



GOVERNOR LEE CALLS SPECIAL SESSION

On August 3, 2020, Governor Bill Lee called the General Assembly into an extraordinary session to begin on **August 10, 2020** at 4:00 pm CST. The Proclamation addresses four matters for the General Assembly to consider. This will be the 61st special session in Tennessee.

1) COVID-19 LIABILITY PROTECTION

The General Assembly adjourned sine die in the early hours of June 19th with the House failing to adopt the Conference Committee Report on COVID-19 Liability Protection. The legislation, which would have protected businesses, local governments, nonprofits, healthcare entities, religious organizations and educational institutions from lawsuits for any damages, injury, or death that resulted from a health emergency claim if the covered entity (1) did not act with gross negligence or willful misconduct, and (2) substantially complied with applicable public health guidance passed pertinent committees in both chambers, but the two chambers could not agree on making the protection retroactive. The Senate's version would have provided protection to covered entities as early as March 2020. The House sponsor and other House members opined that making the bill retroactive would be unconstitutional.

Governor Lee following the adjournment of the General Assembly, publicly stated he would not call a special session until an agreement between the two chambers had been reached. Final bill language has not been released at this time.

2) TELEHEALTH

Another issue which was discussed during the legislature's return from recess in June was Tennesseans' access to electronic delivery of health and health-related services. There was much discussion on this issue in both the House and Senate, but ultimately an agreement could not be reached between the two chambers.

3) PROTESTS

The Governor's call included a charge to consider legislation protecting the right of all Tennesseans to peaceful demonstration by ensuring the adequate protection of law enforcement, first responders, state employees and contractors, public officials, members of the public, and public and private property, or use thereof, including the prosecution of offenses committed against law enforcement, first responders, state employees and contractors, public officials, and public and private property, or the use thereof. This item was brought up in the final hours of the 111th General Assembly, but concern of the late hour and lack of transparency and participation by the public killed the discussion in the Senate.

4) APPROPRIATIONS

Since the budget for the next fiscal year has already been finalized and approved by the General Assembly, any item passed during the extraordinary session which may require state funds will also require a separate funding bill. The Governor's call allows the legislature to consider any necessary additional appropriations.