

## MEMORANDUM

TO: Tennessee Fire Service Coalition

FROM: Waller Lansden Dortch & Davis, LLP

DATE: May 24, 2021

RE: Tennessee Fire Service Coalition 2021 Legislative Overview

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The 112th Tennessee General Assembly adjourned for the year on Wednesday, May 5, 2021, and is set resume its business in January 2022, barring any call for a special session during the interim. While the legislature championed several of their own initiatives, a key focus of the 2021 legislative session centered on passing Governor Lee's legislative agenda outlined in his State of the State address in February. To accomplish this end, the General Assembly passed a **\$42.6 billion balanced, debt-free budget**, the largest in Tennessee state history, which allocates funding for the following legislative priorities:

- \$71M to fully fund the state share of the BEP for K-12 education
- Four percent raise for teacher salaries
- \$250M trust fund to assist K-12 families who are facing significant mental health issues in the wake of COVID-19
- \$100M to invest in the Rainy-Day Fund
- \$100M for local government infrastructure grants
- \$931M for capital maintenance and improvements
- \$5M for the Health Care Safety Net
- \$7M to extend postpartum care for the TennCare population to 12 months
- \$24M for Rural Opportunity Site Grants
- \$30M to eliminate deferred maintenance and improve accessibility at state parks
- \$36 million to fully fund the THEC outcomes-based formula
- \$25M to Tennessee Promise to permit increases in the Hope Scholarship
- \$37.9 million to fully fund TennCare growth

- \$100 million one-time increase in broadband deployment to unserved areas through grants and tax credits
- \$21.1 million nonrecurring to a rural development fund to assist with site development, community asset improvements, marketing, strategic planning, downtown revitalization, and technical assistance.
- \$25M for a two-week sales tax holiday for groceries
- \$75M for a two-week sales tax holiday for restaurants and all prepared food
- \$16M to reduce the professional privilege tax by 25 percent
- \$250M to invest in the state pension system

Notable legislation passed pursuant to the Lee Administration agenda includes a significant criminal justice reform package, [SB0767/HB0784](#) and [SB768/HB785](#), centered on improving outcomes for formerly incarcerated individuals by increasing transparency in the parole process, enhancing practices that support success post-release, and expanding treatment services and community-based supervision for offenders as alternatives to incarceration. In addition, lawmakers passed Governor Lee's permitless carry legislation, [SB765/HB786](#), which will permit the majority of adults in Tennessee to carry a handgun without a permit. The law will officially take effect on July 1.

Attached please find a comprehensive bill report outlining all legislation tracked by the Tennessee Fire Service Coalition during the 2021 legislative session. Key legislative issues of interest to the Coalition are addressed below.

- **Volunteer Firefighter In-Service Training Compensation (SB778 by Johnson/ HB772 by Lamberth):**<sup>1</sup> Carried as part of the Lee Administration package, this legislation provides annual \$600 payments to volunteer firefighters who complete an in-service training course of at least 30 hours duration and appropriate to their rank, responsibility and the size and location of their department. The bill received widespread support, as SB778 passed the Senate floor on a 31-0 vote, and HB772 passed the House floor a 92-0 vote. Governor Lee signed the legislation on May 18, and it was assigned Public Chapter 478 on May 21.
  - This legislation was amended during the committee process to reduce the training hour threshold for volunteer firefighters to receive the annual payment from 40 hours to 30 hours.
  - The training must be completed at a school at a school certified or established by the Commission on Firefighting Personnel Standards and Education.

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<sup>1</sup> <https://publications.tnsosfiles.com/acts/112/pub/pc0478.pdf>

- **Expansion of Firefighter Cancer Presumption (SB1569 by Bailey/ HB355 by Hicks):**<sup>2</sup> Introduced on behalf of TFSC, this legislation seeks to add leukemia and testicular cancer to the list of cancers for which a presumption is created that certain conditions or impairments of full-time firefighters caused by all forms of Non-Hodgkin's Lymphoma cancer, colon cancer, skin cancer, or multiple myeloma cancer resulting in hospitalization, medical treatment, or any disability, has arisen out of employment, unless the contrary is shown by competent medical evidence.
  - The legislation requires any firefighter desiring to utilize the presumption established for leukemia or testicular cancer, to obtain a physical medical examination after July 1, 2021, and the examination must include a cancer screening that fails to reveal any evidence of leukemia or testicular cancer.
  - After discussion with the bill's sponsors, Sen. Paul Bailey and Rep. Gary Hicks, the legislation was postponed until next session to avoid pushback during the committee process from the Blue Cross Blue Shield Association. Blue Cross sought to introduce an amendment that adds a definition to the bill for "cancer screening" relative to obtaining a physical medical examination to qualify for the presumption. TFSC will draft their own language regarding an approved definition of "cancer screening" and discuss with Blue Cross prior to the start of next session.
- **Smoke Alarm Battery Use/Installation of Carbon Monoxide Alarms (SB525 by Briggs/HB949 by Littleton):**<sup>3</sup> SB525/HB949 requires that a carbon monoxide alarm be installed and maintained in one and two-family rental units, requires that such rental units with gas powered heaters have a carbon monoxide alarm in rooms used for sleeping, and requires existing battery-powered smoke alarms be replaced with smoke alarms containing tamper-resistant battery units.
  - TFSC submitted a letter to the House Business and Utilities Subcommittee regarding HB949, stating that the bill affirms a continuing effort toward the utilization of newer technologies and maintaining the safety of rental homes and occupants for a greater number of years. TFSC also noted that the legislation allows for existing legacy units to remain in use until end of life and does not prohibit the allowance of alarm systems and advanced technologies.
  - The legislation was deferred until next session in the House Business Utilities Subcommittee at the request of Rep. Littleton and referred to the Senate Commerce and Labor General Subcommittee for further study.
- **Fireworks Prohibition:** In response to several serious accidents involving the use of dangerous fireworks by local teenagers, TFSC discussed introduction of legislation that would prohibit the sale of fireworks defined by the American Pyrotechnics Association as aerial shells, skyrockets, and missiles to persons under the age of 18.

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<sup>2</sup> <https://wapp.capitol.tn.gov/apps/BillInfo/default.aspx?BillNumber=SB1569&GA=112>

<sup>3</sup> <https://wapp.capitol.tn.gov/apps/BillInfo/default.aspx?BillNumber=HB0949&GA=112>

- Upon discussion with the State Fire Marshall's Office, the Coalition decided to postpone the legislation until next session due to the time constraints of bill filing deadlines, and to facilitate additional dialogue regarding the scope of the prohibition.
- **Length of Service Award Program (SB655 by Bowling/ HB612 by Gant):**<sup>4</sup> This legislation permits the state treasurer to inquire with local governments and volunteer fire departments about establishing a length of service award program pursuant to federal law and, based on the results of this inquiry, authorizes the treasurer to establish a length of service award program. Generally, a length of service award program is a type of retirement program for non-compensated volunteers providing firefighting, emergency medical, and ambulance services. Such a program is funded by contributions from the local government or nonprofit entities that utilize the services.
  - SB655/HB612 passed the Senate on a 30-0 vote, and the House on a 90-0 vote. The legislation has been transmitted to Governor Lee for his signature.
  - The legislative intent of the bill states that there should be no increase in costs to the state as a result of an eligible employer's participation in the length of service award program. All costs associated with such participation, including administrative costs, will be the responsibility of the participating eligible employers. Administrative costs may be imposed by the state even if a participating eligible employer is later found to not constitute an eligible employer under the code.
  - As this legislation is permissive, and does not include dedicated funding for length of service award programs, TFSC remains neutral.
- During the TFSC legislative update meeting, the group discussed potential introduction of legislation to eliminate the 2/3 majority vote required to pass a mandatory sprinkler building requirement by local ordinance. TFSC would like to amend the law to require a simple majority vote.<sup>5</sup>

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<sup>4</sup> <https://wapp.capitol.tn.gov/apps/BillInfo/default.aspx?BillNumber=SB0655&GA=112>

<sup>5</sup> Tenn. Code Ann. § 68-120-101(a)(8)(B)