

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 574 - HB 694

March 8, 2023

SUMMARY OF BILL: Establishes that no political subdivision or public official, during a state of emergency, may prohibit the operation of or engagement in a lawful occupation, including by categorizing a lawful occupation as non-essential in an order, rule, or regulation. Specifies that this does not apply where a person engaged in a lawful occupation is prohibited from operating or engaging in the lawful occupation, either temporarily or permanently, as a result of a violation of state or federal law.

Authorizes a person harmed by a violation of this subsection to bring a civil action for actual damages or declaratory relief against the political subdivision or public official that violated the provisions of this act. Such a violation by a public official subjects the official to personal liability in a civil action. Requires the respective court to award litigation costs and fees, including reasonably attorneys' fees, to a person who prevails in such an action.

FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- It is assumed that political subdivisions would generally follow the provisions of this legislation to avoid becoming subject to a civil action.
- It is assumed that a large portion of the state can work from home, as shown during Coronavirus pandemic; however, a considerable portion of the population must leave their home to perform their lawful occupation at a work site.
- This legislation would prevent certain actions of the government from being implemented, such as curfews during civil unrest or keeping those infected with a contagious virus from entering the public to perform their lawful occupation.
- Prohibiting certain government actions could have unforeseen consequences; however, it is believed that any such impacts would be indirect to this legislation.
- There will not be enough civil actions against state or local government to impact operations. There will not be a significant impact to state or local government expenditures.

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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