. 2010)
Missouri	2003	Mo. Rev. Stat. §9.161 (2003)
Montana	2017	Mont. Code Ann. §1-1-231 (2017)
Nebraska	2009	Leg.Res. 75, 101 st Leg., Reg. Sess. (Neb. 2009)
Nevada	2011	Nev. Rev. Stat. §236.033 (2011)
New Hampshire	2019	N.H. Rev. Stat. Ann. §14:13-z (LexisNexis 2019)
New Jersey	2004	N.J. Rev. Stat. §36:2-80 (2004)
New Mexico	2006	N.M. Stat. Ann. §12-5-14 (2006)
New York	2004	N.Y. Exec. Law §168-a(3) (LexisNexis 2004)
North Carolina	2007	2007 N.C. Sess. Laws 450
Ohio	2006	Ohio Rev. Code Ann. §5.2234 (LexisNexis 2006)
Oklahoma	1994	Okla. Stat. tit. 25, §82.4 (1994)

State	Year of Recognition	Citation
Oregon	2001	S.J.Res. 31, 71st Leg. Assemb. (Or. 2001)
Pennsylvania	2001	H.Res. 236, 185 th Gen. Assemb. Reg. Sess. (Pa. 2011)
Rhode Island	2012	S.B. 2262, 2011-2012 Leg. Sess. (R.I. 2011) ^a
South Carolina	2008	S.C. Code Ann. §53-3-85 (2008)
Tennessee	2007	Tenn. Code Ann. §15-2-113 (2007)
Texas	1980	Tex. Gov't Code Ann. §662.003 (LexisNexis 1999)^b
Utah	2016	Utah Code Ann. §63G-1-401(1)(g) (LexisNexis 2016)
Vermont	2007	Vt. Stat. Ann. tit. 1, §375 (2007)
Virginia	2007	H.Res. 56, 2007 Sess. (Va. 2007)^c
Washington	2007	Wash. Rev. Code §1.16.050(7)(l) (2007)
West Virginia	2008	H.Res. 19, 78th Leg., 2d Sess. (W. Va. 2008)
Wisconsin	2009	Wis. Stat. §995.20 (2009)
Wyoming	2003	Wyo. Stat. Ann. §8-4-107 (2003)

Source: Table compiled by the Congressional Research Service (CRS).

Notes: This table includes the first instance of a state's recognition of Juneteenth or the first legislation that established Juneteenth as a state holiday. It excludes legislation adopted by states after the initial observation year. For example, Kansas adopted multiple resolutions, such as S.Res. 1866 (2007), S.Res. 1888 (2009), S.Res. 1865 (2011), and S.Res. 1754 (2015), subsequent to the original commemoration.

Bolded legislation citations denote that the legislation established Juneteenth as a state holiday. This includes days of observance and does not necessarily mean that they are legal holidays. Non-bolded legislation citations are commemorations or recognitions of the day's significance.

States without links do not have publicly available versions of the bill or resolution online. Copies can be found on Lexis Advanced or requested from CRS.

- a. S. B. 169, 2013-2014 Leg. Sess. (R.I. 2013) establishing the recognition of Juneteenth annually.
- b. H.B. 1016, 66th Reg. Sess. (Tex. 1980).
- c. H. J. Res. 5074A, 2006 Spec. Sess. (Va. 2006) commending celebrations.

In recent years, the Senate has passed annual resolutions recognizing June 19 as Juneteenth Independence Day

S.Res. 253 (116th Cong.)

S.Res. 547 (115th Cong.)

S.Res. 214 (115th Cong.)

S.Res. 500 (114th Cong.)

Similar resolutions have been introduced in the House of Representatives

H.Res. 450 (116th Cong.)

H.Res. 948 (115th Cong.)

H.Res. 386 (115th Cong.)

H.Res. 787 (114th Cong.)

Incompatible Offices



County Technical Assistance Service

Published on e-Li (<https://eli.ctas.tennessee.edu>)

August 14, 2020

Special Rules for County Commissioners who are County Employees

Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

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Special Rules for County Commissioners who are County Employees..... 3

Special Rules for County Commissioners who are County Employees

Reference Number: CTAS-625

Countywide officeholders, such as the county mayor, sheriff, trustee, register, county clerk, or assessor of property, are statutorily prohibited from being nominated for or elected to membership in the county legislative body. T.C.A. § 5-5-102. However, county employees may hold the office of county legislative body member. Any county employee who is otherwise qualified may serve as a member of the county legislative body, notwithstanding the fact that such person is a county employee. T.C.A. § 5-5-102.

In 2016, the Legislature enacted Public Chapter 1072, effective May 20, 2016. This new law changes the conflict of interest provisions for county commissioners who are county employees or whose spouses are county employees. Pursuant to the new law, no member of the county legislative body who is also an employee of the same county or whose spouse is an employee of the same county may vote on matters in which the member has a conflict of interest. The new law provides that a conflict of interest is created when a member is voting on a matter which, if approved by the legislative body, would increase the pay or benefits of that member or that member's spouse. However, the new law does not prohibit a member from voting on the budget, appropriation resolution, or tax rate resolution, or amendments thereto, unless the vote is on a specific amendment to the budget or a specific appropriation or resolution in which the member has a conflict of interest. A member who abstains from voting for cause on any issue coming to a vote before the body is not counted for the purpose of determining a majority vote. These new provisions have been codified as T.C.A. § 5-5-112.

2016 PUBLIC CHAPTER 1072

Tennessee Code Annotated, Title 5, Chapter 5, Part 1, is amended by adding the following as a new section:

(a) No member of the legislative body of a county who is also an employee of the same county or whose spouse is an employee of the same county may vote on matters in which such member has a conflict of interest. A conflict of interest is created under this section when a member is voting on a matter which, if approved by the legislative body, would increase the pay or benefits of that member or that member's spouse. The vote of any member having a conflict of interest shall be void if challenged in a timely manner. As used in this subsection (a), "timely manner" means during the same meeting at which the vote was cast and prior to the transaction of any further business by the body.

(b) Subsection (a) shall not prohibit a member of a local governing body of a county from voting on the budget, appropriation resolution, or tax rate resolution, or amendments thereto, unless the vote is on a specific amendment to the budget or a specific appropriation or resolution in which the member has a conflict of interest.

(c) Any member of a local governing body of a county who abstains from voting for cause on any issue coming to a vote before the body shall not be counted for the purpose of determining a majority vote. This subsection (c) shall not apply to any county having a metropolitan form of government and having a population in excess of five hundred thousand (500,000), according to the 1990 federal census or any subsequent federal census.

(d) Nothing in this section alters, amends, or otherwise affects § 12-4-101(a). In the event of any conflict between this section and § 12-4-101(a), § 12-4-101(a) shall prevail.

(e) The legislative body of any metropolitan form of government or charter form of government may opt out of this section by resolution.

Source URL: <https://eli.ctas.tennessee.edu/reference/special-rules-county-commissioners-who-are-county-employees>





County Technical Assistance Service

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August 14, 2020

Incompatible Offices

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Incompatible Offices

Reference Number: CTAS-633

Several state statutes prohibit a person from holding more than one county office. Pursuant to T.C.A. § 5-5-102(c)(2), no person elected or appointed to fill the office of county mayor, sheriff, trustee, register, county clerk, assessor of property, or any other county-wide office filled by vote of the people or the county legislative body, shall also be nominated for or elected to membership in the county legislative body.

No member of the county legislative body nor any other county official shall be eligible for election as a member of the county board of education. T.C.A. § 49-2-202(a)(2). This statute prevents one person from holding an elected county office and being a member of the school board. Op. Tenn. Atty. Gen. 01-144 (September 4, 2001). Note also that pursuant to T.C.A. § 5-5-102(c)(2) a director of schools cannot serve as a member of the county legislative body.

In addition to statutory provisions regarding dual office-holding, there is a well recognized common law prohibition against a public officer holding two incompatible offices at the same time. *State ex rel. Little v. Slagle*, 89 S.W. 316, 327 (Tenn. 1905).

The question of incompatibility depends on the circumstances of each individual case, and the issue is whether the occupancy of both offices by the same person is detrimental to the public interest, or whether the performance of the duties of one interferes with the performance of those of the other. 67 C.J.S. *Officers* § 38 (2008). Tennessee courts have recognized that an inherent inconsistency exists where one office is subject to the supervision or control of the other. *State ex rel. v. Thompson*, 193 Tenn. 395, 246 S.W.2d 59 (1952). In *Thompson*, the Tennessee Supreme Court concluded that the offices of city manager and member of the city council were incompatible because the council had the authority to appoint, remove, and supervise the city manager, and no statute then in effect permitted the same individual to hold these offices. The Court found, therefore, that the common law principle of incompatible offices prohibited the same individual from acting as city manager and city council member.

Op. Tenn. Atty. Gen. 08-129 (August 8, 2008) (county commissioner and city mayor). See also Op. Tenn. Atty. Gen. 08-177 (November 20, 2008) (constable and county commissioner); Op. Tenn. Atty. Gen. 08-107 (May 9, 2008) (county board of education member also serving as city council member and city board of education member); Op. Tenn. Atty. Gen. 07-159 (December 6, 2007) (deputy sheriff and county bus driver); Op. Tenn. Atty. Gen. 02-109 (October 2, 2002) (constable and judicial commissioner); Op. Tenn. Atty. Gen. 02-012 (January 18, 2002) (offices of sheriff and constable incompatible under the common law); Op. Tenn. Atty. Gen. 00-050 (March 20, 2000) (constable serving as a full-time or part-time deputy sheriff); Op. Tenn. Atty. Gen. 99-160 (August 19, 1999) (constable serving as deputy sheriff); Op. Tenn. Atty. Gen. U86-77 (April 30, 1986) (city commissioner and county commissioner); Op. Tenn. Atty. Gen. 84-209 (June 27, 1984) (county commissioner and city alderman).

Source URL: <https://eli.ctas.tennessee.edu/reference/incompatible-offices>



Unemployment Compensation

Notice of Employer Premium Rate

The Notice of Premium Rate (LB-0482) is sent to employers during the first quarter of the new rate year. This notice shows the employer's experience as of the previous December 31, the employer's reserve ratio that will be in effect for the third and fourth quarters of the calendar year in which the notice is received and the first and second quarters of the following calendar year, and shows the employer's premium rate for the third and fourth quarters of the current year. If there is a rate change effective January 1 of the following year due to a change in the Premium Rate Table, employers will receive a notice in January informing them of the change and providing them with their rate for the first two quarters of the new calendar year.

Appealing Your Premium Rate (T.C.A. Section 50-7-403(n))

An employer should check the Notice of Premium Rate (LB-0482) closely for errors upon receipt. You have 30 days to appeal your premium rate if, based on what was reported to the Department, your premium rate notice has an error in premiums paid, benefits charged, or taxable payroll or if calculations are incorrect. An appeal does not change any cutoff dates for filing reports or claims for adjustment or refund.

The appeal must be in writing and must be received within 30 days of the mailing of the Notice of Premium Rate. Send your protest to the Department of Labor and Workforce Development, Employer Services Unit, 220 French Landing Drive, Nashville, Tennessee 37243-1002, requesting a review and recompilation of your premium rate. If you have any questions call the Employer Services Unit at 844-224-5818 prior to sending your appeal.

After 30 days no premium rate will be changed until the next premium rate year.

REIMBURSING EMPLOYERS (T.C.A. Section 50-7-403(h))

Governmental employers and nonprofit employers (qualifying under Section 501(c)(3) of the Internal Revenue Code) have the option of electing to become reimbursing employers rather than premium-paying employers.

Reimbursing employers are essentially self-insuring. They are required to reimburse the Department dollar for dollar for their proportionate share of benefits paid to a former employee (see **BENEFIT PROVISIONS, CHARGING OF EMPLOYER FOR BENEFITS**).

Reimbursing employers are not experience rated and do not pay FUTA taxes, so they do not pay any of the costs of administering the unemployment insurance program.

Reporting Wages

Reimbursing employers must report wages paid to their employees on the quarterly Wage and Premium Report (see **WAGE AND PREMIUM REPORTS**). On the Premium Report, reimbursing employers report their *Total Number of Workers as of the 12th of Each Month of the Quarter* in the center of the report and report their *Total Wages* on line 1.

Reimbursing employers do not report *Excess Wages*, *Taxable Wages*, or *Premiums Due*.

Benefit Payments and Charges

Claimants who worked for reimbursing employers receive the same benefits in the same manner as claimants who worked for premium paying employers, and benefits are charged to reimbursing employers in the same manner as benefits are charged to premium-paying employers.

Reimbursing employers reimburse the Department dollar for dollar for all benefits charged to them regardless of the reason for the separation of the former employee.

Reimbursing employers are not eligible for a benefit noncharge as are premium-paying employers. (see **BENEFIT PROVISIONS, CHARGING OF EMPLOYER FOR BENEFITS**). When a nonprofit employer or a governmental employer elects to reimburse for their portion of benefits, they enter into an agreement with the Department that they will pay back any benefits paid to their former employees. When an employer enters into that contract they give up statutory rights to the noncharge (T.C.A. 50-7-403(d)(1)(B)(iii) and (C)(ii)).

Reimbursing employers do not pay the Federal Unemployment Tax (FUTA), which pays the administrative cost of the unemployment program, and they do not pay premiums toward building the Trust Fund. In exchange, they take a risk that benefits could be paid to their former employees and they will have to reimburse the Department dollar for dollar for those benefits.

A worker who quit or was discharged by a reimbursing employer can become eligible for benefits if he removes the imposed disqualification. In such event, the reimbursing employer would be charged for benefits paid.

Reimbursing employers reimburse the Department for their share of benefits even when the benefits were a result of an overpayment (benefits paid in error to a claimant). Once the Department has received repayment of the overpayment from the claimant, the Department will credit the employer's account. The employer can either request a refund or have the repaid overpayment applied to future benefit charges.

RECORD KEEPING AND AUDITS

Record Keeping (Rule 0800-10-03-.10)

An employer is required to keep records in connection with his business deemed by the Commissioner to be necessary for the effective administration of the law.

An employer's records must show the following information:

1. Period covered by the payroll
2. Place of employment within the state
3. Scheduled hours per day or week

Records must be kept on each individual employee showing:

1. Social Security number and name
2. Date hired, rehired, and terminated
3. Full-time weekly wage
4. The number of hours for which he was paid (except for workers paid on salary)
5. Gross wages in each pay period and total wages for all pay periods in a calendar quarter
6. Value of any remuneration other than cash
7. Any special payments (bonuses, gifts, prizes, etc.)

IMPORTANT: These records must be maintained for the most recent seven-year period.

Audits of Employer Records (T.C.A. Section 50-7-701; Rule 0800-10-03-.10)

Tennessee is required by the federal government to audit the records of a portion of Tennessee's covered employers each year to insure that they are in compliance with the federal and state unemployment insurance laws. Audits are also done when there is reason to believe that an employer may be out of compliance with the unemployment insurance laws.

The Department's Employer Accounts Auditors have the right to audit any employer's records to determine liability, verify payroll information, correct improper reports, or obtain delinquent quarterly Wage and Premium reports.

Smoking Ban

AN ACT to amend Tennessee Code Annotated, Title 4; Title 5; Title 6; Title 7; Title 39; Title 54 and Title 66, relative to the regulation of certain products by governmental entities.

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

SECTION 1. Tennessee Code Annotated, Section 39-17-1551, is amended by adding the following as a new subsection:

(e)

(1) Notwithstanding subsection (a) or any other provision of this title, a municipality, a county, or a county having a metropolitan form of government is authorized by local ordinance or resolution, as applicable, to prohibit the use of tobacco products or vapor products, or both, on the grounds of a public park, public playground, public greenway, or any public property that is accessible to use by youth as long as the public park, public playground, public greenway, or public property is owned or controlled by the respective municipality or county.

(2) Notwithstanding subdivision (e)(1), a prohibition enacted pursuant to this subsection (e) does not apply to buildings, sidewalks, or roads.

(3) As used in this subsection (e):

(A)

(i) "Greenway" means:

(a) An open-space area following a natural or man-made linear feature designed to be used for recreation, transportation, conservation, and to link services and facilities; or

(b) A paved, gravel-covered, woodchip covered, or wood-covered path that connects one greenway entrance with another greenway entrance.

(ii) If a greenway traverses a park that is owned or operated by a county, municipality, or instrumentality thereof, the greenway is considered a portion of that park unless designated otherwise by the local legislative body;

(B) "Tobacco product" means any product that contains tobacco and is intended for human consumption;

(C) "Vapor product" has the same meaning as defined in § 39-17-1503; and

(D) "Youth" means persons under twenty-one (21) years of age.

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