

Amendment No. 1 to SB0251

Bailey
Signature of Sponsor

AMEND Senate Bill No. 251

House Bill No. 174*

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

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 6, Part 1, is amended by adding the following as a new section:

(a) The fire investigations section within the fire prevention division of the department of commerce and insurance is transferred to the Tennessee bureau of investigation.

(b) It is the intention of the general assembly that personnel, equipment, funding, duties, authority, and property transferred on the effective date of this act be transferred no later than January 1, 2020.

(c) The director of the Tennessee bureau of investigation will develop and implement a transfer plan. The plan must set forth the procedures under which transferred employees must be incorporated into the bureau.

(d) The initial transfer of any preferred service employee pursuant to the transfer from the department of commerce and insurance to the Tennessee bureau of investigation must not result in any impairment, interruption, or diminution of employee rights, salary, benefits, leave accumulation, or employment. The commissioner of human resources may determine if there has been any impairment of rights, salary, benefits, leave accumulation, or employment as a result of the initial transfer. Any preferred service employee may seek redress of any such determination through a request for declaratory order by the commissioner of human resources pursuant to § 4-5-223.

Senate Commerce and Labor Committee 1

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(e) The bureau shall electronically transmit a summary stating the cause, origin, and the circumstances of each fire investigation to the state fire marshal and the local fire department in the jurisdiction where the fire occurred.

SECTION 2. Tennessee Code Annotated, Section 68-102-102, is amended by deleting subdivision (6).

SECTION 3. Tennessee Code Annotated, Section 68-102-115(a)(1), is amended by adding the following as a new subdivision:

(C) The Tennessee bureau of investigation;

SECTION 4. Tennessee Code Annotated, Section 68-102-115(a), is amended by deleting the period (.) at the end of subdivision (3) and adding the following language:

that suggests future behavior tendencies of a person of interest, including a propensity for violence, that may assist an insurance company in determining a fact or motive of a person of interest, or both.

SECTION 5. Tennessee Code Annotated, Section 68-102-115(f), is amended by deleting subdivision (2) and substituting instead the following:

(2) Any insurance company providing information to an authorized agency or agencies pursuant to subsection (b) may request relevant information obtained in an investigation from such authorized agency and must receive, within a reasonable time, not to exceed thirty (30) days, the information requested. The authorized agency may withhold information deemed sensitive to a non-arson criminal investigation with the approval of the supervising agent. The Tennessee bureau of investigation, however,

may withhold any investigative document that the bureau believes would compromise the integrity of a criminal investigation.

SECTION 6. Tennessee Code Annotated, Section 68-102-115, is amended by adding the following as a new subsection:

(h) This section must not be construed to inhibit the investigative rights of any insurance company. An authorized agency involved in an investigation pursuant to this section shall allow the reporting insurance company to concurrently conduct its own, independent investigation without obstruction, in accordance with the direction of and in the presence of the agency.

SECTION 7. Tennessee Code Annotated, Section 68-102-129, is amended by deleting the language "it is the duty of the district attorney general to call" and substituting instead the language "the district attorney general shall call".

SECTION 8. Tennessee Code Annotated, Section 68-102-142, is amended by deleting the language "For the maintenance of the division of fire prevention and the payment of expenses incident thereto," and substituting instead the language "For the maintenance of the division of fire prevention and the payment of expenses incident thereto, and for the maintenance of the fire investigations section transferred to the Tennessee bureau of investigation pursuant to this act, and the payment of expenses incident to the duty of the fire investigations section to investigate destructive fires in this state,".

SECTION 9. Tennessee Code Annotated, Section 68-102-142, is amended by deleting the language "for the maintenance of the division of fire prevention, and the payment out of the fund for the expenses and maintenance of the division" and substituting instead the language "for the maintenance of the division of fire prevention and the fire investigations section, and for the payment out of the fund for the expenses and maintenance of the division and the fire investigations section".

SECTION 10. Tennessee Code Annotated, Section 68-102-144, is amended by deleting the section in its entirety.

SECTION 11. All rules and regulations governing the fire investigations section promulgated by the department of commerce and insurance in effect on the effective date of this section shall be transferred to the Tennessee bureau of investigation, and assigned an appropriate new control number by the secretary of state, and shall remain in full force and effect until modified or repealed by the Tennessee bureau of investigation. The bureau may promulgate rules and regulations to effectuate the purposes of this act.

SECTION 12. This act shall take effect upon becoming a law, the public welfare requiring it.