

**THE ATTACHED
AMENDMENT(S)
ARE TO BILLS
THAT WILL
BE HEARD
IN COMMITTEE
THE WEEK OF**

February 13th, 2023

Amendment No. _____

Willie L. Miller

Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 244

House Bill No. 62*

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

SECTION 1. Tennessee Code Annotated, Section 37-5-119, is amended by deleting subsection (d) and substituting instead the following:

(d)

(1) Each teacher in the special school district must receive an annual compensation rate at the start of the teacher's employment in the special school district that is no less than the average annual compensation rate for teachers in the county in which the respective youth development center is located.

(2) Each teacher in the special school district who has completed an annual performance review cycle on or before July 1, 2023, is eligible for merit pay, salary increases, bonuses, and other benefits implemented after July 1, 2023, in the same manner as other preferred service employees.

(3) Teachers in the special school district are eligible for longevity pay consistent with title 8, chapter 23, part 2.

(4) This subsection (d) shall not be construed to reduce the compensation currently paid to a teacher in the special school district.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.



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Amendment No. _____



Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 332

House Bill No. 91*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 37-5-107(b), is amended by adding the following as a new subdivision:

(3) The department may disclose information about a case to the public if all parties involved in the case, including the child, are deceased and all identifying personal information of the parties is redacted. As used in this subdivision (b)(3), "identifying personal information" includes, but is not limited to, date of birth, address, and social security number, but does not include a party's name.

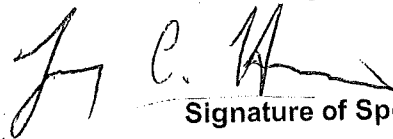
SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.



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Amendment No. _____

Signature of Sponsor _____

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 1010* House Bill No. 1393

by deleting all language after the enacting clause and substituting:

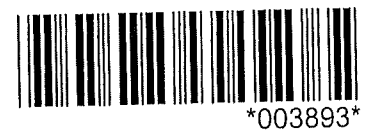
SECTION 1. Tennessee Code Annotated, Title 37, Chapter 2, Part 4, is amended by adding the following new section:

The department must include the following in the permanency plan of a child who has been removed from the custody of the child's parent or guardian due, in whole or in part, to drug abuse by the parent or guardian:

(1) Prior to returning the child to the parent or guardian's custody, the parent or guardian must submit to monthly drug testing and demonstrate through consecutive negative drug tests that the parent or guardian is able to maintain a drug-free lifestyle in order to provide a safe home for the child. Unless the parent or guardian is indigent, the parent or guardian is required to pay for the drug testing; and

(2) For at least six (6) months following the return of the child to the parent or guardian's custody, the parent or guardian must continue to submit to monthly drug testing in order to demonstrate the parent or guardian's commitment to maintaining a drug-free lifestyle and a safe home for the child. Unless the parent or guardian is indigent, the parent or guardian is required to pay for the drug testing.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.



Amendment No. _____

Paul Brueker

Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 1121

House Bill No. 578*

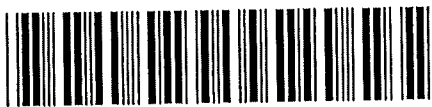
by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-17-1351, is amended by deleting subsection (p) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 39-17-1351, is amended by deleting subdivision (q)(1) and substituting:

(1) Prior to the expiration of a permit, a permit holder may apply to the department for the renewal of the permit by submitting, under oath, a renewal application. The renewal application must be on a standard form developed by the department of safety and must require the applicant to disclose, under oath, the information concerning the applicant as set forth in subsection (c), and shall require the applicant to certify that the applicant still satisfies all the eligibility requirements of this section for the issuance of a permit. In the event the permit expires prior to the department's approval or issuance of notice of denial regarding the renewal application, the permit holder shall be entitled to continue to use the expired permit; provided, however, that the permit holder shall also be required to prove that the renewal application was delivered to the department prior to the expiration date of the permit. The department is authorized to contract with a local government agency for the provision of any service related to the renewal of enhanced handgun carry permits, subject to applicable contracting statutes and regulations.

SECTION 3. Tennessee Code Annotated, Section 39-17-1351, is amended by deleting subdivision (x)(2) in its entirety.



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SECTION 4. Tennessee Code Annotated, Section 39-17-1351, is amended by deleting subdivision (x)(5) in its entirety.

SECTION 5. This act takes effect July 1, 2023, the public welfare requiring it. This act is repealed July 1, 2026, the public welfare requiring it.

Amendment No. _____

Rush Bracken
Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 1121

House Bill No. 578*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-17-1351, is amended by deleting subsection (p) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 39-17-1351, is amended by deleting subdivision (q)(1) and substituting:

(1) Prior to the expiration of a permit, a permit holder may apply to the department for the renewal of the permit by submitting, under oath, a renewal application. The renewal application must be on a standard form developed by the department of safety and must require the applicant to disclose, under oath, the information concerning the applicant as set forth in subsection (c), and shall require the applicant to certify that the applicant still satisfies all the eligibility requirements of this section for the issuance of a permit. In the event the permit expires prior to the department's approval or issuance of notice of denial regarding the renewal application, the permit holder shall be entitled to continue to use the expired permit; provided, however, that the permit holder shall also be required to prove that the renewal application was delivered to the department prior to the expiration date of the permit. The department is authorized to contract with a local government agency for the provision of any service related to the renewal of enhanced handgun carry permits, subject to applicable contracting statutes and regulations.

SECTION 3. Tennessee Code Annotated, Section 39-17-1351, is amended by deleting subdivision (x)(2) in its entirety.



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SECTION 4. Tennessee Code Annotated, Section 39-17-1351, is amended by deleting subdivision (x)(5) in its entirety.

SECTION 5. This act takes effect January 1, 2024, the public welfare requiring it. This act is repealed January 1, 2027, the public welfare requiring it.

Amendment No. _____



Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 823

House Bill No. 795*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-17-1306(a), is amended by deleting "building in which judicial proceedings are in progress any" and substituting "courtroom a".

SECTION 2. Tennessee Code Annotated, Section 39-17-1306, is amended by deleting subdivision (c)(1) and substituting:

(1) Is in the actual discharge of official duties as a law enforcement officer, or is employed in the armed forces of the United States or a member of the Tennessee national guard in the line of duty and pursuant to military regulations, or is in the actual discharge of official duties as a guard employed by a penal institution, or as a bailiff, marshal, or other court officer who has responsibility for protecting persons or property or providing security;

SECTION 3. Tennessee Code Annotated, Section 39-17-1306, is amended by deleting subdivisions (c)(4) and (5).

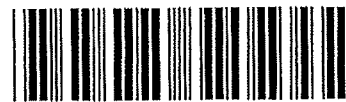
SECTION 4. Tennessee Code Annotated, Section 39-17-1359, is amended by deleting subdivision (g)(2)(C) and substituting:

(C) Places in which firearms are prohibited by § 39-17-1306;

SECTION 5. This act takes effect upon becoming a law, the public welfare requiring it.



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Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1498

House Bill No. 1158*

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

SECTION 1. Tennessee Code Annotated, Section 39-17-1307(g)(1), is amended by deleting the subdivision and substituting instead the following:

(1) The person is at least eighteen (18) years of age;

SECTION 2. Tennessee Code Annotated, Section 39-17-1351(b), is amended by deleting the subsection and substituting instead:

(b) Except as provided in subsection (r), any resident of Tennessee who is a United States citizen or lawful permanent resident, as defined by § 55-50-102, may apply to the department of safety for an enhanced handgun carry permit. If the applicant is at least eighteen (18) years of age and is not prohibited from possessing a firearm in this state pursuant to § 39-17-1307(b), 18 U.S.C. § 922(g), or any other state or federal law, and the applicant otherwise meets all of the requirements of this section, then the department shall issue a permit to the applicant.

SECTION 3. Tennessee Code Annotated, Section 39-17-1351(x)(1), is amended by deleting the language "twenty-one (21) years of age" and substituting instead the language "eighteen (18) years of age".

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.



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Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1498

House Bill No. 1158*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-17-1307, is amended by deleting subsection (a).

SECTION 2. Tennessee Code Annotated, Section 39-17-1307(b)(1), is amended by deleting "unlawfully".

SECTION 3. Tennessee Code Annotated, Section 39-17-1307, is amended by deleting subsection (e).

SECTION 4. Tennessee Code Annotated, Section 39-17-1307, is amended by deleting subsection (g).

SECTION 5. Tennessee Code Annotated, Section 39-17-1308, is amended by deleting the section.

SECTION 6. Tennessee Code Annotated, Section 39-17-1313(a), is amended by deleting "lawfully carries a handgun pursuant to § 39-17-1307(g)" and substituting "is not prohibited from possessing a firearm".

SECTION 7. Tennessee Code Annotated, Section 39-17-1364, is amended by deleting "§ 39-17-1307, or".

SECTION 8. Tennessee Code Annotated, Section 39-17-1351, is amended by deleting the language "handgun" wherever it appears and substituting instead the language "firearm" and by deleting the language "handguns" wherever it appears and substituting instead the language "firearms".



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SECTION 9. Tennessee Code Annotated, Section 39-17-1351(r)(1), is amended by deleting the subdivision and substituting instead:

(1) A facially valid handgun permit, firearms permit, weapons permit, or license issued by another state shall be valid in this state according to its terms and shall be treated as if it is a firearm carry permit issued by this state.

SECTION 10. Tennessee Code Annotated, Section 39-17-1365, is amended by deleting the language "handgun" wherever it appears and substituting instead the language "firearm".

SECTION 11. Tennessee Code Annotated, Section 39-17-1366, is amended by deleting the language "handgun" wherever it appears and substituting instead the language "firearm" and by deleting the language "handguns" wherever it appears and substituting instead the language "firearms".

SECTION 12. Tennessee Code Annotated, Section 39-16-702(b), is amended by deleting the language "handgun carry permit" wherever it appears and substituting instead the language "firearm carry permit".

SECTION 13. Tennessee Code Annotated, Section 39-17-1309(e)(8)(B), is amended by deleting the language "handgun carry permit" and substituting instead the language "firearm carry permit".

SECTION 14. Tennessee Code Annotated, Section 39-17-1313(a), is amended by deleting the language "handgun carry permit" wherever it appears and substituting instead the language "firearm carry permit".

SECTION 15. Tennessee Code Annotated, Section 39-17-1321(c)(2), is amended by deleting the language "handgun permit" and substituting instead the language "firearm carry permit".

SECTION 16. Tennessee Code Annotated, Section 39-17-1350(g), is amended by deleting the language "handgun" wherever it appears and substituting instead the language "firearm".

SECTION 17. Tennessee Code Annotated, Section 39-17-1352(e), is amended by deleting the language "handgun carry permit" wherever it appears and substituting instead the language "firearm carry permit".

SECTION 18. Tennessee Code Annotated, Section 39-17-1359(g)(1), is amended by deleting the language "handgun carry permit" wherever it appears and substituting instead the language "firearm carry permit".

SECTION 19. Tennessee Code Annotated, Section 39-17-1351(b), is amended by deleting the subsection and substituting instead:

(b) Except as provided in subsection (r), a resident of Tennessee who is a United States citizen or lawful permanent resident, as defined by § 55-50-102, may apply to the department of safety for an enhanced firearm carry permit. If the applicant is at least eighteen (18) years of age and is not prohibited from possessing a firearm in this state pursuant to § 39-17-1307(b), 18 U.S.C. § 922(g), or any other state or federal law, and the applicant otherwise meets all of the requirements of this section, then the department shall issue a permit to the applicant.

SECTION 20. Tennessee Code Annotated, Section 39-17-1351(x)(1), is amended by deleting the language "twenty-one (21) years of age" and substituting instead the language "eighteen (18) years of age".

SECTION 21. Tennessee Code Annotated, Section 39-17-1325, is amended by adding the following as a new subsection:

(c) A person or entity who is authorized to prohibit the possession of firearms on the person's or entity's property pursuant to § 39-17-1359 and who elects, pursuant to that authority, to prohibit the possession of firearms by a person lawfully carrying a firearm is not immune from civil liability with respect to a claim based on the person's or entity's adoption of a policy that prohibits weapons on the property by posting pursuant to § 39-17-1359.

SECTION 22. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. _____

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Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 496

House Bill No. 385*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 41-21-236(e), is amended by deleting the subsection and substituting instead:

(1) Sentence reduction credits for good institutional behavior as authorized by this section may also be awarded to all convicted felons for the time incarcerated prior to the imposition of sentence. The total credit that a convicted felon may receive is calculated by determining the number of days actually served in jail prior to imposition of sentence and by adding to that number the sentence reduction credits awarded for good institutional behavior, if any, based upon the number of days served.

(2) The sentence reduction credits authorized by subdivision (e)(1) may be awarded at the rate of eight (8) days for each month served prior to imposition of sentence. In order to award credits pursuant to subdivision (e)(1), the superintendent or jail administrator must provide the department with written documentation evidencing the inmate's good institutional behavior and stating the number of sentence reduction credits, if any, the felon should be awarded. The department shall award the number of sentence reduction credits recommended in the superintendent's or jail administrator's written documentation.

(3) A convicted felon does not have a right to the credits authorized by subdivision (e)(1) or a right to appeal the superintendent's or jail administrator's determination concerning the number of sentence reduction credits a particular felon should be awarded.



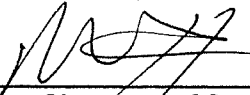
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SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. _____



Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 362*

House Bill No. 412

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 40-32-101(a)(1)(A), is amended by designating the current language as subdivision (a)(1)(A)(i) and adding the following new subdivision (a)(1)(A)(ii):

(ii) All public records of a person who has been charged with an implied consent violation under § 55-10-406 shall, upon petition by that person to the court having jurisdiction in the previous action, be removed and destroyed without cost to the person if the violation was dismissed without cost.

SECTION 2. Tennessee Code Annotated, Section 40-32-101, is amended by adding the following as a new subsection:

() For purposes of this section, and as the context requires, "offense" or "criminal offense" includes an implied consent violation under § 55-10-406.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.



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Amendment No. _____

Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 3*

House Bill No. 9

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 7-51-1401, is amended by adding the following language as new subdivisions:

() "Adult cabaret entertainment":

(A) Means adult-oriented performances that are harmful to minors, as that term is defined in § 39-17-901, and that feature go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers; and

(B) Includes a single performance or multiple performances by an entertainer;

() "Entertainer" means a person who provides:

(A) Entertainment within an adult-oriented establishment, regardless of whether a fee is charged or accepted for entertainment and regardless of whether entertainment is provided as an employee, escort as defined in § 7-51-1102, or an independent contractor; or

(B) Adult cabaret entertainment, regardless of whether a fee is charged or accepted for entertainment and regardless of whether entertainment is provided as an employee or an independent contractor;

SECTION 2. Tennessee Code Annotated, Section 7-51-1407, is amended by adding the following language as a new subsection:

(c)

(1) It is an offense for a person to engage in adult cabaret entertainment:



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(A) On public property; or

(B) In a location where the adult cabaret entertainment could be viewed by a person who is not an adult.

(2) Notwithstanding § 7-51-1406, this subsection (c) expressly:

(A) Preempts an ordinance, regulation, restriction, or license that was lawfully adopted or issued by a political subdivision prior to the effective date of this act that is in conflict with this subsection (c); and

(B) Prevents or preempts a political subdivision from enacting and enforcing in the future other ordinances, regulations, restrictions, or licenses that are in conflict with this subsection (c).

(3) A first offense for a violation of subdivision (c)(1) is a Class A misdemeanor, and a second or subsequent such offense is a Class E felony.

SECTION 3. This act takes effect April 1, 2023, the public welfare requiring it, and applies to prohibited conduct occurring on or after that date.

Amendment No. _____

Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 3*

House Bill No. 9

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 7-51-1401, is amended by adding the following language as new subdivisions:

() "Adult cabaret entertainment":

(A) Means adult-oriented performances that are harmful to minors, as that term is defined in § 39-17-901, and that feature topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers; and

(B) Includes a single performance or multiple performances by an entertainer;

() "Entertainer" means a person who provides:

(A) Entertainment within an adult-oriented establishment, regardless of whether a fee is charged or accepted for entertainment and regardless of whether entertainment is provided as an employee, escort as defined in § 7-51-1102, or an independent contractor; or

(B) A performance of actual or simulated specified sexual activities, including removal of articles of clothing or appearing unclothed, regardless of whether a fee is charged or accepted for the performance and regardless of whether the performance is provided as an employee or an independent contractor;



SECTION 2. Tennessee Code Annotated, Section 7-51-1407, is amended by adding the following language as a new subsection:

(c)

(1) It is an offense for a person to perform adult cabaret entertainment:

(A) On public property; or

(B) In a location where the adult cabaret entertainment could be viewed by a person who is not an adult.

(2) Notwithstanding § 7-51-1406, this subsection (c) expressly:

(A) Preempts an ordinance, regulation, restriction, or license that was lawfully adopted or issued by a political subdivision prior to the effective date of this act that is in conflict with this subsection (c); and

(B) Prevents or preempts a political subdivision from enacting and enforcing in the future other ordinances, regulations, restrictions, or licenses that are in conflict with this subsection (c).

(3) A first offense for a violation of subdivision (c)(1) is a Class A misdemeanor, and a second or subsequent such offense is a Class E felony.

SECTION 3. This act takes effect April 1, 2023, the public welfare requiring it, and applies to prohibited conduct occurring on or after that date.

Amendment No. _____

Willie Lusk

Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 256

House Bill No. 75*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 63-1-156(b), is amended by deleting the language "This immunity from being arrested, charged, or prosecuted shall apply to the person experiencing a drug overdose only on the person's first such drug overdose." and substituting instead "This immunity from being arrested, charged, or prosecuted shall apply to the person experiencing a drug overdose on the person's first such drug overdose. This immunity from being arrested, charged, or prosecuted may be applied if the person experiences subsequent drug overdoses at the discretion of the responding law enforcement officer or the district attorney general's office."

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.



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Amendment No. _____

Charlie Bamm

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1215

House Bill No. 281*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 16-18-302(a), is amended by adding the following as a new subdivision:

(3)

(A) A municipal court has jurisdiction over the expunction of a conviction for a violation of a municipal ordinance from a person's public record in the municipal court upon the person's petition requesting removal of a public record of a violation of a municipal ordinance.

(B) The court may grant the petition if:

(i) The petition satisfactorily demonstrates to the court that the petitioner merits such relief;

(ii) At the time of the filing of the petition, at least thirty (30) days have elapsed since the completion of the penalty imposed for the ordinance violation; and

(iii) The person has fulfilled all requirements of the judgment imposed by the court for the conviction, including payment of all fines, court costs, and other assessments.

(C) As used in this subdivision (a)(3), "public record" has the same meaning as in § 40-32-101(b).



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(D) The municipal court clerk may charge a fee for the expunction of public records pursuant to this subdivision (a)(3). The fee for expunction of a public record in municipal court must be set by municipal law or ordinance.

(E) A municipal court's jurisdiction under this subdivision (a)(3):

(i) Is limited to the records in that municipal court; and

(ii) Does not include records of the department of safety relating to driver records or the driver improvement program established in § 55-50-505.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. _____


Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 1212

House Bill No. 115*

by deleting all language after the enacting clause and substituting:

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

38-1-801. Tennessee Businesses Against Trafficking.

(a) The secretary of state shall establish and implement a program designated as the Tennessee Businesses Against Trafficking program to engage participating corporations and other private entities in voluntary efforts to identify, prevent, and combat human trafficking.

(b) The secretary of state shall present a certificate of recognition to a participating corporation or private entity to recognize the corporation's or entity's contributions to the efforts of federal, state, and local officials engaged in combatting human trafficking and prosecuting human trafficking crimes.

(c) A corporation or other private entity that participates in the program shall:

- (1) Adopt a zero-tolerance policy toward human trafficking;
- (2) Take measures to ensure that the corporation's or entity's employees comply with rules promulgated by the secretary of state's office related to the program;
- (3) Participate in training and public awareness and education campaigns;
- (4) Enhance awareness of and encourage participation in the program;

and



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(5) Share with the secretary of state best practices that are effective in combatting human trafficking.

(d) The secretary of state shall work collaboratively with other state agencies and advisory councils to promote the program.

38-1-802. Rules.

The secretary of state may promulgate rules as necessary to implement this part. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. The headings in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 3. For purposes of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. 003707

Dennis Powers
Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 1152

House Bill No. 1245*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 40-23-114, is amended by adding the following as a new subsection:


(f) Notwithstanding subsections (a) and (e), a person who commits an offense or has committed an offense for which the person is sentenced to the punishment of death may elect to be executed by firing squad by signing a written waiver waiving the right to be executed by lethal injection or electrocution.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.


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003707

Amendment No. _____



Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 1

House Bill No. 1*

by deleting subdivision (a)(2)(B) in § 68-33-103 in Section 1 and substituting instead:

(B) Performed or administered on a minor located in this state, including via telehealth,
as defined in § 63-1-155.

AND FURTHER AMEND by deleting the language "**68-33-109. Exemptions from Application.**" in Section 1 and substituting instead the language "**68-33-109. Application.**".



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003880

Amendment No. _____

Willie Luther

Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 238

House Bill No. 54*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 48-1-102(12), is amended by adding the following language after the first sentence of the subdivision:

"Investment adviser" includes a financial planner or other person who, as an integral component of other financially related services, provides investment advice to others for compensation as part of a business or who holds oneself out as providing investment advice to others for compensation.

SECTION 2. Tennessee Code Annotated, Section 48-1-102(13)(A), is amended by adding the following as a new subdivision:

() Provides investment advice or holds oneself out as providing investment advice;

SECTION 3. Tennessee Code Annotated, Section 48-1-102, is amended by adding the following as a new subdivision:

() "Department" means the department of commerce and insurance;

SECTION 4. Tennessee Code Annotated, Section 48-1-103(a)(13)(A)(ii), is amended by deleting the language "one million dollars (\$1,000,000)" and substituting "five million dollars (\$5,000,000)".

SECTION 5. Tennessee Code Annotated, Section 48-1-103(a)(13)(A)(ii), is amended by deleting "offer" and substituting "offer. The commissioner may, by rule, require a sales report in a designated format".



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SECTION 6. Tennessee Code Annotated, Section 48-1-103(a)(13)(A), is amended by adding the language ", trust company," after "bank" wherever it appears.

SECTION 7. Tennessee Code Annotated, Section 48-1-103(b)(9)(A)(iii)(c), is amended by deleting the subdivision.

SECTION 8. Tennessee Code Annotated, Section 48-1-110(a)(3), is amended by deleting the subdivision and substituting:

(3)

(A) The commissioner shall require, at the applicant's expense, an agent or investment adviser representative applicant to submit a complete and legible set of fingerprints, in a format prescribed by the commissioner, to the commissioner or to the Tennessee bureau of investigation, for the purpose of obtaining a fingerprint-based criminal history check from the Tennessee bureau of investigation and the federal bureau of investigation.

(B) The commissioner shall conduct a fingerprint-based criminal history check of each applicant described in subdivision (a)(3)(A) by using information that is:

(i) Provided by the applicant under this subsection (a); and

(ii) Made available to the commissioner by the Tennessee bureau of investigation, the federal bureau of investigation, or another law enforcement agency.

(C) The commissioner shall:

(i) Enter into an agreement with the Tennessee bureau of investigation to administer a fingerprint-based criminal history check authorized under this subdivision (a)(3); and

(ii) Authorize the Tennessee bureau of investigation to collect from the applicant the costs incurred by the department in conducting the fingerprint-based criminal history check.

SECTION 9. Tennessee Code Annotated, Section 48-1-110(f), is amended by deleting subdivision (4) and substituting:

(4) To determine eligibility for registration, the commissioner may require by rule:

(A) Evidence of the qualifications and business history of the applicant and, if appropriate, the qualifications and business history of an affiliate, partner, officer, director, or other person occupying a similar status or performing similar functions for the applicant;

(B) Evidence of the applicant's injunctions, administrative orders, or misdemeanor convictions involving a security or an aspect of the securities business, if any, and the applicant's felony convictions, if any; and

(C) Evidence of the applicant's financial condition and history.

(5) Registration as an issuer-dealer becomes effective at twelve o'clock (12:00) noon, central time, of the thirtieth day after the department receives the completed application and the appropriate fee, if any, unless the department institutes a denial proceeding or grants an earlier effective date by order of the commissioner. The department may deny, revoke, or suspend the registration if the action is in the public interest and if the applicant or an affiliate, partner, officer, director, or other person occupying a similar status or performing similar functions:

(A) Has filed a registration application that included an untrue or misleading statement of a material fact;

(B) Has been convicted within the past ten (10) years of a misdemeanor involving an aspect of the securities business or an investment-related business, or a felony;

(C) Is permanently or temporarily enjoined by a court of competent jurisdiction from engaging in or continuing a conduct or practice involving an aspect of the securities business or an investment-related business; or

(D) Is the subject of an order entered within the past ten (10) years by an agency having regulatory authority with respect to the securities business or investment-related business, denying, revoking, or suspending a registration as a broker-dealer, agent, investment adviser, investment adviser representative, issuer-dealer, or the substantial equivalent of those terms as defined or described in this part, or ordering the person to cease and desist from continuing a conduct or practice involving an investment-related transaction based on fraud, deceit, or misrepresentation, or applicable law similar to § 48-1-121(a) and (b).

SECTION 10. Tennessee Code Annotated, Section 48-1-111(d), is amended by adding the following as a new subdivision:

(4) All working papers, recorded information, documents, and required records and copies of working papers, recorded information, documents, and required records produced by, obtained by, or disclosed to the commissioner or another person in the course of an examination made under this chapter are confidential and must not be made public by the commissioner or another person. This subdivision (d)(4) does not prohibit the commissioner from disclosing the content of an examination as provided in this subdivision (d)(4).

SECTION 11. Tennessee Code Annotated, Section 48-1-112, is amended by adding the following as a new subsection:

() The commissioner may bar or censure a registrant or an officer, director, partner, or other person occupying a similar status or performing similar functions for a registrant, or restrict, condition, or limit a registrant as to a function or activity of the business for which registration is required in this state.

SECTION 12. Tennessee Code Annotated, Section 48-1-116(e), is amended by adding the following as a new subdivision:

() The commissioner may, after notice and opportunity for a hearing pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, enter an order

of restitution, disgorgement, including interest and legal interest, or rescission directed to a person who has violated this chapter, a rule authorized by this chapter, or an order issued pursuant to this chapter. Restitution, disgorgement, or rescission is in addition to any other remedy or penalty provided for under this chapter.

SECTION 13. Tennessee Code Annotated, Section 48-1-125(a)(1)(D), is amended by deleting the language "§ 18(b)(4)(E)" and substituting "§ 18(b)(4)(F)".

SECTION 14. Tennessee Code Annotated, Section 48-1-125, is amended by adding the following new subsection:

() The following are subject to a late filing fee as established by the commissioner by rule:

(1) An initial notice filing received more than thirty (30) days after the date of first sale;

(2) An initial notice filing received more than one (1) year from the date of the first sale; or

(3) A late filed renewal notice.

SECTION 15. Tennessee Code Annotated, Title 48, Chapter 1, Part 1, is amended by adding the following as a new section:

48-1-128. Broker-dealers and agents seeking expungement of customer dispute information from the Central Registration Depository (CRD) system.

(a) Prior to initiating a proceeding described in subdivision (a)(1)(A) or (a)(1)(B), a broker-dealer or an agent with a principal place of business, branch office, or other business location in this state, must:

(1) Provide the department written notice at least sixty (60) days prior to:

(A) Filing to vacate, modify, or confirm an arbitration award relating to expungement of customer dispute information from the Central Registration Depository (CRD) system; or

(B) Filing an action in a court of competent jurisdiction to obtain expungement of customer dispute information from the CRD system;

and

(2) Name the department as a party to a proceeding described in subdivision (a)(1)(A) or (a)(1)(B).

(b) Notwithstanding subdivision (a)(2), upon receiving the written notice required by subdivision (a)(1), the commissioner may, in the commissioner's discretion, waive the obligation of a broker-dealer or an agent with a principal place of business, branch office, or other business location in this state to name the department as a party to a proceeding described in subdivision (a)(1)(A) or (a)(1)(B).

SECTION 16. Tennessee Code Annotated, Section 56-6-120(h), is amended by deleting "receiving a compliant, or the entry of an inquisitorial order, whichever comes first" and substituting "the entry of an inquisitorial order".

SECTION 17. Tennessee Code Annotated, Section 56-6-120(h), is amended by deleting the last sentence of the subsection.

SECTION 18. Tennessee Code Annotated, Section 48-1-118(b)(2), is amended by deleting the language "of commerce and insurance".

SECTION 19. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 20. The headings in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act. The Tennessee Code Commission is further requested to amend the heading to Tennessee Code Annotated, Section 48-1-110, by deleting the existing heading and substituting "**Registration as**

**a broker-dealer, agent, investment adviser, or investment adviser representative;
requirements and procedures."**

SECTION 21. Section 8 of this act takes effect on January 1, 2024, the public welfare requiring it. All other sections of this act take effect upon becoming law, the public welfare requiring it.

Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 456

House Bill No. 487*

by adding ", regardless of the provider of the internet access services" after "including streaming video content" and before the semicolon in subdivision (3)(B) in SECTION 1.

AND FURTHER AMEND by deleting "including streaming content" and substituting "including streaming video content, regardless of the provider of the internet access services" in subdivision (19)(B)(iii) in SECTION 2.

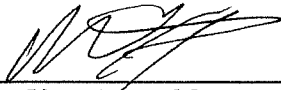


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Amendment No. _____



Signature of Sponsor

FILED

Date _____

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Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 868

House Bill No. 805*

by deleting "a location within this state that" in subdivision (A) in SECTION 1 and substituting
"this state or elsewhere that".



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Amendment No. _____

Willie Luther

Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 263

House Bill No. 82*

by deleting the amendatory language of SECTION 1 and substituting:

(d)

(1) If an employee receives a settlement, judgment, or decree under this chapter that includes the payment of medical expenses, and the employer or workers' compensation carrier wrongfully fails to reimburse the employee for any medical expenses actually paid by the employee within sixty (60) days of the settlement, judgment, or decree, or wrongfully fails to provide reasonable and necessary medical expenses and treatment, including failure to reimburse the employee for reasonable and necessary medical expenses, then after receiving actual notice of the obligation to provide the medical treatment and a reasonable opportunity to obtain the information and documentation necessary to pay medical expenses or provide medical treatment, the employer or workers' compensation carrier is liable, in the court's discretion, to pay the employee a sum not exceeding twenty-five percent (25%) of the expenses, in addition to the amount due for medical expenses paid. The court may exercise this discretion only if the court finds that the refusal to pay the claim inflicted additional expense, loss, or injury upon the employee. For purposes of this subsection (d), "wrongfully" means erroneously, incorrectly, or in a manner otherwise inconsistent with the law or facts.

(2) An employer or workers' compensation carrier is not liable under subdivision (d)(1) if payment of the subject medical expense is issued, or



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reasonable and necessary medical treatment is authorized, within sixty (60) days of the employer's or workers' compensation carriers' receipt of information and documentation reasonably necessary to issue payment of the subject medical expense or determine liability for reasonable and necessary medical treatment.

AND FURTHER AMEND by deleting the amendatory language of SECTION 2 and substituting:

(1) The reasonableness of attorney's fees for services to employees under this chapter is subject to the approval of the workers' compensation judge before whom the matter is pending; provided, that attorney's fees must not exceed twenty percent (20%) of the amount of the recovery or award to the injured worker, or in cases governed by § 50-6-207(4), twenty percent (20%) of the first four hundred fifty (450) weeks of the award; provided, further, that such fees must be paid by the party employing the attorney. All attorney's fees for attorneys representing employers are subject to review for reasonableness of the fee and are subject to approval by a workers' compensation judge when the fee exceeds ten thousand dollars (\$10,000).

Amendment No. _____

Lowell Russell

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 562

House Bill No. 452*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 41, Chapter 2, is amended by adding the following as a new section:

(a) Except as provided in subsection (c), beginning January 1, 2024, a prisoner of a county workhouse or jail who is released from custody on work release or otherwise allowed to leave the grounds of the county workhouse or jail for employment or to perform work in the community, whether the work is paid or unpaid, must use an electronic monitoring device at all times when the prisoner is not on the grounds of the county workhouse or jail.

(b) The entity employing the prisoner or utilizing the prisoner for work shall pay the costs of the electronic monitoring device required pursuant to subsection (a).

(c) This section does not apply if the prisoner, at all times while not on the grounds of the county workhouse or jail:

- (1) Is supervised by an armed law enforcement or corrections officer; and
- (2) Remains in the direct eyesight of an armed law enforcement or corrections officer.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.



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Amendment No. _____


Signature of Sponsor

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Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 875

House Bill No. 546*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 40-24-101, is amended by adding the following as a new subsection (b) and redesignating the current subsection (b) accordingly:

(b) The court shall not require an individual to pay any outstanding court-assessed fines, fees, taxes, or costs arising from a criminal proceeding during the ninety-day period following the individual's release from a term of imprisonment for a felony offense. This subsection (b) does not apply to restitution owed to a victim.

SECTION 2. This act takes effect January 1, 2024, the public welfare requiring it.



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Amendment No. _____

Signature of Sponsor

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Time _____
Clerk _____
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AMEND Senate Bill No. 105

House Bill No. 88*

by deleting the language "in the case of a member in active duty" from subdivision (e)(1)(B) in the amendatory language of Section 1 and substituting instead the language "in the case of an active duty service member or a member of the national guard or the armed forces reserves".

AND FURTHER AMEND by deleting "if the applicant is on active duty" from subdivision (e)(3)(A) in the amendatory language of Section 1 and substituting instead the language "if the applicant is an active duty service member or a member of the national guard or the armed forces reserves".

AND FURTHER AMEND by deleting subdivision (e)(3)(B) in the amendatory language of Section 1 and substituting instead the following:

(B) If the applicant is honorably discharged from military service, the applicant's certificate of release or discharge, including, but not limited to, a department of defense form 214 (DD 214), that shows dates of service and that the applicant received an honorable discharge or release.

AND FURTHER AMEND by deleting subdivision (e)(5) in the amendatory language of Section 1.

AND FURTHER AMEND by deleting the language "July 1, 2023" in the effective date section and substituting instead the language "January 1, 2024".



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House Transportation Subcommittee Am. #1
Amendment No. _____

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Signature of Sponsor

AMEND Senate Bill No. 273*

House Bill No. 321

by deleting all language after the caption and substituting instead:

WHEREAS, Tennessee's policies have created immense economic opportunity, with more than 250,000 new jobs created since 2011; and

WHEREAS, Tennessee continues to be a highly sought after location to live, work, and raise a family, contributing to a population increase of nearly ten percent over the last decade alone; and

WHEREAS, this prosperity is outpacing the ability of the State's transportation system to provide for the necessary mobility of its citizens and visitors; and

WHEREAS, improvements to Tennessee's transportation system are vital to ensure the State's continued economic growth and success of its citizens and businesses; now, therefore,
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act is known and may be cited as the "Transportation Modernization Act of 2023."

SECTION 2. Tennessee Code Annotated, Section 54-1-119, is amended by deleting the section and substituting:

54-1-119. Design-build and performance-based asset maintenance contracts.

(a) As used in this section:

(1) "Design-build contract" means:

(A) An agreement that provides for the design and construction of a project under a single contract, which may include, but is not limited to,



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design, right-of-way acquisition, regulatory permit review and approvals, or utility relocation, and the construction, reconstruction, repair, or maintenance of the project; or

(B) An agreement that provides for the design and reconstruction, repair, or maintenance of highway facilities under a single contract, which may include, but is not limited to, design, right-of-way acquisition, regulatory permit review and approvals, or utility relocation services, and the reconstruction, repair, or maintenance of highway facility components along specific roadway corridors or within a geographic area; and

(2) "Performance-based asset maintenance contract" means an agreement, typically long-term, that provides for managing and performing the inspection and reconstruction, repair, or maintenance of multiple highway facility components for specific roadway corridors or within a geographic area, where the contract sets specific performance standards, rather than prescriptive work tasks and deadlines, and may include incentive or disincentive provisions to promote achievement of the desired outcomes. Such contracts may also include third-party damage repair and claim management services, and may also provide for design, right-of-way acquisition, regulatory permit review and approvals, or utility relocation activities.

(b) Notwithstanding another law to the contrary, the department may award design-build contracts and performance-based asset maintenance contracts in accordance with this section.

(c) Selection criteria for a design-build contract or a performance-based asset maintenance contract must include the cost, and may include qualifications, time of completion, innovation, design and construction quality, design innovation, or other technical or quality related criteria, as determined by the department.

(d) The department may award a stipulated fee to design-build firms that submit responsive proposals but are not awarded the design-build contract. The department is not required to award a stipulated fee, but if it elects to award the fee, the amount of the stipend and the terms under which stipends are to be paid must be stated in the request for proposals.

(e) Prior to awarding a design-build contract under this section, the commissioner shall send written notice to the chair of the transportation and safety committee of the senate and the chair of the transportation committee of the house of representatives.

(f) If a proposed design-build contract has a total estimated contract amount in excess of one hundred million dollars (\$100,000,000), the department shall specifically identify the project as a design-build project in the transportation improvement program submitted annually to the general assembly in support of the commissioner's annual funding recommendations.

(g) The department may establish agency policy, or the department may promulgate rules in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, or both, in furtherance of this part.

SECTION 3. Tennessee Code Annotated, Section 54-1-501, is amended by deleting the section and substituting:

54-1-501. Use of construction manager/general contractor and progressive design-build services.

(a) Notwithstanding another law to the contrary, the department is authorized to use the construction manager/general contractor (CM/GC) method and progressive design-build (PDB) method as delivery methods for procuring transportation project services.

(b) The department shall select CM/GC and PDB projects based upon generally accepted industry criteria that include factors such as fostering innovation, mitigating

risk, improving design quality, improving cost control, and optimizing construction schedules.

(c) Types of projects suited for CM/GC and PDB methods include, but are not limited to, instances where the department needs feedback during the design phase due to complex components that require innovation, projects that have public involvement, projects that have third-party considerations such as acquisition of right-of-way or utility relocation issues, or situations where other factors impact the overall schedule. Types of projects not suited for the CM/GC or PDB methods include, but are not limited to, routine maintenance and resurfacing projects or other construction projects that present a low level of technical complexity, a low level of risk management, and simple traffic phasing, and that do not have a compelling need for project acceleration.

SECTION 4. Tennessee Code Annotated, Section 54-1-502(3), is amended by deleting the subdivision and substituting:

(3) "Construction manager/general contractor" or "CM/GC" means a business firm or joint venture, separate from the project designer, that is able to provide pre-construction services during the design and development phase of a transportation project, including, but not limited to, constructability review, scheduling, pricing, and phasing, and is able to construct the project if the department and firm or joint venture agree to a guaranteed maximum price;

SECTION 5. Tennessee Code Annotated, Section 54-1-502, is amended by adding the following as new subdivisions:

() "Design-builder" means a business firm or joint venture that is able to provide both design and construction services for a transportation project, including, but not limited to, design, right-of-way acquisition, or utility relocation, as well as construction of the project;

() "Progressive design-builder" or "PDB" means a design-builder that is able to provide pre-construction services during the preliminary design and development phase

of a transportation project, including, but not limited to, constructability review, scheduling, pricing, and phasing, and is able to complete the final design and construct the project if the department and the design-builder agree to a guaranteed maximum price;

() "Progressive design-build method" or "PDB method" means a transportation project delivery method in which the department procures a design-builder to provide pre-construction services and may subsequently complete the final design and construct the project, or part of the project, if the department and the design-builder reach agreement on a guaranteed maximum price;

SECTION 6. Tennessee Code Annotated, Section 54-1-503, is amended by deleting the section and substituting:

54-1-503. Notice of use of CM/GC or PDB method.

(a) Prior to awarding a contract under this part, the commissioner shall send written notice to the chair of the transportation and safety committee of the senate and the chair of the transportation committee of the house of representatives.

(b) If a proposed CM/GC or PDB contract has a total estimated contract amount in excess of one hundred million dollars (\$100,000,000), the department shall specifically identify the project as a CM/GC or PDB project in the transportation improvement program submitted annually to the general assembly in support of the commissioner's annual funding recommendations.

SECTION 7. Tennessee Code Annotated, Section 54-1-504(b)(3), is amended by deleting the language "Phase 3 of the process, which may be known as the 'CM/GC Selection-Design Phase,' is as follows:" and substituting "Phase 3 of the process is the evaluation and selection phase, as follows:".

SECTION 8. Tennessee Code Annotated, Section 54-1-504, is amended by inserting the language "or PDB" after "CM/GC" wherever it appears, and by inserting "or PDB's" after "CM/GC's" wherever it appears.

SECTION 9. Tennessee Code Annotated, Section 54-1-504(b)(1), is amended by deleting subdivisions (B) and (C) and substituting:

(B) The selection committee consists of a total of five (5) members, to be appointed by the commissioner as follows:

(i) Three (3) department employees, including at least one (1) employee who is a licensed professional engineer in this state; and

(ii) Two (2) members who are not employees of the department, each of whom must be a resident of this state. At least one (1) of the members must have a minimum of ten (10) years of construction or highway engineering design experience, and at least one (1) of the members must be a licensed professional engineer in this state.

SECTION 10. Tennessee Code Annotated, Section 54-1-504(b)(3), is amended by deleting subdivisions (D) and (E) and substituting:

(D) Upon completion of the evaluation process, each member of the selection committee shall independently review and score the proposals. Each member shall score the proposals pursuant to the scoring matrix that the department provides in the RFP and based on the RFP's evaluation criteria. The scores must be tallied and averaged according to the procedure established in the RFP. Upon completion of the scoring, the proposals must be ranked in order of the highest aggregate score to the lowest aggregate score. The proposer whose proposal receives the highest aggregate score must be identified as a first-tier proposer. In addition, another proposer whose proposal receives an aggregate score within five percent (5%) of the proposal with the highest aggregate score, where five percent (5%) is measured as a percentage of the highest aggregate score, must also be identified as a first-tier proposer;

(E) The proposals of the first-tier proposers must be submitted in alphabetical order to the commissioner without an evaluation ranking. The commissioner may select a first-tier proposer, or the commissioner may reject all proposals and proceed with

construction of the project through a lawful method for procuring a construction services contract. The department shall send all proposers a written notice of award to the selected proposer, or a written notice that all proposals have been rejected. If the department issues a written notice of award, then the notice must include a copy of the scores from each member of the selection committee for each RFP proposal;

SECTION 11. Tennessee Code Annotated, Section 54-1-504(b)(3)(G), is amended by inserting the language "or joint venture" after "firm".

SECTION 12. Tennessee Code Annotated, Section 54-1-504(b)(4), is amended by deleting the subdivision and substituting:

(4) Phase 4 of the process is the potential award of the contract phase, as follows:

(A) Once the design has been completed, or has been sufficiently developed to allow the CM/GC or PDB to prepare a proposed GMP for construction, or for final design and construction, of the project, or a part of the project, the department shall conduct the steps described in subdivision (b)(4)(B) before proceeding with construction or final design and construction;

(B) The department shall:

(i) Prepare and compile the contract plans, specifications, special provisions, or other requirements that will comprise the contract for construction, or final design and construction;

(ii) Prepare a detailed cost estimate to evaluate the appropriate price for construction or final design and construction; and

(iii) If directed by the commissioner, have an independent third-party estimator prepare a detailed cost estimate to confirm the appropriate price for construction or final design and construction;

(C) The department's detailed cost estimate, and a cost estimate prepared by an independent third-party estimator, must not be disclosed to the

CM/GC or PDB, and must remain confidential and is not subject to public disclosure under § 10-7-503 or another law until after award of the contract for construction or final design and construction;

(D) The contract must require the CM/GC or PDB to self-perform a portion of the construction work comprising at least thirty percent (30%) of the total cost for construction, excluding specialty items. The cost for pre-construction services must not be considered part of the thirty percent (30%) but may be considered a specialty item;

(E) Based on the contract plans, specifications, special provisions, or other contract terms and conditions compiled by the department, the CM/GC or PDB shall prepare a GMP, including an authorized contingency, for construction or final design and construction. When completed, the CM/GC's or PDB's proposed GMP must be submitted to the department for review. The CM/GC's or PDB's proposed GMP must otherwise remain confidential and is not subject to public disclosure until after award of the contract;

(F) The department shall compare the CM/GC's or PDB's proposed GMP with the department's own confidential cost estimate, and with a cost estimate prepared by an independent third-party estimator. If the GMP does not exceed the department's estimate, or the independent third-party estimate, by more than ten percent (10%), the commissioner may, but is not required to, award the contract to the CM/GC or PDB;

(G) If the commissioner rejects the proposed GMP, then the department may continue to conduct contract discussions with the CM/GC or PDB to develop an acceptable GMP for the project. Alternatively, the department may direct the CM/GC or PDB to provide additional pre-construction services as needed to assist in the further development of contract plans, terms, or specifications for the

purpose of repeating the Phase 4 process established in this subdivision (b)(4);
and

(H) If an agreement on the GMP is unable to be reached:

(i) For CM/GC, then the commissioner may proceed with construction of the project through the low bid procurement process; or

(ii) For PDB, then the PDB shall relinquish and assign ownership of its design work product to the department, and the commissioner may:

(a) Employ the PDB's design consultant or another design consultant to complete the final design and proceed with construction of the project through the low bid procurement process; or

(b) Use the PDB's design consultant's work product, or a part of it, to proceed with construction of the project through a design-build procurement process.

SECTION 13. Tennessee Code Annotated, Section 54-1-505, is amended by inserting the language "or PDB" after "CM/GC" wherever it appears.

SECTION 14. Tennessee Code Annotated, Title 54, Chapter 2, is amended by adding the following as a new part:

54-2-201. Establishment of transportation modernization fund.

(a) There is established a fund to be known as the "transportation modernization fund." The fund is a segregated account within the state treasury and includes accounts and subaccounts in the fund.

(b) Notwithstanding another law to the contrary, and subject to appropriation in the general appropriations act, the fund is composed of:

(1) Effective July 1, 2023, a sum of three billion dollars (\$3,000,000,000),
to be divided as follows:

(A) Seven hundred fifty million dollars (\$750,000,000) for projects within region 1 of the department;

(B) Seven hundred fifty million dollars (\$750,000,000) for projects within region 2 of the department;

(C) Seven hundred fifty million dollars (\$750,000,000) for projects within region 3 of the department; and

(D) Seven hundred fifty million dollars (\$750,000,000) for projects within region 4 of the department;

(2) Effective July 1, 2023, a sum of three hundred million dollars (\$300,000,000), to be distributed to local governments as grants, as determined by the commissioner;

(3) Other revenues or moneys that the general assembly may appropriate to the fund; and

(4) Other moneys received by the department for the purposes of the fund that are not otherwise allocated to the department by law.

(c) The fund must be administered by the department of transportation and be kept separate and apart from all other funds, including the state highway fund. Any portion of the fund shall not be transferred or otherwise diverted to another department or agency of state government and must only be drawn out of the state treasury as provided in this part.

(d) Amounts remaining in the fund at the end of each fiscal year must not revert to the general fund. Moneys in the fund must be invested by the state treasurer pursuant to title 9, chapter 4, part 6, for the sole benefit of the fund, and interest accruing on investments and deposits of the fund must be returned to and remain part of the fund.

(e) The fund may be used for the following purposes:

(1) To fund strategic transportation initiatives, including, but not limited to, congestion mitigation, economic development, and the accelerated delivery of

strategic transportation improvements over and above the transportation improvements program generally supported by the state highway fund;

(2) To respond to a transportation system failure, an imminent threat of a failure, or other emergency as provided in § 54-1-135, which use may be eligible for reimbursement from the federal government; and

(3) Another purpose for which the state highway fund may be lawfully used.

54-2-202. Annual report to the general assembly.

(a) Prior to January 1, 2024, and prior to each January 1 thereafter, the department of transportation shall submit a report to the speakers of the senate and the house of representatives on the status of projects funded by the transportation modernization fund.

(b) The report must include for each project:

(1) The date on which engineering activities began, or are anticipated to begin, if known;

(2) The date on which right-of-way acquisition activities began, or are anticipated to begin, if known;

(3) The date on which construction activities began, or are anticipated to begin, if known; and

(4) The date on which construction was completed, as applicable.

SECTION 15. Tennessee Code Annotated, Section 54-3-101, is amended by deleting the section.

SECTION 16. Tennessee Code Annotated, Section 54-3-102, is amended by deleting the section and substituting:

(a) It is the intent of the general assembly to supplement this title by authorizing user fees as an additional and alternative method for funding or financing the development and operation of highways and appurtenant facilities or other

transportation-related facilities, subject to this chapter. It is the intent of the general assembly to limit the operation of user fee facilities to new facilities opened on or after July 1, 2023, and to existing facilities where one (1) or more new vehicle lanes is added to the facility on or after July 1, 2023.

(b) The development of a user fee facility project by or under the authority of the department must be in accordance with the department's long-range statewide transportation plan. The department shall specifically identify a proposed user fee facility or user fee facility project in the transportation improvement program furnished to the general assembly in support of the commissioner's annual funding recommendations.

(c) Prior to submitting to the general assembly a transportation improvement plan in which a user fee facility project is included, the department shall submit the proposed user fee facility project to the board for approval, as provided in this chapter. Further development of the user fee facility project shall not occur until the user fee facility project has been approved by the board.

(d) The development of a user fee facility project by or under the authority of the department must consider alternatives to the project; the economic, social, and environmental effects of the user fee facility project; and the findings of the environmental evaluation process and public comments, including comments from a metropolitan planning organization or rural planning organization, or both, in which the project is located, before developing final construction plans for the user fee facility. If the proposed project involves federal aid funding or constitutes a major federal action, then the department's environmental evaluation process is subject, as applicable, to the National Environmental Policy Act of 1969 (42 U.S.C. § 4321 et seq.). If the proposed project does not involve federal aid funding and does not otherwise constitute a major federal action, then it is subject to environmental evaluation and documentation in accordance with such policies and procedures as the department may establish.

(e) The development of a user fee facility project by or under the authority of the department is subject to public hearings conducted in accordance with such procedures as the department may establish. The department shall hold the public hearings at convenient locations during the environmental evaluation of the project and prior to plans for the user fee facility project being finally adopted.

(f) The environmental evaluation and public hearing requirements of subsections (d) and (e) do not apply to the authorization, sale, or issuance of bonds under this chapter.

SECTION 17. Tennessee Code Annotated, Section 54-3-103, is amended by deleting the section and substituting:

As used in this chapter:

(1) "Ancillary agreements" means contracts or agreements facilitating the issuance and sale of bonds, including contracts or agreements providing for liquidity and credit enhancement and reimbursement agreements relating to the contracts or agreements providing for liquidity and credit enhancement;

(2) "Availability payments" means payments by a public entity to a private entity in connection with the development, maintenance, or operation of a user fee facility pursuant to a franchise agreement, concession agreement, or a combination of those agreements;

(3) "Bonds" means bonds, notes, renewal notes, refunding bonds, interim certificates, certificates of indebtedness, debentures, warrants, commercial paper, or other obligations or other evidence of indebtedness or evidence of borrowed money issued or entered into by or on behalf of the department to finance user fee facility projects;

(4) "Commissioner" means the commissioner of transportation;

(5) "Concession agreement" means an agreement between a public entity and a private entity, or a consortium of private entities, under which the private entity or

consortium accepts responsibility for the design, construction, financing, operation, or maintenance of a user fee facility for a period of years, collects revenues from the user fee facility for that period, and accepts the risk of revenues being sufficient to support the private entity's or consortium's capital, operations, and maintenance costs for the user fee facility;

(6) "Department" means the department of transportation;

(7) "Develop" or "development" means a portion of the process of bringing a user fee facility project to completion, including, but not limited to, planning, feasibility analysis, environmental evaluation, preliminary engineering, design, acquisition of rights-of-way, relocation of utilities, permitting, environmental mitigation, contracting, funding, and construction;

(8) "Facility" means a highway, bridge, tunnel, parking lot or garage, or other paved surface or structure that is designed to carry or contain land transportation vehicles, or another transportation-related facility;

(9) "Franchise agreement" means an agreement between a public entity and a private entity, or a consortium of private entities, under which the private entity or consortium accepts responsibility for the design, construction, operation, or maintenance of a user fee facility for a period of years in exchange for payment from the public entity, which may include, but is not limited to, periodic availability payments from the public entity;

(10) "General purpose lane" means a traffic lane other than a high occupancy vehicle lane or other managed lane that is available for use by motorists without the payment of a user fee;

(11) "Hedging agreements" means interest rate swap or exchange agreements, agreements establishing interest rate floors or ceilings, or both, and other interest rate hedging agreements relating to bonds;

(12) "High occupancy vehicle lane" or "HOV lane" has the same meaning as defined in § 55-8-188;

(13) "High occupancy user fee lane" means a high occupancy vehicle lane that may be used by an operator of a vehicle carrying fewer than the number of persons specified for the high occupancy vehicle lane if the operator pays a user fee;

(14) "Managed lane" means a highway lane where operational strategies are proactively implemented and operated in response to changing traffic conditions, including, but not limited to, a user fee lane, high occupancy vehicle lane, or high occupancy user fee lane;

(15) "Open road user fee system" means a system for the collection of user fees via electronic means without the use of physical payment booths;

(16) "Operate" or "operation" means activity associated with the management, operation, and maintenance of a completed user fee project, including, but not limited to, collecting user fees; installing, repairing, or replacing equipment; maintaining, repairing, or improving the user fee facility; paying debt service on bonds, amounts payable under hedging agreements and ancillary agreements and other costs related thereto; paying salaries, benefits, and other costs of employees or employment necessary to the operation of the user fee facility, including the collection of user fees using an open road user fee system or other means and the payment of costs of operation and debt service; contracting or administering contracts related to any such activity; and funding or financing any such activity;

(17) "State funding board" means the state funding board established in § 9-9-101;

(18) "State user fee fund" or "fund" means each separate fund established in this chapter, or all such funds, as the context may require, and includes accounts and subaccounts in the fund or funds;

(19) "Transportation modernization board" or "board" means the board established in this chapter;

(20) "User fee" means a fee or charge for the use of a user fee facility;

(21) "User fee facility" means a facility where the development or operation of the facility is wholly or partially funded with user fees;

(22) "User fee facility development agreement":

(A) Means a contractual agreement between the department and a local governmental entity, other public entity, or a private entity that provides for the development, construction, reconstruction, financing, acquisition, maintenance, or operation of a user fee facility, or a combination thereof; and

(B) Includes, but is not limited to:

(i) Preliminary development agreements;

(ii) Design or construction agreements;

(iii) Operation or maintenance service agreements;

(iv) Franchise agreements, concession agreements, or a combination of those agreements;

(v) Agreements for the enforcement of user fees; and

(vi) Agreements between the department and a local governmental entity or other public entity to participate jointly in any of the agreements in this subdivision (22)(B);

(23) "User fee facility project" means a capital project involving the development or operation of a user fee facility;

(24) "User fee lane" means a highway lane that may be used by an operator of a vehicle if the operator pays a user fee; and

(25) "User fee revenue" means revenues or moneys received from the collection of user fees; from a lease, concession, franchise, license, or other agreement for the

right to operate all or part of a user fee facility or an appurtenant facility; and other revenues or moneys received from the operation of a user fee facility.

SECTION 18. Tennessee Code Annotated, Section 54-3-104, is amended by deleting the section and substituting:

54-3-104. Development and operation of user fee facility projects – Funding – Setting and collecting user fees.

(a) The department may develop user fee facility projects and operate user fee facilities as provided in this chapter. The department may expend funds from the state user fee fund, the transportation modernization fund, and the state highway fund, and other funds, grants, or loans received from or made available by the federal government or another government agency that may be lawfully applied to a user fee facility project.

(b) Subsection (a) applies to:

(1) New transportation facilities constructed on or after July 1, 2023; and

(2) Existing transportation facilities where one (1) or more new vehicle travel lanes are added to the facility on or after July 1, 2023; provided, however, that the existing number of lanes available for use without payment of a user fee must not be reduced.

(c) The department may, subject to approval of the board, designate one (1) or more lanes of a highway, or portion of a highway, within the state as a user fee facility; provided, however, that such designation must not reduce the existing number of general purpose lanes. In making such designations, the department, subject to the approval of the board, shall specify the high occupancy requirement or other conditions for use of the lanes, which may include restricting vehicle types and implementing access controls.

(d) To establish a new user fee facility or to add a user fee facility on an existing facility, the department shall submit a proposal to the board. The proposal must include

plans, feasibility analyses, and other such information as may be available to describe the proposed project and the need for such project, including:

(1) Projected traffic on the user fee facility;

(2) The anticipated amount of the user fee to be charged, or the method for setting variable user fees;

(3) Projected user fee revenue; and

(4) If applicable, the proposed use of a franchise agreement, concession agreement, or a combination of those agreements, to design, construct, finance, operate, or maintain the user fee facility.

(e) The department may, subject to approval of the board, set user fees or establish the method for setting variable user fees for the use of managed lanes, subject to resolutions or indentures authorizing bonds. Upon or prior to the issuance of any bonds, and until such time as the bonds are no longer outstanding under the resolution or indenture providing for the issuance of the bonds, the department shall collect, or shall cause to be collected, such user fees and shall revise the user fees from time to time whenever necessary, to produce revenue, together with other moneys that may be available, sufficient to:

(1) Provide for all costs of the development and operation of the user fee facility project, including reasonable reserves; and

(2) Pay when due all bonds and interest on the bonds, obligations under hedging agreements and ancillary agreements, and other indebtedness incurred by the state for the payment of which the user fees have been pledged, charged, or otherwise encumbered, and interest thereon, including reasonable reserves therefor.

(f) A user fee, along with allowable increases, or the method for setting variable user fees on managed lanes, imposed or collected on a user fee facility on a state highway that is the subject of a user fee development agreement must be set in the user

fee facility development agreement. The department shall obtain the approval of the board prior to modifying the user fee conditions set forth in the user fee facility development agreement.

(g) By July 1, 2024, and by July 1 annually thereafter, the department shall submit a report to the chairs of the finance, ways, and means committees of the house of representatives and the senate and the chairs of the transportation and safety committee of the senate and transportation committee of the house of representatives on the activities of the department under this chapter.

SECTION 19. Tennessee Code Annotated, Section 54-3-105, is amended as follows:

(1) By deleting "state tollway fund" wherever it appears and substituting instead "state user fee fund";

(2) By deleting "toll revenues" wherever it appears and substituting instead "user fee revenues";

(3) By deleting "tollway projects and toll facility projects" in subdivision (b)(3) and substituting instead "user fee facility projects";

(4) By deleting "tollway or toll facility" in subsection (c) and subdivisions (d)(2) and (3) and substituting instead "user fee facility"; and

(5) By deleting "tollways or toll facilities" in subdivision (d)(1) and substituting instead "user fee facilities".

SECTION 20. Tennessee Code Annotated, Section 54-3-105(c), is amended by inserting "as approved by the board," immediately after "commissioner,".

SECTION 21. Tennessee Code Annotated, Section 54-3-106, is amended by deleting the section and substituting:

54-3-106. Department contracting authority.

(a) In addition to other authority to enter into contracts as may be provided by law, the department may enter into user fee facility development agreements and other contracts with private entities, the federal government, or other governmental agencies

for the purpose of developing or operating a user fee facility, or a part of a user fee facility, including, but not limited to, the following:

(1) Contracts with private entities using a project delivery method available to the department by law, pursuant to which all or part of the design, right-of-way acquisition, relocation of utilities, and construction of a user fee facility is accomplished by a private entity or entities on behalf of the department;

(2) Service agreements for the operation, or the operation and maintenance, of a user fee facility, or appurtenant facility, which may be procured on the basis of competitive sealed bids or the competitive selection of proposals, including the evaluation of qualifications and cost;

(3) Franchise agreements, concession agreements, or a combination thereof, in accordance with the following conditions:

(A) The department may procure such agreements in a manner consistent with § 54-6-106; except, that the department may, but is not required to, accept or evaluate unsolicited proposals for projects;

(B) The department may refer to § 54-6-110 for guidance on the content of such agreements and to § 54-6-109 for guidance on a preliminary development agreement related to such agreements; and

(C) The confidentiality provisions in § 54-6-107 apply to both solicited and unsolicited proposals received by the department for such agreements; provided, however, that a proposer submitting an unsolicited proposal must include an executive summary covering the major elements of the proposal and must exclude information from the executive summary that the proposer intends to be kept confidential as proprietary information, as the executive summary is a public record under § 10-7-503, that may be used to solicit competing proposals; and

(4) Agreements with the federal government or other governmental agencies for the purpose of undertaking all or part of a user fee facility project.

(b) With respect to user fee facility development agreements entered into between the department and a private entity, the private entity may be allowed to lease a lane or lanes on the state highway system; provided, however, that in no event may the private entity be allowed to own a lane or lanes on the state highway system.

(c) A contract or agreement shall not be entered into for the operation of a user fee facility with a person or entity appearing on a sanctions list published under the authority of the United States department of the treasury, office of foreign assets control.

SECTION 22. Tennessee Code Annotated, Section 54-3-107, is amended by deleting the section and substituting:

54-3-107. User fees and other restrictions.

The commissioner may, subject to the approval of the board, establish user fees, vehicle restrictions, and other fees or restrictions applicable to the operation of user fee facilities as provided in this chapter. The commissioner may enforce fees or restrictions pursuant to this chapter.

SECTION 23. Tennessee Code Annotated, Section 54-3-108, is amended by deleting the section and substituting:

54-3-108. Traffic laws - Failure to pay user fee.

(a) The traffic laws of this state, including the applicable traffic laws of a municipality through which a user fee facility passes, and user fees and use restrictions established by the commissioner, govern the use of a user fee facility authorized under this chapter. State and local law enforcement authorities may enforce the traffic laws and use restrictions.

(b) Except as provided in subsection (c), the operator of a vehicle that is driven through a user fee facility shall pay the user fee as established under this chapter.

(c) The following vehicles are exempt from payment of a user fee:

(1) Law enforcement or other authorized emergency vehicles as defined by § 55-8-101, regardless of whether the vehicle is responding to an emergency or displaying a flashing light;

(2) Multiple-passenger vehicles operated by a public transit authority;
and

(3) On a high occupancy user fee lane, vehicles that have been authorized to use an HOV lane free of charge during the time period specified for HOV use.

(d) The department may, subject to approval of the board, prohibit certain classes of vehicles from operating in a user fee facility through the posting of appropriate signage, wherever the department determines, on the basis of an engineering and traffic investigation that the presence of those vehicles impairs the safe or efficient operation of the user fee facility.

(e) A person who uses a user fee facility and fails to pay the user fee within ninety (90) days of the person's notice of nonpayment under § 54-3-114, or a person who operates a prohibited vehicle on a user fee facility, commits a Class C misdemeanor and is subject to a fine of not more than fifty dollars (\$50.00).

SECTION 24. Tennessee Code Annotated, Section 54-3-109, is amended as follows:

(1) By deleting "tollway projects and toll facility projects" in subsection (a) and subdivisions (n)(6) and (7) and substituting instead "user fee facility projects";

(2) By deleting "tollway projects or toll facility projects" in subsection (l) and subdivision (n)(5) and substituting instead "user fee facility projects";

(3) By deleting "state tollway fund" wherever it appears in subsections (c), (j), and (o) and subdivisions (n)(1) and (11) and substituting instead "state user fee fund";

(4) By deleting "toll revenues" wherever it appears in subdivisions (n)(1) and (5) and subsection (o) and substituting instead "user fee revenues"; and

(5) By deleting "tolls" in subdivision (n)(2) and subsection (o) and substituting instead "user fees".

SECTION 25. Tennessee Code Annotated, Section 54-3-109(a), is amended by inserting the language ", subject to approval of the board" following "commissioner" immediately preceding the period.

SECTION 26. Tennessee Code Annotated, Section 54-3-110, is amended by deleting the language "tollway" and "toll" wherever they appear and substituting "user fee".

SECTION 27. Tennessee Code Annotated, Section 54-3-113, is amended by deleting the section and substituting instead:

54-3-113. Transportation Modernization Board.

(a) There is established the transportation modernization board. The board consists of five (5) voting members as follows:

(1) One (1) member to be appointed by the governor;

(2) One (1) member to be appointed by the speaker of the house of representatives;

(3) One (1) member to be appointed by the speaker of the senate;

(4) The governor, ex officio, or the governor's designee; and

(5) The commissioner of transportation, ex officio, or the commissioner's designee.

(b) The terms for the initial board members who do not serve ex officio begin on October 1, 2023, and shall be staggered as follows:

(1) The member appointed pursuant to subdivision (a)(1) shall serve an initial term of six (6) years;

(2) The member appointed pursuant to subdivision (a)(2) shall serve an initial term of five (5) years; and

(3) The member appointed pursuant to subdivision (a)(3) shall serve an initial term of four (4) years.

(c) Following the terms for initial board members as provided in subsection (b), the term for a board member who does not serve ex officio is four (4) years. A board member who does not serve ex officio is eligible for reappointment and may serve a maximum of two (2) full terms; provided, however, that an appointment to fill an unexpired term as a result of a vacancy does not count toward the term limit. At the expiration of a board member's term, the member may continue to serve until a successor is appointed or until the member is reappointed.

(d) Three (3) board members constitute a quorum for the transaction of business. If a quorum is present, a vacancy on the board does not prevent the board from transacting business or otherwise taking an action authorized pursuant to this chapter.

(e) The commissioner of transportation or the commissioner's designee shall serve as chair. The board shall meet at the call of the chair. The board may elect other officers as the board deems appropriate.

(f) The department shall provide administrative support to the board.

(g) The board may exercise the powers and duties necessary to implement this chapter.

SECTION 28. Tennessee Code Annotated, Title 54, Chapter 3, Part 1, is amended by adding the following as a new section:

54-3-114. Enforcement of nonpayment.

(a) The operator of a vehicle that is driven through a user fee facility without payment of the user fee commits a civil violation subject to enforcement under this section. Each event of nonpayment is a separate violation. This subsection (a) does not apply to an operator of a vehicle exempt under § 54-3-108(c).

(b) The department or the department's contractor shall place signs on, or in advance of, a user fee facility that provide drivers with the following information:

(1) Notice that the driver is approaching a facility for which a user fee is required, with signs providing this information placed in advance of the location where the user fee is required;

(2) The methods by which the user fee may be paid; and

(3) If applicable, directions to the nearby user fee collection facility that accepts cash payment of the user fee.

(c) In the event of nonpayment of the user fee as required by subsection (a), and on the issuance of written notice of nonpayment by the department or its contractor, the registered owner of the vehicle is liable for the payment of the required user fee and any applicable administrative fee established under subsection (d).

(d) The department, subject to approval of the board, shall establish administrative fees for the collection of unpaid user fees and shall establish procedures for the collection of unpaid user fees and applicable administrative fees.

(e) It is an exception to the application of subsection (a) that the registered owner of the vehicle was a lessor of the vehicle at the time the user fee was incurred. Within thirty (30) days of the department or contractor mailing notice of nonpayment to the registered owner, the registered owner shall provide to the department or its contractor a copy of the rental, lease, or other contract, with the name and address of the lessee at the time the user fee was incurred clearly legible. If the lessor provides the required information under this subsection (e), the department or the department's contractor may send a notice of nonpayment to the lessee at the address provided by the lessor within thirty (30) days of receipt of the required information from the lessor and shall follow the procedures established under subsection (d). A lessee who is mailed a written notice of nonpayment is liable for payment of the user fee and any applicable administrative fee.

(f) It is an exception to the application of subsection (a) that the registered owner of the vehicle transferred ownership of the vehicle to another person before the event of

nonpayment under subsection (a) occurred and if within thirty (30) days after the date the department or the department's contractor mailed the notice of nonpayment, the registered owner provides to the department or its contractor the name and address of the person to whom the vehicle was transferred. If the former owner provides the required information under this subsection (f), the department or the department's contractor may send a notice of nonpayment to the subsequent owner at the address provided by the former owner within thirty (30) days of receipt of the required information from the former owner and shall follow the procedures established under subsection (d). A subsequent owner who is mailed a written notice of nonpayment is liable for payment of the user fee and any applicable administrative fee.

(g) The department or the department's contractor have sufficient proof of nonpayment under this section upon:

(1) Proof that a vehicle was driven through a user fee collection facility without payment of the user fee, which may include, but is not limited to, testimony of a law enforcement officer, or evidence obtained through the use of an open road user fee system installed by the department or its contractor; and

(2) Proof that the person was the registered owner, lessee, or subsequent owner, which may include, but is not limited to, records of the department of revenue or the analogous department of another state or country, or information provided under subsection (e) or (f).

(h) It is an exception to the application of subsection (a) that the vehicle was stolen before the event of nonpayment under subsection (a) occurred; provided, that the theft was reported to the appropriate law enforcement authority before the earlier of the occurrence of nonpayment, or eight (8) hours after the discovery of the theft.

(i) Notwithstanding § 55-8-198, the department or the department's contractor may use an open road user fee system to monitor use of a user fee facility and collect payment under this section.

(j)

(1) A registered owner who commits three (3) or more violations of this section within the same twelve-month time period may be determined to be a habitual violator and may be subject to suspension or non-renewal of the registered owner's vehicle registration.

(2) No later than January 1, 2025, the department, subject to approval of the board, shall establish:

(A) The criteria for a determination by the department or the department's contractor that a registered owner is a habitual violator; and

(B) The process for the department or the department's contractor to notify the department of revenue of the determination that a registered owner is a habitual violator.

(3) The department shall notify the department of revenue upon the establishment of the criteria and process required by subdivision (j)(2).

(4) No later than eighteen (18) months following the department's notification of the establishment of criteria under subdivision (j)(2), the department of revenue shall promulgate rules to establish a process for suspending or non-renewing a habitual violator's vehicle registration. The rules must include, but are not limited to, a process for providing at least sixty (60) days' written notice to the registered owner of the department of revenue's intention to suspend or non-renew the registered owner's vehicle registration, which notice must include the reason for the proposed suspension or non-renewal, an explanation of the process for a registered owner to challenge the suspension or non-renewal, which must include an opportunity for a hearing, and the imposition of any administrative fees necessary to cover the department of revenue's cost in administering this section.

(k) This state may enter reciprocity agreements with other government entities or other toll authorities for the purpose of collecting user fees and any applicable administrative fees from non-Tennessee residents for violations of this section.

SECTION 29. Tennessee Code Annotated, Title 54, Chapter 3, Part 1, is amended by adding the following as a new section:

54-3-115. Proprietary records.

(a) Personal information or highly restricted personal information obtained in connection with a motor vehicle record, and thereafter obtained by the department or the department's contractor in connection with the collection of and enforcement of user fees on a user fee facility, is subject to disclosure limitations established in the federal Driver's Privacy Protection Act, 18 U.S.C. § 2721, and the Uniform Motor Vehicle Records Disclosure Act, compiled in title 55, chapter 25, and must remain confidential as required by such federal and state laws and not be open for public inspection under title 10, chapter 7, nor discoverable in legal proceedings.

(b) Financial information, transaction history, and information generated by an open road user fee system on a user fee facility related to the collection of a user fee from a person, and which has been obtained by the department or the department's contractor for the purposes of collecting and enforcing user fees on a user fee facility must remain confidential and not be open for public inspection under § 10-7-503 or another law. The department or the department's contractor may use the account information only for purposes of collecting and enforcing user fees. Notwithstanding another law to the contrary, this information is not open to public inspection under § 10-7-503 or another law; provided, however, that the user fee facility account holder may examine the account holder's own account information, and a third party by authority of a proper court order may inspect and examine confidential account information.

(c) Proposals received by the department for franchise agreements, concession agreements, or some combination of those agreements, related to the design,

construction, financing, operation, or maintenance of user fee facilities, and documents used by the department to evaluate and accept or reject such proposals, must remain confidential, not be subject to disclosure to another proposer, and not be open for public inspection pursuant to § 10-7-503 or another law until after the department has selected a proposal and awarded a contract. Proprietary information contained in a proposal for such an agreement, whether a solicited or unsolicited proposal, must remain confidential, not be subject to disclosure to another proposer, and not be open for public inspection pursuant to § 10-7-503 or another law, as provided in § 54-6-107. For purposes of this subsection (c), "proprietary" has the same meaning as defined in § 54-6-102.

SECTION 30. Tennessee Code Annotated, Section 55-4-116, is amended by deleting the section and substituting:

(a) Beginning January 1, 2024, and each subsequent year, in addition to all other motor vehicle registration fees prescribed by law, there must be paid to the department at the time the vehicle is registered or renewed an additional registration fee in the following amount, or such other amount as adjusted pursuant to subsection (b):

(1) For all-electric vehicles, two hundred seventy-four dollars (\$274); and

(2) For hybrid electric vehicles and plug-in hybrid electric vehicles, one hundred dollars (\$100).

(b) On January 1, 2025, and on January 1 of each subsequent year, the department shall adjust the amount of the registration fees assessed pursuant to subsection (a) to reflect the effect of annual inflation or deflation for the cost of living that consumers in this state experienced on average during the immediately preceding fiscal year, based upon the consumer price index for all urban consumers rate published by the United States department of labor, bureau of labor statistics or another similar index established by the federal government for June of the previous year, if the department determines that such federal index reflects the effect of inflation and deflation for the cost

of living that consumers in this state experienced on average during the preceding fiscal year. The adjustment must be rounded up to the nearest whole dollar figure. The department shall publish each adjusted registration fee amount on its website.

(c) Notwithstanding § 55-6-107 or another law to the contrary, the proceeds of the additional registration fees established in this section must be apportioned as follows:

(1) Sixty-three and four-tenths percent (63.4%) to the state highway fund;

(2) Eleven and eight-tenths percent (11.8%) to municipalities, as defined in § 54-4-201, on the basis set out in § 54-4-203;

(3) Twenty-two percent (22%) to counties on the basis set out in § 54-4-103; and

(4) Two and eight-tenths percent (2.8%) to the general fund.

(d) As used in this section:

(1) "All-electric vehicle" means a passenger or commercial motor vehicle with an electric motor as its sole means of propulsion; provided, however, that "all-electric vehicle" does not include a low speed vehicle or a medium speed vehicle;

(2) "Hybrid electric vehicle" means a vehicle that is primarily powered by an electric motor that draws current from rechargeable storage batteries, fuel cells, or other sources of electric current and also operates on, or is capable of operating on, a nonelectrical source of power; provided, however, that "hybrid electric vehicle" does not include a low speed vehicle or a medium speed vehicle; and

(3) "Plug-in hybrid electric vehicle" means a vehicle that can use batteries to power an electric motor and use another fuel, such as gasoline or diesel, to power an internal combustion engine or other propulsion source, and that may use electricity from the grid to run the vehicle some or all of the time;

provided, however, that "plug-in hybrid electric vehicle" does not include a low speed vehicle or a medium speed vehicle.

SECTION 31. Tennessee Code Annotated, Section 55-6-107(a)(1), is amended by deleting the language "The proceeds" and substituting instead "Except as otherwise provided in § 55-4-116(c), the proceeds".

SECTION 32. Tennessee Code Annotated, Section 55-8-188, is amended by deleting the section and substituting:

(a) As used in this section:

(1) "Emergency vehicle" means a vehicle of a governmental department or public service corporation when responding to an emergency, a vehicle of a police or fire department, or an ambulance;

(2) "High occupancy vehicle" means a public transportation vehicle; privately owned bus; motorcycle; private passenger motor vehicle, including vans and pick-up trucks, carrying no fewer than two (2) passengers; or as otherwise determined by the commissioner of transportation; and

(3) "HOV lane" means a lane or set of lanes on a highway facility of any class, so designated by signing, pavement delineation or markings, or other means of positive guidance, that is reserved for the exclusive use of high occupancy vehicles during specified hours of specified days of the week, in order to provide preferential service over traditional, mixed vehicles on that remaining part of the same highway facility.

(b) Drivers shall obey the directions of every official traffic control device that is erected or placed to restrict usage of a lane designated for high occupancy vehicles.

(c) Operation of a vehicle other than a high occupancy vehicle in an HOV lane is an offense. Drivers of emergency vehicles are exempt from this subsection (c).

(d) A violation of this section is a Class C misdemeanor, subject only to imposition of a fine, not to exceed fifty dollars (\$50.00), and court costs, not to exceed

ten dollars (\$10.00), including, but not limited to, any statutory fees of officers. State or local litigation taxes are not applicable to a case prosecuted under this section.

SECTION 33. Tennessee Code Annotated, Section 12-2-112(a)(8)(A), is amended by deleting the language "seventy-five thousand dollars (\$75,000)" wherever it appears and substituting "two hundred fifty thousand dollars (\$250,000)".

SECTION 34. Tennessee Code Annotated, Section 12-2-112(a)(8)(C), is amended by deleting the language "ten thousand dollars (\$10,000)" wherever it appears and substituting "twenty-five thousand dollars (\$25,000)".

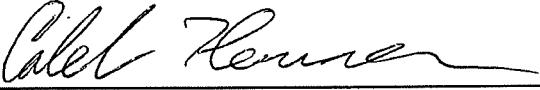
SECTION 35. Tennessee Code Annotated, Section 4-29-246(a), is amended by adding the following as a new subdivision:

() Transportation modernization board, created by § 54-3-113;

SECTION 36. The headings in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 37. If any provision of this act, or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 38. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 392*

House Bill No. 575

by inserting the following new section immediately preceding the last section and renumbering the subsequent section accordingly:

SECTION 2. Tennessee Code Annotated, Section 63-9-107(a), is amended by designating the existing language as subdivision (a)(1) and adding the following new subdivision (a)(2):

(2)

(A) In establishing continuing medical educational requirements pursuant to subdivision (a)(1), the board of osteopathic examination shall consider including a course in maternal mental health, which must address the following:

(i) Best practices in screening for maternal mental health disorders, including cultural competency and unintended bias as a means to build trust with mothers;

(ii) The range of maternal mental health disorders;

(iii) The range of evidence-based treatment options, including the importance of allowing a mother to be involved in developing the treatment plan; and

(iv) When an obstetrician or a primary care doctor should consult with a psychiatrist versus making a referral.

(B) The board shall periodically update any curriculum developed pursuant to this subdivision (a)(2) to account for new research.



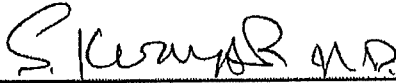
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Amendment No. _____



Signature of Sponsor

FILED
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Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 614*

House Bill No. 1313

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 68-1-1903, is amended by deleting subsection (b) and substituting:

(b) Comprehensive stroke centers, primary stroke centers, and hospitals that have a certification from a department-approved, nationally recognized certifying body recognizing the hospital as capable of providing neuroendovascular treatment shall, and all other hospitals are encouraged to, report data quarterly consistent with the national recognized stroke consensus measures on the treatment of individuals with confirmed stroke to the East Tennessee State University College of Public Health.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.



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FILED
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Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

Patsy Haylewood

Signature of Sponsor

AMEND Senate Bill No. 289

House Bill No. 152*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 5, Part 20, is amended by deleting the part and substituting:

71-5-2001. Short title.

This part is known and may be cited as the "Annual Coverage Assessment Act of 2023."

71-5-2002. Part definitions.

As used in this part:

(1) "Annual coverage assessment" means the annual assessment imposed on covered hospitals as set forth in this part;

(2) "Annual coverage assessment base" means a covered hospital's net patient revenue as shown in its medicare cost report for its fiscal year that ended during calendar year 2019, on file with CMS as of September 30, 2021, subject to the following qualifications:

(A) If a covered hospital does not have a full twelve-month medicare cost report for 2019 on file with CMS but has a full twelve-month cost report for a subsequent year, then the first full twelve-month medicare cost report for a year following 2019 on file with CMS is the annual coverage assessment base;

(B) If a covered hospital does not have a full twelve-month medicare cost report for 2019 on file with CMS and does not have a full



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twelve-month cost report for a subsequent year, but has a cost report for 2019 that covers at least nine (9) months of 2019, then the assessment base is calculated by annualizing the 2019 cost report data;

(C) If a covered hospital was first licensed in 2019 or later and did not replace an existing hospital, and if the hospital has a medicare cost report on file with CMS, then the hospital's initial cost report on file with CMS is the base for the hospital assessment. If the hospital does not have an initial cost report on file with CMS but does have a complete twelve-month joint annual report (JAR) filed with the department of health, then the net patient revenue from the first twelve-month JAR is the annual coverage assessment base. If the hospital does not have a medicare cost report or a full twelve-month JAR filed with the department of health, then the annual coverage assessment base is the covered hospital's projected net patient revenue for its first full year of operation as shown in its certificate of need application filed with the health services and development agency;

(D) If a covered hospital was first licensed in 2019 or later and replaced an existing hospital, then the annual coverage assessment base is the replacement hospital's initial medicare cost report on file with CMS. If the hospital does not have a medicare cost report on file with CMS, then the hospital's annual coverage assessment base is either the predecessor hospital's net patient revenue as shown in its medicare cost report for its fiscal year that ended during calendar year 2019, or, if the predecessor hospital does not have a 2019 medicare cost report, then the cost report for the first fiscal year following 2019 on file with CMS;

(E) If a covered hospital is not required to file an annual medicare cost report with CMS, then the hospital's annual coverage assessment

base is its net patient revenue for the fiscal year ending during calendar year 2019 or the first fiscal year that the hospital was in operation after 2019 as shown in the covered hospital's joint annual report filed with the department of health; and

(F) If a covered hospital's fiscal year 2019 medicare cost report is not contained in a CMS healthcare cost report information system file, and if the hospital does not meet another qualification listed in subdivisions (2)(A)-(E), then the hospital must submit a copy of the hospital's 2019 medicare cost report to the bureau in order to allow for the determination of the hospital's net patient revenue for the state fiscal year 2023-2024 annual coverage assessment;

(3) "Bureau" means the bureau of TennCare;

(4) "CMS" means the federal centers for medicare and medicaid services;

(5) "Controlling person" means a person who, by ownership, contract, or otherwise, has the authority to control the business operations of a covered hospital. As used in this subdivision (5), "control" means indirect or direct ownership of ten percent (10%) or more of a covered hospital;

(6) "Covered hospital" means a hospital licensed under title 33 or title 68, as of July 1, 2023, but does not include an excluded hospital;

(7) "Excluded hospital" means:

(A) A hospital that has been designated by CMS as a critical access hospital as of July 1, 2023;

(B) A mental health hospital owned by this state;

(C) A hospital providing primarily rehabilitative or long-term acute care services;

(D) A children's research hospital that does not charge patients for services beyond that reimbursed by third-party payers; and

(E) A hospital that is determined by the bureau as eligible to certify public expenditures for the purpose of securing federal medical assistance percentage payments;

(8) "Medicare cost report" means CMS-2552-10 or a subsequent form adopted by CMS for medicare cost reporting, the cost report for electronic filing of hospitals, for the period applicable as set forth in this section; and

(9) "Net patient revenue" from the medicare cost report means the amount calculated in accordance with generally accepted accounting principles for hospitals that is reported on Worksheet G-3, Column 1, Line 3, of the 2019 medicare cost report, excluding long-term care inpatient ancillary and other non-hospital revenues, or, in the case of a hospital that did not file a 2019 medicare cost report, comparable data from the first complete cost report filed after 2019 by the hospital.

71-5-2003. Annual coverage assessment on covered hospitals.

(a) There is imposed on each covered hospital licensed as of July 1, 2023, an annual coverage assessment for fiscal year (FY) 2023-2024 as set forth in this part.

(b) The annual coverage assessment imposed by this part is not effective and validly imposed until the bureau has provided the Tennessee Hospital Association with written notice that includes:

(1) A determination from CMS that the annual coverage assessment is a permissible source of revenue that does not adversely affect the amount of federal financial participation in the TennCare program;

(2)

(A) Approval from CMS for the distribution of the full amount of directed payments to hospitals to offset unreimbursed TennCare costs as

described in § 71-5-2005(d)(2) as long as an assessment installment is not collected prior to the distribution of the installment of the directed payments; or

(B) The rules promulgated by the bureau pursuant to § 71-5-2004(j)(2); and

(3) Confirmation that all contracts between hospitals and managed care organizations comply with the hospital payment rate variation corridors set forth in § 71-5-161.

(c) The general assembly intends that the proceeds of the annual coverage assessment are not to be used as a justification to reduce or eliminate state funding to the TennCare program. The annual coverage assessment is not effective and validly imposed if the coverage or the amount of revenue available for expenditure by the TennCare program in FY 2023-2024 is less than:

(1) The governor's FY 2023-2024 recommended budget level; plus

(2) Additional appropriations made by the general assembly to the TennCare program for FY 2023-2024, except to the extent new federal funding is available to replace funds that are appropriated as described in subdivision (c)(1) and that are above the amount that the state receives from CMS under the regular federal matching assistance percentage.

(d)

(1)

(A) The general assembly intends that the proceeds of the annual coverage assessment are not to be used as justification for a TennCare managed care organization to implement across-the-board rate reductions to negotiated rates with covered or excluded hospitals or physicians in existence on July 1, 2023. For those rates in effect on July 1, 2023, the bureau shall include provisions in the managed care

organizations' contractor risk agreements that prohibit the managed care organizations from implementing across-the-board rate reductions to covered or excluded network hospitals or physicians by specific service, category, or type of provider. The requirements of the preceding sentence also apply to services or settings of care that are ancillary to the primary license of a covered or excluded hospital or physician, but do not apply to reductions in benefits or reimbursement for the ancillary services if the reductions:

(i) Are different from those items being funded in § 71-5-2005(d); and

(ii) Have been communicated in advance of implementation to the general assembly and the Tennessee Hospital Association.

(B) As used in this subsection (d):

(i) "Physician" includes a physician licensed under title 63, chapter 6 or chapter 9, and a group practice of physicians that holds a contract with a managed care organization;

(ii) "Services or settings of care that are ancillary" includes ambulatory surgical facilities, free standing emergency departments, outpatient treatment clinics or imaging centers, dialysis centers, home health and related services, home infusion therapy services, outpatient rehabilitation, or skilled nursing services; and

(iii) "Services or settings of care that are ancillary to the primary license of a covered or excluded hospital or physician" includes services where the physician or covered or excluded hospital, including a wholly owned subsidiary or controlled affiliate

of a covered or excluded hospital or hospital system, holds more than a fifty percent (50%) controlling interest in the ancillary services or settings of care, but does not include other ancillary services or settings of care. For across-the-board rate reductions to ancillary services or settings of care, the bureau shall include appropriate requirements for notice to providers in the managed care organizations' contractor risk agreements.

(2) This subsection (d) does not preclude good faith negotiations between managed care organizations and covered or excluded hospitals, hospital systems, and between managed care organizations and physicians on an individualized, case-by-case basis. This subsection (d) does not serve as justification for managed care organizations in this state, covered or excluded hospitals, hospital systems, or physicians to unreasonably deny a party the ability to enter into individualized, case-by-case good faith negotiations. Good faith negotiation necessarily implies mutual cooperation between the negotiating parties and may include, but is not limited to, the right to terminate contractual agreements; the ability to modify negotiated rates, pricing, or units of service; the ability to alter payment methodologies; and the ability to enforce existing managed care techniques or to implement new managed care techniques.

(3) This subsection (d) does not preclude the full implementation of § 71-5-161.

(4) Notwithstanding this subsection (d), if CMS mandates a TennCare program change or a change is required by state or federal law that impacts rates, and that change is required to be implemented by the managed care organizations in accordance with their contracts, or if the annual coverage assessment becomes invalid, then this part does not prohibit the managed care

organizations from implementing a rate change as may be mandated by the bureau or by state or federal law.

71-5-2004. Amount of annual coverage assessment – Payment – Penalty –

Suspension of payments – Civil action.

(a) The annual coverage assessment established for this part is four and eighty-seven hundredths percent (4.87%) of a covered hospital's annual coverage assessment base.

(b) The annual coverage assessment must be paid in installments pursuant to this subsection (b) if the requirements of § 71-5-2003(b) have been satisfied. The bureau shall establish a schedule of four (4) equal installment payments spread as evenly as possible throughout FY 2023-2024 with each installment payment due fifteen (15) days after the FY 2023-2024 directed payments approved by CMS to offset unreimbursed TennCare costs that have been made to hospitals.

(c) To facilitate collection of the annual coverage assessment, the bureau shall send each covered hospital, at least thirty (30) days in advance of each installment payment due date, a notice of payment along with a return form developed by the bureau. Failure of a covered hospital to receive a notice and return form, however, does not relieve a covered hospital from the obligation of timely payment. The bureau shall also post the return form on its website.

(d) Failure of a covered hospital to pay an installment of the annual coverage assessment, when due, results in an imposition of a penalty of five hundred dollars (\$500) per day until the installment is paid in full. The bureau at its discretion may waive the penalty if the hospital establishes that it attempted to mail or electronically transfer payment to the state on or before the date the payment was due.

(e) If a covered hospital ceases to operate or changes status to be an excluded hospital between July 1, 2023, and June 30, 2024, then the hospital's total annual coverage assessment is equal to its annual coverage assessment base multiplied by a

fraction, the denominator of which is the number of calendar days from July 1, 2023, until July 1, 2024, and the numerator of which is the number of days from July 1, 2023, until the date the board for licensing healthcare facilities has recorded as the date that the hospital changed status or ceased operation.

(f) If a covered hospital ceases operation prior to payment of its full annual coverage assessment, then the person controlling the hospital as of the date the hospital ceased operation is jointly and severally responsible for any remaining annual coverage assessment installments and unpaid penalties associated with previous late payments.

(g) If a covered hospital is sold after July 1, 2023, and before July 1, 2024, then the seller is responsible for annual coverage assessment payments due for the period up to and including the date the sale is final. If the hospital continues to operate in this state and continues to meet the definition of a covered hospital, then the new owner is responsible for paying all coverage assessment amounts due for the period beginning on the day after the date of the sale until July 1, 2024.

(h) If a covered hospital fails to pay an installment of the annual coverage assessment within thirty (30) days of its due date, then the bureau must suspend the payments to the hospital as required by § 71-5-2005(d)(2) or (d)(3) until the installment is paid and report the failure to the department that licenses the covered hospital. Notwithstanding another law, failure of a covered hospital to pay an installment of the annual coverage assessment or a refund required by this part is considered a license deficiency and grounds for disciplinary action as set forth in the statutes and rules under which the covered hospital is licensed.

(i) In addition to the action required by subsection (h), the bureau is authorized to file a civil action against a covered hospital and its controlling person or persons to collect delinquent annual coverage assessment installments, late penalties, and refund obligations established by this part. Exclusive jurisdiction and venue for a civil action authorized by this subsection (i) is in the chancery court for Davidson County.

(j)

(1) If a federal agency with jurisdiction over the annual coverage assessment determines that the annual coverage assessment is not a valid source of revenue or if there is a reduction of the coverage and funding of the TennCare program contrary to § 71-5-2003(c), or if the requirements of §§ 71-5-161 and 71-5-2003(b) are not fully satisfied, or if one (1) or more managed care organizations impose rate reductions contrary to § 71-5-2003(d), then:

(A) No subsequent installments of the annual coverage assessment are due and payable; and

(B) No further payments must be paid to hospitals pursuant to § 71-5-2005(d)(2) or (d)(3) after the date of the event.

(2)

(A) Notwithstanding this part, if CMS discontinues approval of or otherwise fails to approve the full amount of directed payments to hospitals to offset losses incurred from providing services to TennCare enrollees as authorized under § 71-5-2005(d), then the bureau must suspend payments from or to covered hospitals otherwise required by this part and must promulgate rules that:

(i) Establish the methodology for determining the amounts, categories, and times of payments to hospitals, if any, instead of the payments that otherwise would have been paid under § 71-5-2005(d)(3) if approved by CMS;

(ii) Prioritize payments to hospitals as set forth in § 71-5-2005(d)(3);

(iii) Identify the benefits and services for which funds will be available in order to mitigate reductions or eliminations that

otherwise would be imposed in the absence of the coverage assessment;

(iv) Determine the amount and timing of payments for benefits and services identified under subdivisions (j)(2)(A)(ii) and (iii), as appropriate;

(v) Reinstitute payments from or to covered hospitals as appropriate; and

(vi) Otherwise achieve the goals of this subdivision (j)(2).

(B) The rules adopted under this subdivision (j)(2) must, to the extent possible, achieve the goals of:

(i) Maximizing the amount of federal matching funds available for the TennCare program; and

(ii) Minimizing the variation between payments hospitals will receive under the rules as compared to payments hospitals would have received if CMS had approved the total payments described in § 71-5-2005(d).

(C) Notwithstanding another law, the bureau is authorized to exercise emergency rulemaking authority to the extent necessary to meet the objectives of this subdivision (j)(2).

(3) Upon occurrence of an event set forth in subdivision (j)(1) or (j)(2), the bureau shall then have authority to make necessary changes to the TennCare budget to account for the loss of annual coverage assessment revenue.

(k) A covered hospital or an association representing covered hospitals, the membership of which includes thirty (30) or more covered hospitals, has the right to file a petition for declaratory order pursuant to § 4-5-223 to determine if there has been a failure to meet the requirements of this part. A covered hospital shall not increase

charges or add a surcharge based on, or as a result of, the annual coverage assessment.

71-5-2005. Deposits in Maintenance of Coverage Trust Fund – Expenditures – Quarterly reports.

(a) The funds generated as a result of this part must be deposited in the maintenance of coverage trust fund created by § 71-5-160, the existence of which is continued as provided in subsection (b). The fund must not be used to replace monies otherwise appropriated to the TennCare program by the general assembly or to replace monies appropriated outside of the TennCare program.

(b) The maintenance of coverage trust fund must continue without interruption and must be operated in accordance with § 71-5-160 and this section.

(c) The maintenance of coverage trust fund consists of:

(1) The balance of the trust fund remaining as of June 30, 2023;

(2) All annual coverage assessments received by the bureau;

(3) Investment earnings credited to the assets of the maintenance of coverage trust fund; and

(4) Penalties paid by covered hospitals for late payment of assessment installments imposed by this part or a prior statute authorizing an annual coverage assessment.

(d) Monies credited or deposited to the maintenance of coverage trust fund, together with all federal matching funds, must be available to and used by the bureau only for expenditures in the TennCare program and include the following purposes:

(1) Expenditure for benefits and services under the TennCare program, including those that would have been subject to reduction or elimination from TennCare funding for FY 2023-2024, except for the availability of one-time funding for that year only, as follows:

(A) Replacement of across-the-board reductions in covered and excluded hospital and professional reimbursement rates described in the governor's recommended budgets since FY 2011, except for reductions that were included on a list for a given year but then funded in a subsequent year with recurring state dollars;

(B) Funding virtual DSH payments, funding payments to hospitals for uncompensated care to charity patients, and funding payments to hospitals for quality incentive arrangements, with all of those payments being made in accordance with, and as those categories of payments are defined in, the TennCare 1115 demonstration waiver from the federal centers for medicare and medicaid services to the maximum amount permitted for each category under that waiver;

(C) Maintenance of payments for graduate medical education of at least forty-eight million dollars (\$48,000,000), or a successor program as approved by CMS;

(D) Maintenance of reimbursement for medicare part A crossover claims at the lesser of one hundred percent (100%) of medicare allowable or the billed amount;

(E) Avoidance of coverage limitations relative to the number of hospital inpatient days per year or the annual cost of hospital services for a TennCare enrollee;

(F) Avoidance of coverage limitations relative to the number of nonemergency outpatient visits per year for a TennCare enrollee;

(G) Avoidance of coverage limitations relative to the number of physician office visits per year for a TennCare enrollee;

(H) Avoidance of coverage limitations relative to the number of laboratory and diagnostic imaging encounters per year for a TennCare enrollee;

(I) Maintenance of coverage for occupational therapy, physical therapy, and speech therapy services;

(J) In the total amount of five hundred seventy-nine thousand four hundred thirty-eight dollars (\$579,438) to maintain reimbursement at the same emergency care rate as in FY 2022-2023 for nonemergent care to children twelve (12) to twenty-four (24) months of age;

(K) In the total amount of two million seventy thousand nine hundred dollars (\$2,070,900) to the bureau to offset the elimination of the provision in the TennCare managed care contractor risk agreements for hospitals as follows: CRA 2.12.9.60-Specify in applicable provider agreements that all providers who participate in the federal 340B program give TennCare MCOs the benefit of 340B pricing;

(L) In the total amount of one hundred seventy-five thousand dollars (\$175,000) to offset a portion of the hospital cost of providing admissions, discharge, and transfer (ADT) messages to the TennCare bureau to support the TennCare Patient Centered Medical Home initiative;

(M) In the total amount of one million four hundred twenty-six thousand seven hundred dollars (\$1,426,700) to provide funding for stipends for physicians and other healthcare providers who commit to work in designated medically underserved areas in this state; and

(N) In the amount of three million dollars (\$3,000,000) to offset the unreimbursed cost of charity care for critical access hospitals to be funded from funds remaining in the trust fund as of June 30, 2023;

(2) Directed payments to hospitals to reduce unreimbursed costs incurred by covered hospitals in providing services to TennCare patients, as approved by CMS and as directed in subdivision (d)(3)(B);

(3)

(A) If CMS does not approve directed payments to hospitals to offset unreimbursed costs incurred in serving TennCare patients, but instead approves hospital supplemental pools in the TennCare waiver for that purpose, then payments required by this subdivision (d)(3) must be made from the allocated pools to covered hospitals to offset losses incurred in providing services to TennCare enrollees as set forth in this subdivision (d)(3) as first priority before any other supplemental payments authorized in the TennCare waiver are distributed;

(B) Directed payments to hospitals must be based on the claims paid to covered hospitals from the managed care organizations during each quarter of FY 2023-2024. Each covered hospital is entitled to payments for FY 2023-2024 equal to a portion of its reported TennCare revenue to help offset unreimbursed costs incurred providing care to TennCare patients. As used in this subdivision (d)(3)(B), TennCare net revenue is calculated using data from Schedule E, items (A)(1)(e) and (A)(1)(f) from the hospital's 2021 joint annual report (JAR) filed with the department of health. The amount of the payment to covered hospitals will be based on their DSH class as prescribed in the annual directed payment pre-prints submitted to CMS, excluding state-owned hospitals. The classification of hospitals being established follows existing classifications in the TennCare DSH program and includes children's, tier 1, tier 2 rural, tier 2 urban, tier 3, psychiatric, large safety net, small safety net, and hospitals that do not receive DSH payments;

(C) The payments required by this subdivision (d)(3) must be made in four (4) equal installments. The bureau shall provide to the Tennessee Hospital Association a schedule showing the payments to each hospital at least seven (7) days in advance of the payments;

(D) The payments required by this subdivision (d)(3) may be made by the bureau directly or by the TennCare managed care organizations with the direction to make payments to hospitals as required by this subsection (d). The payments to a hospital pursuant to this subdivision (d)(3) are not part of the reimbursement to which a hospital is entitled under its contract with a TennCare managed care organization; and

(E) If CMS does not approve of the classified structure of directed payments to offset unreimbursed TennCare costs, then payments required by this subdivision (d)(3) must be in accordance with this subdivision (d)(3)(E). Directed payments to hospitals must be based on the claims paid to covered hospitals from the managed care organizations during each quarter of FY 2023-2024. Each covered hospital is entitled to payments for FY 2023-2024 of a portion of its unreimbursed TennCare costs of providing services to TennCare enrollees. As used in this subdivision (d)(3)(E), "unreimbursed TennCare costs" means the excess of TennCare costs over TennCare net revenue. TennCare charges and net revenue are calculated using data from Schedule E, items (A)(1)(e) and (A)(1)(f) from the hospital's 2021 joint annual report (JAR) filed with the department of health. As used in this subdivision (d)(3)(E), "TennCare costs" means the quotient of a facility's cost-to-charge ratio, calculated as B(3) (total expenses) divided by A(3)(e) (total gross patient charges) from Schedule E of the 2021 JAR, times TennCare charges.

The amount of the payment to covered hospitals must be no less than forty and eight-tenths percent (40.8%) of unreimbursed TennCare costs for all hospitals licensed by the state that reported TennCare charges and revenue and total expenses on the 2021 JAR, excluding state-owned hospitals;

(4) In addition to the items and expenditures set forth in subdivisions (d)(1)-(3), other programs and initiatives developed by the bureau, in consultation with the Tennessee Hospital Association, to offset the unreimbursed costs of providing services to TennCare enrollees and the financial consequences of the public health emergency. The state portion of the funding for programs and initiatives developed under this subdivision must be used to obtain federal matching funds to raise funds up to three hundred fifty million dollars (\$350,000,000);

(5) Refunds, in proportion to the amount paid in, to covered hospitals based on:

(A) The payment of annual coverage assessments or penalties to the bureau through error, mistake, or a determination that the annual coverage assessment was invalidly imposed; or

(B) Circumstances where the bureau, in consultation with the Tennessee Hospital Association, has determined a lower coverage assessment would have been required to carry out the purposes of subdivisions (d)(1)-(4); and

(6) Payments authorized under rules promulgated by the bureau pursuant to § 71-5-2004(j)(2).

(e) The bureau shall modify the contracts with TennCare managed care organizations and otherwise take action necessary to assure the use and application of the assets of the maintenance of coverage trust fund, as described in subsection (d).

(f) The bureau shall submit requests to CMS to modify the medicaid state plan, the contractor risk agreements, and an applicable Section 1115 demonstration project, as necessary, to implement this part.

(g) At quarterly intervals beginning September 1, 2023, the bureau shall submit a report to the finance, ways and means committees of the senate and the house of representatives, to the health and welfare committee of the senate, to the health committee of the house of representatives, and to the legislative librarian. The report must include:

- (1) The status, if applicable, of the determination and approval by CMS set forth in § 71-5-2003(b) of the annual coverage assessment;
- (2) The balance of funds in the maintenance of coverage trust fund; and
- (3) The extent to which the maintenance of coverage trust fund has been used to carry out this part.

(h) Notwithstanding another law, no part of the maintenance of coverage trust fund must be diverted to the general fund or used for a purpose other than as set forth in this part.

71-5-2006. Expiration of part – Survival of certain rights and obligations.

This part expires on July 1, 2024. However, the following rights and obligations survive the expiration:

- (1) The authority of the bureau to impose late payment penalties and to collect unpaid annual coverage assessments and required refunds;
- (2) The rights of a covered hospital or an association of covered hospitals to file a petition for declaratory order to determine compliance with this part;
- (3) The existence of the maintenance of coverage trust fund and the obligation of the bureau to use and apply the assets of the maintenance of coverage trust fund; and

(4) The obligation of the bureau to implement and maintain the requirements of § 71-5-161.

71-5-2007. Audit of expenditure of funds from maintenance of coverage trust fund.

The comptroller of the treasury may audit the expenditure of funds pursuant to this part from the maintenance of coverage trust fund. At the discretion of the comptroller of the treasury, the audit may be prepared by a certified public accountant, a public accountant, or the department of audit. Notwithstanding § 71-5-2005, the bureau of TennCare and the maintenance of coverage trust fund must bear the full costs of the audit.


SECTION 2. Tennessee Code Annotated, Section 71-5-2005(d), is amended by adding the following new subdivision:

(7) Other programs and initiatives developed by the bureau in consultation with the Tennessee Hospital Association to offset the unreimbursed costs of providing services to TennCare enrollees and the financial consequences of the public health emergency. The state portion must be provided to obtain federal matching funds to produce up to a maximum payment of three hundred thirty-seven million forty thousand dollars (\$337,040,000) in hospital assistance.

SECTION 3. The headings in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 4. SECTION 2 of this act takes effect upon becoming a law, the public welfare requiring it. SECTION 1 and SECTION 3 of this act take effect June 30, 2023, at 11:59 p.m., the public welfare requiring it.

Amendment No. _____



Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND

House Joint Resolution No. 13*

by deleting the following language from the first resolving clause:

Elections for Judicial and other civil officers shall be held on the first Thursday in August, one thousand eight hundred and seventy, and, beginning with the election in the year two thousand twenty-eight, forever thereafter on the first Tuesday after the first Monday in November next preceding the expiration of their respective terms of service. The term of each officer so elected shall be computed from the first day of November next succeeding his election.

and substituting instead:

Elections for Judicial and other civil officers, except the assessor of property, shall be held on the first Thursday in August, one thousand eight hundred and seventy, and, beginning with the election in the year two thousand twenty-eight, forever thereafter on the first Tuesday after the first Monday in November next preceding the expiration of their respective terms of service. The term of each officer so elected shall be computed from the first day of November next succeeding his election.



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Amendment No. _____

Kathleen Helton-Haynes

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 745*

House Bill No. 883

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-15-201, is amended by deleting the section and substituting instead:

(a) For purposes of this part:

(1) "Abortion" means the use or attempted use of an instrument, medicine, drug, other substance, or device with intent to terminate the intrauterine pregnancy of a woman known to be pregnant;

(2) "Criminal abortion":

(A) Means an abortion performed with intent other than to increase the probability of a live birth, to preserve the life or health of a child after live birth, or to remove a dead fetus; and

(B) Does not include a termination of a pregnancy of a woman known to be pregnant that is performed by a physician to:

- (i) Remove a medically futile pregnancy;
- (ii) Remove an ectopic or molar pregnancy;
- (iii) Dispose of an unimplanted fertilized egg;
- (iv) Address a lethal fetal anomaly; or
- (v)

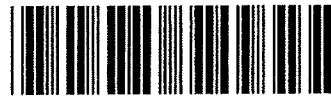
(a) Prevent or treat a medical emergency; and

(b) _____



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(1) If the gestational age of the unborn child is less than twenty (20) weeks, provide the best opportunity for an unborn child to survive, unless in the physician's good faith medical judgment, compliance with this subdivision (a)(2)(B)(v)(b)(1) would pose a greater risk of the death of the pregnant woman or serious risk of the substantial and irreversible impairment of a major bodily function of the pregnant woman; or

(2) If the gestational age of the unborn child is twenty (20) weeks or more, provide the best opportunity for the unborn child to survive by attempting to deliver the unborn child, unless in the physician's good faith medical judgment, compliance with this subdivision (a)(2)(B)(v)(b)(2) would cause the death of the pregnant woman or pose a serious risk of the substantial and irreversible impairment of a major bodily function of the pregnant woman;

(3) "Fertilization" means that point in time when a male human sperm penetrates the zona pellucida of a female human ovum;

(4) "Gestational age" or "gestation" means the age of an unborn child as calculated from the first day of the last menstrual period of a pregnant woman;

(5) "Lethal fetal anomaly" means a fetal condition diagnosed before birth that, in the physician's good faith medical judgment, is incompatible with life outside the womb and for which medical intervention would be futile;

(6) "Medical emergency" means a medical condition that, in the physician's good faith medical judgment, is such that the failure to perform an abortion would result in the death of the pregnant woman, create a serious risk of the substantial and irreversible impairment of a major bodily function of the pregnant woman, or result in serious dysfunction of a bodily organ or part of the pregnant woman;

(7) "Medically futile pregnancy" means a pregnancy that, in the physician's good faith medical judgment, despite medical intervention will not develop further and involves an unborn child who will not survive outside the womb;

(8) "Physician," "the attending physician," or "the referring physician" means a person who is licensed to practice medicine or osteopathy in this state, including a physician qualified pursuant to § 63-6-207(d) or § 63-9-104(d);

(9) "Pregnant" means the human female reproductive condition of having a living unborn child within her body throughout the entire embryonic and fetal stages of the unborn child from fertilization until birth;

(10) "Serious risk of the substantial and irreversible impairment of a major bodily function" means a medically diagnosed condition that, in the physician's good faith medical judgment, so complicates the pregnancy of a woman as to directly or indirectly cause the substantial and irreversible impairment of a major bodily function; such medically diagnosed conditions may include previable preeclampsia, previable placenta accrete spectrum, cesarean scar ectopic pregnancy, inevitable abortion, or previable premature rupture of the membranes, but does not include any condition that:

(A) Is based on a claim or diagnosis that the woman will engage in conduct that would result in her death or the substantial and irreversible impairment of a major bodily function; or

(B) Relates primarily to the pregnant woman's mental health; and

(11) "Unborn child" means an individual living member of the species, homo sapiens, throughout the entire embryonic and fetal stages of the unborn child, from the point in time when a male human sperm penetrates the zona pellucida of a female human ovum until birth, but does not include the creation or destruction of fertilized embryos outside the body of a woman.

(b)

(1) It is an offense to perform or attempt to perform a criminal abortion.

(2) It is an offense to compel, coerce, or unlawfully force another person in order to obtain or procure a criminal abortion.

(3)

(A) A violation of subdivision (b)(1) is a Class C felony.

(B) A violation of subdivision (b)(2) is a Class A misdemeanor.

(c) This section does not subject the pregnant woman upon whom an abortion is performed or attempted to criminal liability.

(d)

(1) This section does not apply to medical treatment provided by a physician to a pregnant woman that results in the accidental death of, or unintentional injury to, an unborn child. This subdivision (d)(1) includes dispensing and administering medications that can be used to induce an abortion but are being used in good faith for the primary purpose of treating other medical conditions and without intent to terminate the pregnancy of a woman known to be pregnant.

(2) A person authorized to provide healthcare services pursuant to title 63 or 68 who participates in performing or attempting to perform an abortion lawfully performed pursuant to subdivision (a)(2)(B) does not commit the offense of criminal abortion.

(3) A pharmacist or prescriber acting in good faith in the provision of abortifacient medications with multiple indications does not commit the offense of criminal abortion if the pharmacist or prescriber either:

(A) Does not intend to terminate the pregnancy of a woman known to be pregnant; or

(B) Confirms with the woman's physician before providing the medications to the physician that, in the physician's good faith medical judgment, the medications are prescribed to perform a lawful abortion pursuant to subdivision (a)(2)(B).

SECTION 2. Tennessee Code Annotated, Section 39-15-202, is amended by deleting the section and substituting instead:

(a) Except in a medical emergency that prevents compliance with this subsection (a), an abortion shall not be performed or induced upon a pregnant woman unless the woman has provided her informed written consent, given freely and without coercion. Consent given by a woman pursuant to this subsection (a) is confidential pursuant to 45 CFR Part 160 and Subparts A and E of Part 164.

(b) In order to ensure that consent for an abortion is truly informed consent, except in a medical emergency that prevents compliance with this subsection (b) or any of the requirements of subdivisions (b)(1)-(4), an abortion shall not be performed or induced upon a pregnant woman unless the woman has first been informed orally and in person by the attending physician who is to perform the abortion, or by the referring physician, of the following facts and has signed a consent form acknowledging that she has been informed as follows:

(1) That according to the good faith medical judgment of her attending or referring physician she is pregnant;

(2) The probable gestational age of the unborn child at the time the abortion is to be performed, based upon the information provided by her as to the

date of her last menstrual period or after a history, physical examination, and appropriate laboratory tests;

(3) That if a child is prematurely born alive in the course of an abortion, then the physician performing the abortion has a legal obligation to take steps to preserve the life and health of the child; and

(4) That the physician determined, in the physician's good faith medical judgment, that the abortion is medically necessary pursuant to § 39-15-201(a)(2)(B) and the reason for the medical necessity.

(c) Except in a medical emergency that prevents compliance with this subsection (c), at the same time the attending physician or referring physician provides the information required by subsection (b), that physician shall inform the pregnant woman of the particular risks associated with her pregnancy and continuing the pregnancy to term, based upon the information known to the physician, as well as the risks of undergoing an abortion, along with a general description of the method of abortion to be used and the medical instructions to be followed subsequent to the abortion.

(d) When a medical emergency compels the performance or inducement of an abortion, the physician shall inform the woman, prior to the abortion or inducement of an abortion if possible, of the medical reasons supporting the physician's judgment that an abortion or inducement of an abortion is medically necessary pursuant to § 39-15-201(a)(2)(B).

(e) In any case in which a physician has determined that a medical emergency exists that excuses compliance with subsection (a), (b), (c), or (d), the physician shall state in the pregnant woman's medical records the basis for such determination.

(f) Except in a medical emergency that prevents compliance with subsection (b), the physician performing or inducing the abortion shall provide the pregnant woman with a duplicate copy of the consent form signed by the pregnant woman.

SECTION 3. Tennessee Code Annotated, Section 39-15-203, is amended by adding the following new subsection:

(e) A record filed pursuant to this part may be admissible in a court proceeding but must not be used by any state or local agency for the purpose of initiating a law enforcement investigation into a violation of this part without additional supporting evidence that a violation of this part may have occurred.

SECTION 4. Tennessee Code Annotated, Section 39-15-206, is amended by deleting the section and substituting instead:

(a) The rights to medical treatment of an infant prematurely born alive in the course of an abortion or criminal abortion are the same as the rights of any other infant. A person who performs or induces an abortion shall exercise that degree of professional skill, care, and diligence in accordance with good medical practice necessary to preserve the life and health of an infant prematurely born alive in the course of an abortion.

(b) A cause of action for wrongful death shall not be brought that arises out of the death of a fetus or infant during the course of a lawful abortion, whether the fetus or infant is quick or not, so long as the abortion is performed in accordance with this part; however, once an infant is born alive, any person in attendance is civilly responsible for providing all care that is reasonable and necessary under the circumstances and in the general vicinity in which the person in attendance practices.

(c) A person who violates subsection (a) commits a Class E felony.

SECTION 5. Tennessee Code Annotated, Section 39-15-207, is amended by deleting the language "a voluntary abortion" and substituting instead the language "a criminal abortion".

SECTION 6. Tennessee Code Annotated, Section 39-15-208(c), is amended by deleting the subsection.

SECTION 7. Tennessee Code Annotated, Section 39-15-210(b), is amended by deleting the subsection and substituting instead:

When a physician has reasonable cause to report the sexual abuse of a minor pursuant to § 37-1-605 because the physician has been requested to perform an abortion on a minor, the physician shall, at the time of the report, also notify the official to whom the report is made of the date and time of the scheduled abortion and that a sample of the embryonic or fetal tissue extracted during the abortion will be preserved and available to be turned over to the appropriate law enforcement officer conducting the investigation into the rape of the minor.

SECTION 8. Tennessee Code Annotated, Section 39-15-211, is amended by deleting the section and substituting instead:

(a) A physician accused of an offense under § 39-15-201 may seek a hearing before the state medical board that licenses the physician on whether the physician's conduct constitutes criminal abortion. The medical board's findings pursuant to this section are admissible at any trial of the defendant. Upon a motion of the defendant, the court shall delay the beginning of the trial to permit the hearing to take place.

(b) This section does not impede or limit a physician's rights under the United States Constitution or in any way adversely affect the burden of proof required in a criminal trial of an accused physician.

SECTION 9. Tennessee Code Annotated, Sections 39-15-212 through 39-15-218, are amended by deleting the sections.

SECTION 10. Tennessee Code Annotated, Section 39-15-219, is amended by deleting subdivisions (a)(6) and (a)(7).

SECTION 11. Tennessee Code Annotated, Section 29-34-212(c), is amended by deleting the language "§ 39-15-213" and substituting instead the language "§ 39-15-201".

SECTION 12. Tennessee Code Annotated, Section 37-10-307(b), is amended by deleting the subsection.

SECTION 13. Tennessee Code Annotated, Section 37-10-302(1), is amended by deleting the subdivision and substituting instead:

(1) "Abortion" has the same meaning as defined in § 39-15-201(a)(1);

SECTION 14. Tennessee Code Annotated, Section 40-32-101(g)(1)(B)(xiv), is amended by deleting the language "(b)(3)" and substituting instead the language "(b)(2)".

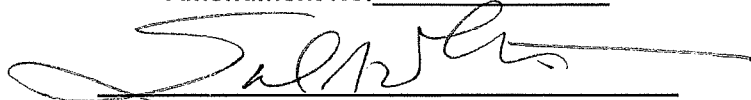
SECTION 15. Tennessee Code Annotated, Section 56-26-134, is amended by deleting the last sentence and substituting instead:

For purposes of this section, "abortion" has the same meaning as "criminal abortion" as defined in § 39-15-201.

SECTION 16. Tennessee Code Annotated, Section 71-5-157, is amended by deleting the section.

SECTION 17. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. _____



Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 159*

House Bill No. 184

by deleting the language "political action committee" in Section 2(c) and substituting instead the language "political campaign committee".



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Amendment No. _____


Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 158*

House Bill No. 182

by deleting Sections 1 and 2 and substituting instead:

SECTION 1. Tennessee Code Annotated, Section 2-10-125, is amended by deleting subsections (b) and (e) and substituting:

(b) The disclosure must be on a form designed by the Tennessee ethics commission, be made under oath, and contain a statement that a false statement on the report is subject to the penalties of perjury. A disclosure form must be filed within five (5) days of entering into a contract for consulting services or campaign services. If services continue to be provided under the contract for a period exceeding twelve (12) months, the disclosure form must be updated annually within five (5) days of the initial contract date in each subsequent year in which the contract is in effect.

(e) If a person or entity contracts to pay a member of the general assembly or a staff person or employee of the general assembly a fee, commission, or other form of compensation, for the provision of campaign services to a candidate for state office or to a political campaign committee attempting to influence the result of a state election, the person or entity shall make the disclosures required under subdivisions (a)(1)-(5) with respect to the campaign services provided.

SECTION 2. Tennessee Code Annotated, Section 2-10-126, is amended by deleting subsections (c) and (e) and substituting instead:

(c) The disclosure must be on a form designed by the Tennessee ethics commission, be made under oath, and contain a statement that a false statement on the report is subject to the penalties of perjury. A disclosure form must be filed within five (5)



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days of entering any contract for consulting services or campaign services. If services continue to be provided under the contract for a period exceeding twelve (12) months, the disclosure form must be updated annually within five (5) days of the initial contract date in each subsequent year in which the contract is in effect.

(e) If a member of the general assembly or a staff person or employee of the general assembly contracts to receive a fee, commission, or other form of compensation, for the provision of campaign services to a person or political campaign committee attempting to influence the result of a state election, the member, staff person, or employee shall make the disclosures required under § 2-10-125(a)(1)-(5) with respect to the campaign services provided.

AND FURTHER AMEND by deleting the language "§§ 2-10-224 – 2-10-232" in Section 4(a) and substituting instead the language "§§ 2-10-122 – 2-10-130".

Amendment No. _____
Paul Howard
Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 1119

House Bill No. 1153*

by deleting the second WHEREAS clause and substituting the following:

WHEREAS, Major General Haston served with honor and distinction as Tennessee's
75th Adjutant General from 2010 to 2019; and



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Amendment No. _____


Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 379

House Bill No. 284*

by deleting the language "local education agency," in Section 13(a) and (b).

AND FURTHER AMEND by deleting Sections 14-17 and renumbering the remaining section.



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Amendment No. _____

Signature of Spohsor

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Comm. Amdt. _____

AMEND Senate Bill No. 380

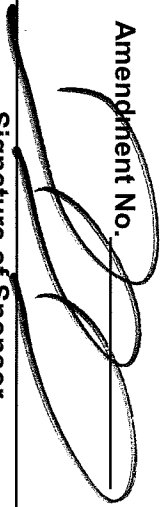
House Bill No. 181*

by deleting subdivision (d)(2) in Section 50-3-109 in SECTION 1 and substituting the following:

(2) Requiring employees of a prime contractor or remote contractor to submit to a criminal history records check conducted by the Tennessee bureau of investigation, and to the extent permitted by federal law, the federal bureau of investigation, for the purpose of ensuring employees of the prime contractor or remote contractor are permitted to enter controlled spaces in existing facilities of the government entity.



Amendment No.


Signature of Sponsor

AMEND Senate Bill No. 391

House Bill No. 249*

FILED
Date _____
Time _____
Clerk _____
Comm. Amndt. _____

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 27-5-108, is amended by deleting

subsection (d) and substituting:

(d)

(1) Except as provided in subdivision (d)(2), if no appeal is taken within the time provided, then execution may issue.

(2) For a writ of possession, if no appeal is taken within the time provided, then execution shall issue by operation of law.

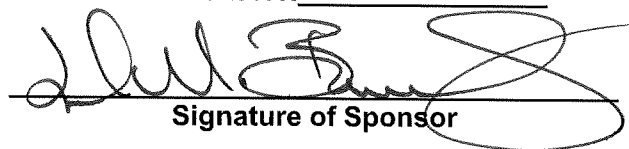
SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.



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Amendment No. _____

Signature of Sponsor

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Time _____
Clerk _____
Comm. Amdt. _____

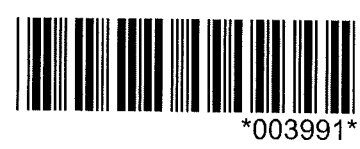
AMEND Senate Bill No. 644

House Bill No. 252*

by adding the following as a new section immediately preceding the last section and renumbering the subsequent section accordingly:

SECTION ____ Tennessee Code Annotated, Section 49-6-3050, is amended by adding the following as a new subsection:

If a home school student participates in an LEA-sponsored interscholastic activity or event or an LEA-sponsored extracurricular activity, then the LEA may request and receive proof that the student received a health service or examination that is required for the LEA's students to participate in the activity or event by law generally.



Amendment No. 1

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Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 487

House Bill No. 38*

by deleting all language after the enacting clause and substituting:


SECTION 1. Tennessee Code Annotated, Section 8-6-106, is amended by adding the following new subsection:

(c) In all cases where, in the judgment of the speaker of the house of representatives and the speaker of the senate, the interest of the state requires additional counsel to the attorney general and reporter, the speaker of the house of representatives and the speaker of the senate shall retain additional counsel to prosecute an action against the federal government on behalf of the state; provided, that the representation must not include payment of a fixed or contingent fee to any such additional counsel or otherwise increase state expenditures.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.



FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____


Signature of Sponsor

AMEND Senate Bill No. 552

House Bill No. 353*

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

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 7, Part 1, is amended by adding the following as a new section:

(a) This section is known and may be cited as "Sergeant Chris Jenkins Law."

(b) It is an offense for a person to operate a motor vehicle upon a public roadway while transporting a ladder on the motor vehicle or in an open bed or trailer that is not firmly secured by adequate means to prevent the ladder from falling onto the roadway. A ladder being transported as described in this subsection (b) must be secured with lateral straps affixed at each end of the ladder.

(c) This section does not alter or amend any requirements in § 65-15-111 pertaining to additional requirements for commercial motor vehicles.

(d) A violation of this section is a Class C misdemeanor; except, that if an improperly secured ladder causes or contributes to a motor vehicle accident, then a violation of this section is a Class A misdemeanor.

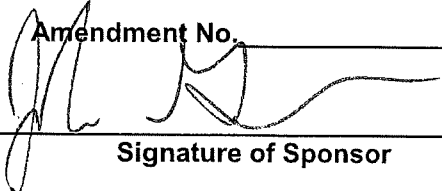
SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.



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Amendment No. _____


Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 976

House Bill No. 825*

by deleting SECTION 13 and substituting instead:

SECTION 13. Tennessee Code Annotated, Section 55-50-102(22)(F), is amended by deleting the subdivision and substituting instead:

(F) CLASS M.

(i) The Class M license is valid for all motorcycles, including all motorscooters. This license classification may be added to a license valid for another class, or it may be issued as the only classification on a license if the applicant is not licensed for another classification.

(ii) A Class M-limited license may also be issued and is valid for all motorscooters, including mopeds, but not for larger motorcycles. The department may develop knowledge and skills tests that are suitable for the Class M-limited license and for the operation of motorscooters.

AND FURTHER AMEND by deleting SECTION 19 and substituting instead:

SECTION 19. For purposes of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2024, the public welfare requiring it.



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