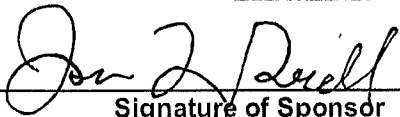


**THE ATTACHED
AMENDMENT(S)
ARE TO BILLS
THAT WILL
BE HEARD
IN COMMITTEE
THE WEEK OF**

February 27, 2023

Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 349*

House Bill No. 597

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 8, Part 1, is amended by adding the following as a new section:

The board of regents shall establish standardized entrepreneurship training opportunities that may be offered by the board's center for workforce development and its institutions through the TN eCampus online learning management system to provide a cost-effective training program for students interested in starting a new business.

SECTION 2. For purposes of developing the standardized entrepreneurial program, 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.

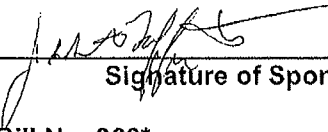


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Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 968*

House Bill No. 1114

by deleting subdivision (B)(i)(a)(3) in the amendatory language of Section 1 and substituting instead the following:

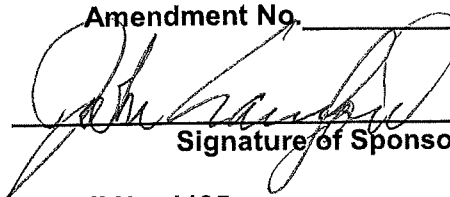
(3) Obtained a high school equivalency credential approved by the state board of education; provided, that the student obtained the high school equivalency credential prior to the student reaching nineteen (19) years of age; or



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004209

Amendment No. _____

Signature of Sponsor

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

AMEND Senate Bill No. 1195

House Bill No. 1374*

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

SECTION 1. Tennessee Code Annotated, Section 29-13-105(a)(4), is amended by deleting the language in the subdivision and substituting:

(4) In the case of the death of the victim, where the compensation is for unreimbursed or unreimbursable funeral or burial expenses, to:

(A) The legal representative of the estate of the victim; or

(B) If no estate of the victim is opened, to:

(i) A relative of the victim as defined in § 29-13-102;

(ii) The victim's aunt, uncle, or cousin; or

(iii) An individual related to the victim by blood;

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



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

Amendment No. _____

J. C. W.

 Signature of Sponsor

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.

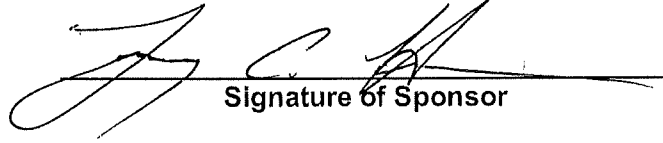


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Amendment No. _____


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, Section 37-2-403(a), is amended by adding the following as a new subdivision:

(7) The statement of responsibilities 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, shall include a requirement that the parent or guardian must submit to drug testing and demonstrate that the parent or guardian is able to maintain a drug-free lifestyle in order to provide a safe home for the child.

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

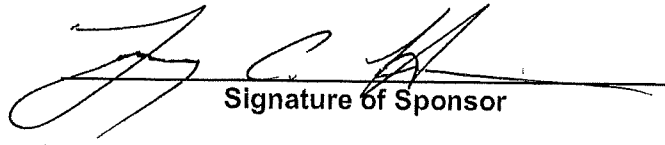


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Amendment No. _____


Signature of Sponsor

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

AMEND Senate Bill No. 164*

House Bill No. 1395

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:

In addition to any payment received for providing foster care, the department must provide a foster parent who is providing care for a foster child who is fifteen (15) years of age or older and has a valid driver license or learner's permit with a supplement of two hundred dollars (\$200) per month to compensate the foster parent for providing car insurance for the foster child. The department may require the foster parent to provide documentation of the cost of the car insurance for the foster child.

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



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Amendment No. _____

Mary Littleton

Signature of Sponsor

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

AMEND Senate Bill No. 655*

House Bill No. 914

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 37-1-130, is amended by creating a new subdivision (e):

(e)

(1) If a child found to be dependent and neglected under this part is under three (3) years of age and the child has been diagnosed by a licensed physician with neonatal abstinence syndrome, then the court may order the child's parent, guardian, or other custodian to:

(A) Submit to the department documentation of compliance with preventative pediatric care consistent with the periodicity schedule of the American Academy of Pediatrics until the child reaches three (3) years of age; and

(B) Submit to drug testing at regular intervals.

(2) The department may initiate a visit to ascertain the well-being of the child if the documentation provided contains allegations of abuse or neglect or if the child's parent, guardian, or custodian tests positive for drugs for which the parent, guardian, or custodian does not have a valid prescription.

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



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Amendment No. _____

Mary Lutton

Signature of Sponsor

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

AMEND Senate Bill No. 609*

House Bill No. 1103

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 3, is amended by adding the following as a new part:

37-3-901.

This part is known and may be cited as the "Tennessee Juvenile Justice Review Commission."

37-3-902.

As used in this part:

(1) "Appropriate sampling" means cases of a second or subsequent incident of a delinquent act by the same juvenile selected by the commission from all profiled cases submitted by the department of children's services;

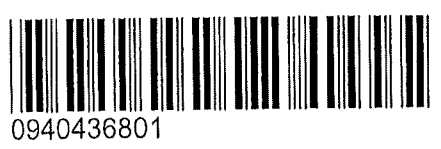
(2) "Commission" means the Tennessee juvenile justice review commission;

(3) "Critical incident" includes:

(A) An escape by a delinquent juvenile from a youth development center or a youth detention center;

(B) An act of aggression committed by a delinquent juvenile against department of children's services staff or others while the juvenile is in the custody of the department;

(C) An act of self-harm committed by a delinquent juvenile in the custody of the department;



(D) An allegation of abuse by department staff against a delinquent juvenile in the custody of the department; and

(E) Incidents involving the need for psychiatric in-patient treatment by a delinquent juvenile in the custody of the department;

(4) "Department" means the department of children's services; and

(5) "Investigatory meetings" means commission meetings where information made confidential pursuant to state or federal law is examined by the commission or information is being discussed that is relevant to a pending criminal action or juvenile court proceeding.

37-3-903.

(a) There is created the Tennessee juvenile justice review commission. The commission shall review an appropriate sampling of juvenile justice cases and any critical incidents involving delinquent juveniles in the custody of the department of children's services for the purpose of providing the general assembly with findings and legislative recommendations.

(b) The commission's findings and recommendations shall address all stages of investigating and adjudicating juvenile justice cases.

(c) The commission may:

(1) Adopt bylaws to provide for the election of commission officers, establishment of committee meetings, and other matters related to commission functions;

(2) Request and receive the cooperation of other state departments and agencies in carrying out its duties under this part; and

(3) Hold hearings, hear testimony, and conduct research and other appropriate activities.

(d)

(1) The commission shall provide a report to the general assembly on the commission's progress in fulfilling its duties set out in this section by no later than January 1, 2024.

(2) The commission shall submit a report detailing the commission's findings and recommendations by no later than January 1, 2025, and annually thereafter, to the general assembly. The report must be submitted to the governor, the speaker of the house of representatives, the speaker of the senate, the chair of the civil justice committee of the house of representatives, and the chair of the judiciary committee of the senate.

37-3-904.

(a) Members of the commission include:

(1) The commissioner of children's services or the commissioner's designee;

(2) The commissioner of human services or the commissioner's designee;

(3) The commissioner of mental health and substance abuse services or the commissioner's designee;

(4) Two (2) members of the house of representatives, to be appointed by the speaker of the house of representatives;

(5) Two (2) members of the senate, to be appointed by the speaker of the senate;

(6) Two (2) juvenile court judges to be appointed by the governor;

(7) One (1) district attorney general to be appointed by the district attorneys general conference;

(8) Two (2) law enforcement officers with experience in dealing with juvenile justice youth to be appointed by the governor;

(9) One (1) expert in child development to be appointed by the governor;
and

(10) Two (2) persons directly affiliated with entities in this state that receive prevention grant funds from this state to be appointed by the governor.

(b)

(1)

(A) Members of the commission appointed pursuant to subdivisions (a)(1)-(3) serve on the commission as long as they hold the positions to which they are appointed.

(B) Legislative members of the commission appointed pursuant to subdivisions (a)(4) and (5) serve two-year terms and may be reappointed as long as they remain elected members of the general assembly.

(C) Except as otherwise provided for in subdivision (b)(2), members of the commission appointed pursuant to subdivisions (a)(6)-(10) serve four-year terms.

(D) Notwithstanding this section to the contrary:

(i) A member who misses more than fifty percent (50%) of the scheduled meetings in a calendar year shall be removed as a member of the commission; and

(ii) The presiding officer of the commission shall promptly notify the appointing authority of any member who fails to satisfy the attendance requirement as prescribed in subdivision (b)(1)(D)(i).

(2)

(A) Members of the commission appointed pursuant to subdivisions (a)(6)-(8) serve initial terms of three (3) years.

(B) Members of the commission appointed pursuant to subdivisions (a)(9) and (10) serve initial terms of two (2) years.

(3) Except as provided in subdivision (b)(4), no commission member appointed pursuant to subdivisions (a)(6)-(10) shall serve more than two (2) terms, including any partial term.

(4)

(A) Following the expiration of members' initial terms as prescribed in subdivision (b)(2), all four-year terms must begin on July 1 and terminate on June 30, four (4) years thereafter.

(B) If a vacancy occurs, then the vacancy must be filled by the appointing authority in the same manner as the original appointment and must be for the unexpired term only.

(C) If a subsequent appointment is not made by the date provided in this subdivision (b)(4), then the incumbent member shall serve until the member's successor is appointed.

(c) The speakers of the respective houses shall each appoint a co-chair from the members named to the commission.

37-3-905.

(a) The commission is administratively attached to the Tennessee commission on children and youth, but for all purposes the commission is independent.

(b) The Tennessee commission on children and youth is responsible for:

- (1) Scheduling and staffing the commission's meetings;
- (2) Notifying witnesses of the date upon which they are requested to appear;
- (3) Taking minutes at the commission's meetings;

(4) Compensating members and witnesses for travel expenses when appropriate;

(5) Reviewing department of children's services and juvenile court files and case summaries regarding the appropriate sampling of cases upon which the commission expects to hear testimony;

(6) Providing the commission members with any relevant information; and

(7) Assisting the commission in drafting reports.

37-3-906.

(a)

(1) The department of children's services shall, no later than October 1, 2023, provide the commission with a detailed table of profiled cases from the previous fiscal year; thereafter, the department shall provide the table by October 1 annually, for the previous year. The table must include, but not be limited to, the county where the case occurred, the delinquent offense, and the age of the child.

(2) The department of children's services shall, no later than October 1, 2023, provide the commission with a table of critical incidents from the previous year; and thereafter, the department shall provide the table by October 1 annually, for the previous year. The table must include, but not be limited to, the county where the incident occurred, the delinquent offense, the age of the child, and the nature of the critical incident.

(b) The commission shall review the table of profiled cases provided pursuant to subdivision (a)(1), and submit a list of the cases to the department after the review, setting out specific cases from the table that the commission seeks to review.

(c) The department shall provide each commission member with a complete written summary of the procedural history of each of the cases selected for review pursuant to subdivision (a)(1), including, but not limited to, the names and contact information of persons from whom the commission may seek additional information through their testimony.

(d) After reviewing the information referenced in subsection (c), the commission shall select the appropriate sampling from the information provided by the department; provided, that an appropriate sampling must be no more than ten percent (10%) of the total number of cases profiled.

(e) The commission shall review the appropriate sampling and any critical incidents provided pursuant to subdivision (a)(2) on a schedule determined by the commission; provided, that the commission shall submit its final report containing its recommendations and findings concerning the appropriate sampling and critical incidents each year to the general assembly as provided in § 37-3-903(d).

37-3-907.

(a) All members of the commission are voting members.

(b)

(1) Commission members shall receive no compensation but are reimbursed for actual travel and other expenses incurred in attending each meeting and in performing any other duties provided for in this chapter.

(2) Each legislative member of the commission is entitled to expenses in accordance with Tennessee Code Annotated, § 3-1-106, for each day the legislative member attends a meeting of the task force; provided, that no member shall receive additional legislative compensation when the general assembly is in session or if a member is being paid any other payments on the same dates for attendance on other state business.

(3) All reimbursement for expenses must be in accordance with the comprehensive travel regulations promulgated by the commissioner of finance and administration and approved by the attorney general and reporter.

(c) The commission may provide reimbursement for actual expenses incurred in accordance with the state's comprehensive travel regulations promulgated by the department of finance and administration and approved by the attorney general and reporter to witnesses that have been called to testify before the commission.

37-3-908.

(a) The commission shall:

(1) Meet as necessary to transact business; provided, that meetings shall be held at least quarterly, and the first meeting must be held no later than November 1, 2023; and

(2) Meet at such time and place as determined by the co-chairs of the commission announced at least one (1) month in advance of meetings with notice to each member.

(b) Written minutes must be kept of all meetings.

(c) Ten (10) members constitute a quorum for the transaction of any business.

37-3-909.

The department of children's services, the district attorney general of each judicial district, the district public defender of each judicial district, the administrative office of the courts, any law enforcement agency, any juvenile court officer or investigator, any representative of the mental health disciplines involved in juvenile justice investigations, and any other state agency shall, upon request by the commission:

(1) Submit to the commission, in accordance with the procedures and deadlines established by the commission, information and data concerning a

second or subsequent incident of juvenile delinquency involving the same juvenile or a critical incident;

(2) Cause the person most knowledgeable with the case being examined to testify regarding any cases concerning a second or subsequent incident of juvenile delinquency involving the same juvenile or a critical incident; and

(3) Make recommendations and identify where gaps and deficiencies may exist in the various systems involved in juvenile justice.

37-3-910.

(a) Notwithstanding any law to the contrary, the commission may access information made confidential pursuant to chapter 1 of this title.

(b)

(1) Except as provided in subsection (c), investigatory meetings of the commission are not subject to title 8, chapter 44, part 1 and are closed to the public. Any minutes or other information made confidential pursuant to state or federal law and generated during an investigatory meeting must be sealed from public inspection; provided, that the commission shall comply with subsection (c).

(2) Each statutory member of the commission and each person otherwise attending an investigatory meeting shall sign a statement prepared by the commission indicating and affirming an understanding of and adherence to the confidentiality requirements, including the possible civil or criminal consequences of any violation or breach of the confidentiality requirements.

(c) Notwithstanding subsection (b), the commission shall conduct meetings that are open to the public to periodically make available, in a general manner that does not reveal information made confidential pursuant to state or federal law, the aggregate findings of its reviews and recommendations.

(d) All information confidential pursuant to state or federal law acquired by the commission in the exercise of its duties:

- (1) Remains confidential after being acquired by the commission;
- (2) Is not subject to discovery or introduction into evidence in any criminal or civil proceedings; and
- (3) May only be disclosed as necessary to carry out the purposes of this part.

(e) Subsection (d) does not prohibit a person from testifying in a civil or criminal action about matters within such person's knowledge that was obtained independently from any commission meeting.

37-3-911.

To the extent that funds are available, the commission may hire additional staff or consultants to assist the commission in completing its duties.

37-3-912.

Any person acting in good faith in compliance with this part is immune from civil and criminal liability arising from such action.

37-3-913.

Nothing in this part precludes any investigations or reviews to the extent authorized by other laws.

37-3-914.

If, during the course of the commission's duties under this part, the commission becomes aware of any violations of the criminal laws of this state by any person or agency, the co-chairs of the commission shall provide such information to appropriate officials charged with investigating criminal matters.

37-3-915.

The commission shall adopt and implement a policy related to conflicts of interest to ensure that all members avoid any situation that creates an actual or perceived conflict of interest related to the work of the commission.

SECTION 2. Tennessee Code Annotated, Section 4-29-246(a), is amended by inserting the following as a new subdivision:

() Tennessee juvenile justice review commission, created by § 37-3-903;

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

Amendment No. _____

Mary Lottison

Signature of Sponsor

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

AMEND Senate Bill No. 609*

House Bill No. 1103

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 3, is amended by adding the following as a new part:

37-3-901.

This part is known and may be cited as the "Tennessee Juvenile Justice Review Commission."

37-3-902.

As used in this part:

(1) "Appropriate sampling" means cases of a second or subsequent incident of an adjudicated delinquent or unruly act by the same juvenile or cases involving a juvenile with one (1) adjudicated delinquent or unruly act whose case contains an element of systemic concern selected by the commission from all profiled cases submitted by the department of children's services;

(2) "Commission" means the Tennessee juvenile justice review commission;

(3) "Critical incident" includes:

(A) An escape by a juvenile from a youth development center or a youth detention center;

(B) An act of aggression committed by a juvenile against department of children's services staff or others while the juvenile is in the custody of the department;



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(C) An act of self-harm committed by a juvenile in the custody of the department;

(D) An allegation of abuse by department staff against a juvenile in the custody of the department; and

(E) Incidents involving the need for psychiatric in-patient treatment by a juvenile in the custody of the department;

(4) "Department" means the department of children's services;

(5) "Investigatory meetings" means commission meetings where information made confidential pursuant to state or federal law is examined by the commission or information is being discussed that is relevant to a pending criminal action or juvenile court proceeding;

(6) "Systemic Concern" means:

(A) The department's decision to place a youth out of state pursuant to a determination that there are no in-state resources to serve that youth;

(B) A diagnosis of intellectual disability for a youth who has been placed in a hardware secure facility;

(C) The department's decision to transfer a youth to the department of correction pursuant to a determination that the youth is "incorrigible" under § 37-5-206(a);

(D) A period of detention of a youth in a juvenile detention center, or in another setting where the child is held awaiting placement by the department, that exceeds thirty (30) days; or

(E) A case reflecting extreme placement instability, as indicated by three (3) or more placements in a six (6) month period; and

(7) "Placement" is means a detention center, hardware secure facility, staff secure facility, residential treatment facility, facilities primarily for the detention of youth adjudicated delinquent, foster home, or jail.

37-3-903.

(a) There is created the Tennessee juvenile justice review commission. The commission shall review an appropriate sampling of juvenile justice cases and any critical incidents involving juveniles in the custody of the department of children's services for the purpose of providing the general assembly with findings and legislative recommendations.

(b) The commission's findings and recommendations shall address all stages of investigating and adjudicating juvenile justice cases.

(c) The commission may:

(1) Adopt bylaws to provide for the election of commission officers, establishment of committee meetings, and other matters related to commission functions;

(2) Request and receive the cooperation of other state departments and agencies in carrying out its duties under this part; and

(3) Hold hearings, hear testimony, and conduct research and other appropriate activities.

(d)

(1) The commission shall provide a report to the general assembly on the commission's progress in fulfilling its duties set out in this section by no later than January 1, 2024.

(2) The commission shall submit a report detailing the commission's findings and recommendations by no later than January 1, 2025, and annually thereafter, to the general assembly. The report must be submitted to the governor, the speaker of the house of representatives, the speaker of the senate, the chair of the civil justice committee of the house of representatives, and the chair of the judiciary committee of the senate.

37-3-904.

(a) Members of the commission include:

- (1) The commissioner of children's services or the commissioner's designee;
- (2) The commissioner of education or the commissioner's designee;
- (3) The commissioner of mental health and substance abuse services or the commissioner's designee;
- (4) The executive director of the commission on children and youth or the director's designee;
- (5) Two (2) members of the house of representatives, to be appointed by the speaker of the house of representatives;
- (6) Two (2) members of the senate, to be appointed by the speaker of the senate;
- (7) Two (2) juvenile court judges, to be appointed by the Tennessee council of juvenile and family court judges;
- (8) One (1) district attorney general with experience in juvenile court to be appointed by the district attorneys general conference;
- (9) One (1) juvenile public defender, to be appointed by the district public defenders conference;
- (10) Two (2) law enforcement officers with experience in dealing with juvenile justice youth to be appointed by the governor. One (1) such officer must be from a county with a population of more than two hundred fifty thousand (250,000), according to the 2020 federal census or any subsequent federal census, and one (1) such officer must be from a county with a population of less than two hundred fifty thousand (250,000), according to the 2020 federal census or any subsequent federal census;
- (11) Two (2) experts in child development, to be appointed by the co-chairs of the commission. One (1) such expert must have one (1) of the following

degrees: doctor of medicine, doctor of osteopathic medicine, master of science, doctor of philosophy in nursing with specialized focus on psychiatry, or doctor of pharmacy. One (1) such expert must have one (1) of the following degrees: doctor of philosophy in a field of psychology, doctor of psychology, master's degree in a mental health-related field such as psychology, counseling psychology, marriage or family therapy, or master's degree in social work;

(12) One (1) expert in services for people with disabilities;

(13) One (1) individual with lived experience with an adjudicated delinquent case in the juvenile justice system or adult corrections prior to twenty-five (25) years of age to be appointed by the governor; and

(14) Two (2) persons directly affiliated with entities in this state that receive prevention grant funds from this state to be appointed by the co-chairs of the commission.

(b)

(1)

(A) Members of the commission appointed pursuant to subdivisions (a)(1)-(4) serve on the commission as long as the members hold the positions to which the members are appointed.

(B) Legislative members of the commission appointed pursuant to subdivisions (a)(5) and (6) serve two-year terms and may be reappointed as long as the members remain elected members of the general assembly.

(C) Except as otherwise provided for in subdivision (b)(2), members of the commission appointed pursuant to subdivisions (a)(6)-(14) serve four-year terms.

(D) Notwithstanding this section to the contrary:

(i) A member who misses more than fifty percent (50%) of the scheduled meetings in a calendar year shall be removed as a member of the commission; and

(ii) The presiding officer of the commission shall promptly notify the appointing authority of any member who fails to satisfy the attendance requirement as prescribed in subdivision (b)(1)(D)(i).

(2)

(A) Members of the commission appointed pursuant to subdivisions (a)(6)-(10) serve initial terms of three (3) years.

(B) Members of the commission appointed pursuant to subdivisions (a)(11)-(14) serve initial terms of two (2) years.

(3) Except as provided in subdivision (b)(4), no commission member appointed pursuant to subdivisions (a)(6)-(14) shall serve more than two (2) terms, including any partial term.

(4)

(A) Following the expiration of members' initial terms as prescribed in subdivision (b)(2), all four-year terms must begin on July 1 and terminate on June 30, four (4) years thereafter.

(B) If a vacancy occurs, then the vacancy must be filled by the appointing authority in the same manner as the original appointment and must be for the unexpired term only.

(C) If a subsequent appointment is not made by the date provided in this subdivision (b)(4), then the incumbent member shall serve until the member's successor is appointed.

(c) The speakers of the respective houses shall each appoint a co-chair from the members named to the commission.

37-3-905.

(a) The commission is administratively attached to the Tennessee commission on children and youth, but for all purposes the commission is independent.

(b) The Tennessee commission on children and youth is responsible for:

- (1) Scheduling and staffing the commission's meetings;
 - (2) Notifying witnesses of the date upon which they are requested to appear;
 - (3) Taking minutes at the commission's meetings;
 - (4) Compensating members and witnesses for travel expenses when appropriate;
 - (5) Reviewing department of children's services and juvenile court files and case summaries regarding the appropriate sampling of cases upon which the commission expects to hear testimony;
 - (6) Providing the commission members with any relevant information;
- and
- (7) Assisting the commission in drafting reports.

37-3-906.

(a)

(1) The department of children's services shall, no later than October 1, 2023, provide the commission with a detailed table of profiled cases from the previous fiscal year; thereafter, the department shall provide by October 1 annually for the previous year. The table must include, but not be limited to, the county where the case occurred, the delinquent offense, and the age of the child.

(2) The department of children's services shall, no later than October 1, 2023, provide the commission with a table of critical incidents from the previous year; thereafter, the department shall provide the table by October 1 annually for the previous year. The table must include, but not be limited to, the county

where the incident occurred, the delinquent offense, the age of the child, and the nature of the critical incident.

(b) The commission shall review the table of profiled cases provided pursuant to subdivision (a)(1), and submit a list of the cases to the department after the review, setting out specific cases from the table that the commission seeks to review.

(c) The department shall provide each commission member with a complete written summary of the procedural history of each of the cases selected for review pursuant to subdivision (a)(1), including, but not limited to, the names and contact information of persons from whom the commission may seek additional information through their testimony. In lieu of a written summary, the department may provide the Tennessee commission on children and youth with access to case files and all available documentation to prepare the written summary for members.

(d) After reviewing the information referenced in subsection (c), the commission shall select the appropriate sampling from the information provided by the department; provided, that an appropriate sampling must be no more than ten percent (10%) of the total number of cases profiled.

(e) The commission shall review the appropriate sampling and any critical incidents provided pursuant to subdivision (a)(2) on a schedule determined by the commission; provided, that the commission shall submit its final report containing its recommendations and findings concerning the appropriate sampling and critical incidents each year to the general assembly as provided in § 37-3-903(d).

37-3-907.

(a) All members of the commission are voting members.

(b)

(1) Commission members shall receive no compensation but are reimbursed for actual travel and other expenses incurred in attending each meeting and in performing any other duties provided for in this chapter.

(2) Each legislative member of the commission is entitled to expenses in accordance with § 3-1-106 for each day the legislative member attends a meeting of the task force; provided, that no member shall receive additional legislative compensation when the general assembly is in session or if a member is being paid any other payments on the same dates for attendance on other state business.

(3) All reimbursement for expenses must be in accordance with the comprehensive travel regulations promulgated by the commissioner of finance and administration and approved by the attorney general and reporter.

(c) The commission may provide reimbursement for actual expenses incurred in accordance with the state's comprehensive travel regulations promulgated by the department of finance and administration and approved by the attorney general and reporter to witnesses that have been called to testify before the commission.

37-3-908.

(a) The commission shall:

(1) Meet as necessary to transact business; provided, that meetings shall be held at least quarterly, and the first meeting must be held no later than November 1, 2023; and

(2) Meet at such time and place as determined by the co-chairs of the commission announced at least one (1) month in advance of meetings with notice to each member.

(b) Written minutes must be kept of all meetings.

(c) Ten (10) members constitute a quorum for the transaction of any business.

37-3-909.

The department of children's services, the district attorney general of each judicial district, the district public defender of each judicial district, the administrative office of the courts, any law enforcement agency, any juvenile court officer or

investigator, any representative of the mental health disciplines involved in juvenile justice investigations and the provision of services to justice-involved youth, any entity that has data or information about a case being reviewed by the commission, and any other state agency shall, upon request by the commission:

(1) Submit to the commission, in accordance with the procedures and deadlines established by the commission, information and data concerning a second or subsequent incident of juvenile delinquency or unruly conduct involving the same juvenile or a critical incident;

(2) Cause the person most knowledgeable with the case being examined to testify regarding any cases concerning a second or subsequent incident of juvenile delinquency or unruly conduct involving the same juvenile or a critical incident; and

(3) Make recommendations and identify where gaps and deficiencies may exist in the various systems involved in juvenile justice.

37-3-910.

(a) Notwithstanding any law to the contrary, the commission may access information made confidential pursuant to chapter 1 of this title.

(b)

(1) Except as provided in subsection (c), investigatory meetings of the commission are not subject to title 8, chapter 44, part 1, and are closed to the public. Any minutes or other information made confidential pursuant to state or federal law and generated during an investigatory meeting must be sealed from public inspection; provided, that the commission shall comply with subsection (c).

(2) Each statutory member of the commission and each person otherwise attending an investigatory meeting shall sign a statement prepared by the commission indicating and affirming an understanding of and adherence to

the confidentiality requirements, including the possible civil or criminal consequences of any violation or breach of the confidentiality requirements.

(c) Notwithstanding subsection (b), the commission shall conduct meetings that are open to the public to periodically make available, in a general manner that does not reveal information made confidential pursuant to state or federal law, the aggregate findings of its reviews and recommendations.

(d) All information confidential pursuant to state or federal law acquired by the commission in the exercise of its duties:

- (1) Remains confidential after being acquired by the commission;
- (2) Is not subject to discovery or introduction into evidence in any criminal or civil proceedings; and
- (3) May only be disclosed as necessary to carry out the purposes of this part.

(e) Subsection (d) does not prohibit a person from testifying in a civil or criminal action about matters within such person's knowledge that were obtained independently from any commission meeting.

37-3-911.

To the extent that funds are available, the commission may hire additional staff or consultants to assist the commission in completing its duties.

37-3-912.

Any person acting in good faith in compliance with this part is immune from civil and criminal liability arising from such action.

37-3-913.

Nothing in this part precludes any investigations or reviews to the extent authorized by other laws.

37-3-914.

If, during the course of the commission's duties under this part, the commission becomes aware of any violations of the criminal laws of this state by any person or agency, the co-chairs of the commission shall provide such information to appropriate officials charged with investigating criminal matters.

37-3-915.

The commission shall adopt and implement a policy related to conflicts of interest to ensure that all members avoid any situation that creates an actual or perceived conflict of interest related to the work of the commission.

SECTION 2. Tennessee Code Annotated, Section 4-29-246(a), is amended by inserting the following as a new subdivision:

() Tennessee juvenile justice review commission, created by § 37-3-903;

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

Amendment No. 1

CRU
Signature of Sponsor

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

AMEND Senate Bill No. 485

House Bill No. 187*

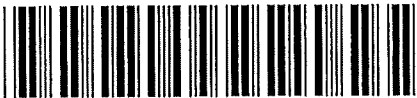
by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 20-1-119(a), is amended by redesignating the current language as subdivision (a)(1) and adding the following new subdivision:

(2) In a civil action filed against an owner and operator of an uninsured motor vehicle, as defined in § 56-7-1202, where comparative fault is or becomes an issue, if an insurance company, served pursuant to § 56-7-1206 with an original complaint initiating a suit filed within the applicable statute of limitations, or served with an amended complaint filed within the applicable statute of limitations alleges in an answer or amended answer to the original or amended complaint that a person not a party to the suit caused or contributed to the injury or damage for which the plaintiff seeks recovery, and if the plaintiff's cause or causes of action against that person would be barred by any applicable statute of limitations but for the operation of this section, the plaintiff may, within ninety (90) days of the filing of the first answer or first amended answer alleging that person's fault, either:

(A) Amend the complaint to add the person as a defendant pursuant to Tenn. R. Civ. P. 15 and cause process to be issued for that person; or

(B) Institute a separate action against that person by filing a summons and complaint. If the plaintiff elects to proceed under this section by filing a separate action, the complaint so filed shall not be considered an original



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complaint initiating the suit or an amended complaint for purposes of this subsection (a).

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

Amendment No. 1

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Signature of Sponsor

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

AMEND Senate Bill No. 485

House Bill No. 187*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 20-1-119(a), is amended by redesignating the current language as subdivision (a)(1) and adding the following new subdivision:

(2) In a civil action filed against an owner and operator of an uninsured motor vehicle, as defined in § 56-7-1202, where comparative fault is or becomes an issue, if an insurance company, served pursuant to § 56-7-1206 with an original complaint initiating a suit filed within the applicable statute of limitations, or served pursuant to § 56-7-1206 with an amended complaint filed within the applicable statute of limitations, alleges in an answer or amended answer to the original or amended complaint that a person not a party to the suit caused or contributed to the injury or damage for which the plaintiff seeks recovery, and if the plaintiff's cause or causes of action against that person would be barred by any applicable statute of limitations but for the operation of this section, the plaintiff may, within ninety (90) days of the filing of the first answer or first amended answer alleging that person's fault, either:

(A) Amend the complaint to add the person as a defendant pursuant to Tenn. R. Civ. P. 15 and cause process to be issued for that person; or

(B) Institute a separate action against that person by filing a summons and complaint. If the plaintiff elects to proceed under this section by filing a separate action, the complaint so filed shall not be considered an original



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complaint initiating the suit or an amended complaint for purposes of this subsection (a).

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

Amendment No. _____



Signature of Sponsor

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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

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Date _____
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Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 1187

House Bill No. 968*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 29, is amended by adding the following as a new chapter:

29-42-101.

(a)

(1) Notwithstanding another law to the contrary, there is created a civil right of action by an injured party against a law enforcement officer who, under ~~color-of-law, subjects or causes to be subjected,~~ another person to the deprivation of an individual right secured by the Tennessee Constitution by:

(A) Failing to intervene as required in § 38-8-129; or

(B) Altering, failing to turn on, turning off, or otherwise disabling a law enforcement body camera or other law enforcement audiovisual recording device in a manner that prevents the creation of evidence.

(2) The injured party may seek legal, equitable, and any other appropriate relief.

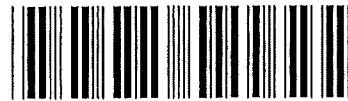
(b)

(1) Statutory immunities and statutory limitations on liability, damages, or attorney fees do not apply to a claim brought pursuant to this chapter.

(2) The Tennessee Governmental Tort Liability Act, created in chapter 20 of this title, does not apply to a claim brought pursuant to this chapter.



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(3) Sections 29-39-102 and 29-39-104 do not apply to a claim brought pursuant to this chapter.

(c) Qualified immunity is not a defense to liability in a civil action brought pursuant to this chapter.

(d)

(1) In an action brought pursuant to this chapter, the court shall award reasonable attorney fees and court costs to a plaintiff who prevails.

(2) In an action for injunctive relief, a court shall deem a plaintiff to have prevailed if the plaintiff's suit was a substantial factor or significant catalyst in obtaining the results sought by the litigation.

(3) When a judgment is entered in favor of a defendant, the court may award reasonable attorney fees and court costs to the defendant for a claim the court finds frivolous.

(e) A civil action brought pursuant to this chapter must be commenced within two (2) years of the date on which the injury occurred.

(f) As used in this chapter, "law enforcement officer" means a sheriff, sheriff's deputy, a deputy jailer, or any police officer employed, commissioned, or appointed by a municipality or political subdivision of this state whose primary responsibility is the prevention and detection of crime and the apprehension of offenders, as well as those whose responsibility is the supervision of those who have been charged with a criminal offense.

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. 1236

House Bill No. 1031*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 41-21-236, is amended by deleting subdivision (a)(2)(A) and substituting:

(A)

(i) Each inmate who exhibits good institutional behavior or who exhibits satisfactory performance within a program may be awarded time credits toward the sentence imposed.

(ii) The credits awarded may vary between one (1) day and sixteen (16) days for each month served, with not more than eight (8) days for each month served for good institutional behavior and not more than eight (8) days for each month served for satisfactory program performance.

(iii) Credits for good institutional behavior or for satisfactory program performance may be awarded by the warden based on criteria established by the department; however, the credits are subject to review and removal by the inmate disciplinary oversight board.

SECTION 2. Tennessee Code Annotated, Section 41-21-236(a)(3), is amended by designating the existing language as subdivision (a)(3)(A) and adding the following new subdivision (a)(3)(B):

(B) Sentence credits awarded pursuant to subdivision (a)(3)(A) are subject to review and removal by the inmate disciplinary oversight board.



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SECTION 3. Tennessee Code Annotated, Section 41-21-236(a)(5), is amended by redesignating the current language as subdivision (a)(5)(A) and adding the following new subdivision (a)(5)(B):

(B) Sentence credits removed pursuant to subdivision (a)(5)(A) are subject to review by the inmate disciplinary oversight board.

SECTION 4. Tennessee Code Annotated, Section 41-21-236(a)(6), is amended by redesignating the current language as subdivision (a)(6)(A) and adding the following new subdivision (a)(6)(B):

(B) Sentence credits removed pursuant to subdivision (a)(6)(A) are subject to review by the inmate disciplinary oversight board.

SECTION 5. Tennessee Code Annotated, Section 41-21-236(e), is amended by adding the following new subdivision (4):

(4) Sentence credits awarded pursuant to this subsection (e) are subject to review by the inmate disciplinary oversight board.

SECTION 6. Tennessee Code Annotated, Section 41-21-236(j), is amended by deleting the last sentence and substituting:

This section is applicable notwithstanding the powers granted pursuant to this title to reduce prison overcrowding.

SECTION 7. Tennessee Code Annotated, Title 41, Chapter 21, is amended by adding the following as a new part:

41-21-1001.

As used in this part:

- (1) "Board" means the inmate disciplinary oversight board;
- (2) "Commissioner" means the commissioner of correction;
- (3) "Department" means the department of correction;
- (4) "Executive director" means the officer employed by the board as the chief administrative officer of the agency; and

(5) "Sentence credits" means any credit, whether called that or not, that results in a reduction of the amount of time an inmate must serve on the original sentence or sentences.

41-21-1002.

(a) There is created a full-time, autonomous inmate disciplinary oversight board. The purpose of the board is to review the grant, denial, and removal of inmate sentence credits by a warden for good institutional behavior and to determine whether sentence credits previously awarded should be removed for commission of a major infraction designated by the department as a Class A disciplinary offense or for an inmate's refusal to participate in an assignment.

(b)

(1) The board is composed of nine (9) members who shall be appointed by the governor, the speaker of the senate, and the speaker of the house of representatives as follows:

(A) Three (3) members of the board shall be appointed by the governor;

(B) Three (3) members of the board shall be appointed by the speaker of the senate; and

(C) Three (3) members of the board shall be appointed by the speaker of the house of representatives.

(2) The appointing authorities in subdivision (b)(1) shall appoint one (1) member from each grand division of the state.

(c) The board is autonomous in structure and has the authority to perform all administrative functions necessary to carry out its duties, including the submission of budget requests to the commissioner of finance and administration and the submission of personnel actions to the commissioner of human resources.

(d) In all respects, the board is separate functionally and administratively from any other agency. In performing the administrative and financial functions necessary to its operations, the board and its employees are subject to the budgetary, accounting, personnel, purchasing, and audit requirements, as well as other administrative requirements, applicable to all state departments and agencies pursuant to title 4, chapters 3 and 4.

(e) In making the initial appointments made under this section, the speaker of the senate shall appoint one (1) member to a term expiring on January 1, 2028; one (1) member to a term expiring on January 1, 2027; and one (1) member to a term expiring on January 1, 2026. The speaker of the house of representatives shall appoint one (1) member to a term expiring on January 1, 2028; one (1) member to a term expiring on January 1, 2027; and one (1) member to a term expiring on January 1, 2026. The governor shall appoint one (1) member to a term expiring on January 1, 2028; one (1) member to a term expiring on January 1, 2027; and one (1) member to a term expiring on January 1, 2026. Thereafter, all members shall serve six-year terms and are eligible for reappointment.

(f) In considering persons for appointment, the appointing authority shall give preference to candidates with training, education, or experience in the criminal justice system, law, corrections, behavioral science, or mental health. A member of the board shall not hold any other salaried public office, whether elective or appointive, and a member of the board shall not engage for pay in any other business or profession.

(g)

(1) Vacancies occurring in an office of a member of the board before the expiration of a term by reason of death, resignation, removal, or any other reason must be filled in the same manner as the regular appointment for the remainder of the unexpired term.

(2) An appointed member of the board serves in such capacity until the expiration of the term to which the member was appointed and until the member's successor is duly appointed and qualified.

(h) The governor, the speaker of the senate, the speaker of the house of representatives, or the attorney general and reporter may seek the removal of a member of the board for knowing or willful misconduct in office or for knowing or willful neglect or failure to perform a duty enjoined upon a member of the board by a law of this state or for the conviction of a crime that constitutes a felony under the laws of this state. The removal must be accomplished through the removal procedure provided in title 8, chapter 47.

(i) The members of the board shall elect one (1) member of the board to serve as its chair for a term of two (2) years beginning January 1 of the appropriate year. The chair shall direct the operation of the board and shall fulfill the functions established by statute, unless duties and responsibilities are otherwise assigned under this part. The board may designate one (1) of its members to act as chair during the absence or incapacity of the chair, and when so acting, the member so designated has and performs all the powers and duties of the chair of the board.

41-21-1003.

(a) The board has those powers and duties necessary and proper to enable the board to fully and effectively carry out this part, including, but not limited to:

(1) The authority to select and recommend to the appropriate state officials the employment or transfer of all personnel required for the operation of the board; except the initial transfer of a preferred service employee shall not result in impairment, interruption, or diminution of employee rights, salary, benefits, leave accumulation, or employment. The commissioner of human resources is authorized to determine if there has been any impairment of rights, salary, benefits, leave accumulation, or employment as a result of a transfer. A

preferred service employee may seek redress of a determination through a request for a declaratory order by the commissioner of human resources pursuant to § 4-5-223;

(2) The authority to promulgate reasonable substantive and procedural rules in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5;

(3) The authority to develop and implement guidelines for reviewing the grant, denial, and removal of good institutional behavior credits. The board shall review and reevaluate the guidelines at least annually and provide copies of the guidelines to the governor, the speaker of the senate, the speaker of the house of representatives, the commissioner of correction, and the appropriate standing committees of the senate and the house of representatives;

(4) The authority to prescribe all forms to be used by the board in the transaction of the board's business;

(5) The authority to adopt an official seal by which the board's acts and proceedings are authenticated, and of which a court or other officials concerned with the actions of the board shall take judicial notice. The certificate of the chair of the board, under seal and attested to by the executive director, must be accepted in any judicial or administrative proceeding as adequate and sufficient proof of the acts and proceedings of the board as described in the certificate;

(6) The authority to employ other employees and to incur such other expenses, within the limits of appropriations, as necessary for the proper discharge of the board's duties;

(7) The authority to work with the department of correction in developing criteria for the award of sentence credits for good institutional behavior;

(8) The duty to keep appropriate records of all of the board's official actions and to make them accessible in accordance with law and the regulations of the board;

(9) The duty to adopt written long-range goals and objectives. The goals and objectives must be reaffirmed or changed, as appropriate, by the board at least once each year;

(10) The duty to adopt written policies and procedures to govern the board's internal operations. It is the legislative intent that the board has the authority to freely adopt policies and procedures to meet the board's particular needs. Prior to final board adoption of the policies and procedures and prior to change, the board shall submit a draft to the attorney general and reporter for review and comment; and

(11) The authority to employ staff attorneys who are licensed to practice law in this state and to employ others as the board deems necessary.

(b) As soon as is convenient after appointment, the members of the board shall meet and organize. The members shall appoint an executive director who shall be the chief administrative officer of the board and whose duties include:

(1) Supervising the scheduling of board meetings;

(2) Assisting the board in the formulation, development, and implementation of procedures and policies;

(3) Assisting in the preparation of the necessary forms and maintaining the records required for decisions of the board;

(4) Conducting conferences and managing correspondence with interested persons;

(5) Supervising all employees of the board; and

(6) Developing and maintaining communication and cooperation between the board and other state agencies.

41-21-1004.

(a) The permanent office of the board is in Nashville.

(b) The board shall meet at least monthly at a time and place prescribed by the board. The board must take all votes by public ballot or public roll call. Secret ballots or secret roll calls are not permitted.

(c) The salary of each member of the board is one hundred twenty thousand dollars (\$120,000) annually with a cost of living adjustment every two (2) years. The salaries of employees of the board are set by the board. The requirements of § 40-28-103(a) regarding personnel procedures apply to all actions under this subsection (c).

(d) A majority of members of the board constitutes a quorum for official administrative business.

(e) When appropriate, the members of the board and the board's employees shall be reimbursed for reasonable and necessary travel expenses in accordance with the state comprehensive travel regulations.

41-21-1005.

The warden of each prison and all officers and employees of each prison and all other public officials shall at all times cooperate with the board and shall furnish to the board, its officers, and employees information as may be necessary to enable the board to perform its functions, and the wardens and other employees shall at all times give the members of the board, its officers, and employees free access to all prisoners confined in the prisons, workhouses, and jails of this state.

41-21-1006.

Notwithstanding another law to the contrary, the department of correction is responsible for calculating the sentence expiration date and the earliest release date of a felony offender sentenced to the department of correction and a felony offender sentenced to confinement in a county jail or workhouse for one (1) or more years.

SECTION 8. Tennessee Code Annotated, Section 4-29-247(a), is amended by inserting the following as a new subdivision:

() Inmate disciplinary oversight board, created by § 41-21-1001;

SECTION 9. Sections 1 through 6 of this act take effect January 1, 2024, the public welfare requiring it. For purposes of appointing members and organization, Section 7 of this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, Section 7 of this act takes effect January 1, 2024, the public welfare requiring it. Section 8 of this act takes effect January 1, 2024, the public welfare requiring it.

House Criminal Justice Subcommittee Am. # 1

Amendment No. _____

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:

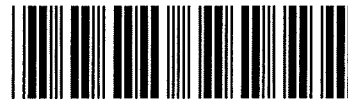
SECTION 1. Tennessee Code Annotated, Section 40-23-114, is amended by adding the following as a new subsection:

(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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Amendment No. _____

Signature of Sponsor

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 467*

House Bill No. 482

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-14-411, is amended by deleting subsection (a) and substituting:

(a) A person commits the offense of critical infrastructure vandalism who knowingly:

- (1) Interrupts or interferes with critical infrastructure or its operation;
- (2) Destroys or injures critical infrastructure; or
- (3) Destroys or injures a farm.

SECTION 2. Tennessee Code Annotated, Section 39-14-411, is amended by deleting subsection (d) and substituting:

(d)

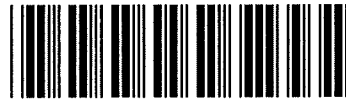
(1) A violation of subdivision (a)(1) or (a)(2) shall be punished as theft under § 39-14-103, and graded in accordance with § 39-14-105. However, if:

(A) The actual damages caused by the violation are in an amount less than one thousand dollars (\$1,000), then the punishment for a violation of subdivision (a)(1) or (a)(2) must be no less than a Class E felony; and

(B) The actual damages caused by the violation are in an amount of at least one thousand dollars (\$1,000), then the punishment for a violation of subdivision (a)(1) or (a)(2) must be no less than a Class C felony.



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(2) A violation of subdivision (a)(3) shall be punished as theft under § 39-14-103, and graded in accordance with § 39-14-105. However, in no event shall punishment for a violation of subdivision (a)(3) be less than a Class E felony.

SECTION 3. 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. 419*

House Bill No. 557

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 24-7-123, is amended by deleting subsection (a) and substituting:

Notwithstanding this part to the contrary, a video recording of a child by a forensic interviewer containing a statement made by the child under eighteen (18) years of age describing an act of sexual or physically violent contact performed with or on the child by a person or describing an act of sexual or physically violent contact performed by a person with or on another and witnessed by the child is admissible and may be considered for its bearing on any matter to which it is relevant in evidence at any stage of a criminal proceeding of the person arising from the sexual or physically violent contact if the requirements of this section are met.

SECTION 2. Tennessee Code Annotated, Section 24-7-123, is amended by deleting subdivision (b)(3)(C) and substituting:

(C)

(i) Had experience equivalent to three (3) years of full-time professional work in one (1) or a combination of the following areas:

- (a) Child protective services;
- (b) Criminal justice;
- (c) Clinical evaluation;
- (d) Counseling; or



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(e) Forensic interviewing or other comparable work with children;

or

(ii) Had been supervised by an experienced forensic interviewer for a minimum of twenty (20) forensic interviews, in addition to the requirement of subdivision (b)(3)(E);

SECTION 3. Tennessee Code Annotated, Section 24-7-123, is amended by adding the following as a new subsection:

It is the legislative intent that forensic interviews be used in proceedings if the forensic interview is conducted in accordance with this section and other applicable law.

SECTION 4. Tennessee Code Annotated, Section 37-1-127 is amended by adding the following new subsection:

()

(1) A video recording of a child by a forensic interviewer containing a statement made by the child under eighteen (18) years of age describing an act of sexual or physically violent contact performed with or on the child by a person or describing an act of sexual or physically violent contact performed by a person with or on another and witnessed by the child is admissible and may be considered for its bearing on any matter to which it is relevant in evidence at any stage of proceedings in an action under this title, if the court finds that:

(A) The interview was conducted by a forensic interviewer who meets the qualifications outlined in § 24-7-123(b)(3);

(B) The recording is both visual and oral and is recorded on film, videotape, or other similar audiovisual means;

(C) The video recording accurately reflects the interview of the child; and

(D) The circumstances of the video recording indicate trustworthiness to the court.

(2) If a video recording is offered into evidence pursuant to subdivision () (1), then the court shall:

(A) Make specific findings of fact on the record as to the basis for the court's ruling regarding the admission or denial of admission of the video recording; and

(B) Enter a protective order to restrict the video recording from further disclosure or dissemination.

(3) A video recording offered into evidence pursuant to this subsection () is not a public record. The court shall order the video recording to be sealed and preserved following the conclusion of any proceeding.

(4) It is the legislative intent that forensic interviews be used in proceedings if the video recording meets the requirements of this subsection ().

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

Amendment No. _____

Mary Littleton
Signature of Sponsor

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

AMEND Senate Bill No. 419*

House Bill No. 557

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 24-7-123, is amended by deleting subsection (a) and substituting:

Notwithstanding this part to the contrary, a video recording of a child by a forensic interviewer containing a statement made by the child under eighteen (18) years of age describing an act of sexual or physically violent contact performed with or on the child by a person or describing an act of sexual or physically violent contact performed by a person with or on another and witnessed by the child is admissible and may be considered for its bearing on any matter to which it is relevant in evidence at any stage of a criminal proceeding of the person for any offense arising from the sexual or physically violent contact if the requirements of this section are met.

SECTION 2. Tennessee Code Annotated, Section 24-7-123, is amended by deleting subdivision (b)(3)(C) and substituting:

(C)

(i) Had experience equivalent to three (3) years of full-time professional work in one (1) or a combination of the following areas:

- (a) Child protective services;
- (b) Criminal justice;
- (c) Clinical evaluation;
- (d) Counseling; or



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(e) Forensic interviewing or other comparable work with children;

or

(ii) Had been supervised by an experienced forensic interviewer for a minimum of twenty (20) forensic interviews, in addition to the requirement of subdivision (b)(3)(E);

SECTION 3. Tennessee Code Annotated, Section 24-7-123, is amended by adding the following as a new subsection:

It is the legislative intent that forensic interviews be used in proceedings if the forensic interview is conducted in accordance with this section and other applicable law.

SECTION 4. Tennessee Code Annotated, Section 37-1-127 is amended by adding the following new subsection:

()

(1) A video recording of a child by a forensic interviewer containing a statement made by the child under eighteen (18) years of age describing an act of sexual or physically violent contact performed with or on the child by a person or describing an act of sexual or physically violent contact performed by a person with or on another and witnessed by the child is admissible and may be considered for its bearing on any matter to which it is relevant in evidence at any stage of proceedings in an action under this title, if the requirements of this subsection () are met.

(2) A video recording may be admitted as provided in subdivision () (1) if the requirements of § 24-7-123(b) have been met.

(3) If a video recording is offered into evidence pursuant to subdivision () (1), then the court shall:

(A) Make specific findings of fact on the record as to the basis for the court's ruling regarding the admission or denial of admission of the video recording; and

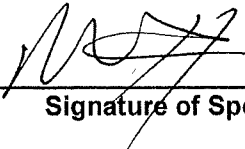
(B) Enter a protective order to restrict the video recording from further disclosure or dissemination.

(4) A video recording offered into evidence pursuant to this subsection () is not a public record. The court shall order the video recording to be sealed and preserved following the conclusion of any proceeding.

(5) It is the legislative intent that forensic interviews be used in proceedings if the forensic interview is conducted in accordance with this subsection () and other applicable law.

SECTION 5. 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. 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.

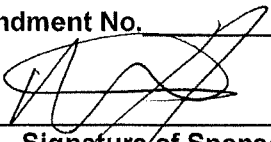


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Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 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)

(a) Except as provided in subdivision (a)(1)(A)(ii)(b), all public records of a person who has been charged with an implied consent violation under § 55-10-406 must, 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.

(b) A person is not eligible for expunction under subdivision (a)(1)(A)(ii)(a) if, at the time of the offense of the implied consent violation, the person held:

(1) A commercial driver license or a commercial learner permit, as defined in § 55-50-102, and the offense was committed within a motor vehicle, as defined in § 55-50-102; or

(2) Any driver license and the offense was committed within a commercial motor vehicle, as defined in § 55-50-102.

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



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() 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.

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. _____

Signature of Sponsor

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

AMEND Senate Bill No. 193*

House Bill No. 702

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-17-417(c)(1), is amended by deleting the subdivision and substituting:

(1) Cocaine, methamphetamine, fentanyl, carfentanil, remifentanil, alfentanil, or thiafentanil is a Class B felony if the amount involved is point five (0.5) grams or more of any substance containing cocaine, methamphetamine, fentanyl, carfentanil, remifentanil, alfentanil, or thiafentanil and, in addition, may be fined not more than one hundred thousand dollars (\$100,000); and

SECTION 2. Tennessee Code Annotated, Section 39-17-417(c)(2)(A), is amended by deleting the subdivision and substituting:

(A) Any other Schedule II controlled substance, including cocaine, methamphetamine, fentanyl, carfentanil, remifentanil, alfentanil, or thiafentanil in an amount of less than point five (0.5) grams, is a Class C felony and, in addition, may be fined not more than one hundred thousand dollars (\$100,000); provided, that if the offense involves less than point five (0.5) grams of a controlled substance containing cocaine, methamphetamine, fentanyl, carfentanil, remifentanil, alfentanil, or thiafentanil, but the defendant carried or employed a deadly weapon as defined in § 39-11-106, during commission of the offense or the offense resulted in death or bodily injury to another person, then the offense is a Class B felony.

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it, and applies to offenses committed on or after that date.



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Amendment No. _____

Signature of Sponsor

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

AMEND Senate Bill No. 18

House Bill No. 5*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-13-305(b), is amended by adding the following new subdivision:

(3) Notwithstanding title 40, chapter 35, a person convicted of a violation of this section shall be punished as a Range II offender; however, the sentence imposed upon such person may, if appropriate, be within Range III but in no case shall it be lower than Range II.

SECTION 2. Tennessee Code Annotated, Section 39-13-502(b), is amended by redesignating the subsection as subdivision (b)(1) and adding the following new subdivision:

(2) Notwithstanding title 40, chapter 35, a person convicted of a violation of this section shall be punished as a Range II offender; however, the sentence imposed upon such person may, if appropriate, be within Range III but in no case shall it be lower than Range II.

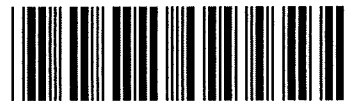
SECTION 3. Tennessee Code Annotated, Section 39-13-503(b), is amended by redesignating the subsection as subdivision (b)(1) and adding the following new subdivision:

(2) Notwithstanding title 40, chapter 35, a person convicted of a violation of this section shall be punished as a Range II offender; however, the sentence imposed upon such person may, if appropriate, be within Range III but in no case shall it be lower than Range II.

SECTION 4. 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. 1159

House Bill No. 1029*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 37-1-103, is amended by deleting subdivision (a)(1) and substituting:

(1) Proceedings in which a child:

(A) Is alleged to be unruly, dependent and neglected, or to have committed a juvenile traffic offense as defined in § 37-1-146; and

(B) Is alleged to be delinquent, unless the child must be charged in criminal court pursuant to § 37-1-134;

SECTION 2. Tennessee Code Annotated, Section 37-1-104, is amended by deleting subsection (c) and substituting:

(c)

(1) The juvenile, circuit, and chancery courts have concurrent jurisdiction to terminate parental or guardian rights pursuant to the provisions of title 36, chapter 1, part 1; and

(2) The juvenile and circuit courts have concurrent jurisdiction in proceedings in which a child is alleged to be delinquent and the child must be charged in criminal court pursuant to § 37-1-134.

SECTION 3. Tennessee Code Annotated, Section 37-1-134, is amended by deleting the section and substituting:

(a)

(1)



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(A) If a child is alleged to have committed an offense or engaged in conduct that is designated a crime or public offense under the laws, including local ordinances, of this state, and the child meets one (1) or more of the criteria listed in subdivision (a)(1)(B), then the child must be held by the sheriff of the county according to law and a petition alleging delinquency must be filed in the appropriate criminal court of competent jurisdiction.

(B) Subdivision (a)(1)(A) applies if the child was:

(i) Less than fourteen (14) years of age at the time of the alleged conduct and charged with first degree murder or second degree murder or attempted first or second degree murder;

(ii) Fourteen (14) years of age or more but less than seventeen (17) years of age at the time of the alleged conduct and charged with the offense of first degree murder, second degree murder, rape, aggravated rape, rape of a child, aggravated rape of a child, aggravated robbery, especially aggravated robbery, aggravated burglary, especially aggravated burglary, kidnapping, aggravated kidnapping, especially aggravated kidnapping, commission of an act of terrorism, carjacking, or an attempt to commit any such offense;

(iii) Sixteen (16) years of age or more at the time of the alleged conduct and charged with the offense of robbery or attempt to commit robbery; or

(iv) Seventeen (17) years of age or more at the time of the alleged conduct.

(2)

(A) If a petition has been filed with the criminal court pursuant to subdivision (a)(1)(A), then the criminal court shall, before a hearing on the merits of the petition, conduct a hearing to determine whether the disposition of the child shall be as if the child were an adult or if the petition should be transferred to the juvenile court for delinquency proceedings on the merits.

(B) A hearing pursuant to subdivision (a)(2)(A) must be held in conformity with §§ 37-1-124, 37-1-126, and 37-1-127.

(C) The court shall provide reasonable notice in writing of the time, place, and purpose of the hearing to the child and the child's parents, guardian, or other custodian at least fourteen (14) days prior to the hearing.

(b)

(1) Except as provided in subdivision (b)(3), the disposition of the child shall be as if the child were an adult if the criminal court finds probable cause to believe that:

(A) The child committed the delinquent act as alleged;

(B) The child is not committable to an institution for the developmentally disabled or mentally ill; and

(C) The interest of the community requires that the child be put under legal restraint or discipline.

(2) In making the determination required by this section, the criminal court shall consider, among other matters:

(A) Whether the offense was against a person or property, with greater weight in favor of a disposition as if the child were an adult if the offense was against a person;

(B) Whether the offense was committed in an aggressive and premeditated manner;

(C) Whether the child's conduct would be a criminal gang offense, as defined in § 40-35-121, if committed by an adult; and

(D) Whether the child's history demonstrates the child is, or has been, a victim of human trafficking.

(3) The district attorney general shall not seek, nor shall any child tried in an adult criminal court receive, a sentence of death or life imprisonment without parole.

(c)

(1) If the criminal court determines that the disposition of the child shall be as if the child were an adult, then court shall enter a written order detailing the court's findings of fact and conclusions of law. Following entry of the order, the child is subject to indictment, presentation, or information for the offense charged.

(2) If the criminal court determines that the disposition of the child shall not be as if the child were an adult, then the court shall enter a written order detailing the court's findings of fact and conclusions of law, and the petition shall be transferred to the juvenile court for delinquency proceedings on the merits pursuant to § 37-1-131.

(d)

(1) If the criminal court determines that the disposition of the child shall be as if the child were an adult, then the jurisdiction of the juvenile court with respect to any and all delinquent acts with which the child may then or thereafter be charged is terminated, and the child shall thereafter be dealt with as an adult as to all pending and subsequent criminal charges except in the following circumstances, in which the juvenile court retains concurrent jurisdiction:

(A) The child is acquitted in criminal court on the charge or charges; or

(B) The charge or charges were dismissed by the criminal court.

(2) If a child is in the legal custody of the department at the time of the hearing, then custody terminates at the hearing, except that if the child is already committed to the department, the court may determine if it is in the best interest of the child to remain in the legal custody of the department until a conviction occurs. Legal custody by the department terminates upon a conviction in adult criminal court. If the child is acquitted of the charges or if no conviction occurs and the charge is dismissed, then the presiding judge shall notify the appropriate juvenile court of the dismissal or acquittal so that the juvenile court may, at its discretion, set a hearing to ascertain the status of the child as to the department's custody.

(e) If a person eighteen (18) years of age or older is charged with an offense that was alleged to have been committed prior to the person's eighteenth birthday, then the petition must be brought in the adult criminal court having jurisdiction at the time of the offense. The adult criminal court shall determine, pursuant to this section, whether the case should be adjudicated in the juvenile court under its continuing jurisdiction authority pursuant to § 37-1-102(b)(5)(B) and (C) or whether the matter should be tried in the adult criminal court.

(f) A child, either before or after reaching eighteen (18) years of age, shall not be prosecuted for an offense previously committed unless a hearing has been held pursuant to subsection (a).

(g)

(1) Statements made by the child at a hearing held pursuant to subsection (a) are not admissible against the child, over objection, in the criminal

proceedings following the court's decision that the disposition of the child shall be as if the child were an adult.

(2) A hearing held pursuant to subsection (a) shall be recorded using the procedure provided in title 40, chapter 14, part 3.

(h) If the criminal court determines that the disposition of the child shall be as if the child were an adult, then the judge who conducted the hearing pursuant to subsection (a) shall not, over objection of an interested party, preside at the criminal trial.

(i) After a child has been sentenced to an adult institution, the department of correction may file a petition requesting the committing court to allow the department to transfer the defendant to an institution for juvenile delinquents administered by the department of children's services. Upon the approval of the committing court, the defendant may be transferred by the department of correction to a child-caring institution to be held until the defendant's eighteenth birthday. At the defendant's eighteenth birthday, the defendant may be transferred to an adult institution if there is time remaining on the defendant's term. If the term expires prior to the defendant's eighteenth birthday, then the defendant must be released. A child sentenced by a committing court pursuant to this section shall, for the purposes of parole, be treated as if the child were an adult. The provisions of this section relative to housing juveniles who have obtained the age of eighteen (18) are not affected by subsections (j), (k), and (l).

(j) The adult criminal court having jurisdiction over the child pursuant to subsection (a) may order the child detained in an adult detention facility separate and removed from adult detainees; provided, however, that during the period while such child is detained separately from adult detainees, such child shall otherwise abide by the same regulations and policies governing conditions of imprisonment that apply to adult detainees who are charged with similar offenses. Similar regulations and policies governing educational opportunities for adults shall be implemented for a child so detained, but such regulations and policies shall in no way affect or alter the manner in

which a local education agency is required to provide educational services to a child under the federal Individuals with Disabilities Education Act, compiled in 20 U.S.C. § 1471 et seq.

(k) A child who was less than sixteen (16) years of age at the time of the offense and who is subsequently convicted in adult criminal court and committed, must be housed in a juvenile correctional facility until such person reaches sixteen (16) years of age, at which time the child may be transferred upon the order of the committing court to an adult facility. A child committed to an adult facility under this section must be housed separate and removed from adult inmates. In exercising the commissioner's discretion under § 41-1-403 to determine the institutional location of a person committed to the custody of the department, the commissioner of correction shall take into consideration the proximity of the institution to the child's home. However, during any period while the child is confined separately from adult inmates within the regional facility, the child shall otherwise abide by the same regulations and policies governing conditions of imprisonment that apply to adult inmates who are confined for similar offenses. Similar regulations and policies governing educational opportunities for adults must be implemented for a child so detained, but such regulations and policies do not affect or alter the manner in which a local education agency is required to provide educational services to a child under the federal Individuals with Disabilities Education Act, compiled in 20 U.S.C. § 1471 et seq.

(l) A child who was sixteen (16) years of age or older at the time of the offense and is subsequently convicted in adult criminal court and committed shall be housed in a juvenile correctional facility unless the committing court orders commitment to an adult facility. A child committed to an adult facility under this section must be housed separate and removed from adult inmates. In exercising the commissioner's discretion under § 41-1-403 to determine the institutional location of a person committed to the custody of the department, the commissioner of correction shall take into consideration the

proximity of the institution to the child's home. However, during any period while the child is confined separately from adult inmates within the regional facility, the child shall otherwise abide by the same regulations and policies governing conditions of imprisonment that apply to adult inmates who are confined for similar offenses. Similar regulations and policies governing educational opportunities for adults must be implemented for a child so detained, but the regulations and policies do not affect or alter the manner in which a local education agency is required to provide educational services to a child under the federal Individuals with Disabilities Education Act, compiled in 20 U.S.C. § 1471 et seq.

SECTION 4. Tennessee Code Annotated, Section 37-1-102(b)(5)(B)(iii), is amended by deleting the language "with the court having the option of retaining jurisdiction for adjudication and disposition or transferring the person to criminal court under § 37-1-134".

SECTION 5. Tennessee Code Annotated, Section 37-1-102, is amended by deleting subdivision (b)(5)(D).

SECTION 6. Tennessee Code Annotated, Section 37-1-126(c)(4), is amended by deleting "a child who has been transferred or is awaiting a transfer hearing pursuant to § 37-1-134 or".

SECTION 7. Tennessee Code Annotated, Section 37-1-131, is amended by deleting subdivision (d)(2)(A) and subdivision (e)(2)(A).

SECTION 8. Tennessee Code Annotated, Section 37-1-135, is amended by deleting "to transfer a child under" and substituting "held pursuant to".

SECTION 9. Tennessee Code Annotated, Section 37-1-137(d)(1)(B), is amended by deleting the last sentence and substituting:

This section does not prevent the disposition of the child as if the child were an adult pursuant to § 37-1-134.

SECTION 10. Tennessee Code Annotated, Section 37-1-137(d)(2), is amended by deleting the last sentence and substituting:

This section does not prevent the disposition of the child as if the child were an adult pursuant to § 37-1-134.

SECTION 11. Tennessee Code Annotated, Section 37-1-153, is amended by deleting subdivision (f)(1)(A)(iii) and substituting:

(iii) Has never been convicted of a criminal offense as an adult, has never been convicted of a criminal offense as a juvenile tried in adult criminal court pursuant to § 37-1-134, and has never been convicted of a sexual offense, as defined in § 40-39-202, whether in juvenile court, in adult criminal court pursuant to § 37-1-134, or as an adult;

SECTION 12. Tennessee Code Annotated, Section 37-1-154(a), is amended by deleting "Unless a charge of delinquency is transferred for criminal prosecution under" and substituting "Unless the disposition of a charge of delinquency is as if the child were an adult pursuant to".

SECTION 13. Tennessee Code Annotated, Section 37-1-159(a), is amended by deleting ", except a proceeding pursuant to § 37-1-134,".

SECTION 14. Tennessee Code Annotated, Section 37-1-159, is amended by deleting subsections (d) and (e).

SECTION 15. Tennessee Code Annotated, Section 37-1-159(f), is amended by deleting "pursuant to subsection (e)" and substituting "pursuant to § 37-1-134".

SECTION 16. Tennessee Code Annotated, Section 37-1-170(f), is amended by deleting "in a case that has been transferred to the criminal court pursuant to the provisions of § 37-1-134" and substituting "in which the disposition of the child is as if the child were an adult in adult criminal court pursuant to § 37-1-134".

SECTION 17. Tennessee Code Annotated, Section 37-5-103(4)(A)(ii)(c), is amended by deleting the language "with the court having the option of retaining jurisdiction for adjudication and disposition or transferring the person to criminal court under § 37-1-134".

SECTION 18. Tennessee Code Annotated, Section 37-5-103, is amended by deleting subdivision (4)(C).

SECTION 19. Tennessee Code Annotated, Section 40-35-106(b)(3)(A), is amended by deleting "a transfer of the juvenile to criminal court" and substituting "the disposition of the juvenile as if the juvenile were an adult".

SECTION 20. Tennessee Code Annotated, Section 40-35-106(b)(3)(B), is amended by deleting "juvenile was transferred to criminal court" and substituting "disposition of the juvenile was as if the juvenile were an adult".

SECTION 21. Tennessee Code Annotated, Section 40-35-107(b)(3)(A), is amended by deleting "a transfer of the juvenile to criminal court" and substituting "the disposition of the juvenile as if the juvenile were an adult".

SECTION 22. Tennessee Code Annotated, Section 40-35-107(b)(3)(B), is amended by deleting "juvenile was transferred to criminal court" and substituting "disposition of the juvenile was as if the juvenile were an adult".

SECTION 23. Tennessee Code Annotated, Section 40-35-108(b)(3)(A), is amended by deleting "a transfer of the juvenile to criminal court" and substituting "the disposition of the juvenile as if the juvenile were an adult".

SECTION 24. Tennessee Code Annotated, Section 40-35-108(b)(3)(B), is amended by deleting "juvenile was transferred to criminal court" and substituting "disposition of the juvenile was as if the juvenile were an adult".

SECTION 25. Tennessee Code Annotated, Section 40-35-120(e)(3), is amended by deleting "transfer of the juvenile to criminal court" and substituting "disposition of the juvenile as if the juvenile were an adult".

SECTION 26. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. _____
Patsy Haglewood

Signature of Sponsor

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

AMEND

House Joint Resolution No. 94*

by deleting all language after the caption and substituting:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED THIRTEENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that a majority of all members of each house concurring, as shown by the yeas and nays entered on their journals, that it is proposed that Article I, Section 35 of the Constitution of Tennessee be amended by deleting the section in its entirety and substituting the following:

Section 35. That to preserve and protect the rights of victims of crime to justice and due process throughout the criminal and juvenile justice systems, a victim, as defined by law and which may be expanded by the General Assembly, shall have the following rights, which shall be protected:

- (1) The right to be treated with fairness for the victim's safety and dignity;
- (2) The right, upon request, to reasonable notice of all public criminal proceedings and all public juvenile delinquency proceedings involving the accused;
- (3) The right to be present at all public criminal proceedings and all public juvenile delinquency proceedings involving the accused;
- (4) The right upon request to be heard in any proceeding involving release, plea, sentencing, disposition, and parole, as well as any public proceeding when relevant during which a right of the victim is implicated;



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(5) The right to be heard and informed of all parole procedures, to participate in the parole process, to provide information to the parole authority to be considered before the parole of the offender, and to be notified, upon request, of the parole or other release of the offender;

(6) The right to be free from harassment, intimidation, and abuse throughout the criminal justice system, including reasonable protection, as defined by the General Assembly, from the accused or any person acting on behalf of the accused;

(7) The right, upon request, to reasonable notice of any release, transfer, or escape of the accused or convicted person;

(8) The right to full and timely restitution from the offender;

(9) The right to a speedy trial or disposition and a prompt and final conclusion of the case after the conviction or sentence;

(10) The right to be informed of the minimum sentence the offender will serve in custody and the scheduled release date;

(11) The right to have the safety of the victim, the victim's family, and the general public considered before any parole or other post-judgment release decision is made;

(12) The right, upon request, to confer with the prosecution; and

(13) The right to be fully informed of all rights afforded to crime victims.

A victim may assert the rights enumerated in this section, not as a party, but in the manner further provided by the General Assembly protecting the victim's right to standing. The General Assembly has the authority to enact substantive and procedural laws to further define, implement, preserve, and protect the rights guaranteed to victims by this section. This section must be interpreted to preserve and protect the rights of all persons to due process. This section, or any law enacted under this section, does not

create a basis for vacating a conviction. This section does not restrict the powers of the District Attorney General or the inherent authority of the court.

Other than as provided in the preceding paragraph, this section does not create a cause of action or claim for damages against the state or a political subdivision of the state; an officer, employee, or agent of the state or of any of its political subdivisions; or an officer or employee of the court.

BE IT FURTHER RESOLVED, that the foregoing be referred to the One Hundred Fourteenth General Assembly and that this resolution proposing such amendment be published in accordance with Article XI, Section 3 of the Constitution of Tennessee by posting such amendment on the official website of the Secretary of State and on the official website of the General Assembly.

BE IT FURTHER RESOLVED, that the Clerk of the House of Representatives is directed to deliver copies of this resolution to the Secretary of State, with this final resolving clause being deleted from such copies.

Amendment No. _____

Mary Littleton

Signature of Sponsor

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

AMEND Senate Bill No. 654

House Bill No. 554*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 7, Part 1, is amended by adding the following as a new section:

(a) Each district attorney general shall designate at least one (1) person currently employed within the judicial district as an assistant district attorney general as the lead prosecuting attorney for the judicial district in cases involving crimes committed against children.

(b) The district attorney general for each judicial district shall designate an assistant district attorney general, or other staff members as may be appropriate, to attend annual training on the investigation of crimes against children provided by the Tennessee bureau of investigation and the Tennessee district attorneys general conference.

SECTION 2. Tennessee Code Annotated, Title 38, Chapter 6, Part 1, is amended by adding the following as a new section:

(a) The Tennessee bureau of investigation, in conjunction with the Tennessee district attorneys general conference, shall implement a course or courses of instruction, composed of live instruction, telecommunication, video, or other medium, or any combination of methods, for the annual training of assistant district attorneys general and other staff members in the prosecution of crimes committed against children.

(b) The course or courses of instruction must emphasize:

(1) The dynamics of investigating crimes committed against children;



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(2) Appropriate investigative and communication techniques for crimes committed against children; and

(3) Protection of victims.

SECTION 3. This act is not an appropriation of funds, and funds must not be obligated or expended pursuant to this act unless the funds are specifically appropriated by the general appropriations act.

SECTION 4. 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. 435*

House Bill No. 722

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-13-211(b), is amended by deleting the language "Class C felony" and substituting instead the language "Class B felony".

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it, and applies to offenses committed on or after that date.

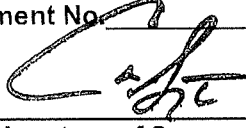


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Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 1194

House Bill No. 1214*

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

SECTION 1. Tennessee Code Annotated, Section 49-6-3050(a)(2), is amended by designating subdivision (A) as subdivision (A)(i) and adding the following as a new subdivision:

(ii) Home schools that teach kindergarten through grade twelve (K-12), where the parents are associated with and where students are enrolled with a public charter school authorized by the Tennessee public charter school commission pursuant to § 49-13-106(k) that are supervised by the public charter school's director and that administer or offer standardized achievement tests, are exempt from this section.

SECTION 2. Tennessee Code Annotated, Section 49-6-3050(a)(2), is amended by designating subdivision (B) as subdivision (B)(i) and adding the following as a new subdivision:

(ii) Parent-teachers who register with a public charter school authorized by the commission pursuant to § 49-13-106(k) for conducting a home school for students in grades nine through twelve (9-12) must possess at least a high school diploma or a high school equivalency credential approved by the state board of education.

SECTION 3. Tennessee Code Annotated, Section 49-13-105, is amended by deleting subsection (a) and substituting instead the following:

(a) There is established the Tennessee public charter school commission as an independent state entity for the purpose of serving as a public charter school authorizer and the LEA for any public charter school it authorizes. The commission has the authority to authorize public charter schools on appeal of a local board of education's decision to deny a public charter school application, and the authority to directly



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authorize public charter schools as provided in this chapter. A public charter school that is authorized by the commission must operate within the geographic boundaries of the LEA that denied approval of the initial public charter school application or within the geographic boundaries of the LEA in which the commission has approved the charter sponsor to locate. The commission may adopt policies and procedures for the commission and the commission's authorized public charter schools.

SECTION 4. Tennessee Code Annotated, Section 49-13-106, is amended by designating subsection (e) as subdivision (e)(1) and adding the following as a new subdivision:

(2) Notwithstanding subdivision (e)(1), a public charter school authorized by the commission pursuant to subsection (k) or (l) shall not charge registration fees, enrollment fees, or tuition.

SECTION 5. Tennessee Code Annotated, Section 49-13-106(f), is amended by adding the following as a new subdivision:

(3) Notwithstanding subdivision (f)(1):

(A) Public charter schools authorized by the commission pursuant to subsection (k) may be formed to provide quality educational options for all home school students residing within this state; and

(B) Public charter schools authorized pursuant to subsection (l) may be formed to provide a residential or boarding program for all at-risk students in grades six through twelve (6-12) residing within this state.

SECTION 6. Tennessee Code Annotated, Section 49-13-106, is amended by designating subsection (i) as subdivision (i)(1) and adding the following as a new subdivision:

(2)

(A) Notwithstanding subdivision (i)(1):

(i) If the sponsor seeks to establish a public charter school pursuant to subsection (k), then the sponsor shall apply directly to the commission; and

(ii) If the sponsor seeks to establish a public charter school pursuant to subsection (l), then the sponsor may apply to the local board of education or directly to the commission.

(B) A sponsor applying to establish a public charter school pursuant to subsection (k) or (l) must comply with § 49-13-107.

SECTION 7. Tennessee Code Annotated, Section 49-13-106, is amended by adding the following as new subsections:

(k)

(1) The commission may directly authorize a public charter school to provide home school students in this state the opportunity to enroll in, and the student's parent the opportunity to associate with, the public charter school to provide high-quality instruction to the parent's student in accordance with this subsection.

(2)

(A) A public charter school authorized by the commission pursuant to this subsection (k) must provide classroom instruction to enrolled students no less than three (3) days per week.

(B) A parent of a student enrolled in the public charter school shall provide home school instruction to the parent's student no less than two (2) days per week. Notwithstanding another law to the contrary, a parent of a student enrolled in the public charter school may elect for the public charter school to provide remote instruction to the parent's student for two (2) days per week instead of the parent providing home school instruction. A public charter school that provides remote instruction to students pursuant to this subdivision (k)(2)(B) must track student attendance each day remote instruction is provided, and shall implement policies and procedures for the public charter school to request and

receive daily visual, verbal, or written confirmation of student participation in such instruction.

(C) Notwithstanding another law to the contrary, a public charter school authorized by the commission pursuant to this subsection (k) may provide more or less than the six and one-half (6 1/2) hours of daily instruction required by law for students enrolled in the public charter school; provided, that the public charter school provides, at a minimum, the one hundred eighty (180) days of instruction required in § 49-6-3004.

(3) A public charter school authorized by the commission pursuant to this subsection (k) may enroll home school students residing in this state, regardless of whether the LEA in which the public charter school is located has an out-of-district enrollment policy or a policy prohibiting out-of-district enrollment. If the number of enrollment applications exceeds the capacity of a program, class, grade level, or building, then the public charter school shall not conduct an enrollment lottery, but shall maintain a waitlist to notify parents and students if space is available.

(4) Home school instruction provided by the parent of a student enrolled in a public charter school authorized by the commission pursuant to this subsection (k) must align with the academic standards adopted by the state board of education for the student's grade level and for the respective subject.

(5) The commission, in consultation with the state board of education, may promulgate rules to effectuate this subsection (k). The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(l)

(1)

(A) A local board of education or the commission may directly authorize a public charter school to provide a residential or boarding program for at-risk students in grades six through twelve (6-12). A public charter school authorized pursuant to this subsection (l) to provide a residential or boarding program may be a separate-sex school that only enrolls students of a respective sex, as defined in § 49-2-802.

(B) This subdivision (l)(1) does not prohibit the commission from authorizing a public charter school for purposes of this subsection (l) on appeal of a local board of education's decision to deny a public charter school application for purposes of this subsection (l).

(C) The governing body of a public charter school in operation on July 1, 2023, may petition the authorizer to amend the original charter agreement to allow the public charter school to provide a residential or boarding program for at-risk students in grades six through twelve (6-12) in accordance with the timelines for approval and the appeal process determined by the commission pursuant to § 49-13-110(d) and its rules.

(2) As used in this subsection (l), "at-risk" means students who are:

(A) "Economically disadvantaged," as defined in Tennessee's Every Student Succeeds Act (ESSA) plan established pursuant to the Every Student Succeeds Act (20 U.S.C. § 6301 et seq.);

(B) Homeless, foster, runaway, or migrant students;

(C) Members of a family with a household income that meets the eligibility requirements for free or reduced-price lunch, as determined pursuant to 42 U.S.C. § 1771;

(D) At risk of educational disadvantage due to circumstances of abuse, neglect, or disability; or

(E) At risk of state custody due to family dysfunction.

(3) A public charter school authorized pursuant to this subsection (l) may enroll students residing in this state, regardless of whether the LEA in which the public charter school is located has an out-of-district enrollment policy or a policy prohibiting out-of-district enrollment. If the number of enrollment applications exceeds the public charter school's residential or boarding capacity, then the public charter school shall not conduct an enrollment lottery, but shall maintain a waitlist to notify parents and students if space is available.

(4) Notwithstanding another law to the contrary, a public charter school authorized pursuant to this subsection (l) must be operated on a year-round basis, which shall not operate to reduce the level of state support to the public charter school. The commissioner of education shall make adjustments necessary to accommodate the public charter school's year-round operation so as not to diminish state financial support. The charter agreement for a public charter school authorized pursuant to this subsection (l) shall specify the date by which the school year must commence. Notwithstanding another law to the contrary, a public charter school authorized pursuant to this subsection (l) may provide more or less than the six and one-half (6 1/2) hours of daily instruction required by law for students enrolled in the public charter school.

(5) The commission, in consultation with the state board of education, may promulgate rules to effectuate this subsection (l). The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 8. Tennessee Code Annotated, Section 49-13-107(b), is amended by adding the following as a new subdivision:

(23) A plan for the construction, development, or purchase of residential or boarding facilities, if the proposed public charter school intends to provide a residential or boarding program for students pursuant to § 49-13-106(l), including a copy of all

required permits, certificates, or other documentation evidencing the sponsor's ability to secure, provide, and safely operate the proposed residential or boarding program.

SECTION 9. Tennessee Code Annotated, Section 49-13-113, is amended by deleting subsections (b) and (c) and substituting instead the following:

(b)

(1) A public charter school authorized by the commission is open to any student residing within the geographic boundaries of the LEA in which the public charter school is located. A public charter school authorized by the commission may enroll students residing outside the geographic boundaries of the LEA in which the public charter school is located pursuant to the out-of-district enrollment policy of the LEA in which the public charter school is located and in compliance with §§ 49-6-3003 and 49-6-403(f), unless the LEA in which the public charter school is located has a policy prohibiting out-of-district enrollment.

(2) Notwithstanding subdivision (b)(1), a public charter school authorized by the commission pursuant to § 49-13-106(k) or § 49-13-106(l) is open to all students residing within this state. A public charter school authorized by the commission pursuant to § 49-13-106(k) or § 49-13-106(l) may enroll students residing outside the geographic boundaries of the LEA in which the public charter school is located, regardless of whether the LEA has an out-of-district enrollment policy or a policy prohibiting out-of-district enrollment.

(c)

(1) A public charter school authorized by a local board of education may enroll students residing outside the geographic boundaries of the LEA in which the public charter school is located pursuant to the LEA's out-of-district enrollment policy and in compliance with §§ 49-6-3003 and 49-6-403(f).

(2) Notwithstanding subdivision (c)(1), a public charter school authorized by a local board of education pursuant to § 49-13-106(l) may enroll students

residing outside the geographic boundaries of the LEA in which the public charter school is located, regardless of whether the LEA has an out-of-district enrollment policy or a policy prohibiting out-of-district enrollment. A public charter school authorized by a local board of education pursuant to § 49-13-106(l) shall not charge registration fees, enrollment fees, or tuition.

SECTION 10. Tennessee Code Annotated, Section 49-13-113(d), is amended by deleting subdivision (3) and substituting instead the following:

(3)

(A) If the number of applications exceeds the capacity of a program, class, grade level, or building, the public charter school shall select students through a lottery. The enrollment preference for returning students provided in subdivision (d)(2) excludes those students from entering into a lottery.

(B) Notwithstanding subdivision (d)(3)(A), if the number of enrollment applications for a public charter school authorized pursuant to § 49-13-106(k) or § 49-13-106(l) exceeds the capacity of a program, class, grade level, or building, then the public charter school shall not conduct an enrollment lottery, but shall maintain a waitlist to notify parents and students if space is available.

SECTION 11. Tennessee Code Annotated, Section 49-13-113(d), is amended by designating subdivision (5) as subdivision (5)(A) and adding the following as a new subdivision:

(B) Notwithstanding subdivision (d)(5)(A), a public charter school authorized pursuant to § 49-13-106(k) or § 49-13-106(l) shall not give an enrollment preference to children of a teacher or member of the governing body of the public charter school.

SECTION 12. Tennessee Code Annotated, Section 49-13-121, is amended by deleting subsection (a) and substituting instead the following:

(a) The governing body of a public charter school seeking renewal shall, no later than April 1 of the year prior to the year in which the charter expires, submit a renewal application on the application form developed by the department of education to:

- (1) The local board of education, if the local board of is the authorizer;
- (2) The commission, if the public charter school is authorized pursuant to § 49-13-106(k) or if the commission is the authorizer for a public charter school authorized pursuant to § 49-13-106(l); or
- (3) The commission or the local board of education, if the commission is the authorizer and the charter school is not authorized pursuant to § 49-13-106(k).

SECTION 13. 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 January 1, 2024, the public welfare requiring it.

Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 724*

House Bill No. 786

by deleting "the state" in subdivision (b)(4) of Section 1 and substituting "another state".



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Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 1117*

House Bill No. 1411

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 3, is amended by adding the following as a new section:

(a) If a parent's, legal custodian's, or legal guardian's consent is required pursuant to this title for the parent's, legal custodian's, or legal guardian's student to receive or participate in instruction, an activity, an evaluation, an assessment, a survey, or an analysis offered by the student's LEA or public charter school, then the LEA or public charter school must obtain written consent from the student's parent, legal custodian, or legal guardian authorizing the student to receive or participate in the instruction, activity, evaluation, assessment, survey, or analysis.

(b) This section does not require written consent from a student's parent, legal custodian, or legal guardian before the student may be administered a standardized academic assessment.

SECTION 2. Tennessee Code Annotated, Section 49-2-211, is amended by deleting subsection (b) and substituting:

- (b) The policy must:
 - (1) Allow a parent, legal custodian, or legal guardian access to review all surveys, analyses, or evaluations prior to being administered to the parent's, legal custodian's, or legal guardian's student; and
 - (2) Require the LEA to obtain the written consent of a student's parent, legal custodian, or legal guardian before the student may participate in a survey,



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analysis, or evaluation. A parent, legal custodian, or legal guardian may withdraw the parent's, legal custodian's, or legal guardian's consent at any time before the student participates in the survey, analysis, or evaluation.

SECTION 3. Tennessee Code Annotated, Section 49-6-1305(b), is amended by deleting the subsection and substituting:

(b)

(1) Before an LEA provides instruction in family life to a student, the LEA must first receive written, informed consent from the student's parent, legal custodian, or legal guardian authorizing the student to receive the instruction.

(2) A student's parent, legal custodian, or legal guardian may consent to the student only receiving a certain portion of the instruction being provided by the LEA or public charter school in family life.

(3) A student whose parent, legal custodian, or legal guardian does not consent to the student receiving instruction in family life or who only consents to the student receiving a certain portion of any such instruction, is excused from receiving instruction in family life or from receiving the portions of any such instruction to which the parent, legal custodian, or legal guardian has not consented in writing to the student receiving.

(4) A student who is excused from any or all portions of instruction being provided in family life must not be penalized for grading purposes if the student performs alternative health lessons.

SECTION 4. Tennessee Code Annotated, Section 49-6-1308(b), is amended by deleting the subsection and substituting:

(b)

(1) Before an LEA or public charter school provides instruction of a sexual orientation curriculum or gender identity curriculum to a student, the LEA or public charter school must first receive written, informed consent from the

student's parent, legal custodian, or legal guardian authorizing the student to receive the instruction.

(2) A student's parent, legal custodian, or legal guardian may consent to the student only receiving a certain portion of the instruction of a sexual orientation curriculum or gender identity curriculum being provided by the LEA or public charter school.

(3) A student whose parent, legal custodian, or legal guardian does not consent to the student receiving instruction of a sexual orientation curriculum or gender identity curriculum, or who only consents to the student receiving a certain portion of any such instruction, is excused from receiving instruction of a sexual orientation curriculum or gender identity curriculum, or from receiving the portions of any such instruction to which the parent, legal custodian, or legal guardian has not consented in writing to the student receiving.

(4) A student who is excused from any or all portions of the instruction of a sexual orientation curriculum or gender identity curriculum being provided shall not be penalized for grading purposes if the student performs alternative health lessons.

SECTION 5. Tennessee Code Annotated, Section 49-1-1002, is amended by deleting subdivision (b)(2) and substituting:

(2) An LEA or public charter school must obtain written consent from a student's parent, legal custodian, or legal guardian in order for the student to receive health services provided through the LEA's or public charter school's coordinated school health program. The written consent required in this subdivision (b)(2) must be obtained by the LEA or public charter school before the student receives any such services; and

SECTION 6. Tennessee Code Annotated, Section 49-6-1031(b), is amended by deleting the subsection and substituting:

(b) A school shall not allow a student to become a member of a club or organization, or allow a student to participate in any activity of a club or organization, unless the student's parent, legal custodian, or legal guardian first provides consent to the student's membership or participation in a writing that is signed and dated.

SECTION 7. 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. 897

House Bill No. 520*

by deleting Section 2 and renumbering the subsequent section accordingly.

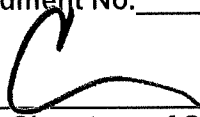


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Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 1266

House Bill No. 692*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-1-602(b)(2)(C), is amended by deleting the subdivision.

SECTION 2. Tennessee Code Annotated, Section 49-1-614(b), is amended by designating the current subsection as subdivision (b)(1) and adding the following as a new subdivision:

(2) Notwithstanding subdivision (b)(1), the commissioner shall not directly operate or enter into, or renew, a contract with an individual, governmental entity, or nonprofit entity for the individual or entity to manage the day-to-day operations of a school placed in the ASD.

SECTION 3. Tennessee Code Annotated, Section 49-1-614(c), is amended by deleting subdivisions (c)(1)-(3) and substituting:

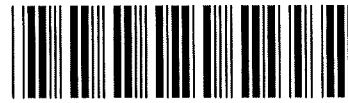
(1) The commissioner shall not assign a school or grade configuration within a school to the ASD, regardless of a school's designation as priority status pursuant to § 49-1-602.

SECTION 4. Tennessee Code Annotated, Section 49-1-614(k)(1)(A), is amended by deleting the subdivision and substituting:

A school that has been removed from the LEA and placed in the ASD must remain in the ASD until the school is no longer identified as a priority school pursuant to § 49-1-602 for two (2) consecutive cycles beginning with the 2017 priority school list, or, if the school is being operated by an individual or entity pursuant to a contract with the



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commissioner for the management of the school pursuant to subdivision (b)(1), until the contract expires, whichever occurs first.

SECTION 5. Tennessee Code Annotated, Section 49-1-614(k)(1)(C), is amended by deleting the subdivision.

SECTION 6. Tennessee Code Annotated, Section 49-1-614(k)(4), is amended by deleting the first sentence of the subdivision and substituting:

If an ASD school may be removed from the ASD pursuant to subdivision (k)(1), then the commissioner, in consultation with the LEA, shall implement the transition plan developed and approved by the commissioner pursuant to subdivision (k)(1)(B).

SECTION 7. Tennessee Code Annotated, Section 49-1-614(n), is amended by deleting the subsection.

SECTION 8. Tennessee Code Annotated, Title 49, Chapter 1, Part 2, is amended by adding the following as a new section:

(a) This section is known and may be cited as the "Tennessee Education Achievement Portal Act."

(b) The department of education shall create and, by July 1, 2024, administer a Tennessee education achievement portal that provides each LEA with access to educational supports and notifies LEAs of educational grant opportunities.

(c) The Tennessee education achievement portal must include:

- (1) Professional development resources for educators;
- (2) Guidance for LEAs providing foundational literacy skills instruction, as defined in § 49-1-903, to students;
- (3) Instructional materials and strategies for LEAs to use for purposes of the learning loss remediation and student acceleration program pursuant to chapter 6, part 15 of this title;
- (4) Best practices to help educators develop students into proficient readers;

- (5) Notification to LEAs of available state or federal grant opportunities;
- (6) Enhanced educational supports for a school identified as a priority school to improve the school's performance goals and measures, which may include contracting with independent school turnaround experts that meet the minimum qualifications required by the department pursuant to § 49-6-3707; and
- (7) Resources for LEAs to use to enhance a student's performance on an assessment required pursuant to § 49-6-6001(b)(1), a Tennessee comprehensive assessment program test, or an end-of-course examination.

SECTION 9. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. _____

Patsy Hagewood

Signature of Sponsor

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

AMEND Senate Bill No. 127*

House Bill No. 150

by deleting the amendatory language of SECTION 1 and substituting:

Chickamauga Creek – The segment of North Chickamauga Creek in Hamilton County from a point approximately at the confluence of Hixson Branch continuing to a point eight and three-tenths miles (8.3 mi.) downstream to the North Chickamauga Creek Gorge visitor access on Montlake Road in Hamilton County, and that one and one-half miles (1.5 mi.) segment of its tributary Cain Creek from the department of environment and conservation property line to the confluence with North Chickamauga Creek.

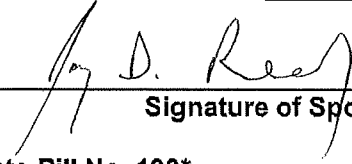


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Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 130*

House Bill No. 406

by deleting SECTION 2 and substituting:

SECTION 2. Tennessee Code Annotated, Section 47-18-104(b), is amended by adding the following as a new subdivision:

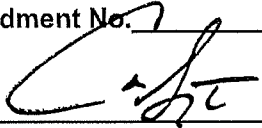
() A violation of SECTION 1;



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Amendment No. 7


Signature of Sponsor

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

AMEND Senate Bill No. 1338

House Bill No. 1211*

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

SECTION 1. Tennessee Code Annotated, Section 4-3-708(d), is amended by deleting the subsection and substituting instead:

(d)

(1) The department shall administer the program pursuant to this section and policies developed by the department that are not in conflict with this section. A requirement of this section in conflict with a federal requirement necessary to receive a federal broadband grant must not be enforced, except to the extent that such conflict does not result in the loss of a federal broadband grant.

(2) The policies must provide for the awarding of grants to political subdivisions or entities of political subdivisions, corporations, limited liability companies, partnerships, or other business entities that provide broadband services; cooperatives organized under the Rural Electric and Community Services Cooperative Act, compiled in title 65, chapter 25, or the Telephone Cooperative Act, compiled in title 65, chapter 29; and any other entity authorized by state law to provide broadband services.

(3) Notwithstanding any law to the contrary, this chapter, and any policies developed by the department to administer the program pursuant to this chapter,



apply to the program and any other broadband program in which state or federal funds are used to promote the deployment or expansion of broadband services in this state.

SECTION 2. Tennessee Code Annotated, Section 4-3-708(e), is amended by deleting the language "download speeds of ten megabits per second (10 Mbps) and minimum upload speeds of one megabit per second (1 Mbps)" and substituting instead the language "download speeds of one hundred megabits per second (100 Mbps) and minimum upload speeds of twenty megabits per second (20 Mbps)".

SECTION 3. Tennessee Code Annotated, Section 4-3-708(e)(1), is amended by deleting the subdivision and substituting instead:

(1) Serve locations without access to download speeds of at least one hundred megabits per second (100 Mbps) and upload speeds of at least twenty megabits per second (20 Mbps);

SECTION 4. Tennessee Code Annotated, Section 4-3-708(e)(2), is amended by deleting the language "or larger area".

SECTION 5. Tennessee Code Annotated, Section 4-3-708(e)(4), is amended by deleting the subdivision and substituting instead:

(4) Have not received funds or have not been designated to receive funds through other state or federally funded grant programs designed specifically to encourage broadband deployment to a location without the minimum speeds as described in this subsection (e); however, a project is not disqualified pursuant to this subdivision (e)(4) if the funds are to be used to alleviate costs of installing broadband facilities underground because the project has been denied reasonable access to aerial facilities or aerial facilities in the location lack the capacity to accommodate new broadband attachments at a reasonable cost; and

SECTION 6. Tennessee Code Annotated, Section 4-3-708(e), is amended by adding the following as new subdivisions:

() Will provide broadband service to the greatest number of locations at the highest speeds for the lowest grant amount per location;

() Have the ability to commit to providing at least twenty percent (20%) of the cost to deploy the broadband, unless in high cost areas as required by a federal program or grant. When grants are requested to provide broadband service to the same location, the department shall establish a preference for approving grant applications with a greater capital contribution;

SECTION 7. Tennessee Code Annotated, Section 4-3-708, is amended by adding the following as new subsections:

(i) The department shall not award a grant under this section if:

(1) The location is being served by at least one (1) provider offering minimum download and upload speeds as described in subdivision (e)(1); or

(2) A federal or state grant has been allocated to a broadband services provider to provide broadband services to the location at the minimum download and upload speeds as described in subdivision (e)(1); however, a project is not disqualified pursuant to this subdivision (i)(2) if the funds are to be used to alleviate costs of installing broadband facilities underground because the project has been denied reasonable access to aerial facilities or aerial facilities in the location lack the capacity to accommodate new broadband attachments at a reasonable cost.

(j) The department shall maintain a list of eligible locations on its website that do not have broadband services at the minimum download and upload speeds described in subsection (e) and would qualify for grants pursuant to this section.

(k) The department must allow broadband services providers a reasonable opportunity to comment on a grant award by providing data denoting the availability of broadband prior to the award of any grant pursuant to this section.

(l) To protect the public interest and to ensure that all Tennesseans are ultimately served with broadband service, all recipients of funds pursuant to this section shall complete the obligations of the award of funds within the time period outlined within the agreement to award the funds unless there are circumstances that cause a delay in completing an obligation that is not within the recipient's control. If a recipient does not complete an obligation pursuant to this subsection (l), then the recipient is liable for repayment of the entire grant in full, plus twenty percent (20%) of the grant amount.

SECTION 8. This act takes effect upon becoming a law, the public welfare requiring it, and applies to grants awarded on or after the effective date of this act.

Amendment No. _____

Ron Howell
Signature of Sponsor

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

AMEND Senate Bill No. 1444

House Bill No. 655*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 62-6-102(4)(A)(i), is amended by deleting the language "total cost is twenty-five thousand dollars (\$25,000) or more" and substituting "total cost is fifty thousand dollars (\$50,000) or more".

SECTION 2. Tennessee Code Annotated, Section 62-6-102(4)(A)(ii), is amended by deleting the language "twenty-five thousand dollars (\$25,000)" and substituting "fifty thousand dollars (\$50,000)".

SECTION 3. Tennessee Code Annotated, Section 62-6-102(4)(A)(iii), is amended by deleting the language "twenty-five thousand dollars (\$25,000)" and substituting "fifty thousand dollars (\$50,000)".

SECTION 4. Tennessee Code Annotated, Section 62-6-102(6), is amended by deleting the language "total cost of less than twenty-five thousand dollars (\$25,000)" and substituting "total cost of less than fifty thousand dollars (\$50,000)".

SECTION 5. Tennessee Code Annotated, Section 62-6-402(5), is amended by deleting the language "total cost of less than twenty-five thousand dollars (\$25,000)" and substituting "total cost of less than fifty thousand dollars (\$50,000)".

SECTION 6. Tennessee Code Annotated, Section 62-6-131, is amended by deleting subsection (a) and substituting:

(a)

(1) A person is not required to provide a financial statement or a letter of reference to obtain a license as a limited licensed electrician.



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(2) The board shall set, by rule, the required bond that a person seeking a license as a limited licensed electrician must file to obtain the license; provided, that the board shall require a bond of at least forty percent (40%) of the maximum total cost for electrical work applicable to licensure as a limited licensed electrician pursuant to § 62-6-102. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 7. Tennessee Code Annotated, Section 62-6-415, is amended by deleting the section and substituting:

(a) A person is not required to provide a financial statement in order to obtain a license as a limited licensed plumber.

(b) The board shall set, by rule, the required bond that a person seeking a license as a limited licensed plumber must file to obtain the license; provided, that the board shall require a bond of at least forty percent (40%) of the maximum total cost for plumbing work applicable to licensure as a limited licensed plumber pursuant to § 62-6-402. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 8. Tennessee Code Annotated, Section 62-6-506(h), is amended by deleting "in the amount of ten thousand dollars (\$10,000)" and substituting "in the amount required by subsection (i),".

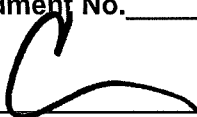
SECTION 9. Tennessee Code Annotated, Section 62-6-506, is amended by adding the following as a new subsection:

(i) The board shall set, by rule, the required bond that a person seeking a home improvement contractor's license must file to obtain the license; provided, that the board shall require a bond of at least forty percent (40%) of the maximum total cost for activities applicable to licensure as a contractor pursuant to § 62-6-102. The rules must

be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 10. 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. _____



Signature of Sponsor

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

AMEND Senate Bill No. 1246

House Bill No. 1290*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 62-4-135(b), is amended by deleting subdivision (1) and substituting:

(1) Attend sixteen (16) hours of training in health and hygiene, either in person or online with a cosmetology school or natural hair styling school licensed pursuant to this chapter, as approved by the commissioner, receive a certificate indicating attendance from the training and that the training was obtained from a cosmetology school or natural hair styling school licensed pursuant to this chapter, attest to the one-time training at biennial registration, and retain and display the certificate on request;

SECTION 2. Tennessee Code Annotated, Section 62-4-135(c), is amended by deleting "requirements under § 62-4-110(f)" and substituting "requirements under § 62-4-110(e)".

SECTION 3. 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. 863

House Bill No. 750*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 66-27-203, is amended by adding the following as a new subdivision:

() "Reserve study" means an analysis, prepared in conformity with the latest edition of the Reserve Study Standards published by the Community Associations Institute, or similar standards by another nationally recognized organization, by a reserve specialist who is credentialed through the Community Associations Institute or a similarly recognized organization, or a licensed engineer or architect, performed or updated within the last five (5) years, of the remaining useful life and the estimated cost to replace each separate system and component of the common elements, the purpose of which is to inform association members and the association's board of the amount that should be maintained from year to year in a fully funded repair and replacement reserve to minimize the need for special assessments;

SECTION 2. Tennessee Code Annotated, Section 66-27-403, is amended by adding the following as a new subsection:

(g)

(1) If the board of directors oversees common elements with an aggregate replacement cost exceeding ten thousand dollars (\$10,000) and has had a reserve study conducted on or after January 1, 2020, then the board shall have an updated reserve study conducted within five (5) years after the date the reserve study was conducted, and at least every five (5) years thereafter, for



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purposes of assessing the condition of and planning for repair and maintenance of the common elements.

(2) If the board of directors oversees common elements with an aggregate replacement cost exceeding ten thousand dollars (\$10,000) and has not had a reserve study conducted on or after January 1, 2020, then the board shall require that a reserve study be conducted on or before January 1, 2025, and shall update the study every five (5) years for purposes of assessing the condition of and planning for repair and maintenance of the common elements.

(3) The board shall make a copy of the reserve study available to all common interest owners through electronic mail or by posting it on the community website.

SECTION 3. This act takes effect January 1, 2024, the public welfare requiring it.

Amendment No. _____

Elaina Davis

Signature of Sponsor

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

AMEND Senate Bill No. 907

House Bill No. 814*

by adding to subdivision (e)(4) in SECTION 1 "the" after "maintained in accordance with" and before "International Fire Code".

AND FURTHER AMEND by deleting "food truck" in the first sentence of subsection (f) in SECTION 1 and substituting "mobile food unit".

AND FURTHER AMEND by deleting the second to last sentence in subsection (f) in SECTION 1 and substituting:

The state fire marshal may conduct additional inspections if necessary to address code violations, or an observation of unlawful conditions in violation of the standards in subsection (e), and may charge the mobile food unit a fee not to exceed the cost of conducting such inspections.

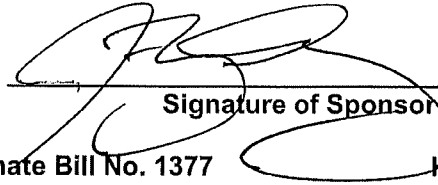


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Amendment No. _____


Signature of Sponsor

AMEND Senate Bill No. 1377

House Bill No. 799*

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

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

SECTION 1. Tennessee Code Annotated, Section 4-3-734, is amended by deleting the section and substituting:

(a) Notwithstanding title 13, chapter 19 to the contrary, the energy conservation standards for new residential building construction on or after July 1, 2023, are the 2018 International Energy Conservation Code published by the International Code Council.

(b) The department is requested to provide information to the public concerning the 2018 International Energy Conservation Codes on its website.

(c) This section does not mandate a higher level of enforcement or inspection by a local government than that in place prior to January 1, 2009.

SECTION 2. Tennessee Code Annotated, Section 13-19-101, is amended by deleting the section and substituting:

(a) The Model Energy Code, 1992 Edition, for energy conservation in new building construction, published by the Council of American Building Officials, is adopted by reference as the minimum requirements for the effective use of energy in new buildings. Notwithstanding the first sentence of this subsection (a), a local jurisdiction may adopt the 2000 International Energy Conservation Code with 2002 amendments, published by the International Code Council, as the minimum requirements for the effective use of energy in new buildings in that jurisdiction. A revision or amendment to the above-referenced codes becomes effective only upon approval by the general assembly by legislative enactment.



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(b) Notwithstanding subsection (a) or this chapter to the contrary, for new residential building construction on or after July 1, 2023, the energy conservation standards in the 2018 International Energy Conservation Code published by the International Code Council and adopted pursuant to § 4-3-734, are the state energy conservation standards. A new code, or a revision or amendment that is more stringent than the 2018 International Energy Conservation Code, becomes effective only upon approval by the general assembly by legislative enactment.

SECTION 3. Tennessee Code Annotated, Section 13-19-106, is amended by deleting the section and substituting:

(a) For new non-residential construction, a local government shall adopt the state code for energy conservation in new building construction with any amendments it deems reasonably necessary to accommodate local conditions. If the standards adopted by a local government are equal to or stricter than the state code standards, then the local standards control. If the local standards are less strict than the state code standards, then the state code standards control.

(b) For new residential construction, a local government shall adopt the state code for energy conservation pursuant to § 4-3-734. A revision or amendment that is more stringent than the above-referenced code becomes effective only upon approval by the general assembly by legislative enactment.

SECTION 4. Tennessee Code Annotated, Section 68-120-101, is amended by adding the following as a new subsection:

(k)

(1) The state energy conservation standards for new residential building construction on or after July 1, 2023, are the 2018 International Energy Conservation Code published by the International Code Council and include any amendments adopted by the state fire marshal on or before January 1, 2023.

(2) For new residential construction, a local government shall adopt the state code for energy conservation pursuant to § 4-3-734. A revision or amendment that is more stringent than the state code becomes effective only upon approval by the general assembly by legislative enactment.

SECTION 5. This act is repealed on July 1, 2028.

SECTION 6. 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. 650*

House Bill No. 1342

by deleting all language after the caption and substituting:

WHEREAS, Tennessee, as part of its economic development policy, has the right to set terms and conditions in connection with the awarding of economic development incentives; and

WHEREAS, Tennessee, as part of its economic development policy, seeks to play an integral role in the formulation of economic opportunities, conditions of grants, and general management of compliance with such awards for monies; and

WHEREAS, Tennessee will oftentimes, as part of awarding economic development incentives, oversee compliance with land use regulations, including management of the subdivision of property; offer and provide water and wastewater services; require fire protection systems and mechanical systems for buildings and structures; approve capital grants; and ensure such monies are approved by the State Building Commission; and

WHEREAS, Tennessee will oftentimes, as part of awarding economic development incentives, also require a private business to hire a certain number of new full-time employees, require a specific amount of company investment, and ensure workers obtain certain skills and knowledge; and

WHEREAS, Tennessee, as part of its economic development policy, has a vested interest in seeking to advance and preserve its own interest in projects receiving economic development incentives as a financier of projects contributing to the State's overall economic health; and

WHEREAS, it is the intent of the General Assembly, as part of its economic development policy, that whenever State funds or benefits are sought by a private business,



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that such benefits are conditioned on the private business agreeing not to waive its employees' right to a secret ballot election when recognizing a labor organization as a bargaining unit or requiring subcontractors to waive their employees' right to a secret ballot election; and

WHEREAS, it is the intent of the General Assembly that whenever State funds or benefits are provided or awarded to a private business, the private business, or subcontractors working on a project receiving State funds or benefits, shall not voluntarily disclose employee personal contact information to a labor organization without an employee's prior consent; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 3, Part 7, is amended by adding the following as a new section:

4-3-739.

(a) This section is known and may be cited as the "Employee Free Choice and Privacy Act."

(b) As used in this section:

(1) "Economic development incentive" means a FastTrack job training grant and economic development grant authorized under this part or capital grant authorized under chapter 15 of this title for economic development purposes provided to an employer to attract or retain the employer's physical presence in this state;

(2) "Employee" means an individual who performs services for an employer for wages that are subject to withholding requirements under 26 U.S.C. § 3402;

(3) "Employer" means a business entity that voluntarily pursues economic development incentives authorized under this title or enters into an agreement with this state for the purpose of receiving those incentives;

(4) "Labor organization" has the same meaning as defined in 29 U.S.C. § 152;

(5) "Personal contact information" means an employee's home address, home or personal cell phone number, or personal email address;

(6) "Secret ballot election" means a process conducted by the national labor relations board (NLRB) in which an employee casts a secret ballot for or against labor organization representation; and

(7) "Subcontractor" means an individual or entity that has contracted with the employer to perform work or provide services.

(c)

(1) In order to be eligible for an economic development incentive, an employer shall not:

(A) Grant recognition rights for the employer's employees solely and exclusively on the basis of signed union authorization cards if the selection of a bargaining representative may instead be conducted through a secret ballot election conducted by the national labor relations board (NLRB);

(B) Voluntarily disclose the employer's employee's personal contact information to a labor organization, or third party acting on behalf of a labor organization, without the employee's prior written consent, unless otherwise required by state or federal law; or

(C) Require a subcontractor performing work for or providing services to the employer to engage in activities prohibited in subdivision (c)(1)(A) or (c)(1)(B).

(2) The prohibitions set out in subdivisions (c)(1)(A) and (c)(1)(B) apply to any work or service for the employer on the project for which the economic incentive is to be given.

(d) A person or entity may report, based upon a reasonable belief, a suspected violation of subdivision (c)(1) to the department of labor and workforce development. Upon receiving a report pursuant to this subsection (d), the department of labor and workforce development shall investigate whether a violation has occurred. If, upon conclusion of the investigation, the department of labor and workforce development finds that an employer has violated subdivision (c)(1), then the department shall provide written notice to the department of economic and community development.

(e) If the department of economic and community development receives written notice pursuant to subsection (d), then the department of economic and community development shall deliver written notice to the employer informing the employer of the results of the investigation and to the office of the attorney general and reporter to initiate proceedings to recover any funds pursuant to § 4-3-731(f).

(f) This section applies prospectively and excludes any agreement between this state and an employer executed prior to the effective date of this act.

SECTION 2. Tennessee Code Annotated, Section 4-3-731, is amended by adding the following as a new subsection:

(f) Notwithstanding another law to the contrary, prior to contracting to award an economic development incentive, as defined in § 4-3-739(b), the department of economic and community development must execute a separate agreement with the recipient of the incentive that reserves the right of the department to recover the amount of money, grants, funds, or other incentives disbursed by the department, in whole or in part, if the recipient benefitting from such money, grants, funds, or other incentives fails to comply with § 4-3-739(c).

SECTION 3. 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. 650*

House Bill No. 1342

by deleting all language after the caption and substituting:

WHEREAS, Tennessee, as part of its economic development policy, has the right to set terms and conditions in connection with the awarding of economic development incentives; and .

WHEREAS, Tennessee, as part of its economic development policy, seeks to play an integral role in the formulation of economic opportunities, conditions of grants, and general management of compliance with such awards for monies; and

WHEREAS, Tennessee will oftentimes, as part of awarding economic development incentives, oversee compliance with land use regulations, including management of the subdivision of property; offer and provide water and wastewater services; require fire protection systems and mechanical systems for buildings and structures; approve capital grants; and ensure such monies are approved by the State Building Commission; and

WHEREAS, Tennessee will oftentimes, as part of awarding economic development incentives, also require a private business to hire a certain number of new full-time employees, require a specific amount of company investment, and ensure workers obtain certain skills and knowledge; and

WHEREAS, Tennessee, as part of its economic development policy, has a vested interest in seeking to advance and preserve its own interest in projects receiving economic development incentives as a financier of projects contributing to the State's overall economic health; and

WHEREAS, it is the intent of the General Assembly, as part of its economic development policy, that whenever State funds or benefits are sought by a private business,



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that such benefits are conditioned on the private business agreeing not to waive its employees' right to a secret ballot election when recognizing a labor organization as a bargaining unit or requiring subcontractors to waive their employees' right to a secret ballot election; and

WHEREAS, it is the intent of the General Assembly that whenever State funds or benefits are provided or awarded to a private business, the private business, or subcontractors working on a project receiving State funds or benefits, shall not voluntarily disclose employee personal contact information to a labor organization without an employee's prior consent; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 3, Part 7, is amended by adding the following as a new section:

4-3-739.

(a) This section is known and may be cited as the "Employee Free Choice and Privacy Act."

(b) As used in this section:

(1) "Economic development incentive" means a FastTrack job training grant and economic development grant authorized under this part or capital grant authorized under chapter 15 of this title for economic development purposes provided to an employer to attract or retain the employer's physical presence in this state;

(2) "Employee" means an individual who performs services for an employer for wages that are subject to withholding requirements under 26 U.S.C. § 3402;

(3) "Employer" means a business entity that voluntarily pursues economic development incentives authorized under this title or enters into an agreement with this state for the purpose of receiving those incentives;

(4) "Labor organization" has the same meaning as defined in 29 U.S.C. § 152;

(5) "Personal contact information" means an employee's home address, home or personal cell phone number, or personal email address;

(6) "Secret ballot election" means a process conducted by the national labor relations board (NLRB) in which an employee casts a secret ballot for or against labor organization representation; and

(7) "Subcontractor" means an individual or entity that has contracted with the employer to perform work or provide services.

(c)

(1) In order to be eligible for an economic development incentive, an employer shall not:

(A) Grant recognition rights for the employer's employees solely and exclusively on the basis of signed union authorization cards if the selection of a bargaining representative may instead be conducted through a secret ballot election conducted by the national labor relations board (NLRB);

(B) Voluntarily disclose the employer's employee's personal contact information to a labor organization, or third party acting on behalf of a labor organization, without the employee's prior written consent, unless otherwise required by state or federal law; or

(C) Require a subcontractor performing work for or providing services to the employer to engage in activities prohibited in subdivision (c)(1)(A) or (c)(1)(B).

(2) The prohibitions set out in subdivisions (c)(1)(A) and (c)(1)(B) apply to any work or service for the employer on the project for which the economic incentive is to be given.

(d) A person or entity may report, based upon a reasonable belief, a suspected violation of subdivision (c)(1) to the department of labor and workforce development. Upon receiving a report pursuant to this subsection (d), the department of labor and workforce development shall investigate whether a violation has occurred. If, upon conclusion of the investigation, the department of labor and workforce development finds that an employer has violated subdivision (c)(1), then the department shall provide written notice to the department of economic and community development.

(e) If the department of economic and community development receives written notice pursuant to subsection (d), then the department of economic and community development shall deliver written notice to the employer informing the employer of the results of the investigation and to the office of the attorney general and reporter to initiate proceedings to recover any funds pursuant to § 4-3-731(f).

(f) This section applies prospectively and does not apply to:

(1) An agreement between the state and an employer executed prior to the effective date of this act; or

(2) A contract, memorandum of understanding, or other agreement between an employer and a labor organization executed prior to the effective date of this act.

SECTION 2. Tennessee Code Annotated, Section 4-3-731, is amended by adding the following as a new subsection:

(f) Notwithstanding another law to the contrary, prior to contracting to award an economic development incentive, as defined in § 4-3-739(b), the department of economic and community development must execute a separate agreement with the recipient of the incentive that reserves the right of the department to recover the amount of money, grants, funds, or other incentives disbursed by the department, in whole or in part, if the recipient benefitting from such money, grants, funds, or other incentives fails to comply with § 4-3-739(c).

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it, and applies to contracts issued, modified, or renewed on or after the effective date of this act.

Amendment No. _____

Signature of Sponsor

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

AMEND Senate Bill No. 1289

House Bill No. 392*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 62-32-303, is amended by inserting the following as a new subdivision:

() "Battery-charged security fence":

(A) Means an alarm system, and ancillary components or equipment attached to such system, that:

(i) Interfaces with a monitored alarm system in a manner that enables the alarm system to transmit a signal intended to notify the entity responsible for monitoring the alarm system or summon law enforcement in response to an intrusion or burglary;

(ii) Is located on property that is not designated by a municipality or county exclusively for residential use;

(iii) Has an energizer that:

(a) Is powered by a commercial storage battery that is not more than twelve (12) volts of direct current; and

(b) Meets the standards set forth by the most recent version of the International Electrotechnical Commission Standard 60335-2-76, or its successor standard;

(iv) Is completely surrounded by a non-electric perimeter fence or wall that is not less than five feet (5') in height;



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(v) Does not exceed ten feet (10') in height, or two feet (2') higher than the non-electric perimeter fence or wall described in subdivision () (A)(iv), whichever is higher; and

(vi) Is marked with conspicuous warning signs that are located on the battery-charged fence at intervals of no more than thirty feet (30') and that read: "WARNING - ELECTRIC FENCE"; and

(B) Includes, but is not limited to, a fence, a battery-operated energizer intended to periodically deliver voltage impulses to the connected fence, and a battery-charging device used exclusively to charge the battery for the energizer;

SECTION 2. Tennessee Code Annotated, Section 62-32-321, is amended by adding the following as a new subsection:

(i) Notwithstanding another law, a municipality or county shall not adopt or enforce an ordinance, order, or regulation that:

(1) Requires a permit or fee for the installation or use of a battery-charged security fence that is in addition to an alarm system permit issued by the municipality or county;

(2) Imposes installation or operational requirements for a battery-charged security fence that are inconsistent with the requirements provided in § 62-32-303; or

(3) Prohibits the installation or use of a battery-charged security fence.

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

Amendment No. _____

Pat Marsh

Signature of Sponsor

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

AMEND Senate Bill No. 1289

House Bill No. 392*

by deleting the amendatory language of SECTION 2 and substituting:

(i)

(1) Notwithstanding another law, a municipality or county shall not adopt or enforce an ordinance, order, or regulation that:

(A) Requires a permit or fee for the installation or use of a battery-charged security fence that is in addition to an alarm system permit issued by the municipality or county;

(B) Imposes installation or operational requirements for a battery-charged security fence that are inconsistent with the requirements provided in § 62-32-303; or

(C) Prohibits the installation or use of a battery-charged security fence.

(2) Subdivision (i)(1) does not prohibit a municipality or county from adopting or enforcing an ordinance, order, or regulation that imposes requirements on a non-electric perimeter fence or wall that are unrelated to the installation or use of a battery-charged security fence, as permitted by law.



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Amendment No. _____

Signature of Sponsor

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

AMEND Senate Bill No. 214*

House Bill No. 1452

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 68-122-102(e), is amended by inserting the following as new subdivisions:

- () "Autoclave" means a device that:
 - (A) Sterilizes reusable medical or dental equipment used by an individual or entity licensed under this title or title 63;
 - (B) Consists of an unfired pressure vessel with or without an integrated miniature boiler; and
 - (C) Is regulated by the United States food and drug administration;

() "Miniature boiler" means a boiler designed and constructed not to exceed the following:

- (A) Sixteen inches (16") inside diameter of shell;
- (B) If a non-electric boiler, twenty (20) square feet of heating surface;
- (C) Five (5) cubic feet of gross volume, exclusive of the casing and insulation; and
- (D) One hundred pounds (100 lbs.) per square inch gauge maximum allowable working pressure;

SECTION 2. Tennessee Code Annotated, Section 68-122-105(a), is amended by deleting subdivisions (6) and (7) and substituting:

- (6) Unfired pressure vessels designed for working pressure not exceeding fifteen pounds (15 lbs.) per square inch gauge;



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- (7) Unfired pressure vessels containing liquefied petroleum gases;
- (8) Unfired pressure vessels contained within an autoclave; or
- (9) Miniature boilers that are integrated as components of medical devices regulated by the United States food and drug administration.

SECTION 3. Tennessee Code Annotated, Section 68-122-105, is amended by deleting subsection (d).

SECTION 4. 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. 1389

House Bill No. 946*

by deleting subdivision (a)(9) in § 7-51-2404 in SECTION 1.

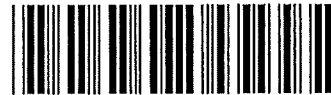
AND FURTHER AMEND by deleting "; and" at the end of subdivision (a)(8) in § 7-51-2404 in SECTION 1 and substituting ".".

AND FURTHER AMEND by adding "and" after the semicolon at the end of subdivision (a)(7) in § 7-51-2404 in SECTION 1.

AND FURTHER AMEND by deleting "subdivisions (a)(1)-(9)" in subsection (b) in § 7-51-2404 in SECTION 1 and substituting "subdivisions (a)(1)-(8)".



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Amendment No. _____


Signature of Sponsor

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

AMEND Senate Bill No. 1174

House Bill No. 349*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 48-15-101, is amended by deleting subdivision (a)(2) and substituting:

(2) A registered agent who maintains an office at the same street address as the registered office, and who may be:

(A) An individual who resides in this state, a domestic corporation, a not-for-profit domestic corporation, a domestic LLC, a domestic general partnership, a domestic limited partnership, or a domestic registered limited liability partnership; or

(B) A foreign corporation, a not-for-profit foreign corporation, a foreign LLC, a foreign general partnership, a foreign limited partnership, or a foreign registered limited liability partnership that is authorized to transact business in this state.

SECTION 2. Tennessee Code Annotated, Section 48-25-107, is amended by deleting subdivision (2) and substituting:

(2) A registered agent who maintains an office at the same street address as the registered office, and who may be:

(A) An individual who resides in this state, a domestic corporation, a not-for-profit domestic corporation, a domestic LLC, a domestic general partnership, a domestic limited partnership, or a domestic registered limited liability partnership; or



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(B) A foreign corporation, a not-for-profit foreign corporation, a foreign LLC, a foreign general partnership, a foreign limited partnership, or a foreign registered limited liability partnership that is authorized to transact business in this state.

SECTION 3. Tennessee Code Annotated, Section 48-55-101, is amended by deleting subdivision (a)(2) and substituting:

(2) A registered agent who maintains an office at the same street address as the registered office, and who may be:

(A) An individual who resides in this state, a domestic corporation, a not-for-profit domestic corporation, a domestic LLC, a domestic general partnership, a domestic limited partnership, or a domestic registered limited liability partnership; or

(B) A foreign corporation, a not-for-profit foreign corporation, a foreign LLC, a foreign general partnership, a foreign limited partnership, or a foreign registered limited liability partnership that is authorized to transact business in this state.

SECTION 4. Tennessee Code Annotated, Section 48-65-107, is amended by deleting subdivision (2) and substituting:

(2) A registered agent who maintains an office at the same street address as the registered office, and who may be:

(A) An individual who resides in this state, a domestic corporation, a not-for-profit domestic corporation, a domestic LLC, a domestic general partnership, a domestic limited partnership, or a domestic registered limited liability partnership; or

(B) A foreign corporation, a not-for-profit foreign corporation, a foreign LLC, a foreign general partnership, a foreign limited partnership, or a foreign

registered limited liability partnership that is authorized to transact business in this state.

SECTION 5. Tennessee Code Annotated, Section 48-208-101, is amended by deleting subdivision (a)(2) and substituting:

(2) A registered agent who maintains an office at the same street address as the registered office, and who may be:

(A) An individual who resides in this state, a domestic corporation, a not-for-profit domestic corporation, a domestic LLC, a domestic general partnership, a domestic limited partnership, or a domestic registered limited liability partnership; or

(B) A foreign corporation, a not-for-profit foreign corporation, a foreign LLC, a foreign general partnership, a foreign limited partnership, or a foreign registered limited liability partnership that is authorized to transact business in this state.

SECTION 6. Tennessee Code Annotated, Section 48-249-109, is amended by deleting subdivision (a)(2) and substituting:

(2) A registered agent who maintains an office at the same street address as the registered office, and who may be:

(A) An individual who resides in this state, a domestic corporation, a not-for-profit domestic corporation, a domestic LLC, a domestic general partnership, a domestic limited partnership, or a domestic registered limited liability partnership; or

(B) A foreign corporation, a not-for-profit foreign corporation, a foreign LLC, a foreign general partnership, a foreign limited partnership, or a foreign registered limited liability partnership that is authorized to transact business in this state.

SECTION 7. Tennessee Code Annotated, Section 61-1-1002, is amended by deleting subdivision (a)(2) and substituting:

(2) A registered agent who maintains an office at the same street address as the registered office, and who may be:

(A) An individual who resides in this state, a domestic corporation, a not-for-profit domestic corporation, a domestic LLC, a domestic general partnership, a domestic limited partnership, or a domestic registered limited liability partnership; or

(B) A foreign corporation, a not-for-profit foreign corporation, a foreign LLC, a foreign general partnership, a foreign limited partnership, or a foreign registered limited liability partnership that is authorized to transact business in this state.

SECTION 8. Tennessee Code Annotated, Section 61-2-104, is amended by deleting subdivision (a)(2) and substituting:

(2) A registered agent who maintains an office at the same street address as the registered office, and who may be:

(A) An individual who resides in this state, a domestic corporation, a not-for-profit domestic corporation, a domestic LLC, a domestic general partnership, a domestic limited partnership, or a domestic registered limited liability partnership; or

(B) A foreign corporation, a not-for-profit foreign corporation, a foreign LLC, a foreign general partnership, a foreign limited partnership, or a foreign registered limited liability partnership that is authorized to transact business in this state.

SECTION 9. Tennessee Code Annotated, Section 61-2-904, is amended by deleting subdivision (d)(2) and substituting:

(2) A registered agent who maintains an office at the same street address as the registered office, and who may be:

(A) An individual who resides in this state, a domestic corporation, a not-for-profit domestic corporation, a domestic LLC, a domestic general partnership, a domestic limited partnership, or a domestic registered limited liability partnership; or

(B) A foreign corporation, a not-for-profit foreign corporation, a foreign LLC, a foreign general partnership, a foreign limited partnership, or a foreign registered limited liability partnership that is authorized to transact business in this state.

SECTION 10. Tennessee Code Annotated, Section 61-3-101, is amended by deleting subdivision (22) and substituting:

(22) "Registered agent":

(A) Means an agent of a limited partnership or foreign limited partnership who is authorized to receive service of process or notice required or permitted by law to be served on the partnership, and who maintains an office at the same street address as the registered office; and

(B) Includes:

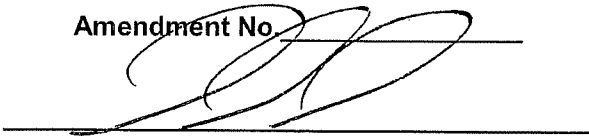
(i) An individual who resides in this state, a domestic corporation, a not-for-profit domestic corporation, a domestic LLC, a domestic general partnership, a domestic limited partnership, or a domestic registered limited liability partnership. The registered agent shall maintain an office at the same street address as the registered office; and

(ii) A foreign corporation, a not-for-profit foreign corporation, a foreign LLC, a foreign general partnership, a foreign limited partnership, or a foreign registered limited liability partnership that is authorized to

transact business in this state. The registered agent shall maintain an office at the same street address as the registered office;

SECTION 11. 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. 814*

House Bill No. 1366

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 41, Chapter 51, is amended by adding the following as a new part:

(a) The department of correction shall provide an inmate who is discharged from imprisonment for a felony offense and who intends to reside in this state with relevant documentation to assist the inmate in obtaining post-release employment and shall coordinate with the department of safety to provide a photo identification license, pursuant to § 55-50-336, if the inmate does not have a current photo identification license or driver license.

(b)

(1) Nine (9) months before an inmate's release from custody, the department of correction, in coordination with the department of safety, shall identify whether the inmate has a current form of state identification and begin the process of gathering the documentation required for the issuance of a photo identification license, pursuant to § 55-50-336.

(2) The department of correction shall coordinate with the department of safety to provide a photo identification license to all eligible inmates who do not have a current photo identification license or driver license upon their release from custody. A photo identification license must be issued, replaced, canceled, or denied in the same manner as provided in § 55-50-336.



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(3) The department of safety shall allow the use of a certified copy of a birth certificate coupled with a department of correction issued record card to serve as a valid form of photo identification documentation to obtain a photo identification license.

(4) A photo identification license issued with a record card from the department of correction for an inmate is valid for the same period as other photo identification licenses issued pursuant to § 55-50-336. The department of safety may charge a fee for issuance of a photo identification license. A photo identification license issued pursuant to this section is nonrenewable and nontransferable.

(5) The department of correction may utilize any funds available to cover the costs associated with the implementation and administration of this section and the purchase of photo identification licenses, including, but not limited to, inmate trust funds, existing funds of the department of correction, and donations.

(6) This subsection (b) applies only to inmates who may receive a photo identification license pursuant to § 55-50-336.

(c) For purposes of assisting an inmate in obtaining post-release employment, the department of correction shall provide the inmate with the following documentation:

- (1) A copy of the vocational training record of the inmate, if applicable;
- (2) A copy of the work record of the inmate, if applicable;
- (3) A certified copy of the birth certificate of the inmate, if obtainable;
- (4) A social security card or a replacement social security card of the inmate, if obtainable; and

(5) A notification to the inmate of whether the inmate is eligible to apply for a license from a state entity charged with oversight of an occupational license or certification.

(d) The department of correction and the department of safety are authorized to promulgate rules to effectuate this part. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

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



House Finance, Ways, and Means Committee

Amendment Packet

February 28, 2023

Amendment No. _____

Willie Luther

Signature of Sponsor

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

AMEND Senate Bill No. 87

House Bill No. 48*

by deleting Section 1 and substituting:

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

(a) Notwithstanding a provision of a metropolitan government charter or § 7-2-108 to the contrary, the membership of a metropolitan council must not exceed twenty (20) voting members, as further provided in this section.

(b)

(1) If the membership of a metropolitan council is required to be reduced in order to comply with subsection (a), then:

(A) The metropolitan council reduction takes effect as of the next general metropolitan election after the effective date of this act. However, if the metropolitan council fails to take the necessary legislative action to effectuate this section prior to the qualifying date for the next general metropolitan election after the effective date of this act as set by the county election commission, then the terms of the current members of the metropolitan council are extended for one (1) year and the county election commission shall set a special general metropolitan election to be held the first Thursday in August 2024 to elect the councilmembers for a term of three (3) years with the terms to begin September 1, 2024. Thereafter, members of the metropolitan council shall serve terms of four (4) years;



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(B) Within thirty (30) days of the effective date of this act, the metropolitan planning commission shall establish district boundaries using the most recent federal census to ensure that a reapportionment maintains substantially equal representation based on population and otherwise complies with the United States and Tennessee constitutions and state and federal law;

(C) Upon approval of the council districts by the planning commission, the metropolitan council as currently constituted shall approve the new council district boundaries by resolution on or before May 1, 2023; and

(D) The metropolitan council shall take any legislative action required to effectuate this section by resolution receiving an affirmative majority vote of those present and voting, regardless of any provision of a charter or private act to the contrary.

(c) With respect to metropolitan governments formed after the effective date of this act, the metropolitan council must not be composed of more than twenty (20) voting members. The adopted charter of a newly formed metropolitan government may provide for the initial election of the members of its governing body on a date as set by the charter; provided, that the initial terms do not exceed four (4) years and expire on August 31 after the next subsequent general election held.

(d) This section does not preempt a metropolitan government from specifying in its charter the manner in which to hold a special election to fill a vacancy on the metropolitan council.

(e) This section does not preempt a future change in the size of a metropolitan council through an amendment to the metropolitan charter; provided, that the size of a metropolitan council does not exceed twenty (20) members.

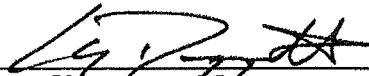
AND FURTHER AMEND by designating SECTION 2(b) as SECTION 2(b)(1) and by adding the following new subdivision (2):

(2) The governing body of a municipality may take any action by majority vote of the governing body necessary to implement and facilitate this section, irrespective of any provision of a charter or private act.

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

SECTION _____. 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.

Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 841

House Bill No. 30*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 7-51-1102, is amended by adding the following 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;

() "Compensation" means a salary, wage, fee, payment, reimbursement, or other valuable consideration;

SECTION 2. Tennessee Code Annotated, Section 7-51-1102(2), is amended by deleting the second sentence and substituting instead the following:

"Adult cabaret" includes a commercial establishment that features adult cabaret entertainment as a principal use of its business;

SECTION 3. Tennessee Code Annotated, Section 7-51-1102(10), is amended by deleting the subdivision and substituting instead the following:

() "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



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whether entertainment is provided as an employee, escort, 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 4. Tennessee Code Annotated, Section 7-51-1115, is amended by designating the existing language as subsection (a) and adding the following as a new subsection (b):

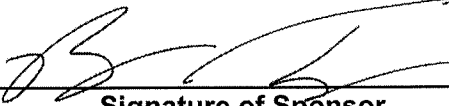
(b) A person shall not provide adult cabaret entertainment for compensation without a valid permit issued by the board pursuant to this part.

SECTION 5. Tennessee Code Annotated, Section 7-51-1114, is amended by adding the following as a new subsection:

(h) A public, private, or commercial establishment shall not allow a person younger than eighteen (18) years of age to attend a performance featuring adult cabaret entertainment.

SECTION 6. 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. 277

House Bill No. 325*

by inserting the following new sections immediately preceding the effective date section and renumbering the effective date section accordingly:

SECTION 2. Tennessee Code Annotated, Section 63-1-164(d)(1), is amended by adding the following as a new subdivision:

(C) After issuing an initial prescription to a patient for an opioid in a manner that complies with subdivision (d)(1)(A), the healthcare practitioner who issued the initial prescription is not required to obtain and document informed consent as required under subdivision (d)(1)(A)(iv) if the subsequent prescription is for the same opioid and for the same episode of treatment.

SECTION 3. Tennessee Code Annotated, Section 63-1-164(d)(1)(A)(iv), is amended by deleting the language "Obtains informed consent" and substituting "Except as provided in subdivision (d)(1)(C), obtains informed consent".

SECTION 4. Tennessee Code Annotated, Section 63-1-164(e)(1), is amended by deleting the subdivision and substituting:

(1) The treatment of cancer patients, patients who are undergoing palliative treatment, or patients who are receiving hospice care;

SECTION 5. Tennessee Code Annotated, Section 63-1-164(f), is amended by deleting the language "No later than November 1, 2021" and substituting "No later than November 1, 2023, and by November 1 of each odd-numbered year thereafter".



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Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 672*

House Bill No. 1051

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 33-6-407, is amended by deleting the section and substituting:

(a) As used in this section, "qualified advanced practice provider" means an individual working under the supervision of a licensed physician, and who is a:

(1) Licensed advanced practice nurse with a current certification from a national certifying organization as a psychiatric-mental health advanced practice nurse; or

(2) Physician assistant with a current certification from a national certifying organization as having additional qualifications in psychiatry.

(b) A hospital or treatment resource that receives a person transported under § 33-6-406 must have a licensed physician or a qualified advanced practice provider examine the person to determine whether the person is subject to admission under § 33-6-403.

(c) If the person is subject to admission under § 33-6-403, then the physician or qualified advanced practice provider must complete a certificate of need for the emergency diagnosis, evaluation, and treatment showing the factual foundation for the conclusions on each item of § 33-6-403, and the person who took the service recipient to the hospital or treatment resource may then apply for the admission for the purpose of emergency diagnosis, evaluation, and treatment.



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(d) If the person is not subject to admission and the sheriff or transportation agent is under a duty to remain at the hospital or treatment resource under § 33-6-406, then the sheriff or transportation agent shall return the person to the county.

(e) If the person is not subject to admission and the sheriff or transportation agent is not under a duty to remain at the hospital or treatment resource under § 33-6-406, then the hospital or treatment resource shall return the person to the county.

(f) A hospital, treatment resource, or healthcare provider is immune from any civil liability and has an affirmative defense to any criminal liability arising either from a determination relative to admission of a person to a facility or treatment resource or from the transportation of a person to and from the hospital or treatment resource.

SECTION 2. Tennessee Code Annotated, Section 33-6-426, is amended by deleting the section and substituting:

(a) If a person who is not a licensed physician executes the first certificate of need in support of hospitalization under this part, then only a licensed physician may execute the second certificate of need in support of hospitalization under this part.

(b) If a person who is a licensed physician and board certified as a psychiatrist by the American Board of Psychiatry and Neurology executes the first certificate of need in support of hospitalization under this part, then the patient may be subject to admission under § 33-6-403 without the execution of a second certificate of need in support of hospitalization under this part. This subsection (b) does not apply to a state-owned or -operated hospital or treatment resource.

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. _____

Karin Vaughan

Signature of Sponsor

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

AMEND Senate Bill No. 672*

House Bill No. 1051

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 33-6-407, is amended by deleting the section and substituting:

(a) As used in this section, "qualified advanced practice provider" means an individual working in collaboration with a licensed physician, and who is a:

(1) Licensed advanced practice nurse with a current certification from a national certifying organization as a psychiatric-mental health advanced practice nurse; or

(2) Physician assistant with a current certification from a national certifying organization as having additional qualifications in psychiatry.

(b) A hospital or treatment resource that receives a person transported under § 33-6-406 must have a licensed physician or a qualified advanced practice provider examine the person to determine whether the person is subject to admission under § 33-6-403.

(c) If the person is subject to admission under § 33-6-403, then the physician or qualified advanced practice provider must complete a certificate of need for the emergency diagnosis, evaluation, and treatment showing the factual foundation for the conclusions on each item of § 33-6-403, and the person who took the service recipient to the hospital or treatment resource may then apply for the admission for the purpose of emergency diagnosis, evaluation, and treatment.



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(d) If the person is not subject to admission and the sheriff or transportation agent is under a duty to remain at the hospital or treatment resource under § 33-6-406, then the sheriff or transportation agent shall return the person to the county.

(e) If the person is not subject to admission and the sheriff or transportation agent is not under a duty to remain at the hospital or treatment resource under § 33-6-406, then the hospital or treatment resource shall return the person to the county.

(f) A hospital, treatment resource, or healthcare provider is immune from civil liability and has an affirmative defense to criminal liability arising either from a determination relative to admission of a person to a facility or treatment resource or from the transportation of a person to and from the hospital or treatment resource.

SECTION 2. Tennessee Code Annotated, Section 33-6-426, is amended by deleting the section and substituting:

(a) If a person who is not a licensed physician executes the first certificate of need in support of hospitalization under this part, then only a licensed physician may execute the second certificate of need in support of hospitalization under this part.

(b) If a person who is a licensed physician and board certified as a psychiatrist by the American Board of Psychiatry and Neurology executes the first certificate of need in support of hospitalization under this part, then the patient may be subject to admission under § 33-6-403 without the execution of a second certificate of need in support of hospitalization under this part.

(c) A certificate of need in support of hospitalization pursuant to subsection (b) is not valid if:

(1) It is made by a professional who is a relative by blood, marriage, or adoption, or the legal guardian, conservator, or legal custodian of the person who is the subject of the petition, application, or certificate;

(2) It is made by a professional who has an ownership interest in a private facility in which the person is to be admitted; or

(3) It is made by a professional who is employed by or contracts with the admitting hospital or treatment resource.

(d) A certificate of need in support of hospitalization executed pursuant to subsection (b) does not relieve the hospital or treatment resource's chief officer from filing with the court, by the time of the probable cause hearing, the required certificates of need under § 33-6-421 and § 33-6-422.

(e) The admitting hospital or treatment resource may rescind the certificate of need executed pursuant to subsection (b), if a licensed physician or other qualified professional in examining the patient determines that the patient no longer meets admission criteria under § 33-6-403.

(f) Subsection (b) does not apply to a state-owned or -operated hospital or treatment resource or a hospital or treatment resource that contracts with the department of mental health and substance abuse services for in-patient psychiatric services.

SECTION 3. Tennessee Code Annotated, Section 33-6-408, is amended by deleting the section and substituting:

If the person has been certified as subject to admission under § 33-6-403 and is already at the hospital or treatment resource at which the person is proposed to be admitted, then the person who took the service recipient to the hospital or treatment resource may then apply for the admission for the purpose of emergency diagnosis, evaluation, and treatment. The application must be accompanied by the two (2) certificates of need or the one (1) certificate of need executed pursuant to § 33-6-426(b)

and must state the reasons and circumstances under which the person was taken into custody.

SECTION 4. Tennessee Code Annotated, Section 33-6-412, is amended by deleting the section and substituting:

IF

(1) the chief officer of a licensed private or local public hospital or treatment resource determines that the person is subject to admission under § 33-6-403 and has the required certificates of need or the one (1) certificate of need executed pursuant to § 33-6-426(b), AND

(2)

(A) a parent, legal guardian, legal custodian, conservator, spouse, or an adult relative of the person, or any other person has made arrangements to pay the cost of care and treatment in a hospital, or treatment resource, OR

(B) the facility chooses to accept the person when no third person has made arrangements to pay the cost,

THEN

(3) the facility may admit and detain the person for emergency diagnosis, evaluation, and treatment.

SECTION 5. Tennessee Code Annotated, Section 33-6-413(a), is amended by deleting the section and substituting:

(a) The chief officer, upon admission of the person, shall notify the judge of the general sessions court where the hospital or treatment resource is located, by telephone or in person, and shall provide the information from the certificates of need or the one (1) certificate of need executed pursuant to § 33-6-426(b) and such other information as the court may desire, that is in the possession of the hospital or treatment resource, bearing

on the condition of the person. If the general sessions court finds that there is probable cause to believe that the defendant is subject to admission to a hospital or treatment resource under § 33-6-403, then the court may order the defendant admitted for not more than five (5) days from the date of the order, excluding Saturdays, Sundays, and holidays, for emergency diagnosis, evaluation, and treatment pending a probable cause hearing under § 33-6-422. If the court does not order the defendant admitted, then the defendant must be released.

SECTION 6. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. _____

S. KOMAR MD

Signature of Sponsor

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

AMEND Senate Bill No. 674*

House Bill No. 1315

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 63-10-217, is amended by adding the following as a new subsection:

() A collaborative pharmacy practice agreement may include the provision of weight management services, including management of anti-obesity medications and authorization to refer enrollees who meet criteria specified in the agreement to:

- (1) A licensed dietitian, licensed nutritionist, or other licensed healthcare professional who is authorized to practice nutrition in this state;
- (2) Evidence-informed exercise programs; or
- (3) Other medically necessary services related to weight management.

SECTION 2. Tennessee Code Annotated, Title 71, Chapter 5, Part 1, is amended by adding the following as a new section:

The bureau of TennCare shall make available, or cause to be made available, anti-obesity medication to a recipient, regardless of the recipient's age, if anti-obesity medication is medically necessary pursuant to § 71-5-144.

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it.



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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

John D. Ragan

 Signature of Sponsor

AMEND Senate Bill No. 1111*

House Bill No. 1380

by deleting all language after the enacting clause and substituting:

SECTION 1. This act is known and may be cited as the "Mature Minor Doctrine Clarification Act."

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 1, Part 1, is amended by adding the following as a new section:

(a) The general assembly finds and declares the following:

(1) The National Childhood Vaccine Injury Act of 1986 (42 U.S.C. § 300aa-26) requires, prior to the administration of a vaccine listed in the vaccine injury table to a minor, that healthcare providers provide the vaccine information statement from the centers for disease control and prevention to the legal representatives of the minor;

(2) The Tennessee supreme court's decision in *Cardwell v. Bechtol*, 724 S.W.2d 739 (1987), found that the mature minor exception, guided by the "Rule of Sevens," is part of Tennessee common law, but only in the context of tort law and jury considerations, and not the general rule requiring parental consent for the medical treatment of minors;

(3) The *Cardwell* court stated, "Adoption of the mature minor exception to the common law rule is by no means a general license to treat minors without parental consent and its application is dependent on the facts of each case. It must be seen in the context of the tort in question.";

(4) Despite its holding in the case, the *Cardwell* court declined to alter



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the general rule, which is "requiring parental consent for the medical treatment of minors";

(5) In its opinion in the case of *Parham v. J.R.*, 442 U.S. 584 (1979), the United States supreme court wrote, "Simply because the decision of a parent is not agreeable to a child, or because it involves risks, does not automatically transfer the power to make that decision from the parents to some agency or officer of the state. The same characterizations can be made for a tonsillectomy, appendectomy, or other medical procedure. Most children, even in adolescence, simply are not able to make sound judgments concerning many decisions, including their need for medical care or treatment. Parents can and must make those judgments."; and

(6) In the case of *Troxel v. Granville*, 530 U.S. 57 (2000), Justice O'Connor wrote for the United States supreme court, "The Fourteenth Amendment's Due Process Clause has a substantive component that 'provides heightened protection against government interference with certain fundamental rights and liberty interests,' *Washington v. Glucksberg*, 521 U.S. 702, 720, including parents' fundamental right to make decisions concerning the care, custody, and control of their children".

(b) As used in this section:

(1) "Department" means the department of health;

(2) "Healthcare provider" means a healthcare professional, healthcare establishment, or healthcare facility licensed, registered, certified, or permitted pursuant to this title or title 68 or regulated under the authority of either the department of health or an agency, board, council, or committee attached to the department of health, and that is authorized to administer vaccinations in this state;

(3) "Minor":

(A) Means an individual who has not attained eighteen (18) years of age; and

(B) Does not include an individual who:

(i) Is emancipated pursuant to title 29, chapter 31;

(ii) Is in need of emergency treatment pursuant to § 63-6-222;

(iii) Is or was previously a member of the armed forces of the United States, or a member of a reserve or national guard unit; or

(iv) Is the parent of a minor child and has full custody of that minor child;

(4) "Vaccination" means the act of introducing a vaccine into the body; and

(5) "Vaccine" means a substance intended for use in humans to stimulate the body's immune response against an infectious disease or pathogen.

(c)

(1) This section does not apply to individuals experiencing abuse as defined in § 37-1-102.

(2) A healthcare provider shall not provide a vaccination to a minor unless the healthcare provider first receives written informed consent from a parent or legal guardian of the minor. The healthcare provider shall document receipt of, and include in the minor's medical record proof of, such prior parental or guardian informed consent.

(3) An employee or agent of this state shall not provide, request, or facilitate the vaccination of a minor child who is in the custody of this state unless:

(A) A parent or legal guardian of the minor has provided prior written informed consent to the vaccination; or

(B) The parental rights of each of the minor's parents or legal guardians have been terminated by a court, and all opportunities for appeal have been exhausted.

(4) A violation of this section is an unlawful practice and is grounds for the offending healthcare provider's licensing authority to suspend, revoke, or refuse to renew the healthcare provider's license or take other disciplinary action allowed by law.

(5) If the licensing authority of a healthcare provider receives information of a violation or potential violation of this section by the healthcare provider, then the licensing authority shall conduct an immediate investigation and take appropriate disciplinary action.

(d) To the extent this section conflicts with another law, this section controls.

SECTION 3. Tennessee Code Annotated, Section 14-4-103(a), is amended by deleting "Except as provided in subsection (b), a healthcare provider" in subsection (a) and substituting instead "A healthcare provider".

SECTION 4. Tennessee Code Annotated, Section 14-4-103, is amended by deleting subsection (b).

SECTION 5. 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 6. The department of health is authorized to promulgate rules to effectuate this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 7. 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. 527

House Bill No. 434*

by deleting SECTION 1(2) and substituting:

(2) Notwithstanding subdivision (d)(1), if a county legislative body passes a resolution of no confidence in a county officer:

(A) The resolution must identify the grounds for no confidence in the county officer; and

(B) Petitions must be signed by at least one percent (1%) of those registered to vote in the county. The disqualification of one (1) or more signatures does not render a petition invalid, but disqualifies such signatures from being counted toward the statutory minimum number of signatures required in this section.



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Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 122

House Bill No. 40*

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

SECTION 1. Tennessee Code Annotated, Section 66-2-101, is amended by deleting the section and substituting the following:

Except as provided in part 3 of this chapter, an alien, resident, or nonresident of the United States, may take and hold property, real or personal, in this state and dispose of or transmit the same as a native citizen.

SECTION 2. Tennessee Code Annotated, Section 66-2-102, is amended by deleting the section and substituting the following:

Except as provided in part 3 of this chapter, the heir or heirs, or devisee or devisees, of an alien, resident, or nonresident of the United States, may take lands, held by descent or otherwise, as if a citizen or citizens of the United States.

SECTION 3. Tennessee Code Annotated, Title 66, Chapter 2, is amended by adding the following as a new part:

66-2-301.

As used in this part:

(1) "Real property" means one (1) or more defined parcels or tracts of land or interests, benefits, and rights inherent in the ownership of real estate, including easements, water rights, agricultural land, or any other interest in real property;

(2) "Sanctioned foreign business" means:



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(A) A corporation incorporated under the laws of a foreign country of a sanctioned foreign government;

(B) A business entity whether or not incorporated, in which a majority interest is owned directly or indirectly by sanctioned nonresident aliens. As used in this subdivision (1)(B), the determination of "owned," in terms of ownership or control of a foreign business, is not affected by legal entities, including, but not limited to, trusts, holding companies, multiple corporations, and other business arrangements; or

(C) A corporation or business entity, whether or not incorporated, that is identified on the office of foreign assets control of the U.S. department of the treasury's sanctions programs and country information list;

(3) "Sanctioned foreign government" means a government other than the government of the United States, its states, its territories, or its possessions, that is identified by the office of foreign assets control of the U.S. department of the treasury's sanctions programs and country information list; and

(4)

(A) "Sanctioned nonresident alien" means an individual who is either:

(i) A citizen of a sanctioned foreign government; or

(ii) A person identified on the office of foreign assets control of the U.S. department of the treasury's sanctions programs and country information list; and

(B) "Sanctioned nonresident alien" does not include: (i) A citizen of the United States; or (ii) A person lawfully admitted into the United

States for permanent residence by the United States immigration and naturalization service, even if such status is conditional.

66-2-302.

(a)

(1) A sanctioned nonresident alien, sanctioned foreign business, or sanctioned foreign government, or an agent, trustee, or fiduciary thereof, shall not purchase or otherwise acquire real property in this state if the country where the sanctioned nonresident alien resides, the sanctioned foreign business is located, or the official sanctioned foreign government representing the country, or agents, trustees, or fiduciaries thereof, is on the office of foreign assets control of the U.S. department of the treasury's sanctions programs and country information list.

(2) This part applies to the extent that the purchase of real property is not prohibited under subdivision (a)(1).

(b) The restriction in subsection (a) does not apply to:

(1) Real property acquired by devise or descent;

(2) A bona fide encumbrance on real property taken for purposes of security; and

(3) Real property acquired by a process of law in the collection of debts; by a deed in lieu of foreclosure, pursuant to a forfeiture of a contract for deed; or by a procedure for the enforcement of a lien or claim on the real property, whether created by mortgage or otherwise. However, real property so acquired must be sold or otherwise disposed of within two (2) years after the title is transferred. Pending the sale or disposition, the real property must not be used for a purpose other than what it was used for immediately prior to the time the property was put up for sale, and the property must not be used except under

lease to an individual, trust, corporation, partnership, or other business entity not subject to the restriction imposed by subsection (a).

(c) Notwithstanding subdivision (a)(2), a sanctioned nonresident alien, sanctioned foreign business, or sanctioned foreign government, or an agent, trustee, or fiduciary thereof, who holds real property in this state on July 1, 2023, may continue to own or hold the real property, but shall not purchase or otherwise acquire additional real property in this state on or after July 1, 2023.

(d) A sanctioned nonresident alien, sanctioned foreign business, or sanctioned foreign government, or an agent, trustee, or fiduciary thereof, shall not transfer title to, or an interest in, real property to a sanctioned nonresident alien, sanctioned foreign business, or sanctioned foreign government, or an agent, trustee, or fiduciary thereof, except by devise or descent.

66-2-303.

(a) A sanctioned nonresident alien, sanctioned foreign business, or sanctioned foreign government, or an agent, trustee, or fiduciary thereof, who acquires real property or an interest in real property, by devise or descent after July 1, 2023, shall divest itself of all right, title, and interest in the real property within two (2) years from the date of acquiring the real property or interest.

(b) This section does not require divestment of real property or an interest in real property, acquired by devise or descent from a sanctioned nonresident alien, if the real property or an interest in the real property was acquired by a sanctioned nonresident alien prior to July 1, 2023.

66-2-304.

A person, business, or other entity who purchases or otherwise acquires real property in this state except by devise or descent, after July 1, 2023, and whose status changes so that it becomes a sanctioned nonresident alien, sanctioned foreign business, or sanctioned foreign government, or an agent, trustee, or fiduciary thereof, subject to

this part, shall divest itself of all right, title, and interest in the real property within two (2) years from the date that its status changed.

66-2-305.

A sanctioned nonresident alien, sanctioned foreign business, or sanctioned foreign government, or an agent, trustee, or fiduciary thereof, who owns an interest in real property in this state on or after July 1, 2023, shall register the real property with the secretary of state. The registration must be made within sixty (60) days after July 1, 2023, or within sixty (60) days after acquiring the real property or the interest in real property, whichever time is the later. The registration must be in the form and manner prescribed by the secretary of state and contain the name of the owner and the location and number of acres of the real property by municipality and county. If the owner of the real property or owner of the interest in real property is an agent, trustee, or fiduciary of a sanctioned nonresident alien, sanctioned foreign business, or sanctioned foreign government, then the registration must also include the name of any principal for whom that real property, or interest in real property, was purchased as agent, trustee, or fiduciary.

66-2-306.

(a) If the secretary of state finds that a sanctioned nonresident alien, sanctioned foreign business, sanctioned foreign government, or an agent, trustee, or other fiduciary thereof, has acquired or holds title to or interest in real property in this state in violation of this part, the secretary of state shall report the violation to the attorney general and reporter.

(b) Upon receipt of a report from the secretary of state under subsection (a), the attorney general and reporter shall initiate an action in the circuit court of any county in which the real property is located.

(c) The attorney general and reporter shall file a notice of the pendency of an action initiated under subsection (b) with the recorder of deeds of each county in which any of the real property is located.

(d)

(1) In an action initiated under subsection (b), if the court finds that the real property in question has been acquired or held in violation of this part, then the court shall enter an order so declaring and shall file a copy of the order with the recorder of deeds of each county in which any portion of the real property is located.

(2) If the court finds that the real property in question has been acquired in violation of this part, then the court shall declare the real property escheated to the state and order the sale of the real property in the manner provided by law for the foreclosure of a mortgage on real estate for default of payment. The proceeds of the sale must be used to pay court costs, and the remaining funds, if any, must be paid to the person divested of the real property.

(e) If the secretary of state finds that a sanctioned nonresident alien, sanctioned foreign business, sanctioned foreign government, or an agent, trustee, or other fiduciary thereof, violated this part by failing to timely register as required under § 66-2-305, the secretary of state shall assess a civil penalty not to exceed two thousand dollars (\$2,000) for each violation.

(f)

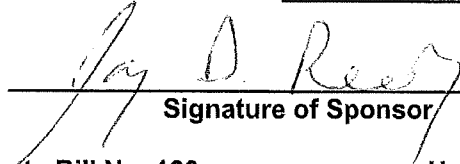
(1) There shall be no liability on any real estate licensee involved in a transaction in which a sanctioned nonresident alien, sanctioned foreign business, sanctioned foreign government, or an agent, trustee, or other fiduciary acquired property in violation of this part.

(2) Subsection (e) does not apply to any attorney licensed in this state or title insurance company and agent licensed in this state in the performance of the transfer of real property to which this title otherwise applies.

SECTION 4. 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 5. 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. 122

House Bill No. 40*

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

SECTION 1. Tennessee Code Annotated, Section 66-2-101, is amended by deleting the section and substituting the following:

Except as provided in part 3 of this chapter, an alien, resident, or nonresident of the United States, may take and hold property, real or personal, in this state and dispose of or transmit the same as a native citizen.

SECTION 2. Tennessee Code Annotated, Section 66-2-102, is amended by deleting the section and substituting the following:

Except as provided in part 3 of this chapter, the heir or heirs, or devisee or devisees, of an alien, resident, or nonresident of the United States, may take lands, held by descent or otherwise, as if a citizen or citizens of the United States.

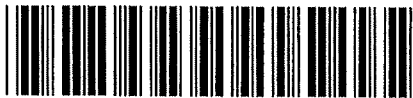
SECTION 3. Tennessee Code Annotated, Title 66, Chapter 2, is amended by adding the following as a new part:

66-2-301.

As used in this part:

(1) "Real property" means one (1) or more defined parcels or tracts of land or interests, benefits, and rights inherent in the ownership of real estate, including easements, water rights, agricultural land, or any other interest in real property;

(2) "Sanctioned foreign business" means:



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(A) A corporation incorporated under the laws of a foreign country of a sanctioned foreign government;

(B) A business entity whether or not incorporated, in which a majority interest is owned directly or indirectly by sanctioned nonresident aliens. As used in this subdivision (1)(B), the determination of "owned," in terms of ownership or control of a foreign business, is not affected by legal entities, including, but not limited to, trusts, holding companies, multiple corporations, and other business arrangements; or

(C) A corporation or business entity, whether or not incorporated, that is identified on the office of foreign assets control of the U.S. department of the treasury's sanctions programs and country information list;

(3) "Sanctioned foreign government" means a government other than the government of the United States, its states, its territories, or its possessions, that is identified by the office of foreign assets control of the U.S. department of the treasury's sanctions programs and country information list; and

(4)

(A) "Sanctioned nonresident alien" means an individual who is either:

(i) A citizen of a sanctioned foreign government; or

(ii) A person identified on the office of foreign assets

control of the U.S. department of the treasury's sanctions

programs and country information list; and

(B) "Sanctioned nonresident alien" does not include:(i) A citizen of the United States; or (ii) A person lawfully admitted into the United

States for permanent residence by the United States immigration and naturalization service, even if such status is conditional.

66-2-302.

(a)

(1) A sanctioned nonresident alien, sanctioned foreign business, or sanctioned foreign government, or an agent, trustee, or fiduciary thereof, shall not purchase or otherwise acquire real property in this state if the country where the sanctioned nonresident alien resides, the sanctioned foreign business is located, or the official sanctioned foreign government representing the country, or agents, trustees, or fiduciaries thereof, is on the office of foreign assets control of the U.S. department of the treasury's sanctions programs and country information list.

(2) This part applies to the extent that the purchase of real property is not prohibited under subdivision (a)(1).

(b) The restriction in subsection (a) does not apply to:

(1) Real property acquired by devise or descent;

(2) A bona fide encumbrance on real property taken for purposes of security; and

(3) Real property acquired by a process of law in the collection of debts; by a deed in lieu of foreclosure, pursuant to a forfeiture of a contract for deed; or by a procedure for the enforcement of a lien or claim on the real property, whether created by mortgage or otherwise. However, real property so acquired must be sold or otherwise disposed of within two (2) years after the title is transferred. Pending the sale or disposition, the real property must not be used for a purpose other than what it was used for immediately prior to the time the property was put up for sale, and the property must not be used except under

lease to an individual, trust, corporation, partnership, or other business entity not subject to the restriction imposed by subsection (a).

(c) Notwithstanding subdivision (a)(2), a sanctioned nonresident alien, sanctioned foreign business, or sanctioned foreign government, or an agent, trustee, or fiduciary thereof, who holds real property in this state on July 1, 2023, may continue to own or hold the real property, but shall not purchase or otherwise acquire additional real property in this state on or after July 1, 2023.

(d) A sanctioned nonresident alien, sanctioned foreign business, or sanctioned foreign government, or an agent, trustee, or fiduciary thereof, shall not transfer title to, or an interest in, real property to a sanctioned nonresident alien, sanctioned foreign business, or sanctioned foreign government, or an agent, trustee, or fiduciary thereof, except by devise or descent.

66-2-303.

(a) A sanctioned nonresident alien, sanctioned foreign business, or sanctioned foreign government, or an agent, trustee, or fiduciary thereof, who acquires real property or an interest in real property, by devise or descent after July 1, 2023, shall divest itself of all right, title, and interest in the real property within two (2) years from the date of acquiring the real property or interest.

(b) This section does not require divestment of real property or an interest in real property, acquired by devise or descent from a sanctioned nonresident alien, if the real property or an interest in the real property was acquired by a sanctioned nonresident alien prior to July 1, 2023.

66-2-304.

A person, business, or other entity who purchases or otherwise acquires real property in this state except by devise or descent, after July 1, 2023, and whose status changes so that it becomes a sanctioned nonresident alien, sanctioned foreign business, or sanctioned foreign government, or an agent, trustee, or fiduciary thereof, subject to

this part, shall divest itself of all right, title, and interest in the real property within two (2) years from the date that its status changed.

66-2-305.

A sanctioned nonresident alien, sanctioned foreign business, or sanctioned foreign government, or an agent, trustee, or fiduciary thereof, who owns an interest in real property in this state on or after July 1, 2023, shall register the real property with the secretary of state. The registration must be made within sixty (60) days after July 1, 2023, or within sixty (60) days after acquiring the real property or the interest in real property, whichever time is the later. The registration must be in the form and manner prescribed by the secretary of state and contain the name of the owner and the location and number of acres of the real property by municipality and county. If the owner of the real property or owner of the interest in real property is an agent, trustee, or fiduciary of a sanctioned nonresident alien, sanctioned foreign business, or sanctioned foreign government, then the registration must also include the name of any principal for whom that real property, or interest in real property, was purchased as agent, trustee, or fiduciary.

66-2-306.

(a) If the secretary of state finds that a sanctioned nonresident alien, sanctioned foreign business, sanctioned foreign government, or an agent, trustee, or other fiduciary thereof, has acquired or holds title to or interest in real property in this state in violation of this part, the secretary of state shall report the violation to the attorney general and reporter.

(b) Upon receipt of a report from the secretary of state under subsection (a), the attorney general and reporter shall initiate an action in the circuit court of any county in which the real property is located.

(c) The attorney general and reporter shall file a notice of the pendency of an action initiated under subsection (b) with the recorder of deeds of each county in which any of the real property is located.

(d)

(1) In an action initiated under subsection (b), if the court finds that the real property in question has been acquired or held in violation of this part, then the court shall enter an order so declaring and shall file a copy of the order with the recorder of deeds of each county in which any portion of the real property is located.

(2) If the court finds that the real property in question has been acquired in violation of this part, then the court shall declare the real property escheated to the state and order the sale of the real property in the manner provided by law for the foreclosure of a mortgage on real estate for default of payment. The proceeds of the sale must be used to pay court costs, and the remaining funds, if any, must be paid to the person divested of the real property.

(e) If the secretary of state finds that a sanctioned nonresident alien, sanctioned foreign business, sanctioned foreign government, or an agent, trustee, or other fiduciary thereof, violated this part by failing to timely register as required under § 66-2-305, the secretary of state shall assess a civil penalty not to exceed two thousand dollars (\$2,000) for each violation.

(f)

(1) There shall be no liability on any real estate licensee involved in a transaction in which a sanctioned nonresident alien, sanctioned foreign business, sanctioned foreign government, or an agent, trustee, or other fiduciary acquired property in violation of this part.

(2) Subsection (e) does not apply to any attorney licensed in this state or title insurance company licensed in this state in the performance of the transfer of real property to which this title otherwise applies.

SECTION 4. 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 5. 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. 514*

House Bill No. 724

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 8-10-102(b), is amended by deleting subdivision (b)(1) and substituting:

(1)

(A) Except as provided in subdivision (b)(2), a person seeking the office of constable shall file with the county election commission, along with the nominating petition:

(i) An affidavit signed by the candidate affirming that the candidate meets the requirements of this section. In the event that the candidate seeks election to the office of constable by the county legislative body to fill a vacancy in office, the same affidavit must be filed with the county clerk prior to the election; and

(ii) A letter from a psychologist licensed in this state who has conducted a cognitive and psychological test on the candidate stating that the candidate is mentally and cognitively fit to perform the duties of a constable. In the event that the candidate seeks election to the office of constable by the county legislative body to fill a vacancy in office, the same letter must be filed with the county clerk prior to the election.

(B) A constable in office on and elected prior to July 1, 2023, or a constable who complied with subdivision (b)(1)(A)(ii) and is seeking reelection on or after July 1, 2023, is not required to resubmit the letter or obtain a new letter pursuant to subdivision (b)(1)(A)(ii).



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(C) Candidates for the office of constable to which subdivision (b)(1)(A)(ii) applies are responsible for covering the costs of cognitive and psychological testing.

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

House Elections & Campaign Finance Subcommittee Am. #1

Amendment No. _____

Signature of Sponsor

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

AMEND Senate Bill No. 1158

House Bill No. 871*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 2-6-601(a), is amended by deleting the language:

The county election commission may begin the voting at the nursing homes twenty-nine (29) days before an election.

and substituting instead:

The county election commission may begin the voting at the nursing homes twenty-seven (27) days before an election.

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. 1013*

House Bill No. 1506

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-15-213, is amended by deleting subsections (b) and (c) and substituting:

(b) A person commits the offense of criminal abortion when the person performs or attempts to perform an abortion that was not:

(1) Necessary due to a medical emergency, as defined in § 39-15-211; or

(2) Performed or attempted on a patient whose pregnancy is the result of aggravated rape, as defined by § 39-13-502; rape, as defined by § 39-13-503; rape of a child, as defined by § 39-13-522; especially aggravated rape, as defined by § 39-13-534; especially aggravated rape of a child, as defined by § 39-13-535; or incest, as defined by § 39-15-302.

(c) Criminal abortion is a Class A misdemeanor.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it, and applies to acts committed on or after that date.

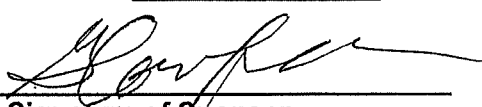


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Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 1012*

House Bill No. 1404

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-15-213, is amended by deleting the section and substituting:

(a) As used in this section:

(1) "Abortion" means the use of an instrument, medicine, drug, or another substance or device with intent to terminate the pregnancy of a woman known to be pregnant with intent other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, to remove a dead fetus; or to treat an ectopic pregnancy or fetal anomaly not consistent with life;

(2) "Pregnancy" means the human reproductive process, beginning with the implantation of an embryo;

(3) "Reproductive health care" means health care and other medical services related to the reproductive processes, functions, and systems at all stages of life and includes, but is not limited to, family planning and contraceptive care; abortion care; prenatal, postnatal, and delivery care; fertility care; sterilization services; and treatments for sexually transmitted infections and reproductive cancers; and

(4) "Viability" means the point in a pregnancy when, in the good faith medical judgment of a physician, based on the particular facts of the case before that physician, there is a reasonable likelihood of the fetus's sustained survival outside the uterus without the application of extraordinary medical measures.



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(b)

(1) Every person has a fundamental right to make decisions about the person's reproductive health care, including the fundamental right to use or refuse contraception.

(2) A pregnant woman has a fundamental right to continue a pregnancy and give birth or to have an abortion before viability of the fetus or when necessary to protect the life or health of the woman and to make decisions about how to exercise that right.

(3) A fertilized egg, embryo, or fetus does not have independent or derivative rights under the laws of this state.

(c) This state or a department, agency, entity, or political subdivision of this state shall not deny, restrict, interfere with, or discriminate against a person's fundamental rights as described in subsection (b) in the regulation or provision of benefits, facilities, services, or information.

SECTION 2. 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. 990

House Bill No. 884*

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

SECTION 1. Tennessee Code Annotated, Section 8-35-206(i), is amended by deleting the subsection and substituting instead:

(i)

(1) A local government employer participating under this part that desires to establish a benefit improvement authorized under chapters 34-37 of this title shall pay the estimated increased pension liability created by the improvement; provided, however, that, in accordance with § 8-37-505, the failure to pay the liability may result in the withholding of the liability amount, in whole or in part, from any state-shared taxes that are otherwise apportioned to the local government. The retirement system or the retirement system's actuary shall determine the estimated increase to the pension liability and to the associated contribution rate for the employer. The employer shall not establish a benefit improvement unless the employer's funded status in the retirement system will be seventy percent (70%) or more after implementation of the benefit improvement. For the purposes of this subdivision (i)(1), the employer's funded status is measured by the percentage funding of the employer's market value of assets divided by the actuarially accrued liability in accordance with rules, standards, guidelines, and interpretations established by the governmental accounting standards board. After the participating employer's approval of the benefit



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improvement by adoption of a resolution, the employer shall pay the estimated increased pension liability through one (1) of the following methods:

(A) A lump sum;

(B) An increase in the employer's contribution rate over the course of the fiscal year (July 1-June 30) following the adoption of the resolution by the employer; or

(C) Amortizing the unfunded accrued liability over a period of time not to exceed ten (10) years from the date of the adoption of the resolution by the employer.

(2) For benefit improvements funded pursuant to subdivisions (i)(1)(A) and (i)(1)(B), a former or current employee of the employer is not entitled to the benefit improvement until the estimated increased pension liability has been totally funded by the employer.

(3) In the event the liability is amortized in accordance with subdivision (i)(1)(C), the benefit improvement must be available at the commencement of the amortization period.

(4) For the purposes of this section, "benefit improvement" does not include the supplemental bridge benefit established pursuant to § 8-36-211 for members who are subject to mandatory retirement pursuant to § 8-36-205.

SECTION 2. Tennessee Code Annotated, Title 8, Chapter 35, Part 1, is amended by adding the following as a new section:

(a) The state shall pay the estimated increased pension liability resulting from a benefit improvement affecting general employees or employees at institutions of higher education participating in the retirement system by amortizing the unfunded accrued liability over a period of time not to exceed ten (10) years from the date that the benefit improvement is established.

(b) For the purposes of this section, "benefit improvement" does not include the supplemental bridge benefit established pursuant to § 8-36-211 for members who are subject to mandatory retirement pursuant to § 8-36-205.

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it, and applies to all benefit improvements adopted on or after July 1, 2023.

Amendment No. _____

Lowell Russell
Signature of Sponsor

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

AMEND Senate Bill No. 1173

House Bill No. 1164*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 3, Part 20, is amended by adding the following as a new section:

(a) The commissioner of safety, in consultation with the commissioner of human resources, shall ensure that a minimum of five (5) Tennessee highway patrol officers, and one (1) Tennessee highway patrol sergeant, are allocated to a county that:

(1) Is designated as a tier 3 or tier 4 enhancement county, in accordance with § 67-4-2109;

(2) Has a size that is greater than six hundred square miles (600 sq. mi.); and

(3) Has a population of not less than twenty thousand (20,000) and not more than fifty thousand (50,000), according to the 2020 federal census or a subsequent federal census.

(b) An allocation under this section must first fill vacant positions, if any, in the specified county. If no vacant position exists in the county, or if there are not enough vacant positions in the county, then the commissioner of safety, in consultation with the commissioner of human resources, shall reallocate or shift existing vacant positions across this state to such county, subject to subsection (d).

(c) An allocation made under this section must not be for a specialized unit.

(d) The commissioner of safety is not required to comply with subsection (a) if:



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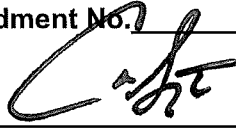
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(1) The department of safety does not have the funding or vacant positions available to meet the requirements in subsection (a); or

(2) The positions required under subsection (a) are being used for other purposes within the department of safety and cannot be maintained in the designated county in subsection (a) due to the department's need to utilize the positions elsewhere.

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

Amendment No. 1



Signature of Sponsor

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

AMEND Senate Bill No. 1459

House Bill No. 1217*

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

SECTION 1. Tennessee Code Annotated, Section 4-15-102(a), is amended by designating the existing language as (a)(1)(A)–(C) and adding the following new subdivision (a)(2):

(2)

(A) Notwithstanding another law to the contrary, this section does not apply to capital projects of a public institution of higher education managed by a higher education state procurement agency that are either fully funded by donations received from a third party or revenue from self-supporting auxiliary projects, including projects financed with revenue bonds, or both. If a public institution of higher education undertakes projects under this subdivision (a)(2), then the net increase in square footage is not eligible for maintenance funding from the state. All projects under this subdivision (a)(2) may be approved by the governing board or its designee and must be reported to the commission on a quarterly basis.

(B) Except as otherwise provided by this subdivision (a)(2), the higher education state procurement agency must follow the policies adopted under the authority of the state building commission for capital projects under the state building commission's supervision and approval authority when the higher education state procurement agency selects the designer and contracts for construction. However, the higher education state procurement agency is



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responsible for the final selection of designers, contractors, and protests.

(C) Projects reported pursuant to this subdivision (a)(2) are not subject to disclosure beyond the inclusion of revenue bonds requested for such projects in the annual budget.

SECTION 2. Tennessee Code Annotated, Section 4-15-102(c)(1), is amended by adding the following new subdivision (D):

(D)

(i) For capital projects that do not utilize funds appropriated for capital maintenance or capital outlay, public institutions of higher education may select and contract with designers and complete up to fifty percent (50%) of schematic design work for capital projects prior to submission to the commission for review and approval.

(ii) Except for the exemptions provided by this subdivision (c)(1)(D), the higher education state procurement agency shall follow the policies adopted under the authority of the state building commission for capital projects under the state building commission's supervision and approval authority when the higher education state procurement agency selects the designer and contracts for construction. However, the higher education state procurement agency is responsible for final selection of designers, contractors, and protests.

SECTION 3. Tennessee Code Annotated, Section 4-15-102(e), is amended by adding the following as a new subdivision:

(3) Public institutions of higher education shall establish a transparent process to publicly disclose capital projects of ten million dollars (\$10,000,000) or less and paid by current or residual funds directly to the state building commission. The disclosure required pursuant to this subdivision (e)(3) must consist of a description of the project and the project budget and funding source, as the project is approved by the board of the institution or the board's designee. Projects disclosed pursuant to this subdivision

(e)(3) are not subject to additional disclosure requirements.

SECTION 4. Tennessee Code Annotated, Section 4-15-107, is amended by inserting the following as a new appropriately designated subdivision:

"State procurement agency" means, as appropriate, the department of general services, state of Tennessee real estate asset management; University of Tennessee, department of capital projects; Tennessee board of regents, department of facilities development; East Tennessee State University, office of facilities management, planning, and construction; Austin Peay State University, capital planning, design and construction; Tennessee Technological University, office of capital projects and planning; Middle Tennessee State University, department of campus planning; and University of Memphis, department of campus planning and design, or the successors-in-interest to such departments;

SECTION 5. Tennessee Code Annotated, Section 4-15-107(3), is amended by deleting subdivisions (A) and (B) and substituting instead:

(A) Is being funded by direct appropriations for major maintenance;

(B) Will cost in excess of two hundred fifty thousand dollars (\$250,000); or

(C) Will cost a public institution of higher education in excess of one million dollars (\$1,000,000); and

SECTION 6. Tennessee Code Annotated, Section 49-7-132, is amended by deleting the section and substituting instead:

An expenditure or combination of separate expenditures in excess of one million dollars (\$1,000,000), or a subsequent greater threshold established by the state building commission, made in a six-month period on a single building or structure owned or leased by a public institution of higher education or governing board of the institution is subject to the approval of the state building commission.

SECTION 7. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following as a new section:

A public institution of higher education may prepare, amend, and update master plans for the institution. Preparations, amendments, and updates made pursuant to this section are subject to approval only by the institution's governing board.

SECTION 8. This act takes effect July 1, 2023, the public welfare requiring it.

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. 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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Amendment No. _____

Ron Howell

Signature of Sponsor

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

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."

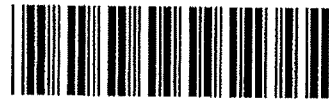
SECTION 2. Tennessee Code Annotated, Section 54-1-119, is amended by deleting the section and substituting:

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

(a) As used in this section:



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(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, 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. Types of projects not suited for performance-based

asset maintenance contracts include, but are not limited to, resurfacing and bridge repair projects.

(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 executing 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(6), is amended by deleting the subdivision and substituting:

(6) "Guaranteed maximum price" or "GMP" means the total dollar amount within which the CM/GC commits to complete construction of the project, or the PDB commits to complete the final design and construction of the project, including the CM/GC's or PDB's direct costs, overhead, and profit, plus any authorized contingency. The GMP may be supplemented at a later date to cover additional costs arising from changes in the scope of work as the department may subsequently direct in writing;

SECTION 6. 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 7. 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 executing 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 8. 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 9. 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 10. 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 11. 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. Notwithstanding another law to the contrary, this subdivision (b)(3)(D) expires on June 30, 2029;

(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. Notwithstanding another law to the contrary, this subdivision (b)(3)(E) expires on June 30, 2029;

SECTION 12. Tennessee Code Annotated, Section 54-1-504(b)(3)(G), is amended by inserting the language "or joint venture" after "firm".

SECTION 13. 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, the department shall take ownership of and assume liability for the design work product, 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 14. Tennessee Code Annotated, Section 54-1-505, is amended by inserting the language "or PDB" after "CM/GC" wherever it appears.

SECTION 15. 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 must 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, rural interstate widening, 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, the chair of the transportation and safety committee of the

senate, and the chair of the transportation committee of 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 16. Tennessee Code Annotated, Section 54-3-101, is amended by deleting the section.

SECTION 17. 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 must 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 federal 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 18. 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 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;

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

(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 19. 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 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; provided, however, that a new transportation facility must include at least one (1) lane for use without payment of a user fee; 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 and lanes available for use without payment of a user fee. 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 20. 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 21. Tennessee Code Annotated, Section 54-3-105(c), is amended by inserting "as approved by the board," immediately after "commissioner,".

SECTION 22. 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 the private entity is not allowed to own a lane or lanes on the state highway system.

(c) A contract or agreement must 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 23. 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 24. 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 25. 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 26. 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 27. Tennessee Code Annotated, Section 54-3-110, is amended by deleting the language "tollway" and "toll" wherever they appear and substituting "user fee".

SECTION 28. 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 must 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 29. 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 violation of § 54-3-108(e) 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, the process by which the registered owner can avoid the suspension or non-renewal of the registered owner's vehicle registration through the payment of unpaid user fees and any applicable administrative fee, 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 30. 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 31. Tennessee Code Annotated, Title 54, Chapter 1, is amended by adding the following as a new part:

54-1-601. Part definitions.

As used in this part, "alternative delivery contracts" means:

- (1) Design-build contracts, as defined in § 54-1-119(a)(1);
- (2) Contracts using the construction manager/general contractor method, as defined in § 54-1-502; and
- (3) Contracts using the progressive design-build method, as defined in § 54-1-502.

54-1-602. Limitation on number of alternative delivery contracts per fiscal year.

- (a) The department shall not procure more than twenty-eight (28) alternative delivery contracts per fiscal year.
- (b) Subsection (a) only applies to projects funded by the state highway fund and does not apply to projects funded by the transportation modernization fund, discretionary funds, or federal grant program funds.

SECTION 32. Tennessee Code Annotated, Section 55-4-116, is amended by deleting the section and substituting:

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

(1) For all-electric vehicles:

(A) On or after January 1, 2024, and prior to January 1, 2026, two hundred dollars (\$200);

(B) On or after January 1, 2026, and prior to January 1, 2027, two hundred seventy-four dollars (\$274); and

(C) On or after January 1, 2027, and each subsequent year, the fee described in subdivision (a)(1)(B) adjusted by an amount each year to reflect the effect of annual inflation or deflation as calculated pursuant to subsection (b).

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

(b)

(1) On January 1, 2025, and on January 1 of each subsequent year, for the registration fee assessed pursuant to subdivision (a)(2), and on January 1, 2027, and on January 1 of each subsequent year, for the registration fee assessed pursuant to subdivision (a)(1), the department shall adjust the amount of the fee 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, as follows:

(A) If, based upon the chained 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, the department determines that this 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, and if the rate is less than three percent (3%), then the department shall adjust the amount of the fee by that rate; and

(B) If, based upon the chained 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, the department determines that this 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, and the rate is equal to or more than three percent (3%), then the department shall adjust the amount of the fee by three percent (3%).

(2) The adjustment made pursuant to subdivision (b)(1) 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)

(1) Notwithstanding another law to the contrary, beginning on January 1, 2026, if the federal government implements any taxes or fees on all-electric vehicles under title 26 of the United States Code and allocates those taxes or fees pursuant to chapter 98 of title 26 to the federal highway trust fund (26 U.S.C. § 9503), then the additional registration fee for all-electric vehicles assessed in subdivision (a)(1) also must be adjusted pursuant to this subsection (d) so as to account for the tax or fee assessed by the federal government.

(2) An adjustment in the additional registration fee pursuant to this subsection (d) becomes effective beginning January 1 of the calendar year following the implementation of the federal tax or fee on all-electric vehicles.

(3) The department shall adjust the additional registration fee on all-electric vehicles by subtracting the sum of federal tax or fee from the sum of the additional registration fee at the time of the adjustment.

(4) Notwithstanding the sum of the taxes or fees imposed by the federal government, the department's adjustment of the additional registration fee must not result in an additional registration fee for all-electric vehicles of less than two hundred dollars (\$200), adjusted for inflation pursuant to subsection (b), on or after January 1, 2026.

(5) If the federal government elects to decrease any or all taxes or fees on all-electric vehicles imposed by title 26 of the United States Code and allocated by chapter 98 of title 26 to the federal highway trust fund after it has implemented the taxes or fees, then the additional registration fee must be increased by an amount equal to the amount of the decrease by the federal government.

(e) As used in this section:

(1) "All-electric vehicle":

(A) Means a passenger or commercial motor vehicle with an electric motor as its sole means of propulsion; and

(B) Does not include a low speed vehicle or a medium speed vehicle;

(2) "Hybrid electric vehicle":

(A) 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; and

(B) Does not include a low speed vehicle or a medium speed vehicle; and

(3) "Plug-in hybrid electric vehicle":

(A) 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; and

(B) Does not include a low speed vehicle or a medium speed vehicle.

SECTION 33. 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 34. 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 35. 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 36. 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 37. 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;

Amendment No. _____

Kevin Vaughan

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1345

House Bill No. 1503*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 56, is amended by adding the following as a new chapter:

56-34-101. Short title.

This chapter is known and may be cited as the "Surprise Billing Consumer Protection Act."

56-34-102. Chapter definitions.

As used in this chapter:

(1) "Balance bill" means the amount that:

(A) A nonparticipating provider charges for services provided to a covered person; and

(B) Equals the difference between the amount paid or offered by the insurer and the amount of the nonparticipating provider's bill charge, excluding any amount for coinsurance, copayments, or deductibles due by the covered person;

(2) "Commissioner" means the commissioner of commerce and insurance;

(3) "Contracted amount" means:

(A) Before July 1, 2024, the median in-network amount paid during the 2019 calendar year by an insurer for the emergency or nonemergency services provided by in-network providers engaged in the

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same or similar specialties and provided in the same or nearest geographical area; and

(B) On or after July 1, 2024, the median in-network amount as described in subdivision (3)(A) as annually adjusted by the department for inflation, which may be based on the consumer price index, but must not include medicare or medicaid rates;

(4) "Covered person" means an individual who is insured under a healthcare plan;

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

(6) "Emergency medical provider" means:

(A) A physician who is licensed pursuant to title 63, chapter 6 or 9, and who provides emergency medical services; or

(B) A healthcare provider licensed or otherwise authorized in this state to render emergency medical services;

(7) "Emergency medical services":

(A) Means physical or mental healthcare services rendered for a medical or traumatic condition, sickness, or injury, including a mental health condition or substance use disorder, in which a person is exhibiting acute symptoms of sufficient severity, including severe pain, regardless of the initial, interim, final, or other diagnoses that are given, that would lead a prudent layperson possessing an average knowledge of medicine and health to believe that the person's condition, sickness, or injury is of such a nature that failure to obtain immediate medical care could result in:

(i) Placing the patient's health in serious jeopardy;

(ii) Serious impairment to bodily functions; or

(iii) Serious dysfunction of any bodily organ or part; and

(B) Includes medical services rendered after the person is stabilized and as part of outpatient observation or an inpatient or outpatient stay with respect to the visit in which such services are furnished, unless each of the conditions of subdivision (a)(3)(C)(ii)(II) of the federal Public Health Service Act (42 U.S.C. § 300gg-111) are met; (8) "Facility" means a hospital, an ambulatory surgical treatment center, birthing center, diagnostic and treatment center, hospice, or similar institution; (9) "Geographic area" means a specific portion of this state that consists of one (1) or more zip codes as defined by the commissioner pursuant to rule; (10) "Healthcare plan":

(A) Means a hospital or medical insurance policy or certificate, healthcare plan contract or certificate, qualified higher deductible health plan, health maintenance organization or other managed care subscriber contract, or state healthcare plan; and

(B) Does not include limited benefit insurance policies or plans; air ambulance insurance; policies issued relating to workers' compensation; Part A, B, C, or D of Title XVIII of the Social Security Act (Medicare); or a plan or program not described in this subdivision (10)(B) over which the commissioner does not have regulatory authority;

(11) "Healthcare provider" or "provider" means a healthcare professional licensed, authorized, certified, or permitted under title 63, chapter 6 or 9;

(12) "Healthcare services" means emergency or nonemergency medical services;

(13) "Insurer" means an entity subject to this title, or subject to the jurisdiction of the commissioner, that contracts, offers to contract, or enters into an agreement to provide, deliver, arrange for, pay for, or reimburse any of the costs of healthcare services, including those of an accident and sickness insurance company, a health maintenance organization, a healthcare plan, a managed care plan, or any other entity providing a health insurance plan, a health benefit plan, or healthcare services;

(14) "Nonemergency medical services":

(A) Means the examination or treatment of persons for the prevention of illness or the correction or treatment of any physical or mental condition resulting from an illness, injury, or other human physical problem that does not qualify as an emergency medical service; and (B) Includes:

(i) Hospital services that include the general and usual care, services, supplies, and equipment furnished by hospitals;

(ii) Medical services that include the general and usual care and services rendered and administered by doctors of medicine, dentistry, optometry, and other providers; and (iii)

Other medical services that, by way of illustration only and without limiting the scope of this chapter, include the provision of appliances and supplies; nursing care by a registered nurse; institutional services, including the general and usual care, services, supplies, and equipment furnished by healthcare institutions and agencies or entities other than hospitals; physiotherapy; drugs and medications; therapeutic services and equipment, including oxygen and the rental of oxygen equipment; hospital beds; iron lungs; orthopedic services and appliances,

including wheelchairs, trusses, braces, crutches, and prosthetic devices, including artificial limbs and eyes; and any other appliance, supply, or service related to health care which does not qualify as an emergency medical service;

- (15) "Nonparticipating provider" means a healthcare provider who has not entered into a contract with a healthcare plan for the delivery of medical services;
- (16) "Out-of-network" refers to healthcare services provided to a covered person by providers or facilities that do not belong to the provider network in the healthcare plan;
- (17) "Participating provider" means a healthcare provider that has entered into a contract with an insurer for the delivery of healthcare services to covered persons under a healthcare plan;
- (18) "Resolution organization" means a qualified, independent, thirdparty claim dispute resolution entity selected by and contracted with the department;
- (19) "State healthcare plan" means an insurance plan established pursuant to title 8, chapters 34-37; and
- (20) "Surprise bill" means a bill resulting from an occurrence in which charges arise from a covered person receiving healthcare services from an outof-network provider at an in-network facility.

56-34-103. Application of chapter.

- (a) This chapter applies to all insurers providing a healthcare plan that pays for the provision of healthcare services to covered persons.
- (b) This chapter is not applicable to healthcare plans that are subject to the exclusive jurisdiction of the federal Employee Retirement Income Security Act of 1974

(29 U.S.C. § 1001 et seq.).

(c) This chapter applies to healthcare plans and state healthcare plans. **56-34-**

104. Emergency medical services; participating and nonparticipating providers.

(a) An insurer that provides benefits to covered persons with respect to emergency medical services shall pay for those emergency medical services:

- (1) Without the need for a prior authorization determination and without retrospective payment denial for medically necessary services;
- (2) Regardless of whether the healthcare provider or facility furnishing emergency medical services is a participating provider or facility with respect to emergency medical services; and
- (3) In accordance with this chapter.

(b)

(1) If a covered person receives the provision of emergency medical services from a nonparticipating emergency medical provider, then the nonparticipating provider shall collect or bill no more than the person's deductible, coinsurance, copayment, or other cost-sharing amount as determined by the person's policy directly, and the insurer shall directly pay the provider the greater of:

(A) The verifiable contracted amount paid by all eligible insurers subject to this chapter for the provision of the same or similar services as determined by the commissioner by rule;

(B) The most recent verifiable amount agreed to by the insurer and the nonparticipating emergency medical provider for the provision of the same services during such time as the provider was in-network with the insurer; or

(C) A higher amount as the insurer may deem appropriate given the complexity and circumstances of the services provided.

(2) An amount that the insurer pays the nonparticipating provider under this subsection (b) is not required to include any amount of coinsurance, copayment, or deductible owed by the covered person or already paid by the covered person.

(c) A healthcare plan shall not deny benefits for emergency medical services previously rendered based upon a covered person's failure to provide subsequent notification in accordance with plan provisions, where the covered person's medical condition prevented timely notification.

(d) For purposes of the covered person's financial responsibilities, the healthcare plan must treat the emergency medical services received by the covered person from a nonparticipating provider or nonparticipating facility pursuant to this section as if the services were provided by a participating provider or participating facility, and must include applying the covered person's cost-sharing for the services toward the covered person's deductible and maximum out-of-pocket limit applicable to services obtained from a participating provider or a participating facility under the healthcare plan. (e) If a covered person receives emergency medical services from a nonparticipating facility, then the nonparticipating facility shall bill the covered person no more than the covered person's deductible, coinsurance, copayment, or other costsharing amount as determined by the person's policy directly.

(f) All insurer payments made to providers pursuant to this section must accompany notification to the provider from the insurer disclosing whether the healthcare plan is subject to the exclusive jurisdiction of the federal Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1001 et seq.).

56-34-105. Nonemergency medical services.

(a) In accordance with this chapter, an insurer that provides benefits to covered persons with respect to nonemergency medical services shall pay for the services in the event that the services resulted in a surprise bill regardless of whether the healthcare provider furnishing nonemergency medical services is a participating provider with respect to nonemergency medical services.

(b)

(1) If a covered person receives a surprise bill for the provision of nonemergency medical services from a nonparticipating medical provider, then the nonparticipating provider shall collect or bill the covered person no more than the person's deductible, coinsurance, copayment, or other cost-sharing amount as determined by the person's policy directly, and the insurer shall directly pay the provider the greater of:

(A) The verifiable contracted amount paid by all eligible insurers subject to this chapter for the provision of the same or similar services as determined by the department;

(B) The most recent verifiable amount agreed to by the insurer and the nonparticipating provider for the provision of the same services during such time as the provider was in-network with the insurer; or

(C) A higher amount as the insurer may deem appropriate given the complexity and circumstances of the services provided.

(2) An amount that the insurer pays the nonparticipating provider under this subsection (b) is not required to include any amount of coinsurance, copayment, or deductible owed by the covered person or already paid by the covered person.

(c) For purposes of the covered person's financial responsibilities, the healthcare plan must treat the nonemergency medical services received by the covered person from a nonparticipating provider pursuant to this section as if the services were provided by a participating provider, and must include applying the covered person's cost-sharing for the services toward the covered person's deductible and maximum out-of-pocket limit applicable to services obtained from a participating provider under the healthcare plan.

(d) All insurer payments made to providers pursuant to this section must accompany notification to the provider from the insurer disclosing whether the healthcare plan is subject to the exclusive jurisdiction of the federal Employee Retirement Income

Security Act of 1974 (29 U.S.C. § 1001, et seq.).

(e) Notwithstanding other law to the contrary, this section does not affect a covered person's financial responsibilities or a nonparticipating facility's rights with respect to nonemergency medical services received from a nonparticipating facility. **56-34-106. Denial or restriction of covered benefits due to balance bill from treatment from a nonparticipating provider.**

A healthcare plan must not deny or restrict the provision of covered benefits from a participating provider to a covered person solely because the covered person obtained treatment from a nonparticipating provider leading to a balance bill. The insurer shall provide notice of such protection in writing to the covered person.

56-34-107. Financial responsibilities – nonemergency medical services from an out-of-network provider.

(a) This chapter does not reduce a covered person's financial responsibilities in the event that the covered person chose to receive nonemergency medical services from an out-of-network provider. Those services are not considered a surprise bill for purposes of this chapter.

- (b) The covered person's choice as described in subsection (a) must:
- (1) Be documented through the covered person's written and oral consent in advance of the provision of the services; and
 - (2) Occur only after the covered person has been provided with an estimate of the potential charges.
- (c) If, during the provision of nonemergency medical services, a covered person requests that the attending provider refer the covered person to another provider for the immediate provision of additional nonemergency medical services, then the referred provider is exempt from the requirements in subsection (b) if the following requirements are satisfied:
- (1) The covered person orally and in writing acknowledges being aware that the referred provider may be a nonparticipating provider and may charge higher fees than a participating provider; and
 - (2) The written acknowledgment referenced in subdivision (c)(1) is on a document separate from other documents provided by the referring provider and includes language to be determined by the commissioner by rule.

56-34-108. All-payer health claims database; records.

- (a) Subject to appropriation, the department shall provide for the maintenance of an all-payer health claims database that maintains records of insurer payments and tracks the payments by a wide variety of healthcare services and by geographic areas of this state. The appropriation must specifically reference this act. The department shall update information in the all-payer health claims database on no less than an annual basis and shall maintain the information on the department's website.
- (b) If the appropriation described in subsection (a) is not made, then the department shall update information from other verifiable data as the commissioner shall determine

appropriate on no less than an annual basis and shall maintain the information on the department's website.

56-34-109. Request for arbitration.

(a) If an out-of-network provider or out-of-network facility concludes that payment received from an insurer is not sufficient given the complexity and circumstances of the services provided, then the provider or facility may initiate a request for arbitration with the commissioner. The provider or facility shall submit the request within sixty (60) days of receipt of payment for the claim and concurrently provide the insurer with a copy of the request.

(b) A request for arbitration may involve a single patient and a single type of healthcare service, a single patient and multiple types of healthcare services, multiple patients and a single type of healthcare service, or multiple substantially similar healthcare services in the same specialty on multiple patients.

56-34-110. Dismissal of requests for arbitration.

The commissioner shall dismiss a request for arbitration if the disputed claim is:

- (1) Related to a healthcare plan that is not regulated by this state;
- (2) The basis for an action pending in state or federal court at the time of the request for arbitration;
- (3) Subject to a binding claims resolution process entered into prior to July 1, 2023;
- (4) Made against a healthcare plan subject to the exclusive jurisdiction of the federal Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1001 et seq.); or
- (5) In accord with other circumstances as may be determined by the commissioner by rule.

56-34-111. Submission of data; arbitration.

Within thirty (30) days of the insurer's receipt of the provider's or facility's request for arbitration, the insurer shall submit to the commissioner all data necessary for the commissioner to determine whether the insurer's payment to the provider or facility was in compliance with this chapter. The commissioner is not required to make a determination prior to referring the dispute to a resolution organization for arbitration.

56-34-112. Referral to dispute resolution organization.

The commissioner shall promulgate rules in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, implementing an arbitration process requiring the commissioner to select one (1) or more resolution organizations to arbitrate certain claim disputes between insurers and out-of-network providers or out-of-network facilities. Prior to proceeding with arbitration, the commissioner shall allow the parties thirty (30) days from the date the commissioner received the request for arbitration to negotiate a settlement. The parties shall timely notify the commissioner of the result of the negotiation. If the parties have not notified the commissioner of the result within thirty (30) days of the date that the commissioner received the request for arbitration, then the commissioner shall refer the dispute to a resolution organization within five (5) days. The department shall contract with one (1) or more resolution organizations by October 1, 2023, to review and consider claim disputes between insurers and out-of-network providers or out-of-network facilities as disputes are referred by the commissioner.

56-34-113. Selection of arbitrator.

Upon the commissioner's referral of a dispute to a resolution organization, the parties have five (5) days to select an arbitrator by mutual agreement. If the parties have not notified the resolution organization of their mutual selection before the fifth day,

then the resolution organization shall select an arbitrator from among its members. A selected arbitrator shall be independent of the parties and shall not have a personal, professional, or financial conflict with any party to the arbitration. The arbitrator shall have experience or knowledge in healthcare billing and reimbursement rates and shall not communicate ex parte with either party.

56-34-114. Submission of final offer and supporting documents; initial arguments.

The parties have ten (10) days after the selection of the arbitrator to submit in writing to the resolution organization each party's final offer and each party's argument in support of the offer. The parties' initial arguments are limited to written form and must consist of no more than twenty (20) pages per party. The parties may submit documents in support of their arguments. The arbitrator may require the parties to submit additional written argument and documentation as the arbitrator determines necessary, but the arbitrator may require additional filing no more than once. The additional written argument is limited to no more than ten (10) pages per party and must be submitted not later than ten (10) days after the arbitrator's request for additional documentation. The arbitrator may set filing times and extend the filing times, as appropriate, with the mutual agreement of the parties. Failure of either party to timely submit the supportive documentation described in this section may result in a default against the party failing to make timely submission.

56-34-115. Proposed payment amounts; modification; decision.

Each party shall submit one (1) proposed payment amount to the arbitrator. The arbitrator shall pick one (1) of the two (2) amounts submitted and shall reveal that amount in the arbitrator's final decision. The arbitrator shall not modify the selected amount. In making such a decision, the arbitrator shall consider the complexity and circumstances of each case, including the level of training, education, and experience of

the relevant physicians or other individuals at the facility who are licensed or otherwise authorized in this state to furnish healthcare services and other factors as determined by the commissioner through rule. The arbitrator shall put the final decision in writing and describe the basis for the decision, including citations to documents relied upon. The arbitrator shall make the final decision within thirty (30) days of the commissioner's referral. A default or final decision issued by the arbitrator is binding upon the parties and is not appealable through the court system.

56-34-116. Fees and expenses.

The party whose final offer amount is not selected by the arbitrator shall pay the amount of the award, the arbitrator's expenses and fees, and other fees assessed by the resolution organization, directly to the resolution organization. If a party defaults, then the defaulting party shall also pay all moneys due directly to the organization. If both parties default, then the parties are each responsible for paying the organization one-half (1/2) of all moneys due. Parties shall pay moneys due under this section in full to the resolution organization within fifteen (15) days of the arbitrator's final decision. Within three (3) days of the organization's receipt of moneys due to the party whose final offer was selected, the organization shall distribute the moneys to such party.

56-34-117. Pattern of acting in violation of this chapter; referral to governing entity; investigation.

Following the resolution of arbitration, the commissioner may refer the decision of the arbitrator to the appropriate state agency or the governing entity with governing authority over the payer, provider, or facility if the commissioner concludes that a payer, provider, or facility has either displayed a pattern of acting in violation of this chapter or has failed to comply with a lawful order of the commissioner or the arbitrator. The referral must include a description of the violations and the commissioner's recommendation for enforcement action. The state agency or governing entity shall

initiate an investigation regarding the referral within thirty (30) days of receiving the referral and shall conclude the investigation within ninety (90) days of receiving the referral.

56-34-118. Litigation.

Once a request for arbitration has been filed with the commissioner by a provider or facility under this chapter, neither the provider, the facility, nor the insurer in the dispute shall file a lawsuit in court regarding the same out-of-network claim.

56-34-119. Resolution organizations; quarterly reports.

Each resolution organization contracted by the department shall report to the department on a quarterly basis the results of all disputes referred to the organization as follows:

- (1) The number of arbitrations filed, settled, arbitrated, defaulted, or dismissed during the previous calendar year; and
- (2) Whether the arbitrators' decisions were in favor of the insurer or the provider or facility.

56-34-120. Written report of commissioner to the committees; posting.

On or before July 1, 2024, and each July 1 thereafter, the commissioner shall:

- (1) Provide a written report to the commerce and labor committee of the senate and the insurance committee of the house of representatives; and
- (2) Post the report on the department's website summarizing the number of arbitrations filed, settled, arbitrated, defaulted, and dismissed during the previous calendar year and a description of whether the arbitration decisions were in favor of the insurer or the provider or facility.

56-34-121. Arbitration not subject to the Uniform Administrative Procedures Act.

The arbitration conducted under this chapter is not subject to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

56-34-122. Credit report; surprise bills.

A nonparticipating provider shall not report to a credit reporting agency a covered person who receives a surprise bill for the receipt of healthcare services from the provider and does not pay the provider any copay, coinsurance, deductible, or other cost-sharing amount beyond what the covered person would pay if the nonparticipating provider had been a participating provider.

56-34-123. Financial responsibilities with regard to ambulance transportation.

This chapter does not reduce a covered person's financial responsibilities with regard to air or ground ambulance services.

SECTION 2. Tennessee Code Annotated, Section 56-7-2356(a)(2), is amended by deleting the subdivision and substituting:

(2)

(A) Each managed health insurance issuer shall:

(i) File a network adequacy standards description with the commissioner, review the description for adequacy and compliance with this section, and update the description annually; and

(ii) Report to the commissioner each material change to an approved network plan at least fifteen (15) days before such change, including each change that would result in a failure to satisfy the requirements of this section. Upon receiving the report, the commissioner shall reevaluate the issuer's network plan for compliance with the network adequacy standards of this section.

(B) As used in this subdivision (a)(2), "material change" means a significant reduction in the number of providers available in a network plan, including, but not limited to, a reduction of ten percent (10%) or more of a specific type of provider in a geographic market, the removal of a major health system

that causes a network to be significantly different from the network when the beneficiary purchased the network plan, or a change that would cause the network to no longer satisfy the requirements of this section or the commissioner's rules for network adequacy.

(3) In an effort to ensure that consumers within a geographic region have an adequate opportunity to select an in-network provider, including specialty providers and facilities, and to avoid unanticipated out-of-network costs, the network adequacy standards description must include a report for each network hospital that provides the percentage of providers in each of the specialties of emergency medicine, anesthesiology, radiology, radiation oncology, pathology, and hospitalists practicing in the hospital who are in the health benefit plan's network.

SECTION 3. Tennessee Code Annotated, Section 56-7-2356(b)(4), is amended by deleting "annually" and substituting "quarterly".

SECTION 4. Tennessee Code Annotated, Section 56-7-2356(b)(9), is amended by deleting the subdivision and substituting:

(9) A sufficient number of contracted providers practicing at the same in-network facilities with which the managed health insurance issuer has contracted to reasonably ensure enrollees have complete and comprehensive in-network access for covered services delivered at those in-network facilities; and

(10) Other information required by the commissioner to determine compliance with this part.

SECTION 5. Tennessee Code Annotated, Section 56-7-2356, is amended by adding the following as new subsections:

(g) If the commissioner determines that a managed health insurance issuer has not met the sufficiency standards established by this section, then the commissioner shall

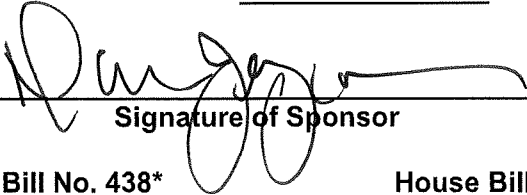
require a modification to the network or may institute a corrective action plan to ensure access for enrollees. The commissioner may take other disciplinary action for violations of this section as permitted pursuant to § 56-2-305, and in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(h) The commissioner shall develop an appeals procedure and forms where an enrollee of the managed health insurance issuer, contractor of a managed health insurance issuer, or a healthcare provider or facility may file a request for review of network adequacy and sufficiency of the managed health insurance issuer network. The department shall complete such review within forty-five (45) days of submission to the department.

SECTION 6. The commissioner of commerce and insurance is authorized to promulgate rules to effectuate this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 7. 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 8. 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. 438* House Bill No. 624

by deleting all language after the enacting clause and substituting:

SECTION 1. Chapter 451 of the Public Acts of 2021 is amended by deleting the following language from Section 5:

The provisions contained in this act terminate on July 1, 2023, and the law in effect prior to this act's effective date must be restored.

and substituting instead:

The provisions contained in this act terminate on July 1, 2024, and the law in effect prior to this act's effective date must be restored.

SECTION 2. Tennessee Code Annotated, Section 57-4-112, is amended by adding the following as a new subsection:

(h) The commission shall require each licensee who offers alcoholic beverages and beer for sale pursuant to this section to complete additional training in how to make such sales in conformity with the law. Such training must focus on not selling alcoholic beverages and beer to go to minors.

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



Amendment No. _____

Esther Heston-Haynes

Signature of Sponsor

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

AMEND Senate Bill No. 293

House Bill No. 191*

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

SECTION __. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following new subdivision:

()

(i) A commercially operated facility that:

(a) Was established in 2023 and is located on approximately thirty-two (32) acres;

(b) Is a walkable, mixed-use retail and commercial facility totaling approximately one hundred fifty thousand square feet (150,000 sq. ft.) and that is composed of up to twenty (20) mixed-use buildings for restaurants and food service, retail, office space, and similar services;

(c) Is located approximately three (3) miles from the Tennessee-Georgia state line and lies contiguous to State Highway 321 and State Highway 320;

(d) Is located within two thousand feet (2,000') of an elementary school, a high school, and Hurricane Creek; and

(e) Is located in a county with a population of at least three hundred sixty-six thousand two hundred (366,200) and not more than three hundred sixty-six thousand three hundred (366,300), according to the 2020 and a subsequent federal census; and



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(ii) The premises of a facility licensed under this subdivision (28)() means any and all of the property that constitutes the facility, including all enclosed and outdoor areas of the property. The licensee shall designate the premises to be licensed by the commission by filing a drawing of the premises, which may be amended by the licensee filing a new drawing;

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Date _____
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Clerk _____
Comm. Amdt. _____

Amendment No. _____

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 Signature of Sponsor

AMEND Senate Bill No. 293

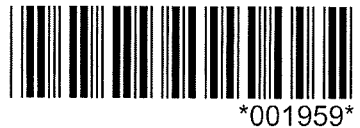
House Bill No. 191*

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

SECTION __. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following new subdivision:

()

- (i) A commercially operated facility that:
 - (a) Operates a vintage passenger train;
 - (b) Is owned and operated by a not-for-profit corporation which has been in existence since 1961;
 - (c) Is dedicated to preserving the heritage of rail transport in this state and the central South and whose name honors the region of the Tennessee Valley;
 - (d) Is located on the original right of way of the East Tennessee and Georgia Railway, which includes a railroad tunnel named to the National Register of Historic Places;
 - (e) Has a museum which began as a Chapter of the National Railway Historical Society, and has preserved a collection of passenger cars, cabooses, freight cars, and locomotives, much of which collection is also named to the National Register of Historic Places, with a staff who works to restore and maintain the collection of equipment;



(f) Has the capacity to serve food and beverages to visitors and guests;

(g) Has adequate facilities and equipment for serving passengers, on regular or special schedules, or charter trips; and

(h) Is located in a county having a population of not less than three hundred sixty-six thousand two hundred (366,200) nor more than three hundred sixty-six thousand three hundred (366,300), according to the 2020 federal census or any subsequent federal census;

(ii) A train operated by a licensee under this subdivision (28)() may sell and serve alcoholic beverages and beer on the train while both stationary and in motion;

(iii) A licensee under this subdivision (28)() shall designate the premises to be licensed by the commission by filing a drawing of the premises, and such drawing may be amended by the licensee filing a new drawing; and

(iv) The premises of a facility licensed under this subdivision (28)() means, for beer permitting purposes, all of the property that constitutes the facility. The beer permittee shall designate the premises to be permitted by the local beer board by filing a drawing of the premises, which may be amended by the beer permittee filing a new drawing;

Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 293

House Bill No. 191*

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

SECTION __. Tennessee Code Annotated, Section 57-4-102(28), is amended by deleting subdivision (A) and substituting:

- (i) A commercially operated facility that:
 - (a) Was established in 1962;
 - (b) Is located on approximately one (1) or more acres contiguous to Gatlinburg Parkway that connects by way of a tramway to approximately one hundred fifty (150) or more acres;
 - (c) Operates a ski lodge, tramway over two (2) miles long, and tramway mall with over two hundred thousand square feet (200,000 sq. ft.);
 - (d) Operates multiple restaurants with seating for at least two hundred fifty (250) patrons;
 - (e) Maintains at least one (1) of the following types of sporting facilities for at least a portion of the year:
 - (1) Ten (10) or more ski runs;
 - (2) An ice skating rink; or
 - (3) An area for snow tubing;
 - (f) Operates a scenic chair lift to the top of Mount Harrison;
 - (g) Serves as an event venue for concerts, conferences, weddings, receptions, and similar events; and



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(h) Is located in a city with a population of not less than three thousand five hundred seventy (3,570) and not more than three thousand five hundred seventy-nine (3,579), according to the 2020 or a subsequent federal census;

(ii) The premises of a facility licensed under this subdivision (28)(A) means any or all of the property that constitutes the facility. The licensee shall designate the premises to be licensed by the commission by filing a drawing of the premises, which may be amended by the licensee filing a new drawing. The designated premises may include property owned or leased by the facility and property that is contiguous to the property of the facility that is defined in this subdivision (28)(A). The entire designated premises is covered under one (1) license issued under this subdivision (28)(A);

(iii) Notwithstanding chapter 5 of this title to the contrary, the premises of a facility licensed under this subdivision (28)(A) means, for beer permitting purposes, any or all of the property that constitutes the facility as designated in subdivision (28)(A)(ii). The beer permittee shall designate the premises to be permitted by the local beer board by filing a drawing of the premises, which may be amended by the beer permittee filing a new drawing. The entire designated premises is covered under one (1) beer permit issued under chapter 5 of this title;

(iv) A facility licensed under this subdivision (28)(A) may obtain a license as a caterer under subdivision (6);

(v) A facility licensed under this subdivision (28)(A) may hold any of the licenses authorized under this subsection (28)(A) and may grant a franchise right to one (1) or more entities for all such licenses; and

(vi) A facility licensed under this subdivision (28)(A) may deliver alcoholic beverages to any area within the licensed premises of the facility;

Amendment No. _____

Kelly Keisling
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 293

House Bill No. 191*

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

SECTION __. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following new subdivision:


- () A commercially operated facility that:
 - (i) Is situated on approximately seventy-seven (77) acres;
 - (ii) Operates an RV resort, with RV sites for rent;
 - (iii) Operates a general store, a restaurant, and a bath house;
 - (iv) Was previously used to operate a lumber mill;
 - (v) Is located approximately one (1) mile north of Dale Hollow Lake; and
 - (vi) Is located in a county with a population of not less than five thousand (5,000) and not more than five thousand one hundred (5,100), according to the 2020 federal census or a subsequent federal census;



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Amendment No. _____


Signature of Sponsor

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

AMEND Senate Bill No. 293

House Bill No. 191*

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

SECTION __. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following new subdivision:

()

(i) A commercially operated facility that:

(a) Is located on approximately eight (8) acres contiguous to Hooper Highway;

(b) Is located in a county with a population of not less than thirty-five thousand nine hundred (35,900) nor more than thirty-six thousand (36,000);

(c) Serves as a campground resort; and

(d) Has a pavilion, bathhouse, swimming pool, and a lodge with two (2) floors, consisting of at least three thousand nine hundred square feet (3,900 sq. ft.);

(ii) A facility licensed under this subdivision (28)() is not required to meet a gross revenue percentage requirement for food service as a prerequisite to the issuance of a license to serve liquor-by-the-drink; provided, however, that a facility applying for the renewal of its license under this subdivision (28)() must pay the appropriate license fee due under § 57-4-301(b)(1)(W) when the gross



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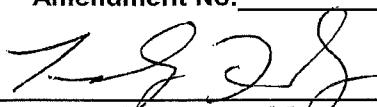
revenue from the previous year derived from food sales is fifty percent (50%) or less than the gross revenue from the sale of alcoholic beverages;

(iii) The premises of a facility licensed under this subdivision (28)() means any or all of the property that constitutes the facility. The licensee shall designate the premises to be licensed by the commission by filing a drawing of the premises, which may be amended by the licensee filing a new drawing. The entire designated premises may be covered under one (1) license issued under this subdivision (28)();

(iv) Notwithstanding chapter 5 of this title to the contrary, the premises of a facility licensed under this subdivision (28)() means, for beer permitting purposes, any or all of the property that constitutes the facility. The beer permittee shall designate the premises to be permitted by the local beer board by filing a drawing of the premises, which may be amended by the beer permittee filing a new drawing. The entire designated premises may be covered under one (1) beer permit issued under chapter 5 of this title;

(v) A facility licensed under this subdivision (28)() may seek an additional license as a caterer under § 57-4-102(6); and

(vi) A facility licensed under this subdivision (28)() may hold any of the licenses authorized under chapter 4 of this title and may grant a franchise to one (1) or more entities for any or all such licenses;

Amendment No. _____


Signature of Sponsor

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

AMEND Senate Bill No. 293

House Bill No. 191*

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

SECTION __. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following as a new subdivision:

- () A commercially operated facility that:
 - (i) Was established in 2021;
 - (ii) Is situated on approximately six (6) acres adjacent to Reelfoot Lake;
 - (iii) Operates a restaurant with seating for approximately seventy-four (74) patrons;
 - (iv) Operates approximately ninety-seven (97) beds for lodging, consisting of a motel, cabins, and other lodging;
 - (v) Operates forty-eight (48) covered boat slips;
 - (vi) Offers activities such as boating, fishing, swimming, picnicking, bird-watching, and other outdoor activities;
 - (vii) Serves as an event venue for weddings, birthdays, reunions, and similar events; and
 - (viii) Is located in a municipality with a population of not less than two hundred five (205) and not more than two hundred fifteen (215), according to the 2020 federal census or a subsequent federal census;



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Amendment No. _____

Esther Helton Hayes
Signature of Sponsor

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

AMEND Senate Bill No. 293

House Bill No. 191*

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

SECTION __. Tennessee Code Annotated, Section 57-4-102(8)(1)(i), is amended by deleting the language:

"Club" also means a for-profit recreational club organized and existing under the laws of this state

and substituting:

"Club" also means a for-profit recreational club organized and existing under the laws of this state, or organized and existing under the laws of another jurisdiction, holding a certificate of authority to transact business in this state from the secretary of state under the Tennessee Business Corporation Act, compiled in title 48, chapters 11-27,



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Amendment No. _____

Patsy Hagewood

Signature of Sponsor

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

AMEND Senate Bill No. 293

House Bill No. 191*

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

SECTION __. Tennessee Code Annotated, Section 57-4-102(13), is amended by adding the following as a new subdivision:

() "Community theater" also means a facility that:

(i) Was established in 1999, and is located in a former school building built in 1926;

(ii) That is situated on approximately five (5) acres;

(iii) Consists of approximately twenty thousand square feet (20,000 sq. ft.);

(iv) Provides theater, art, music, pottery, and dance classes;

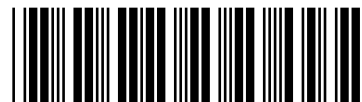
(v) Serves as a venue for concerts, plays, and recitals;

(vi) Offers its facility for summer camps, community events, holiday celebrations, and community meetings; and

(vii) Is located approximately one and three-tenths (1.3) miles from Signal Point in a municipality with a population of not less than eight thousand eight hundred fifty (8,850) and not more than eight thousand eight hundred fifty-nine (8,559), according to the 2020 federal census or a subsequent federal census;




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Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 293

House Bill No. 191*

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

SECTION __. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following as a new subdivision:

- () A commercially operated facility that:
 - (i) Was established in 2022 and is situated on approximately one and eighty-seven one hundredths (1.87) acres, with the original homestead on the property;
 - (ii) Operates a mid-modern, country resort with twenty (20) bedrooms and twenty-eight (28) beds, a marina with seventy (70) boat slips, and a restaurant with indoor and outdoor seating for approximately one hundred sixty (160) patrons;
 - (iii) Serves as an event venue for weddings, parties, music, fishing competitions, reunions, and other similar local events;
 - (iv) Offers boat rentals, kayak rentals, and venue rentals;
 - (v) Offers access to and views of Douglas Lake and the Great Smoky Mountains; and
 - (vi) Is located in a county with a population of not less than fifty-four thousand six hundred (54,600) and not more than fifty-four thousand seven hundred (54,700), according to the 2020 federal census or a subsequent federal census;



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Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND <SB>

House Joint Resolution No. 120*

by deleting the last resolving clause and substituting:

BE IT FURTHER RESOLVED, that we request the Tennessee Wildlife Resources Agency to erect a marker at Maness Swamp Refuge in Weakley County in remembrance of the lives of these two outstanding young sportsmen, Zackery Groom and Chance Black.



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Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 293

House Bill No. 191*

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

SECTION __. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following new subdivision:

()

(i) A commercially operated facility that:

(a) Is located in a county with a metropolitan form of government having a population of not less than five hundred thousand (500,000), according to the 2020 federal census or a subsequent federal census;

(b) Was built in 1945;

(c) Once housed a furniture store;

(d) Serves as a venue for live music, which may include broadcasts of radio and television programming, dancing, banquets, meetings, and other events; and

(e) Has four (4) floors, at least fifty thousand square feet (50,000 sq. ft.), and a capacity for at least one thousand (1,000) guests;

(ii) A facility licensed under this subdivision (28)() is not required to meet a gross revenue percentage requirement for food service as a prerequisite to the issuance of a license to serve liquor-by-the-drink; provided, however, that a facility applying for the renewal of its license under this subdivision (28)() shall pay the appropriate license fee due under § 57-4-301(b)(1)(W) when the gross



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revenue from the previous year derived from food sales is fifty percent (50%) or less than the gross revenue from the sale of alcoholic beverages;


(iii) The premises of any facility licensed under this subdivision (28)() means any or all of the property that constitutes the facility. The licensee shall designate the premises to be licensed by the commission by filing a drawing of the premises, which may be amended by the licensee filing a new drawing. The entire designated premises may be covered under one (1) license issued under this subdivision (28)();

(iv) Notwithstanding chapter 5 of this title to the contrary, the premises of any facility licensed under this subdivision (28)() means, for beer permitting purposes, any or all of the property that constitutes the facility. The beer permittee shall designate the premises to be permitted by the local beer board by filing a drawing of the premises, which may be amended by the beer permittee filing a new drawing. The entire designated premises may be covered under one (1) beer permit issued under chapter 5 of this title;

(v) A facility licensed under this subdivision (28)() may seek an additional license as a caterer under subdivision (6); and

(vi) A facility licensed under this subdivision (28)() may hold any of the licenses authorized under this chapter and may grant a franchise to one (1) or more entities for any or all such licenses;

Amendment No. _____



Signature of Sponsor

FILED
Date <u>2/2/23</u>
Time <u>9:20</u>
Clerk <u>RF</u>
Comm. Amdt. _____

AMEND Senate Bill No. 293

House Bill No. 191*

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

SECTION __. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following as a new subdivision:

() A commercially operated facility having the following characteristics:

(i) Contains a barn, farmhouse, lavender gardens, pastures, and event venue building that contains approximately seven thousand square feet (7,000 sq. ft.);

(ii) Is used for weddings, fishing, hiking, and flower picking; and

(iii) Is located approximately two (2) miles from Fall Creek Falls State Park and thirty (30) miles from Center Hill Lake in a county having a population of not less than six thousand one hundred (6,100) and not more than six thousand two hundred (6,200), according to the 2020 or a subsequent federal census;



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Amendment No. _____


Signature of Sponsor

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

AMEND Senate Bill No. 293

House Bill No. 191*

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

SECTION __. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following new subdivision:

- () A commercially operated facility that:
 - (i) Was founded in 2017;
 - (ii) Is situated on approximately one and four-tenths (1.4) acres less than one (1) mile from the Piney River;
 - (iii) Operates a restaurant and deli with approximately three thousand two hundred square feet (3,200 sq. ft.) and with indoor seating for twenty-four (24) patrons and patio seating for an additional twenty (20) patrons; and
 - (iv) Is located in a county with a population of not less than twenty-four thousand nine hundred (24,900) and not more than twenty-five thousand (25,000), according to the 2020 or a subsequent federal census;



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Amendment No. _____

Mary Littleton

Signature of Sponsor

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

AMEND Senate Bill No. 643*

House Bill No. 1102

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 57-3-406, is amended by adding the following new subsection:

()

(1) A person or entity holding a license to sell wine or a permit to sell beer for off-premises consumption and that displays such wine or beer outside a clearly discernible location reserved solely for alcoholic beverages and beer:

(A) Shall not place wine or beer in an area immediately adjacent to nonalcoholic beverages containing the same or a similar brand name, logo, or packaging as an alcoholic beverage or beer product; and

(B) Shall equip such display with signage indicating that the product is an alcoholic beverage or beer available only to persons who are twenty-one (21) years of age or older. The signage must be clearly visible to customers and of sufficient size to notify the consumer of the products' alcohol content.

(2) This subsection () does not prohibit the placement of nonalcoholic wine or beer in or near a display of alcoholic beverages or beer that contains the same or a similar brand name, logo, or packaging as the nonalcoholic wine or beer.

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. 989

House Bill No. 877*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 57-3-406(a)(2), is amended by deleting the subdivision and substituting:

(2) Except as provided in this subsection (a), the holder of a retail license may hold more than one (1) retail license; provided, however, that the holder of a retail license shall not hold more than three (3) retail licenses. Beginning July 1, 2024, the holder of a retail license may hold up to five (5) retail licenses. If the commission has issued more than two (2) licenses to a person prior to April 12, 2016, such person may continue to hold all such licenses and may renew all such licenses.

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. 1371

House Bill No. 119*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 70-4-130, is amended by deleting the section.

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



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Amendment No. _____

Rush Bricker
Signature of Sponsor

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

AMEND Senate Bill No. 293

House Bill No. 191*

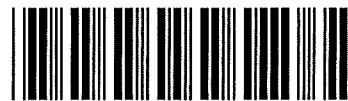
by inserting the following new section immediately preceding the last section and renumbering the subsequent section accordingly:

SECTION __. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following new subdivision:

- () A commercially operated facility that:
 - (i) Was founded in August of 2019;
 - (ii) Is located in a former renovated bank building of approximately two thousand seven hundred square feet (2,700 sq. ft.) in the downtown district of a municipality with a population of not less than twenty thousand three hundred thirty (20,330) and not more than twenty thousand three hundred forty (20,340), according to the 2020 or a subsequent federal census;
 - (iii) Operates a restaurant with indoor seating for approximately forty (40) patrons; patio seating for approximately twenty (20) patrons; and the potential for private upstairs seating for approximately twenty-five (25) patrons;
 - (iv) Operates a cigar shop whose walk-in humidor is a former bank vault;
 - (v) Is a venue for live music, social gatherings, private parties, and similar events; and
 - (vi) Is located approximately thirteen (13) miles from the Jack Daniel's Distillery; seven and four-tenths (7.4) miles from Tim's Ford Lake; six (6) miles from Cascade Hollow Distillery; and two and nine-tenths (2.9) miles from Lakewood Golf & Country Club;




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Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 1032*

House Bill No. 1407

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 57-4-102(13), is amended by adding the following new subdivision:

- () "Community theater" also includes a theater that:
 - (i) Has been in operation for not less than four (4) years;
 - (ii) Has a single auditorium with seating for approximately seventy-five (75) to one hundred (100) patrons;
 - (iii) Is located in a building that is over one hundred (100) years old;
 - (iv) Serves as a venue for concerts, plays, and cultural, civic, and educational programs; and
 - (v) Is located in a municipality with a population of not less than one hundred ninety thousand seven hundred (190,700) and not more than one hundred ninety thousand eight hundred (190,800), according to the 2020 federal census or a subsequent federal census;



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Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 635

House Bill No. 595*

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

SECTION ____ Tennessee Code Annotated, Section 49-2-213(b)(1), is amended by deleting "for that member" and substituting "for that district seat".



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Amendment No. _____


Signature of Sponsor

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

AMEND Senate Bill No. 293

House Bill No. 191*

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

SECTION __. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following language as a new subdivision:

()

(i) A commercially operated facility that:

(a) Is located in a county having a metropolitan form of government and a population of greater than six hundred thousand (600,000), according to the 2020 federal census or a subsequent federal census;

(b) Contains two (2) office towers with a shared parking garage and with one (1) such tower containing twenty (20) floors, including a reception area, office spaces, work stations, conference rooms, an expressions studio, a listening room, locker rooms and showers, and a business center for employees of a corporation;

(c) Is located at the corner of 10th Avenue North and Church Street;

(d) Contains a café located on the 5th floor and offers different food station options of prepared food on such floor, and contains a lounge area located on the 20th floor that offers prepared food; and



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(e) Is open to employees of a corporation or guests of such employees;

(ii) The premises of a facility licensed under this subdivision (28)() means any and all of the property that constitutes the facility, including all enclosed and outdoor areas of the property. The licensee shall designate the premises to be licensed by the commission by filing a drawing of the premises, which may be amended by the licensee filing a new drawing;

(iii) Notwithstanding chapter 5 of this title to the contrary, the premises of a facility described under this subdivision (28)() means, for the purpose of obtaining a beer permit, any and all of the property that constitutes the facility, including all enclosed and outdoor areas of the property. The beer permittee shall designate the premises to be licensed by the local beer board by filing a drawing of the premises, which may be amended by the beer permittee filing a new drawing; and

(iv) Any facility licensed under this subdivision (28)() may hold any of the licenses authorized under this subdivision (28)() and may grant a franchise to one (1) or more entities for any or all such licenses to sell or give away alcoholic beverages and beer. A facility licensed under this subdivision (28)() is not required to be open to the public and does not discriminate against a patron on the basis of gender, race, religion, or national origin;

Amendment No. _____



Signature of Sponsor

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Clerk _____
Comm. Amdt. _____

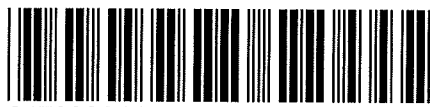
AMEND Senate Bill No. 293

House Bill No. 191*

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

SECTION __. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following new subdivision:

- () A commercially operated facility that:
 - (i) Was established in 1981 and is situated on approximately sixty (60) acres;
 - (ii) Operates at least four (4) restaurants that serve breakfast, lunch, and dinner; a theater; exercise facilities; senior living; and an outdoor central park;
 - (iii) Provides seating for at least four hundred twenty (420) patrons; and
 - (iv) Is located approximately one-quarter (1/4) of a mile from the northwest corner of Winchester Road and Kirby Parkway in a municipality with a population of not less than six hundred thirty-three thousand one hundred (633,100) and not more than six hundred thirty-three thousand two hundred (633,200), according to the 2020 federal census or a subsequent federal census;

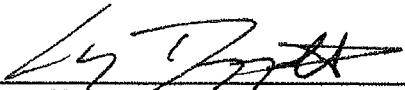


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Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 293

House Bill No. 191*

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

SECTION __. Tennessee Code Annotated, Section 57-4-102(13), is amended by adding the following new subdivision:

() "Community theater" also means a facility that:

(1) Is a community theater in a historic building that has been in continuous operation since 2007, and that contains approximately one thousand six hundred square feet (1,600 sq. ft.) and seating for approximately two hundred (200) patrons;

(2) Is situated on approximately twelve one hundredths (.12) of an acre;

(3) Offers concessions to patrons and operates a bar for theater use;

(4) Is a mixed-use facility that serves as an event venue for musicals, performances, weddings, dance recitals, dramas, and live music;

(5) Is a venue for community events, including instruction in art, music, dance, and theatre;

(6) Has located on its 2nd floor this state's oldest opera house, Antoinette Hall, which is under restoration as of the effective date of this act; and

(7) Is located in a municipality with a population of not less than eight thousand three hundred ninety (8,390) and not more than eight thousand three hundred ninety-nine (8,399), according to the 2020 federal census or a subsequent federal census;



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Amendment No. _____



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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 293

House Bill No. 191*

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

SECTION __. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following new subdivision:

()

(i) A commercially operated facility that:

(a) Is located within a designated area situated on at least fifteen (15) acres;

(b) Upon the completion of construction, which may occur in phases, contains a live performance venue with capacity for at least two thousand (2,000) persons, a mixed commercial and residential use development, at least two (2) hotels, and mixed-use commercial buildings that include retail shopping, restaurants, and bars, some of which may be operated by independent licensees, and indoor and outdoor dining options, including open plaza areas for dining and recreational opportunities;

(c) Contains a hotel that is located adjacent to train tracks and that formerly operated as a train terminal;

(d) Contains at least five (5) points of sale that regularly prepare and sell food, alcoholic beverages, or beer;



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(e) Is located in a county with a metropolitan form of government having a population of not less than five hundred thousand (500,000), according to the 2020 federal census or a subsequent federal census;

(f) Does not extend beyond one thousand seven hundred sixty feet (1,760') of the geographic center of such designated area; and

(g) May contain areas that are separated by streets or other public or private rights of way;

(ii) Facilities and individual licensees located within such designated area, hereinafter the "primary premises," and licensed under this subdivision (28)():

(a) May be either open to the public or only to members and authorized guests; and

(b) Notwithstanding § 57-4-101(p):

(1) May include in its licensed primary premises, solely for purposes of on-premises consumption of alcoholic beverages, unless otherwise provided for herein, any or all of the property that constitutes the primary premises and may include other separately licensed premises located within the boundary of the primary premises. Such premises are not required to be contiguous. Barriers controlling the ingress and egress to the primary premises or other such premises are not required as long as adequate security or other measures sufficient to prevent customers from leaving such primary and other premises with alcoholic beverages is used and maintained; and

(2) Are not required to use labeled cups and glassware, but must serve alcoholic beverages and beer in compliance with the requirements of § 57-4-101(p), which shall include affixing a

sticker to the alcoholic beverage or beer container in lieu of serving the beverage in labeled cup or glassware; provided, that a sticker identifying the franchisee or licensee, which is reasonably designed to stay affixed to a container, must comply with § 57-4-101(p);

(iii) Licensees located within the primary premises shall submit a diagram to the commission which details that portion of the primary premises where the licensee intends to serve alcoholic beverages;

(iv) The primary licensee and each licensee licensed under this subdivision () may:

(a) Serve wine, high gravity beer, and beer in its original container, and spirit-based beverages in original containers that do not exceed three hundred seventy-five milliliters (375 ml) and an alcohol content that does not exceed fifteen percent (15%) by volume, for on-premises consumption; and

(b) Offer food items for sale and seating for its customers, but are not required to do so;

(v) Facilities and individual licensees located within the primary premises, irrespective of whether or not licensed under this subdivision (), may apply for and obtain a catering license pursuant to subdivision (6) for purposes of selling alcoholic beverages at special events within the primary premises; provided, that such facility shall comply with all requirements to obtain such catering license, except the requirement to have a complete and adequate commercial kitchen facility pursuant to subdivision (6)(B). The licensed premises of a catered event held by such a licensed caterer may include the entire primary premises or a portion thereof designated with the commission;

(vi) A licensee located within the primary premises may prohibit from the exclusive portion of its premises food, beer, or alcoholic beverages which were not purchased from the licensee;

(vii) This subdivision (28)() must not be construed to prohibit a person or entity located within the primary premises from obtaining another license under this title 57 that the person or entity is otherwise eligible to obtain pursuant to law;

(viii) Each individual facility on the primary premises is independently liable for violations committed by such facility, and a separate facility must not be held liable for the actions of another facility;

(ix) Notwithstanding chapter 5 of this title to the contrary, and subject to the terms of this subdivision (28)(), the premises of a facility licensed under this subdivision (28)() mean for beer permitting purposes any or all of the premises that constitutes the primary premises. The terms of this subdivision (28)() that apply to licensees for purposes of consuming alcoholic beverages on the premises also apply to beer permittees; and

(x) A facility licensed under this subdivision (28)() may hold any of the licenses authorized under this subdivision (28)() and a beer permit, or may grant a franchise to one (1) or more entities for any or all such licenses or beer permits. The licensee for the primary premises, or franchisor, or any of its franchisees licensed under this subdivision (28)(), or a separate licensee located within the primary premises, may store beer and alcoholic beverages in one (1) or more central storage locations within the primary premises; provided, that each separate licensee's inventory of beer and alcoholic beverages must be stored in a separately locked cage or other storage area. The facility may also contract with a third party for the management of all of the facility's food and

beverage operations and service, or for a portion of the facility's food and
beverage operations and service;

Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 1372

House Bill No. 265*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 70, Chapter 1, Part 1, is amended by adding the following as a new section:

The agency shall not prohibit the importation into this state of a carcass of an animal in the family cervidae if importation of the carcass is otherwise permitted under state and federal law and the carcass is free of brain matter.

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. 165*

House Bill No. 397

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following as a new subdivision:

()

(i) A commercially operated facility that:

(a) Is located within a designated area situated on at least ten (10) acres;

(b) Includes a group of historic brick buildings constructed in 1929 and originally used to manufacture and assemble wood-burning stoves, among other items;

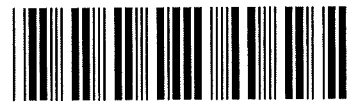
(c) Is included or has been included on the national register of historic places as a national historic landmark;

(d) Includes on its property a water tower originally constructed in 1929 or 1930, standing one hundred ten feet (110') tall, which has been listed on the national register of historic places;

(e) Upon the completion of construction, which may occur in phases, offers dining and retail shopping experiences, including bars and restaurants with indoor and outdoor dining opportunities, a live performance venue, a private event banquet space, and at least five (5) points of sale that regularly prepare and sell food, alcoholic beverages, or beer, or any combination thereof, which may be contiguous or



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noncontiguous and which may or may not be operated by independent licensees that offer for sale food, alcoholic beverages, or beer;

(f) Is located in the county seat of a county having a population of not less than two hundred forty-seven thousand seven hundred (247,700) and not more than two hundred forty-seven thousand eight hundred (247,800), according to the 2020 federal census or a subsequent federal census;

(g) Does not extend beyond one thousand seven hundred sixty feet (1,760') of the geographic center of such designated area; and

(h) May contain areas that are separated by sidewalks or other public or private rights-of-way.

(ii) A facility and individual licensees located within such designated area, hereinafter the "primary premises," and licensed under this subdivision (28)():

(a) May offer food items for sale and seating for its customers but are not required to do so; and

(b) Notwithstanding § 57-4-101(p):

(1) May include within its licensed premises, solely for purposes of on-premises consumption of alcoholic beverages, unless otherwise provided for herein, any or all of the property that constitutes the entirety of the facility and may include other separately licensed premises located within the boundary of the facility. Such premises are not required to be contiguous.

Barriers controlling the ingress and egress of the facility or such premises are not required as long as adequate security or other measures sufficient to prevent customers from leaving such facility and premises with alcoholic beverages are used and maintained; and

(2) Is not required to use labeled cups and glassware, but must serve alcoholic beverages and beer in compliance with the requirements of § 57-4-101(p), which includes affixing a sticker to the alcoholic beverage or beer container in lieu of serving the beverage in labeled cup or glassware; provided, that a sticker identifying the franchisee or licensee, which is reasonably designed to stay affixed to a container, must comply with § 57-4-101(p);

(iii) Licensees located within a facility shall submit a diagram to the commission that details any portion of the facility where the licensee intends to serve alcoholic beverages;

(iv) A facility licensed under this subdivision (28)() may:

(a) Serve wine, high gravity beer, and beer in its original container, and spirit-based beverages in original containers that do not exceed three hundred seventy-five milliliters (375 ml) with an alcohol content that does not exceed fifteen percent (15%) by volume, for on-premises consumption; and

(b) Be either open to the public or only to members and authorized guests;

(v) A facility located within the primary premises, irrespective of whether or not licensed under this subdivision (28)(), may apply for and obtain a catering license pursuant to subdivision (6) for purposes of selling alcoholic beverages at special events within the facility; provided, that such facility shall comply with all requirements to obtain such catering license, except the requirement to have a complete and adequate commercial kitchen facility pursuant to subdivision (6)(B). The licensed premises of a catered event held by such a licensed caterer may

include the entire primary premises or any portion thereof specified to the commission;

(vi) A licensee located within the primary premises may prohibit from the exclusive portion of its premises food, beer, or alcoholic beverages that were not purchased from the licensee;

(vii) This subdivision (28)() must not be construed to prohibit a person or entity located within the primary premises from obtaining another license under this title that the person or entity is otherwise eligible to obtain pursuant to law;

(viii) Each individual licensee on the facility premises is independently liable for violations committed by such licensee, and a separate licensee must not be held liable for the actions of another licensee;

(ix) Notwithstanding chapter 5 of this title to the contrary, and subject to the terms of this subdivision (28)(), the premises of a licensee licensed under this subdivision (28)() means for beer permitting purposes any or all of the premises that constitutes the facility. Any and all terms of this subdivision (28)() that apply to alcoholic beverage licensees also apply to beer permittees; and

(x) A licensee licensed under this subdivision (28)() may hold any of the licenses authorized under this subdivision (28)() and a beer permit, or may grant a franchise to one (1) or more entities for any or all such licenses or beer permits. The facility may also contract with a third party for the management of all of the facility's food and beverage operations and service, or for a portion of the facility's food and beverage operations and service;

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

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

Amendment No. _____

[Handwritten Signature]

 Signature of Sponsor

AMEND Senate Bill No. 293

House Bill No. 191*

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

SECTION __. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following new subdivision:

()

- (i) A commercially operated facility that:
 - (a) Is located within a designated area situated on at least ten (10) acres;
 - (b) Includes a group of historic brick buildings constructed in 1929 and originally used to manufacture and assemble wood-burning stoves, among other items;
 - (c) Is included or has been included on the national register of historic places as a national historic landmark;
 - (d) Includes on its property a water tower originally constructed in 1929 or 1930, standing one hundred ten feet (110') tall, which has been listed on the national register of historic places;
 - (e) Upon the completion of construction, which may occur in phases, offers dining and retail shopping experiences, including bars and restaurants with indoor and outdoor dining opportunities, a live performance venue, a private event banquet space, and at least five (5) points of sale that regularly prepare and sell food, alcoholic beverages, or



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beer; that may be contiguous or noncontiguous; and that may or may not be operated by independent licensees that offer for sale food, alcoholic beverages, or beer;

(f) Is located in the county seat of a county having a population of not less than two hundred forty-seven thousand seven hundred (247,700) and not more than two hundred forty-seven thousand eight hundred (247,800), according to the 2020 federal census or a subsequent federal census;

(g) Does not extend beyond one thousand seven hundred sixty feet (1760') of the geographic center of such designated area; and

(h) May contain areas that are separated by sidewalks or other public or private rights-of-way;

(ii) A facility and individual licensees located within such designated area, hereinafter the "primary premises," and licensed under this subdivision (28)():

(a) May offer food items for sale and seating for its customers but are not required to do so; and

(b) Notwithstanding § 57-4-101(p):

(1) May include within its licensed premises, solely for purposes of on-premises consumption of alcoholic beverages, unless otherwise provided for herein, any or all of the property that constitutes the entirety of the facility and may include other separately licensed premises located within the boundary of the facility. Such premises are not required to be contiguous. Barriers controlling the ingress and egress of the facility or such premises are not required as long as adequate security or other measures sufficient to prevent customers from leaving such facility

and premises with alcoholic beverages are used and maintained;
and

(2) Is not required to use labeled cups and glassware, but must serve alcoholic beverages and beer in compliance with the requirements of § 57-4-101(p), which includes affixing a sticker to the alcoholic beverage or beer container in lieu of serving the beverage in a labeled cup or glassware; provided, that a sticker identifying the franchisee or licensee, which is reasonably designed to stay affixed to a container, must comply with § 57-4-101(p);

(iii) Licensees located within a facility shall submit a diagram to the commission which details any portion of the facility where the licensee intends to serve alcoholic beverages;

(iv) A facility licensed under this subdivision (28)() may:

(a) Serve wine, high-gravity beer, and beer in its original container, and spirit-based beverages in original containers that do not exceed three hundred seventy-five milliliters (375 ml) with an alcohol content that does not exceed fifteen percent (15%) by volume, for on-premises consumption; and

(b) Be either open to the public or only to members and authorized guests;

(v) A facility located within the primary premises, irrespective of whether or not licensed under this subdivision (28)(), may apply for and obtain a catering license pursuant to subdivision (6) for purposes of selling alcoholic beverages at special events within the facility; provided, that such facility shall comply with all requirements to obtain such catering license, except the requirement to have a complete and adequate commercial kitchen facility pursuant to subdivision (6)(B).

The licensed premises of a catered event held by such a licensed caterer may include the entire primary premises or any portion thereof specified to the commission;

(vi) A licensee located within the primary premises may prohibit from the exclusive portion of its premises food, beer, or alcoholic beverages that were not purchased from the licensee;

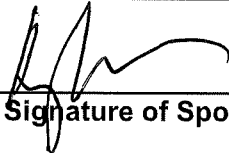
(vii) This subdivision (28)() must not be construed to prohibit a person or entity located within the primary premises from obtaining another license under this title that the person or entity is otherwise eligible to obtain pursuant to law;

(viii) Each individual licensee on the facility premises is independently liable for violations committed by such licensee, and a separate licensee must not be held liable for the actions of another licensee;

(ix) Notwithstanding chapter 5 of this title to the contrary, and subject to the terms of this subdivision (28)(), the premises of a licensee licensed under this subdivision (28)() means for beer permitting purposes any or all of the premises that constitutes the facility. Any and all terms of this subdivision (28)() that apply to alcoholic beverage licensees also apply to beer permittees; and

(x) A licensee licensed under this subdivision (28)() may hold any of the licenses authorized under this subdivision (28)() and a beer permit, or may grant a franchise to one (1) or more entities for any or all such licenses or beer permits. The facility may also contract with a third party for the management of all of the facility's food and beverage operations and service, or for a portion of the facility's food and beverage operations and service;

Amendment No. _____



Signature of Sponsor

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

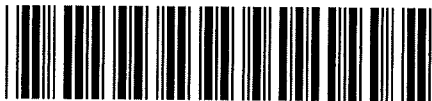
AMEND Senate Bill No. 293

House Bill No. 191*

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

SECTION __. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following new subdivision:

- () A commercially operated facility that:
 - (i) Was established in 2005 and is situated on approximately thirty-seven (37) acres;
 - (ii) Operates an outside bar, at least four (4) restaurants, a theater, exercise facilities, senior living facilities, and an outdoor central park;
 - (iii) Contains approximately nine thousand square feet (9,000 sq. ft.) and seating for over two hundred fifty (250) patrons; and
 - (iv) Is located in a municipality with a population of not less than fifty-one thousand three hundred twenty (51,320) and not more than fifty-one thousand three hundred thirty (51,330), according to the 2020 federal census or a subsequent federal census;



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Amendment No. _____


Signature of Sponsor

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

AMEND Senate Bill No. 293

House Bill No. 191*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following new subdivision:

- () A commercially operated facility that:
 - (i) Operates a full-service restaurant established in 2021;
 - (ii) Is situated on approximately one and one-half (1 1/2) acres;
 - (iii) Contains approximately three thousand five hundred sixty square feet (3,560 sq. ft.);
 - (iv) Has seating for approximately ninety-five (95) patrons;
 - (v) Is located approximately two and six-tenths (2.6) miles from the Roan Mountain State Park Visitors Center; and
 - (vi) Is located in a county with a population of not less than fifty-six thousand three hundred (56,300) and not more than fifty-six thousand four hundred (56,400), according to the 2020 or a subsequent federal census;

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. 788

House Bill No. 770*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 57-3-1003, is amended by deleting the section and substituting:

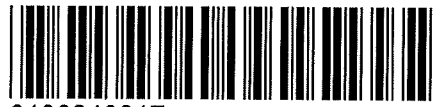
(a) Except as provided in subsection (b):

(1) It is a Class C misdemeanor for any retailer to advertise, offer to sell, or sell at retail, intoxicating liquor at less than cost to the retailer; and

(2) The advertising, sale, or offer to sell of intoxicating liquor by any retailer at less than cost to the retailer shall be prima facie evidence of both a violation of this part, and of intent to injure competitors or destroy substantially or lessen competition.

(b) If a retailer donates five thousand dollars (\$5,000) or more to a 501(c)(3) organization that is exempt from federal income taxation under the Internal Revenue Code, codified in 26 U.S.C. § 501(a), then subsection (a) does not apply to the retailer for the calendar year in which the retailer made the donation.

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. 557*

House Bill No. 649

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 5, Part 4, is amended by adding the following as a new section:

(a) Each LEA shall offer employees of the LEA the opportunity to volunteer to participate in a working group that will collect, review, and report suggestions received from employees on how the LEA can improve its goals, operations, and outcomes. An LEA shall not require an employee of the LEA to participate in a working group.

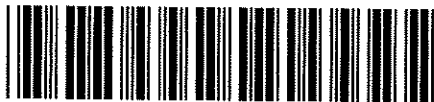
(b) The working group shall accept written suggestions on how to improve the LEA that are submitted by an employee of the LEA; provided, however, that the working group shall not accept written suggestions regarding salary or benefits. An employee of the LEA may submit a written suggestion to the working group anonymously.

(c) The working group shall annually compile the written suggestions submitted to the working group into a report. The working group shall submit the report to the LEA's director of schools and local board of education.

(d) If an employee of the LEA submits a suggestion to the working group and the content of the suggestion requires that the suggestion be reported pursuant to a policy adopted by the LEA, then the working group shall submit the suggestion in accordance with the adopted policy.

(e) The LEA's director of schools and local board of education shall jointly:

(1) Address each written suggestion identified in the report as necessary, as determined by the director and the local board; and



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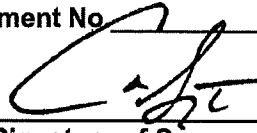
(2) Notify the working group of how the director and the local board intend to address, or why the director and local board will not address, each written suggestion identified in the report.

(f) An employee who volunteers to serve as part of a working group shall receive in-service credit for the time the employee served as part of the working group.

(g) Any documents created for purposes of this section must comply with the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g); § 10-7-504; the Data Accessibility, Transparency, and Accountability Act, compiled in chapter 1, part 7 of this title; and all other relevant privacy laws.

SECTION 2. 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. 293

House Bill No. 191*

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

SECTION __. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following new subdivision:

- () A commercially operated facility that:
 - (i) Was established in 2014 and is situated on approximately ninety-four one hundredths (0.94) of an acre;
 - (ii) Operates a bed and breakfast, coffee shop, restaurant, and two (2) tiny houses within one and one-half (1.5) miles of the north entrance to Fall Creek Falls State Park;
 - (iii) Serves as an event venue for weddings, graduations, reunions, conferences, parties, and similar events;
 - (iv) Hosts an annual goat yoga retreat;
 - (v) Serves as the largest venue in close proximity to one of the most-visited state parks in this state, with more than one million (1,000,000) visitors per year; and
 - (vi) Is located in a county with a population of not less than six thousand one hundred (6,100) and not more than six thousand two hundred (6,200), according to the 2020 federal census or a subsequent federal census;



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Amendment No. _____

Kevin Raper

Signature of Sponsor

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

AMEND Senate Bill No. 293

House Bill No. 191*

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

SECTION __. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following new subdivision:

- () A commercially operated facility that:
 - (i) Is a multipurpose facility established in 2003 and situated on approximately ninety-two (92) acres;
 - (ii) Maintains 501(c)(3) status and is operated year-round by the board of directors of the TriState Exhibition Center;
 - (iii) Serves as a venue for horse shows and equine activities, livestock shows, family and community events and programs, instructional events and clinics, concerts, and organizational meetings;
 - (iv) Operates an arena of approximately sixty thousand square feet (60,000 sq. ft.); a covered warm up arena of approximately forty thousand square feet (40,000 sq. ft.); three hundred eighty (380) stalls; an agricultural education building; and fifty (50) RV hookup sites; and
 - (v) Is located in a county with not less than one hundred eight thousand six hundred (108,600) and not more than one hundred eight thousand seven hundred (108,700), according to the 2020 federal census or a subsequent federal census;



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Amendment No. _____
Curtis Johnson
Signature of Sponsor

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

AMEND Senate Bill No. 497

House Bill No. 411*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 57-3-101(a)(25), is amended by deleting the subdivision and substituting instead:

(25) "Wine" means the product of the normal alcoholic fermentation of the juice of dried or fresh, sound, ripe grapes, fruit, or other agricultural products, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine, and seasonal conditions, including champagne, sparkling, and fortified wine of an alcoholic content not to exceed twenty-one percent (21%) by volume. No other product may be called "wine" unless designated by appropriate prefixes descriptive of the fruit or other product from which the same was predominantly produced, or as an artificial or imitation wine. With the exception of fortified wine, wine does not include a product to which distilled alcohol has been added, including, but not limited to, distilled spirits, as defined under federal law on the effective date of this act; and

SECTION 2. Tennessee Code Annotated, Section 57-3-101(a), is amended by adding the following as a new subdivision:

() "Fortified wine" means wine to which has only been added wine spirits derived from the fruit from which the wine was derived;

SECTION 3. Tennessee Code Annotated, Section 57-5-101(b), is amended by deleting the subsection and substituting instead:

(b) For purposes of this title, "beer" means products made from the normal alcoholic fermentation of malt or other cereal grains, sugar, or apple- or pear-based cider



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having an alcoholic content of not more than eight percent (8%) alcohol by weight and that do not contain distilled spirits or wine as defined in § 57-3-101; provided, that at least fifty-one percent (51%) of the overall alcoholic content by weight in the finished product is obtained by the fermentation of malt, other cereal grains, sugar, apples, or pears, and no more than forty-nine percent (49%) of the overall alcoholic content by weight in the finished product is obtained by the addition of flavorings or other non-beverage ingredients containing alcohol. "Beer" does not include products or beverages containing less than one-half of one-percent (0.5%) alcohol by volume and such products are not subject to regulation or taxation pursuant to this title.

SECTION 4. Tennessee Code Annotated, Section 57-3-802(2), is amended by deleting the subdivision and substituting instead:

(2) "Wine":

(A) Has the same meaning as defined in § 57-3-101; and

(B) Does not include a product where the alcohol contained in the product is derived from distillation, other than from wine spirits used to fortify wine.

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

Amendment No. _____

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

Signature of Sponsor

AMEND Senate Bill No. 293

House Bill No. 191*

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

SECTION __. Tennessee Code Annotated, Section 57-4-102(13), is amended by adding the following new subdivision:

- () "Community theater" also includes a theater that:
 - (i) Has been in operation for not less than four (4) years;
 - (ii) Has a single auditorium with seating for approximately seventy-five (75) to one hundred (100) patrons;
 - (iii) Is located in a building that is over one hundred (100) years old;
 - (iv) Serves as a venue for concerts, plays, and cultural, civic, and educational programs; and
 - (v) Is located in a municipality with a population of not less than one hundred ninety thousand seven hundred (190,700) and not more than one hundred ninety thousand eight hundred (190,800), according to the 2020 federal census or a subsequent federal census;

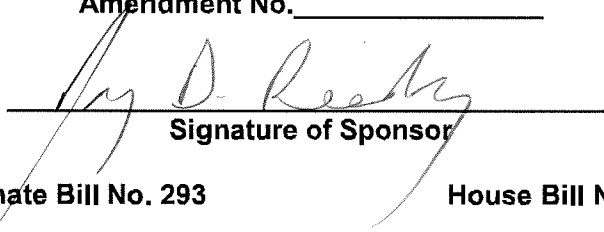


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Amendment No. _____


Signature of Sponsor

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

AMEND Senate Bill No. 293

House Bill No. 191*

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

SECTION __. Tennessee Code Annotated, Section 57-4-102(28)(WWWWWWW), is amended by deleting the subdivision and substituting instead:

(WWWWWWW) A commercially operated facility that:

(i) Was established in 2022 on at least one hundred eleven (111) acres with a house representative of Italianate architecture that is on the national register of historic places and barns that were built in the 1860s;

(ii) Contains a terrace, a conservatory, and an event barn;

(iii) Is used for private corporate events, political fundraisers, weddings, concerts, and other events; and

(iv) Is located on a scenic highway in a county having a population of not less than seventy-two thousand eight hundred (72,800) and not more than seventy-two thousand nine hundred (72,900), according to the 2020 federal census or a subsequent federal census;



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Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 293

House Bill No. 191*

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

SECTION __. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following as a new subdivision:

- () A commercially operated restaurant that:
 - (i) Was established in 2006 and contains a restaurant and store;
 - (ii) Is located in a historic building built more than fifty (50) years ago that contains at least one thousand two hundred square feet (1,200 sq. ft.);
 - (iii) Hosts events for birthday parties and church groups; and
 - (iv) Is located less than one hundred feet (100') from the intersection of state highway 107 and Blue Mill Road in a county having a population of not less than thirty-five thousand nine hundred (35,900) and not more than thirty-six thousand (36,000), according to the 2020 or a subsequent federal census;



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Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 293

House Bill No. 191*

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

SECTION __. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following new subdivision:

()

(i) A commercially operated facility that:

(a) Is a public place kept, used, maintained, advertised, and held out to the public as a place where meals are served and where meals are actually and regularly served, with one (1) or more adequate and sanitary kitchens, dining room equipment, and a seating capacity for at least two hundred fifty (250) patrons at tables, counters, and other places for dining, and having a sufficient number and kind of persons to prepare, cook, and serve suitable food for guests;

(b) Is located within four hundred feet (400') of a public park adjacent to a navigable waterway, and no closer than four hundred feet (400') from, but within five hundred feet (500') of, a railway station providing commuter rail service using standard gauge locomotives and coaches;

(c) Is located less than one hundred feet (100') from a historic saloon built before 1900 and named after a silver dollar coin;



(d) Serves as a venue for live music, dancing, banquets, meetings, meals, and other events;

(e) Has at least five (5) floors, at least nineteen thousand square feet (19,000 sq. ft.) and was constructed in 1900; and

(f) Is located in a county with a metropolitan form of government having a population of not less than six hundred thousand (600,000), according to the 2020 federal census or a subsequent federal census;

(ii) As used in this subdivision (28)(), "prime licensee" means the licensee under this subdivision (28)() that has the right to serve alcohol in at least one-half (1/2) of the building. The prime licensee does not have to sell food;

(iii) One (1) or more licensed entities may operate within the facility, and the premises may overlap; provided, that each licensee shall designate the premises to be licensed by the commission by filing a drawing of the premises, which may be amended by each licensee filing a new drawing and without a new application;

(iv) A licensee under this subdivision (28)() may store beer and alcoholic beverages in one (1) or more central storage locations in the facility; provided, that if the licensees share the same storage area, each licensee's inventory of beer and alcoholic beverages must be stored in a separately locked cage or other storage area. Notwithstanding this chapter to the contrary, a licensee may transport beer and alcoholic beverages anywhere in the facility;

(v) An employee of a licensee licensed under this subdivision (28)() may serve alcoholic beverages for another licensee within the facility; provided, that the licensee selling the alcoholic beverages is exclusively liable for a violation of this chapter;

(vi) The prime licensee licensed under this subdivision (28)() may also serve wine, high gravity beer, beer in its original container, and spirit-based beverages in an original container that does not exceed three hundred seventy-five milliliters (375 ml) and alcohol content that does not exceed fifteen percent (15%) by volume. All other licensees shall use labeled cups and glassware, or place stickers identifying the licensee, which is reasonably designed to stay affixed to a container;

(vii) A facility licensed under this subdivision (28)() may operate under one (1) or more business names under the same license within the facility;

(viii) A facility licensed under this subdivision (28)() may grant franchises for the operation of a restaurant in the facility and such franchisees are deemed to be licensees under this subdivision (28)();

(ix) A facility licensed under this subdivision (28)() may seek an additional license as a caterer under § 57-4-102(6). Notwithstanding this chapter to the contrary, the prime licensee licensed under this subdivision (28)() shall have exclusive or non-exclusive rights to a commercial kitchen facility to qualify as a caterer under § 57-4-102(6), and the prime licensee may serve food prepared by the prime licensee or food prepared by one (1) or more other licensed entities in the facility for events catered by the prime licensee; and

(x) Notwithstanding chapter 5 of this title to the contrary, the prime licensee licensed under this subdivision (28)() does not have to sell food to be permitted for the on-premise sale of beer. One (1) or more permitted entities may operate within the facility, and the premises may overlap; provided, that each permittee shall designate the premises to be licensed by the beer board by filing a drawing of the premises, which may be amended by each permittee filing a new drawing and without a new application;

SECTION __. Tennessee Code Annotated, Section 57-4-101(a), is amended by adding the following new subdivision (23):

(23) Residential community, as defined in § 57-4-102, subject to the provisions of this chapter.

SECTION __. Tennessee Code Annotated, Section 57-4-102, is amended by adding the following as a new subdivision:

()

(A) "Residential community" means a facility:

(i) With one (1) or more structures having thirty (30) or more residential dwelling units;

(ii) Located in a special historic district; and

(iii) Located in a county with a metropolitan form of government having a population of not less than six hundred thousand (600,000), according to the 2020 federal census or a subsequent federal census.

(B) A facility licensed under this subdivision () is subject to the fee prescribed under § 57-4-301(b)(1)(A).

(C) A facility licensed under this subdivision () is not required to prepare or serve food or have a kitchen or dining room.

(D) The licensed premises may include exterior patios, gardens, lawns, swimming pools, and other recreation and entertainment areas throughout the facility.

(E) The facility may be open to the public or may limit admission to residents and their guests of the facility.

SECTION __. Tennessee Code Annotated, Section 57-4-102(31), is amended by adding the following new subdivision:

()

(i) "Restaurant" also means a commercially operated facility that is located within a special historic district, as defined in § 57-4-102(33)(B); and

(ii) A restaurant licensed under this subdivision (31)() may grant a franchise for the operation of a restaurant in the facility and such franchisees are deemed to be licensees under this subdivision (31)(). A franchisee may also seek a license as a caterer under § 57-4-102(6).

SECTION __. Tennessee Code Annotated, Section 57-4-102(33), is amended by designating the existing subdivision as subdivision (33)(A) and by adding the following new subdivision (33)(B):

(B)

(i) "Special historic district" also means an area with specific boundaries that possesses the following characteristics:

(a) Is a contiguous area of lots intersected by a standard gauge commercial railway that consists of:

(1) Lots located north of Merrit Avenue, bounded by Pillow Street to the east and Martin Street to the west, and Chestnut Street and a standard gauge commercial railway to the north;

(2) Lots north of Chestnut Street, bounded by a standard gauge commercial railway to the east and a commercial train railyard to the northwest and north;

(3) Lots north of Chestnut Street, bounded by Fourth Avenue South to the east, a standard gauge commercial railway to the west, and the oldest continuously operating public cemetery in the largest city in the county to the north; and

(4) A lot located east of Pillow Street, bounded by Alley 189 to the south, Alley 1820 to the east, and a standard gauge commercial railway to the north; and

(b) Is located in a county with a metropolitan form of government having a population of not less than six hundred thousand (600,000), according to the 2020 federal census or a subsequent federal census;
and

(ii) The parent company that owns the property within the special historic district shall designate the premises of the special historic district by filing a drawing of the premises with the commission, which may be amended from time to time by the parent company filing a new drawing with the commission;

Amendment No. _____

Yusef Hakeem
Signature of Sponsor

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

AMEND Senate Bill No. 293

House Bill No. 191*

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

SECTION ___. Tennessee Code Annotated, Section 57-4-102(40), is amended by adding the following as a new subdivision:

() "Urban park center" also means a facility having the following characteristics:

- (i) Was built on the site of a historic railroad station that was originally constructed in 1909 in a county having a population of not less than three hundred sixty-six thousand two hundred (366,200) and not more than three hundred sixty-six thousand three hundred (366,300), according to the 2020 or a subsequent federal census;
- (ii) Contains twenty-thousand square feet (20,000 sq. ft) with a total capacity for over one thousand eight hundred (1,800) patrons; and
- (iii) Holds concerts, corporate events, weddings, fundraisers, and similar events;




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Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 293

House Bill No. 191*

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

SECTION __. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following new subdivision:

() "Corporation," unless the context otherwise requires, includes an incorporated city that is the county seat of a tourist resort county, as that term is defined in § 42-1-301, only for the purposes of obtaining a license permitting consumption of alcoholic beverages on the premises or obtaining a beer permit;

SECTION __. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following new subdivision:

(i) A municipality that:

(a) Is the county seat of a tourist resort county, as defined in § 42-1-301;

(b) Owns and operates a thirty-six-hole golf course at which at least forty-five thousand (45,000) rounds are played each year; and

(c) Owns and operates a restaurant;

(ii) The premises of a municipality designated under this subdivision (28)() means, for purposes of consumption of alcoholic beverages on the premises, those facilities identified under subdivision (28)() (i)(b) and (c). The entire designated premises is covered under one (1) license issued under this subdivision (28)(); and

(iii) Notwithstanding chapter 5 of this title to the contrary, a municipality licensed under this subdivision (28)() may obtain a beer permit. The premises of a municipality



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licensed under this subdivision (28)() means, for beer permitting purposes, those facilities identified under subdivision (28)()*(b)* and *(c)*. The entire designated premises is covered under one (1) beer permit issued under chapter 5 of this title;

Amendment No. _____


Signature of Sponsor

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

AMEND Senate Bill No. 635

House Bill No. 595*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-2-213(a), is amended by deleting the subsection and substituting:

(a) A local board of education member that is elected, or appointed to fill a vacancy, under this chapter may be removed from office by the registered voters of the county if the member:

- (1) Is convicted of a felony;
- (2) Has violated the member's oath of office;
- (3) Has neglected to perform the member's duties as prescribed by state

law;

(4) Has willfully misused, misappropriated, or converted without authority, public property or public funds entrusted to, or associated with, the local board of education to which the member has been elected or appointed; or

- (5) Is physically or mentally unfit to hold office.

SECTION 2. Tennessee Code Annotated, Section 49-2-213(e), is amended by deleting the subsection.

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

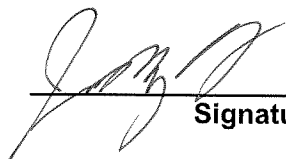


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Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 293

House Bill No. 191*

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

SECTION __. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following as a new subdivision:

() A commercially operated facility that:

(i) Was established in 2014 and contains two thousand four hundred square feet (2,400 sq. ft.); and

(ii) Contains a market, gas pumps, and sandwich shop and is located on U.S. highway 321 approximately one thousand feet (1,000') from the boundary of the Great Smoky Mountains National Park in a county having a population of not less than thirty-five thousand nine hundred (35,900) and not more than thirty-six thousand (36,000), according to the 2020 or a subsequent federal census;



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Amendment No. _____



Signature of Sponsor

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Date _____
Time _____
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Comm. Amdt. _____

AMEND Senate Bill No. 293

House Bill No. 191*

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

SECTION __. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following as a new subdivision:

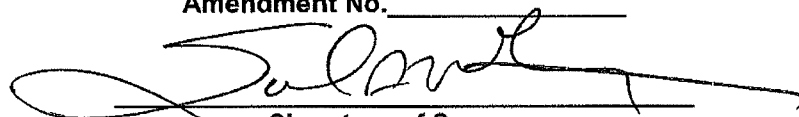
- () A commercially operated restaurant that:
 - (i) Was established in 2022 on at least one (1) acre in a building constructed in 1970 and specializes in pizza;
 - (ii) Contains at least two thousand five hundred square feet (2,500 sq. ft.) and has indoor and outdoor covered seating for at least forty (40) patrons; and
 - (iii) Is located less than one hundred feet (100') from the intersection of State Highway 107 and Blue Mill Road in a county having a population of not less than thirty-five thousand nine hundred (35,900) and not more than thirty-six thousand (36,000), according to the 2020 or a subsequent federal census;



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Amendment No. _____

Signature of Sponsor

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 160*

House Bill No. 183

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 2-10-105, is amended by adding the following language at the end of subsections (a) and (b):

The statement of expenditures by a political campaign committee must consist of all amounts paid by the political campaign committee from received contributions.

SECTION 2. Tennessee Code Annotated, Section 2-10-106(b)(1), is amended by deleting the subdivision and substituting:

(1) A candidate who complies with § 2-10-105(a) and (b), as applicable, and § 2-10-131(a), shall ensure that:

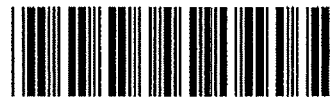
(A) All funds in a campaign account remain separate and segregated at all times from other funds, including from personal funds and the funds of a political campaign committee controlled, either directly or constructively, by the candidate; and

(B) All credit transactions incurred on behalf of the candidate's campaign activities or officeholder activities are separate and segregated at all times from other credit transactions incurred on behalf of the candidate personally; the candidate's business, if any; the candidate's non-campaign or non-officeholder related activity; or the activity of a political campaign committee controlled, either directly or constructively, by the candidate.

SECTION 3. Tennessee Code Annotated, Section 2-10-106(b)(3), is amended by deleting the subdivision and substituting:



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(3) A candidate found to be in violation of subdivision (b)(1) commits a Class 2 offense.

SECTION 4. Tennessee Code Annotated, Section 2-10-108, is amended by deleting subsections (b) and (c) and substituting:

(b)

(1) All sworn complaints on a report of a candidate for state public office, a political campaign committee contributing to a candidate for state public office, or a political campaign committee registered with the registry of election finance must be filed in the office of the registry of election finance. The registry shall conduct a preliminary review to determine if the complaint is factually and legally sufficient. If the complaint is not factually and legally sufficient, then the registry shall dismiss the complaint and notify the complainant. If the registry determines the complaint is factually and legally sufficient, then the registry may refer the complaint to the office of the attorney general and reporter, who shall conduct a preliminary investigation and report the findings of the investigation in writing to the registry. Alternatively, if the registry determines that the complaint is factually and legally sufficient and that the circumstances are appropriate, then the registry may order the registry's staff to conduct an investigative audit of the alleged violator's campaign finance disclosure reports. In such instances, the alleged violator is obligated to produce all documentation required to be maintained by § 2-10-105(f) and to comply in good faith and with total candor with all requests for documentation or clarification properly requested by the registry's auditor or counsel.

(2) Once either the attorney general's investigation or the audit is complete, the registry shall set the complaint for a show cause hearing to determine if the registry should take action regarding the complaint, including, but not limited to, assessing civil penalties pursuant to § 2-10-110. Both the alleged

violator and the complainant are entitled, upon request, to present evidence before the registry at or prior to the show cause hearing. The registry must have notice that evidence will be presented to the registry personally served upon, sent by return receipt requested mail, or sent by electronic mail to the alleged violator and the complainant.

(3) The registry may determine the appropriate procedure for the presentation of evidence. After the conclusion of the show cause hearing, the registry shall reduce its decision to writing and provide a written statement of the registry's decision to all parties.

(c) All sworn complaints on a report of a candidate for local public office, a political campaign committee contributing to a candidate for local public office, or a political campaign committee registered with a local election commission must be filed in the office of the district attorney general who represents the judicial district in which the voter resides.

SECTION 5. Tennessee Code Annotated, Section 2-10-109(b), is amended by deleting the subsection and substituting:

(b)

(1) A district attorney shall:

(A) Investigate a sworn complaint filed in accordance with § 2-10-108(c); and

(B) Upon review and the completion of the investigation of a complaint, refer its investigative report containing findings of potential violations, if any, to the registry for consideration of the assessment of civil penalties pursuant to § 2-10-110.

(2) The registry may, upon review of an investigative report received from a district attorney general under subdivision (b)(1)(B), dismiss the complaint if the complaint is not factually and legally sufficient. The registry shall notify the

complainant of the dismissal. If the registry determines the complaint is factually and legally sufficient, then the registry may set the complaint for a show cause hearing to determine if the registry should take action regarding the complaint, including, but not limited to, assessing civil penalties pursuant to § 2-10-110.

(3) Both the alleged violator and the complainant may, upon request, present evidence before the registry at or prior to the show cause hearing. The registry shall notify the alleged violator and the complainant that evidence will be presented to the registry if requested. The registry may determine the appropriate procedure for presenting evidence. After the conclusion of the show cause hearing, the registry shall reduce its decision to writing and provide a written statement of the registry's decision to all parties.

SECTION 6. Tennessee Code Annotated, Section 2-10-110(a)(2)(B), is amended by adding the following language to the end of the subdivision:

In a contested case proceeding, the candidate or political campaign committee bears the burden of proof to establish that the candidate or committee's conduct, or submitted reports, complied with this part.

SECTION 7. Tennessee Code Annotated, Section 2-10-114, is amended by inserting the following language as a new subsection:

(g)

(1) Transfers of funds or assets from a candidate's campaign account or a political campaign committee controlled by a candidate for a federal election to a candidate's campaign account or a political campaign committee of or for such candidate in an election for a state or local public office in this state are prohibited.

(2) Transfers of excess funds or assets from a candidate's political campaign committee or campaign account for election to a local public office to a

political campaign committee or campaign account of or for such candidate in an election to the general assembly or governor in this state are prohibited.

SECTION 8. Tennessee Code Annotated, Title 2, Chapter 10, is amended by deleting §§ 2-10-119 and 2-10-310(c) in their entirety.

SECTION 9. Tennessee Code Annotated, Section 2-10-206(a)(6), is amended by deleting the language "January 15" and substituting instead "July 1".

SECTION 10. Tennessee Code Annotated, Section 2-10-302, is amended by adding the following new subsections:

(e)

(1) A candidate for state or local public office, or an elected state or local public office holder, shall not accept a contribution with respect to an election in excess of the loans and obligations outstanding from such election after the close of the reporting period following the date of the election, not including the reporting period in which the election occurs. A successful candidate for state or local public office who reports no outstanding loans or obligations may continue to accept contributions for the purpose of defraying officeholder expenses until the close of the reporting period following the date of the election, not including the reporting period in which the election occurs.

(2) Beginning with the reporting period following the date of the election, not including the reporting period in which the election occurs, a candidate for state or local public office reporting an unexpended balance or an outstanding loan or obligation who has not affirmatively created a new campaign account for the next election shall, in addition to the reporting requirements established by §§ 2-10-105 and 2-10-107, file a complete copy of the candidate's campaign account banking statements corresponding to the full term of the reporting period with the registry or local election commission, as applicable. Such banking statements must continue to be filed by the candidate for each required reporting

period until such time as the candidate no longer possesses an unexpended balance of funds or an outstanding loan or obligation, or until such time as the candidate transfers such funds, loans, or obligations to another campaign fund for a subsequent election pursuant to § 2-10-114(a)(1), whichever occurs earlier. A failure to file the required banking statements is a Class 2 offense as defined by § 2-10-110(a)(2).

(3) This subsection (e) does not:

(A) Prevent a candidate who is a candidate in the general election from paying primary election loans and obligations with funds that represent contributions made with respect to the general election; or

(B) Prevent a candidate who is a candidate in a run-off election from paying loans and obligations with respect to the previous election with funds that represent contributions made with respect to the runoff election.

(f)

(1) Contributions received by a candidate must be attributed to the appropriate election, and reported accordingly, in accordance with the following criteria:

(A) In the case of a contribution designated in writing by the contributor for a particular election, the election so designated; and

(B) In the case of a contribution not designated in writing by the contributor for a particular election, the next election after the contribution is made.

(2) A contribution designated in writing for a particular election, but made after that election, must be made only to the extent that the contribution does not exceed the contribution limits from such election. To the extent that such contribution exceeds the contribution limits from such election, the candidate

shall either return the contribution to the contributor or obtain written authorization from the contributor to redesignate the contribution to another election within sixty (60) calendar days of the receipt of the contribution.

(g)

(1) A contribution made by more than one (1) person, except for a contribution made by a partnership, must include the signature of each contributor on the check, money order, or other negotiable instrument or in a separate writing. If a contribution made by more than one (1) person does not indicate the amount to be attributed to each contributor, the contribution is deemed to be attributed equally to each contributor.

(2) The limitations on contributions in this section apply separately to contributions made by spouses, even if only one (1) spouse has income; provided, that each spouse signs the check, money order, or other negotiable instrument or the separate contributions are designated in writing by the contributing spouses as being independent contributions. Contributions made from an account shared by spouses, regardless of the type of account, must be presumed to be made by the individual authorizing the contribution alone, absent the written designation of independent contributions.

(h) The limitations of this section apply separately with respect to each election.

An election in which a candidate is unopposed is a separate election for the purposes of the limitations on contributions in this section.

SECTION 11. Tennessee Code Annotated, Section 2-10-308, is amended by deleting subsections (c) and (e) and substituting instead:

(c) To request a waiver, reduction, or to contest a penalty imposed by the registry of election finance pursuant to this part, a person or political campaign committee shall file a petition with the registry of election finance. Such petition may be considered as a contested case proceeding under the Uniform Administrative

Procedures Act, compiled in title 4, chapter 5. In any such contested case proceeding, the person or political campaign committee bears the burden of proof to establish that the person or committee's conduct complied with this part.

(e) If a civil penalty lawfully assessed and all lawfully assessed costs attendant to the penalty against a political campaign committee are not paid within thirty (30) calendar days after the assessment becomes final:

(1) The political campaign committee owing the civil penalty shall not receive contributions; make expenditures to support or oppose candidates; or make expenditures to other political campaign committees. The treasurer and officers of such delinquent political campaign committee shall not create another political campaign committee or serve as a treasurer or an officer for another political campaign committee until such penalty and all costs attendant to the penalty are paid in full; and

(2) The treasurer and the officers of the political campaign committee listed on the forms on file with the registry pursuant to § 2-10-105(e) at the time the conduct that gave rise to the civil penalty occurred are ineligible to qualify for election to a state or local public office until the penalty is paid.

SECTION 12. Tennessee Code Annotated, Section 2-10-121, is amended by deleting the section in its entirety.

SECTION 13.

(a) For purposes of promulgating rules and carrying out administrative duties necessary to effectuate this act, Sections 1, 9, and 10 take effect upon becoming a law, the public welfare requiring it. Sections 1, 9, and 10 take effect on January 1, 2024, for all other purposes, the public welfare requiring it.

(b) Sections 2-8, 11, and 12 take effect upon becoming a law, the public welfare requiring it.

Amendment No. _____

[Handwritten Signature]

Signature of Sponsor

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

AMEND Senate Bill No. 176

House Bill No. 169*

by deleting all language after the enacting clause and substituting:

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

(4)

(A) Notwithstanding another law to the contrary, if a municipal charter provides for property rights voting, the members of a limited liability company chartered in this state that own property in the municipality are entitled to vote; provided, that:

(i) Only two (2) members may vote based upon the ownership of an individual tract of property regardless of the number of members of the limited liability company;

(ii) The individuals voting are residents of this state; and

(iii) The individuals voting shall not vote more than once in the municipal election.

(B) Subdivision (a)(4)(A) does not apply to a home rule municipality that is the county seat of a tourist resort county, as defined in § 42-1-301.

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



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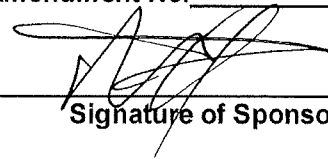
House Finance, Ways, and Means Subcommittee

Amendment Packet

March 1, 2023

sub 2/22

Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 328

House Bill No. 144*

by inserting the following new section immediately preceding the effective date section and renumbering the effective date section accordingly:

SECTION __. Tennessee Code Annotated, Section 55-10-402(d), is amended by adding the following as a new subdivision:

(3) Notwithstanding this part to the contrary, a person violating § 55-10-401, upon conviction for a third or subsequent offense, shall pay all costs associated with an ignition interlock device, transdermal monitoring device, global positioning monitoring system, or any other monitoring device and is not eligible for electronic monitoring indigency fund assistance under this part, regardless of whether the person is indigent.



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Amendment No. _____

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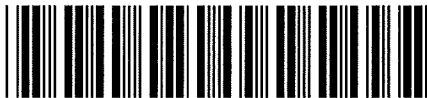
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Comm. Amdt. _____

AMEND Senate Bill No. 238

House Bill No. 54*

by deleting the word "compliant" in SECTION 16 and substituting instead the word "complaint".

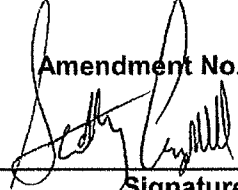


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AMEND Senate Bill No. 1383

House Bill No. 955*

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

SECTION 1. Tennessee Code Annotated, Title 67, Chapter 6, Part 2, is amended by adding the following as a new section:

67-6-218.

Notwithstanding this part to the contrary, the tax levied pursuant to this part on the retail sale of non-exempt dyed diesel fuel is levied only on the first three dollars and eighty six cents (\$3.86) of each gallon sold. The cap specified by this section must be adjusted proportionally to account for fractional amounts sold.

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



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Amendment No. _____

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Signature of Sponsor

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Clerk _____
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AMEND Senate Bill No. 1337

House Bill No. 87*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 66-19-103(b), is amended by deleting the subsection and substituting instead:

(b) As used in this section:

(1) "Garagekeeper" means an operator of a parking place or establishment, motor vehicle storage facility, or establishment for the servicing, repair, or maintenance of vehicles; and

(2) "Rental vehicle company" means a person or entity, or a subsidiary or affiliate of the person or entity, including a franchisee, in the business of renting vehicles to the public.

SECTION 2. Tennessee Code Annotated, Section 66-19-103, is amended by deleting "rental company" in subdivisions (a)(1)(B) and (a)(3) and substituting instead "rental vehicle company".

SECTION 3. Tennessee Code Annotated, Section 66-19-103(c), is amended by deleting the subsection and substituting instead:

(c) A person, firm, or entity shall not have a right to a lien on a vehicle that has been towed in violation of title 55, chapter 16. If the owner of the vehicle is not present, then within fifteen (15) minutes of a person, firm, or entity towing the vehicle pursuant to this chapter, the person, firm, or entity shall notify local law enforcement of the vehicle identification number (VIN), registration information, license plate number, and description of the vehicle. A violation of this notification requirement by a person, firm, or



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entity is a Class A misdemeanor. Local law enforcement shall keep a record of that information, which must be available for public inspection.

SECTION 4. Tennessee Code Annotated, Section 55-16-105, is amended by:

(1) Deleting "notify by registered mail, return receipt requested," in subsection (a) and substituting instead "notify by registered mail, return receipt requested, or by overnight delivery using a nationally recognized carrier with proof of delivery,";

(2) Deleting "sent by registered or certified mail, return receipt requested," in subsection (b) and substituting instead "sent by registered or certified mail, return receipt requested, or by overnight delivery using a nationally recognized carrier with proof of delivery,";

(3) Deleting "by registered mail" in subsection (c) and substituting instead "by registered mail or overnight delivery"; and

(4) Deleting "by mail" in subdivision (g)(2) and substituting instead "by mail or overnight delivery".

SECTION 5. Tennessee Code Annotated, Section 55-16-105(f), is amended by deleting the first and second sentences and substituting instead:

If an employee of a public agency, a towing company contracting with a public agency, or a towing company authorized to tow by a private property owner or the private property owner's authorized agent, takes possession of a vehicle found abandoned, immobile, or unattended, then an employee of the agency shall verify ownership through the Tennessee Information Enforcement System (TIES) and shall place the ownership information on the towing sheet or form. The agency shall also provide the ownership information to a towing company or garagekeeper with whom the agency has a contract or to a towing company authorized to tow by a private property owner or private property owner's authorized agent, as applicable.

SECTION 6. Tennessee Code Annotated, Section 55-16-105(g)(1), is amended by deleting the subdivision and substituting instead:

(1) In addition to the notification requirements of subsection (a), a garagekeeper or towing firm, which has in its possession an abandoned, immobile, or unattended motor vehicle taken into custody by a police department or authorized by a private property owner or the private property owner's authorized agent to be towed, and in whose possession the vehicle was lawfully placed by the police department or authorized to be placed by a private property owner or the private property owner's authorized agent, shall, within three (3) business days after the motor vehicle is taken into its possession, verify ownership of the motor vehicle pursuant to subsection (f). The garagekeeper or towing firm shall, within three (3) business days after receiving verification of ownership, provide notice to the last known registered owner of the motor vehicle and all lienholders of record. The notification requirements included in subsection (a) apply to the notice required to be provided by a garagekeeper or towing firm pursuant to this subdivision (g)(1).

SECTION 7. Tennessee Code Annotated, Section 55-23-103(a), is amended by deleting the language "towing motor vehicles by wrecker or otherwise and the storing of these motor vehicles" and substituting instead the language "towing motor vehicles by wrecker or otherwise or the storing of these motor vehicles".

SECTION 8. Section 3 of this act takes effect July 1, 2023, the public welfare requiring it, and applies to vehicles towed or taken into storage on or after July 1, 2023. All remaining sections of this act take effect upon becoming a law, the public welfare requiring it, and apply to vehicles towed or taken into storage on or after such date.

Amendment No. _____


Signature of Sponsor

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Date _____
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Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 1281

House Bill No. 818*

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

SECTION 1. Tennessee Code Annotated, Section 55-8-151(c), is amended by deleting subdivisions (1)-(6), adding the following as new subdivisions, and renumbering the existing subdivisions (7)-(10) accordingly:

(1) A local education agency (LEA) may purchase, install, operate, and maintain cameras on the exterior of school buses, or may enter into a contract with a private vendor to purchase, install, operate, and maintain cameras on the exterior of school buses, whether owned, contracted, or leased by the LEA, and provide other services related to violations of subdivision (a)(1), on behalf of the LEA, for the purpose of recording images of motor vehicles that are in violation of subdivision (a)(1) for failing to stop upon approaching a school bus.

(2) An LEA that installs cameras on the exterior of school buses in accordance with subdivision (c)(1) shall enter into a memorandum of understanding with local law enforcement that includes, but is not limited to, the review of evidence from a camera and overall enforcement. Only POST-certified or state-commissioned law enforcement officers, including school resource officers, as defined in § 49-6-4202, are authorized to review evidence from a camera to determine whether a violation of subdivision (a)(1) has occurred.

(3)

(A) In lieu of prosecution for an offense under subdivision (a)(5)(B), where evidence of the offense is based solely from a camera that has been



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installed on the exterior of a school bus, a person may be issued a notice of violation or citation; however, this subdivision (c)(3)(A) does not preclude the state from prosecuting an offense under subdivision (a)(5)(B), where evidence of the offense is based solely from such camera if the state meets the burden of proof set out in § 39-11-201.

(B) A notice of violation or citation issued for a violation of subdivision (a)(1) that is based solely upon evidence from a camera that has been installed on the exterior of a school bus is considered a nonmoving traffic violation.

(C) The registered owner of the motor vehicle is responsible for payment of a notice of violation or citation; provided, that the owner is not responsible for the violation if the owner submits documentation in accordance with § 55-8-198(e).

(D) The fine for a first notice of violation or citation under this subdivision (c)(3) is two hundred fifty dollars (\$250), and the fine for a second or subsequent notice of violation or citation is five hundred dollars (\$500).

(4)

(A) Notices of violations or citations must be sent in accordance with § 55-8-198(b)(1) to the registered owner of the vehicle that was captured by the camera.

(B) Photographs or video produced by a camera that has been installed on the exterior of a school bus are prima facie evidence that the vehicle described in the citation was operated in violation of subdivision (a)(1). Photographs or video produced by a camera that has been installed on the exterior of a school bus, together with proof that the defendant was the registered owner of the vehicle at the time of the violation, create an inference that the owner of the vehicle was the driver of the vehicle at the time of the alleged

violation. The inference may be rebutted if the owner of the vehicle submits documentation in accordance with § 55-8-198(e).

(C) A citation based solely upon evidence obtained from a camera that has been installed on the exterior of a school bus is deemed invalid if the registration information of the motor vehicle for which the citation is issued is not consistent with the evidence recorded by the camera.

(5) For a violation of subdivision (a)(1), there is a presumption that the photographs or video produced by a camera that has been installed on the exterior of a school bus provide evidence that the school bus was stopped for the purpose of receiving or discharging school children.

(6) Photographs or video produced by a camera that has been installed on the exterior of a school bus depicting a violation of subdivision (a)(1) must be made available for inspection in any proceeding in which the citation or violation is being contested.

(7) The notice of violation or citation must include:

(A) The date, location, and time of the alleged violation;

(B) The amount of the fine being assessed;

(C) The means by which the owner may elect to shift responsibility for the payment of the citation to the operator of the vehicle at the time of the alleged violation pursuant to § 55-8-198(e); and

(D) Information detailing the process for contesting the citation, including the applicable court having jurisdiction.

(8)

(A) One hundred percent (100%) of the proceeds from any fine imposed under this section that is based solely upon evidence obtained from a camera installed on the exterior of a school bus must be allocated to the LEA without being designated for any particular purpose.

(B)

(i) The LEA may use the proceeds for the purpose of defraying the costs of purchasing, installing, operating, or maintaining the camera, or reimbursing or compensating the vendor with which the LEA contracted regarding the purchase, installation, operation, or maintenance of the camera, the provision of other services related to violations of subdivision (a)(1), or reimbursement to law enforcement for costs related to review and enforcement of violations of subsection (a)(1) allowable under the law.

(ii) If the LEA uses the proceeds for the purpose of reimbursing or compensating a vendor with which the LEA contracted regarding the purchase, installation, operation, or maintenance of the camera, or the provision of other services, then the LEA shall create procedures for such reimbursement or compensation and shall maintain records of the reimbursement or compensation.

SECTION 2. Tennessee Code Annotated, Section 55-8-151(a)(5), is amended by deleting the subdivision and substituting instead the following:

(A) It is a Class C misdemeanor for a person to fail to comply with any provision of this subsection (a) other than the requirement that a motor vehicle stop upon approaching a school bus.

(B) It is a Class A misdemeanor punishable only by a fine of not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000) for a person to fail to comply with the provision of this subsection (a) requiring a motor vehicle to stop upon approaching a school bus; except, that a second or subsequent violation of subdivision (a)(1) is a Class A misdemeanor punishable only by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000).

(C) A person who violates subdivision (a)(1) and strikes another person with a vehicle, commits a Class E felony; provided, that the person commits a Class C felony if the striking results in the death of the other person.

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it, and applies to all notices of violation and citations issued on or after July 1, 2023, and to contracts entered into, amended, or renewed on or after July 1, 2023.

Amendment No. _____
Sal P M Keyis

Signature of Sponsor

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Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 894

House Bill No. 929*

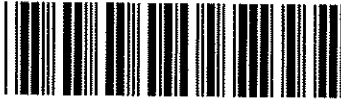
by deleting the language "or receiving foster care services" from the first sentence of the amendatory language of subsection (h) in SECTION 1.

AND FURTHER AMEND by deleting the language "or foster care" from the second sentence of the amendatory language of subsection (h) in SECTION 1.

AND FURTHER AMEND by deleting the language "July 1, 2023" in SECTION 2 and substituting instead the language "January 1, 2024".



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Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 1326

House Bill No. 1176*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 42-4-105(a)(1)(B), is amended by deleting the subdivision.

SECTION 2. Tennessee Code Annotated, Section 42-4-105(d)(1), is amended by deleting the subdivision and substituting instead the following:

(1) Notwithstanding this section to the contrary:

(A) The board of commissioners of the authority in a county having a metropolitan form of government with a population of more than five hundred thousand (500,000), according to the 2020 federal census or a subsequent federal census, is vacated and reconstituted to consist of ten (10) commissioners as follows:

(i) Three (3) persons to be appointed by the speaker of the house of representatives;

(ii) Three (3) persons to be appointed by the speaker of the senate;

(iii) Three (3) persons to be appointed by the governor; and

(iv) The mayor of the county having the metropolitan form of government or the mayor's designee, who serves as an ex officio, nonvoting commissioner;

(B) Persons appointed to the board must:



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(i) Be residents of the county having the metropolitan form of government; and

(ii) Have no financial interest in an airport or its concessions at the time of the commissioner's appointment and during the commissioner's tenure on the board;

(C) In order to stagger the terms of the newly appointed board, initial appointments are made as follows:

(i) Commissioners appointed under subdivision (d)(1)(A)(iii) serve initial terms that expire on June 30, 2025;

(ii) Commissioners appointed under subdivision (d)(1)(A)(i) serve initial terms that expire on June 30, 2026; and

(iii) Commissioners appointed under subdivision (d)(1)(A)(ii) serve initial terms that expire on June 30, 2027;

(D) Following the expiration of a commissioner's initial term, as prescribed in subdivision (d)(1)(C), all terms are four (4) years, to begin on July 1 and terminate on June 30, four (4) years thereafter;

(E) In making the appointments to the board, the appointing authorities shall strive to ensure that:

(i) The membership is representative of the geographic and demographic composition of the county or state;

(ii) At least one (1) commissioner is a female; and

(iii) Another commissioner is of a racial minority;

(F) In making the appointments to the board, the appointing authorities shall ensure that each commissioner is generally a person of excellent character and reputation and a person in good standing and reputation in one (1) of the following fields:

(i) Engineering, with a license to practice in the state and an active practice in such profession for the preceding five (5) years;

(ii) Law, with a license to practice before the highest court in this state for a period of not less than five (5) years;

(iii) Industry or commerce; and

(iv) Finance;

(G) A commissioner:

(i) Serves in such capacity until the expiration of the term to which the commissioner was appointed and until the commissioner's successor is duly appointed and qualified; and

(ii) May be removed by the commissioner's appointing authority with or without cause. A vacancy created by the removal of a commissioner is filled by the appointing authority in the same manner as the original appointment;

(H) In addition to the reporting requirements under § 42-4-106(d) and (e), the authority shall submit quarterly reports or briefings of the activities, plans, and conditions of the authority, and any proposals for capital expansion or improvements to members of the legislative body of the creating municipality, the governor, the speaker of the house of representatives, and the speaker of the senate prior to the expansion or improvements; and

(I) The authority is subject to all other provisions of this chapter to the extent otherwise applicable, except as provided by this section.

SECTION 3. Tennessee Code Annotated, Section 42-4-102(a), is amended by adding the following language at the end of the subsection:

The acquisition of any land, or interest in land, pursuant to this chapter, the planning, acquisition, establishment, development, construction, improvement, maintenance, equipment, operation, regulation, and protection of airports, air navigation facilities, and

avigation easements, including the acquisition or elimination of airport hazards and the exercise of any other powers granted in this chapter to authorities are declared to be public and governmental functions, exercised for a public purpose, and matters of public necessity. All land and other property and privileges acquired and used by or on behalf of an authority in the manner and for the purposes enumerated in this chapter shall and are declared to be acquired and used for public and governmental purposes and as a matter of public necessity.

SECTION 4. Tennessee Code Annotated, Section 42-4-106(b), is amended by deleting the subsection and substituting instead the following:

(b) The president shall appoint, and the board shall confirm, the following additional officers: secretary, auditor, legal counsel, treasurer, and chief engineer.

Notwithstanding this section to the contrary, for a board of commissioners of the authority in a county having a metropolitan form of government with a population of more than five hundred thousand (500,000), according to the 2020 federal census or a subsequent federal census, the president shall appoint, and the board shall confirm, an independent financial auditing firm and the following additional officers: secretary, chief financial officer, general counsel, and chief operating officer.

SECTION 5. Tennessee Code Annotated, Section 42-4-106(d), is amended by adding the following language as a new subdivision (3):

The president shall submit the approved annual operating budget to the governor, the speaker of the house of representatives, and the speaker of the senate for review.

SECTION 6. Tennessee Code Annotated, Section 42-4-107(3), is amended by deleting the subdivision and substituting instead the following:

(3) Acquire real or personal property or an interest in real or personal property by gift, lease, or purchase, or for an authority in a county having a metropolitan form of government with a population of more than five hundred thousand (500,000), according

to the 2020 federal census or a subsequent federal census, by eminent domain proceedings, for any of the purposes provided by this chapter, including the elimination, prevention, or marking of airport hazards; sell, lease, or otherwise dispose of any such property; and acquire real property or any interest in real property in areas most affected by aircraft noise for the purpose of resale or lease, subject to restrictions limiting its use to industrial or other purposes least affected by aircraft noise;

SECTION 7. Tennessee Code Annotated, Section 42-4-107, is amended by adding the following as new subdivisions:

(20) Notwithstanding a general law or charter provision to the contrary, an authority in a county having a metropolitan form of government with a population of more than five hundred thousand (500,000), according to the 2020 federal census or a subsequent federal census, may regulate aircraft hazards, compatible land use, or other factors impacting the safe and efficient operation of the airport by submitting a map to the county or to an applicable contiguous county that requires the review and approval, conditional approval, or denial of building permits within the designated boundaries;

(21) Notwithstanding a general law or charter provision to the contrary, an authority in a county having a metropolitan form of government with a population of more than five hundred thousand (500,000), according to the 2020 federal census or a subsequent federal census, may construct, authorize, widen, narrow, relocate, vacate, change in the use, accept, acquire, sell, or lease any street or other public way, ground, place or space, or public utility whether publicly or privately owned, or any portion thereof; provided, that the authority owns all of the real property abutting the street or other public way, ground, place or space, or public utility, or owns all of the real property abutting the portions thereof that are to be constructed, authorized, widened, narrowed, relocated, vacated, changed in use, accepted, acquired, sold, or leased;

SECTION 8. Tennessee Code Annotated, Section 42-4-108, is amended by designating the existing language as subsection (a) and adding following as a new subsection (b):

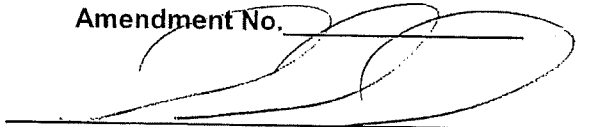
(b) Notwithstanding subsection (a) to the contrary, an authority in a county having a metropolitan form of government with a population of more than five hundred thousand (500,000), according to the 2020 federal census or a subsequent federal census, shall proceed in accordance with title 29, chapter 16, in the acquisition of property by eminent domain proceedings authorized by this chapter. For the purpose of making surveys and examinations relative to eminent domain proceedings, it is lawful for the authority to enter upon the land, doing no unnecessary damage. Notwithstanding another law to the contrary, an authority may take possession of any property to be acquired by eminent domain proceedings at any time after the commencement of the proceedings. The authority shall not be precluded from abandoning the proceedings in a case where possession of the property has not been taken, even after a trial jury in circuit court has rendered a verdict as to damages for the property taken and at any time prior to the entry of a final decree disposing of the entire eminent domain proceedings.

SECTION 9. Tennessee Code Annotated, Section 42-4-112, is amended by deleting the section and substituting instead the following:

This chapter shall not be construed to limit any power of a municipality to regulate airport hazards by zoning. Notwithstanding this section to the contrary, in a county having a metropolitan form of government with a population of more than five hundred thousand (500,000), according to the 2020 federal census or a subsequent federal census, airport hazards must be regulated pursuant to § 42-4-107(20).

SECTION 10. For purposes of appointing commissioners to the new airport authority board, 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. _____



Signature of Sponsor

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

AMEND Senate Bill No. 1413

House Bill No. 1353*

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

SECTION 1. Tennessee Code Annotated, Section 54-21-120, is amended by deleting the section and substituting instead the following:

A nonconforming outdoor advertising device that is destroyed is no longer permitted and must be removed, except when the outdoor advertising device is destroyed by:

- (1) Vandalism or some other criminal or tortious act; or
- (2) An act of God, including a storm, flood, earthquake, or other natural disaster.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it, and applies to acts occurring on or after January 1, 2023.



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Amendment No. _____

Signature of Sponsor

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

AMEND Senate Bill No. 925*

House Bill No. 1429

by deleting all language after the enacting clause and substituting:

SECTION 1. This act is known and may be cited as "Quinnlee's Law."

SECTION 2. Tennessee Code Annotated, Section 68-11-226(a), is amended by deleting the language "The board shall establish by rule that a provider of home medical equipment services that has a principal place of business outside this state shall maintain an office or place of business within this state."

SECTION 3. Tennessee Code Annotated, Section 68-11-226(a), is amended by designating the existing language as subdivision (a)(1) and adding the following as subdivision (a)(2):

(2) The board shall establish by rule that a provider of home medical equipment services that has a principal place of business outside this state shall identify a contact person who shall provide the state survey agency and its surveyors access to all survey-related material stored in either physical or electronic format upon demand. Such survey items may include, but are not limited to, personnel files, patient medical records, policies and procedures, data, background checks, abuse registry checks, facility reported incidents, litigation and bankruptcy history, current licensure status, copies of investigations, discipline records in any other state in which the provider is licensed, and video records or files if available.

SECTION 4. The Board for Licensing Health Care Facilities is authorized to promulgate rules to effectuate this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.



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SECTION 5. 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. 523*

House Bill No. 495

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 11, is amended by adding the following as a new part:

68-11-2201. This part is known and may be cited as the "Topical Medical Waste Reduction Act of 2023."

68-11-2202. The general assembly finds that this part is necessary for the immediate preservation of the public welfare, health, and safety.

68-11-2203. As used in this part:

(1) "Facility" means a hospital operating room, hospital emergency room department, or ambulatory surgical treatment center;

(2) "Facility-provided medication" means a topical antibiotic, anti-inflammatory, dilation, or glaucoma drop or ointment that a facility employee has on standby or that is retrieved from a dispensing system for a specified patient for use during a procedure or visit; and

(3) "Prescriber" means an individual authorized by law to prescribe drugs.

68-11-2204. If a facility-provided medication is ordered at least twenty-four (24) hours in advance for surgical procedures and is administered to a patient at the facility, then an unused portion of the facility-provided medication may be offered to the patient upon discharge when it is required for continuing treatment.



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68-11-2205. A facility-provided medication must be labeled consistent with labeling requirements under the Tennessee Pharmacy Practice Act of 1996, compiled in title 63, chapter 10, parts 2-5.

68-11-2206. If a facility-provided medication is used in an operating room or emergency department setting, then the prescriber shall counsel the patient on its proper use and administration and the requirement of pharmacist counseling is waived.

SECTION 2. 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. 523*

House Bill No. 495

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 11, is amended by adding the following as a new part:

68-11-2201. This part is known and may be cited as the "Topical Medical Waste Reduction Act of 2023."

68-11-2202. The general assembly finds that this part is necessary for the immediate preservation of the public welfare, health, and safety.

68-11-2203. As used in this part:

(1) "Facility" means a hospital operating room or hospital emergency room department;

(2) "Facility-provided medication" means a topical antibiotic, anti-inflammatory, dilation, or glaucoma drop or ointment that a facility employee has on standby or that is retrieved from a dispensing system for a specified patient for use during a procedure or visit; and

(3) "Prescriber" means an individual authorized by law to prescribe drugs.

68-11-2204. If a facility-provided medication is ordered at least twenty-four (24) hours in advance for surgical procedures and is administered to a patient at the facility, then an unused portion of the facility-provided medication may be offered to the patient upon discharge when it is required for continuing treatment.



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68-11-2205. A facility-provided medication must be labeled consistent with labeling requirements under the Tennessee Pharmacy Practice Act of 1996, compiled in title 63, chapter 10, parts 2-5.

68-11-2206. If a facility-provided medication is used in an operating room or emergency department setting, then the prescriber shall counsel the patient on its proper use and administration and the requirement of pharmacist counseling is waived.

SECTION 2. 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
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 392*

House Bill No. 575

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

SECTION 1. Tennessee Code Annotated, Section 63-6-233, is amended by adding the following as a new subsection:

(c)

(1) In establishing continuing medical educational requirements pursuant to subsection (b), the board of medical examiners shall consider including a course in maternal mental health, which may address the following:

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

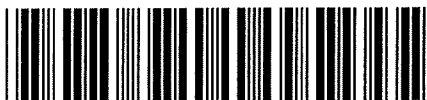
(B) The range of maternal mental health disorders;

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

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

(2) The board shall periodically update any curriculum developed pursuant to this subsection (c) to account for new research.

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):



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(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 may 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.

SECTION 3. 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. 953

House Bill No. 690*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 63-11-208(d)(1)(A), is amended by deleting "of no less than one thousand nine hundred (1,900) hours in psychology".

SECTION 2. Tennessee Code Annotated, Section 63-11-208, is amended by adding the following as a new subsection:

(f)

(1) Notwithstanding subsection (d), the board may designate as a health service provider, a person who has held a valid license or certificate in another state to practice psychology for at least ten (10) years within the last fifteen (15) years preceding the date of application and whose previous license or certification:

(A) Required training that is generally equivalent to the following licensing standards in this chapter:

(i) A doctoral degree in psychology;

(ii) One (1) year of internship in an organized integrated training program at a site delivering health services; and

(iii) One (1) year of postdoctoral training delivering health services;

(B) Has never been the subject of disciplinary action; and

(C) Allowed the licensee to engage in practice as a health service provider in psychology in the other state.



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(2) In order to effectuate the purposes of subdivision (f)(1), the board is authorized to promulgate emergency rules pursuant to § 4-5-208(a)(5). The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 3. For the purpose of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect January 1, 2024, the public welfare requiring it.

House Health Subcommittee Am. #1

Amendment No. _____

Signature of Sponsor

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

AMEND Senate Bill No. 614*

House Bill No. 1313

by deleting all language after the enacting clause and substituting:

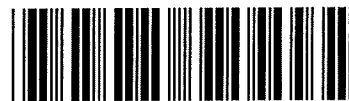
SECTION 1. Tennessee Code Annotated, Section 68-1-1903, is amended by deleting subsection (b) and substituting:

(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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Amendment No. _____

Signature of Sponsor

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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

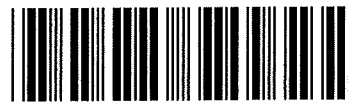
(v)

(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 previsible preeclampsia, previsible placenta accrete spectrum, cesarean scar ectopic pregnancy, inevitable abortion, or previsible 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.

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

Amendment No. _____

Cotton Hutton-Haynes

 Signature of Sponsor

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 at a licensed hospital or ambulatory surgical treatment center, as those terms are defined in § 68-11-201, 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 a medical emergency; and



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(b) If the child is deemed to be viable or can reach viability, the physician provides the best opportunity for the child to survive, unless in the physician's reasonable medical judgement compliance with this subdivision (a)(2)(B)(v)(b) would cause the death of the pregnant woman or create 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 reasonable medical judgment, is incompatible with life outside the womb and for which medical intervention would be futile;

(6) "Medical emergency" means an acute or impending medical condition that, in the physician's reasonable medical judgment, is such that the failure to perform a termination of a pregnancy of a woman known to be pregnant would result in the death of the pregnant woman or create a serious risk of the substantial and irreversible impairment of a major bodily function of the pregnant woman;

(7) "Medically futile pregnancy" means a pregnancy that, in the physician's reasonable medical judgment, will not develop further without medical intervention and involves an unborn child who will not survive outside the womb despite any medical intervention;

(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 reasonable 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 previsible preeclampsia, previsible placenta accrete spectrum, cesarean scar ectopic pregnancy, inevitable abortion, or previsible 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;

(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; and

(12) "Viable" and "viability" mean that stage of fetal development when the unborn child is capable of sustained survival outside of the womb, with or without medical assistance.

(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 a reasonable manner 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 a reasonable manner 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 pregnant woman that, in the physician's reasonable 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 reasonable 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 reasonable 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)

(1) 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.

(2)

(A) The department of health shall collect the records and reports submitted pursuant to this section and report quarterly the number of abortions performed in this state to the governor, the speaker of the senate, the speaker of the house of representatives, and the chairs of the health and welfare committee of the senate and the health committee of the house of representatives no later than January 1, April 1, July 1, and October 1 of each year.

(B) Any cost associated with implementing this subdivision (e)(2) must be provided from within existing resources of the department of health.

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 must 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:

(b) 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 otherwise permitted by § 39-15-201(a)(2)(B), 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 indicted of an offense under § 39-15-201 may seek a declaratory order 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:

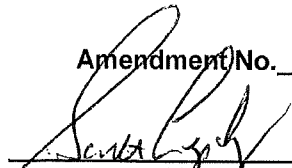
For purposes of this section, "abortion" has the same meaning as "criminal abortion" as defined in § 39-15-201.

SECTION 16. Tennessee Code Annotated, Section 71-5-157(c), is amended by deleting the subsection and substituting instead:

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

SECTION 17. Tennessee Code Annotated, Section 71-5-157, is amended by deleting the word "elective" wherever it may appear and substituting instead the word "criminal".

SECTION 18. 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. 820*

House Bill No. 1206

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 5-1-118, is amended by adding the following as a new subsection:

() In addition to the powers granted to counties pursuant to subsection (a), a county may, by adoption of a resolution by a two-thirds (2/3) vote of their respective legislative bodies at two (2) consecutive, regularly scheduled meetings, impose a fee on the development of residential property to defray the cost of providing and expanding school, law enforcement, fire, and emergency medical facilities and building or improving public utility facilities and county roads to meet the needs of the citizens of the county as a result of population growth.

SECTION 2. Tennessee Code Annotated, Section 6-19-101, is amended by deleting subdivisions (a)(14) and (15) and substituting instead:

(14) Prescribe reasonable regulations regarding the construction, maintenance, equipment, operation, and service of public utilities, compel reasonable extensions of facilities for these services, and assess fees for the use of or impact upon these services. Nothing in this subdivision (14) permits the alteration or impairment of the terms or provisions of an exclusive franchise granted or of an exclusive contract entered into under subdivisions (12) or (13);

(15) Establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle, and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, public facilities,



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libraries and squares, wharves, bridges, viaducts, subways, tunnels, sewers, and drains within or without the corporate limits, regulate their use within the corporate limits, assess fees for the use of or impact upon such property and facilities, and take and appropriate property therefor under §§ 7-31-107 — 7-31-111 and 29-16-203, or another manner provided by general laws;

SECTION 3. Tennessee Code Annotated, Title 6, Chapter 54, Part 1, is amended by adding the following as a new section:

Notwithstanding another law or a charter provision to the contrary, the governing body of a municipality may:

(1) Prescribe reasonable regulations regarding the construction, maintenance, equipment, operation, and service of public utilities, compel reasonable extensions of facilities for these services, and assess fees for the use of or impact upon these services. Nothing in this subdivision (1) permits the alteration or impairment of the terms or provisions of an exclusive franchise granted or of an exclusive contract entered into with a person, firm, association, or corporation for public utilities and public services to be furnished to the municipality and those in the municipality; and

(2) Establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle, and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, public facilities, libraries and squares, wharves, bridges, viaducts, subways, tunnels, sewers, and drains within or without the corporate limits, regulate their use within the corporate limits, and assess fees for the use of or impact upon such property and facilities.

SECTION 4. Tennessee Code Annotated, Section 67-4-2901, is amended by deleting the section and substituting instead:

This part is known and may be cited as the "Property Taxpayer Protection Act."

SECTION 5. Tennessee Code Annotated, Section 67-4-2902, is amended by deleting the section and substituting instead:

The purpose of this part is to authorize local governments to levy a privilege tax on persons and entities engaged in the residential development of property, in order to provide a local government with an adequate source of funding to defray the cost of providing and expanding facilities for schools, law enforcement, fire, and emergency medical services to meet the needs of the citizens of the local government as a result of population growth.

SECTION 6. Tennessee Code Annotated, Section 67-4-2903, is amended by deleting subdivision (5) and by adding the following as new subdivisions:

() "Development tax" means a tax on new residential development as provided in this part;

() "Local government" means a county or municipal government;

() "Municipal government" means an incorporated city or town;

SECTION 7. Tennessee Code Annotated, Section 67-4-2903, is amended by deleting subdivision (9) and substituting instead:

(9) "Governing body" means the legislative body of a county or municipal government;

SECTION 8. Tennessee Code Annotated, Section 67-4-2904, is amended by deleting the language "county" wherever it appears and substituting instead "local government" and by deleting the language "county legislative body" and substituting instead "governing body".

SECTION 9. Tennessee Code Annotated, Section 67-4-2905, is amended by deleting the language "county".

SECTION 10. Tennessee Code Annotated, Section 67-4-2907, is amended by deleting the section.

SECTION 11. Tennessee Code Annotated, Section 67-4-2908, is amended by deleting the language "county legislative body" and substituting instead "governing body" and by deleting the language "county" wherever it appears and substituting instead "local government".

SECTION 12. Tennessee Code Annotated, Section 67-4-2910, is amended by deleting the language "county school facilities privilege tax" in subdivision (a)(1) and substituting instead "development tax"; deleting the language "county's school facilities privilege tax" in subdivision (a)(1) and substituting instead "development tax"; deleting the language "county" in subdivision (a)(4); deleting the language "county trustee" in subdivision (a)(5) and substituting instead "trustee or tax collector of the local government"; deleting the language "county's" in subdivision (b)(1) and substituting instead "local government's"; deleting "county trustee" in subdivision (b)(1) and substituting instead "trustee or tax collector of the local government"; and deleting the language "school facilities taxes" in subdivision (b)(2) and substituting instead "development taxes".

SECTION 13. Tennessee Code Annotated, Section 67-4-2911, is amended by deleting the section and substituting instead:

The taxes collected pursuant to this part must be remitted by the collector to the local government trustee, who shall place the tax proceeds in the fund or funds designated by the governing body, but the tax proceeds must be used exclusively for the purpose of funding capital expenditures, including the retirement of bonded indebtedness, for providing and expanding facilities for schools, libraries, government buildings, sanitation landfills, public utilities, roads and bridges, parks and recreation, law enforcement, fire, emergency medical services, and any other capital expenditure used to meet the needs of the citizens of the local government as a result of population growth.

SECTION 14. Tennessee Code Annotated, Section 67-4-2912, is amended by deleting the language "county or metropolitan" and substituting instead "local".

SECTION 15. Tennessee Code Annotated, Section 67-4-2913, is amended by deleting the section and substituting instead:

After June 20, 2006, a local government shall not enact a local real estate transfer tax by private or public act. In addition, this part is the exclusive authority for local governments to adopt new or additional adequate facilities taxes on development. However, this part does not prevent a local government from exercising its authority to levy or collect similar development taxes or impact fees granted by a private act that was in effect prior to June 20, 2006, or from revising the amount or dedicated use and purpose of a tax on new development. A local government levying a development tax or impact fee by private act on or before June 20, 2006, shall not use the authority provided in this part so long as the private act is in effect.

SECTION 16. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. _____
Kenn Rapier
Signature of Sponsor

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

AMEND Senate Bill No. 207

House Bill No. 254*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 67-5-702, is amended by deleting the language "twenty-seven thousand dollars (\$27,000)" wherever it appears and substituting instead the language "forty thousand dollars (\$40,000)".

SECTION 2. Tennessee Code Annotated, Section 67-5-702(a)(2), is amended by deleting the language "tax year 2007" and substituting instead the language "tax year 2024".

SECTION 3. Tennessee Code Annotated, Section 67-5-702(a)(3)(B), is amended by deleting the language "tax year 2018" and substituting instead the language "tax year 2024".

SECTION 4. Tennessee Code Annotated, Section 67-5-703, is amended by deleting the language "twenty-four thousand dollars (\$24,000)" wherever it appears and substituting instead the language "forty thousand dollars (\$40,000)".

SECTION 5. Tennessee Code Annotated, Section 67-5-703(a)(2), is amended by deleting the language "tax year 2007" and substituting instead the language "tax year 2024".

SECTION 6. Tennessee Code Annotated, Section 67-5-703(a)(3)(B), is amended by deleting the language "tax year 2018" and substituting instead the language "tax year 2024".

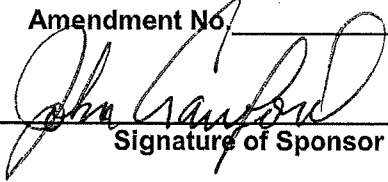
SECTION 7. This act takes effect July 1, 2023, the public welfare requiring it, and applies to tax years beginning on or after that date.



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Amendment No. _____

Signature of Sponsor

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

AMEND Senate Bill No. 513*

House Bill No. 471

by deleting all language after the enacting clause and substituting:

SECTION 1. This act is known and may be cited as the "Tennessee Landowner Bill of Rights."

SECTION 2. Tennessee Code Annotated, Title 66, is amended by adding the following as a new chapter:

66-38-101. Findings; purpose and intent.

The general assembly finds that:

- (1) The right to own and use private property is a fundamental right, essential to the continued vitality of a democratic society;
- (2) Governmental regulation of the use and development of property must be carried out in a manner that appropriately balances the needs of the public with the rights and legitimate expectations of the landowner;
- (3) The takings clause of the Fifth Amendment of the United States Constitution and Article I, Section 21 of the Tennessee Constitution both prohibit the taking of private property for public use without just compensation;
- (4) The Tennessee supreme court held in *Phillips v. Montgomery County*, 442 S.W.3d 233 (2014) that article I, section 21 of the Tennessee Constitution should be interpreted in the same manner as the takings clause of the Fifth Amendment of the United States Constitution;
- (5) An individual private property owner should not be required, as a condition of a land use approval or issuance of a development permit of any kind,



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to bear the financial burden of public improvements that are not directly related to the development of that specific property;

(6) County and municipal governments in in this state are authorized by state law to enact and amend zoning ordinances by a majority vote. Requiring a supermajority vote for zoning ordinances in counties with a metropolitan form of government for which the planning commission recommends disapproval is inconsistent with how other cities and counties in this state are treated; and

(7) The fair, consistent, and reasonable treatment of landowners regarding the use and development of their property, whether located in a municipality, county, or metropolitan form of government is a matter of statewide concern.

66-38-102. Definitions.

As used in this chapter:

(1) "Approval" means a permit or authorization issued by a metropolitan government for the use or development of property, including, but not limited to, the following:

- (A) A change in land use category or zoning;
- (B) Approval of a site plan or development plan;
- (C) A use and occupancy permit;
- (D) A grading permit;
- (E) A foundation permit;
- (F) A building permit;
- (G) An electrical permit;
- (H) A permit to access a water or sewer utility operated by a metropolitan government; and
- (I) A stormwater permit;

(2) "Essential nexus" means a relationship or connection between a landowner's use or development of their property and a burden that is placed upon a metropolitan government's resources or infrastructure as a result;

(3) "Landowner" means the owner of a parcel of property within this state for which the landowner, or someone in privity of contract with the landowner, is seeking approval from a metropolitan government to use or develop the property;

(4) "Metropolitan government" means a county having a metropolitan form of government; and

(5) "Roughly proportional" means that the amount of the dedication of an interest in real property or required monetary payment to a metropolitan government must be proportional to the development's anticipated impacts on a metropolitan government's services and infrastructure, including, but not limited to, roads, sidewalks, water and sewer infrastructure, and stormwater infrastructure resulting from the proposed use or development of property.

66-38-103. Restrictions on a metropolitan government's approval authority.

(a) In exercising a power related to the approval of the use or development of property, a metropolitan government shall not require a landowner to dedicate a real property interest to the metropolitan government, or to pay money to the metropolitan government in an amount that is determined on an individual and discretionary basis, unless there is an essential nexus between the dedication or payment and a legitimate local governmental interest, and the dedication or payment is roughly proportional both in nature and extent to the impact of the proposed use or development of the property.

(b) If a metropolitan government requires a landowner to dedicate a real property interest or pay money as a condition for approval, the metropolitan government shall, upon the written request of the landowner, provide the landowner a written explanation, within ten (10) days of the request, regarding the essential nexus of the

dedication of property or payment and how it is roughly proportional to the proposed use or development of the property.

(c) If a landowner is not satisfied with the written explanation from a metropolitan government regarding the required dedication or monetary payment, the landowner may seek relief through a common law writ of certiorari in chancery court.

(d) If a landowner prevails against a metropolitan government in such an action, the landowner is entitled to recover damages from the metropolitan government, as well as reasonable attorney fees and court costs. The measure of damages may include, but not be limited to, the following:

(1) The value of the required dedication that does not meet the essential nexus and rough proportionality tests provided in this chapter;

(2) The amount of the monetary payment paid plus interest at the rate of ten percent (10%) per annum;

(3) The value of lost sales due to a delay in approval; and

(4) Reimbursement for increased development and financing costs related to a delay in approval, such as an increase in the costs of materials and financing cost increases.

(e) This section does not apply to a dedication, assessment, fee, or charge that is imposed on a broad class of property owners by a metropolitan government, including lawfully enacted impact fees and adequate facilities taxes.

SECTION 3. Tennessee Code Annotated, Title 7, is amended by adding the following as a new chapter:

7-70-101. Findings; declaration of purpose.

The general assembly finds, determines, and declares that:

(1) This state encourages private economic investment and opportunities throughout the state;

(2) Businesses should have the freedom to choose which philanthropic organizations they want to support;

(3) Requiring or conditioning metropolitan government approvals, explicitly or implicitly, upon a private individual or entity contracting with another non-government entity to provide certain community benefits is a violation of public policy and should be prohibited; and

(4) Prohibiting certain community benefits agreement requirements is a matter of statewide concern, and, therefore, this chapter applies equally to all metropolitan governments and metropolitan government officials.

7-70-102. Definitions.

As used in this chapter:

(1) "Community benefits agreement" means an agreement or understanding of any type between a private entity and an organization that contractually binds the private entity to fund or provide specific attributes, services or amenities, or mitigations, or anything else of value whatsoever to a metropolitan government or organization; that establishes employment criteria of any type or form, including wage and hour criteria; or that provides for or requires the private entity to utilize a trade union or other unionized workforce where the employees collectively bargain with employers for wages, hours, or working conditions;

(2) "Metropolitan government" means a county having a metropolitan form of government;

(3) "Official" means an agent, employee, or an elected or appointed official of a metropolitan government;

(4) "Organization" means a non-governmental entity of any type, including, but not limited to, nonprofit corporations, organizations, clubs, associations, or groups; and

(5) "Private entity" means a private individual, company, developer, business, property owner, or any other non-government entity.

7-70-103. Community benefits agreements prohibited by public policy.

(a) A metropolitan government or official shall not condition a metropolitan government's or official's approval of a contract, legislation, or the issuance of a permit, approval, authorization, or other entitlement of any type upon the private entity being a party to a community benefits agreement.

(b) A metropolitan government or official shall not discriminate against or offer preferential treatment to a private entity based, either implicitly or explicitly, upon the private entity being a party to a community benefits agreement.

SECTION 4. Tennessee Code Annotated, Section 13-4-303, is amended by adding the following as a new subsection:

(e)

(1) Before adoption of subdivision regulations for a metropolitan government or any amendment thereof, the metropolitan planning commission shall hold a public hearing on the regulations or amendment. Notice of the time and place of the public hearing must be published in a newspaper of general circulation within the area of the metropolitan government at least thirty (30) days before the public hearing.

(2) The adoption of new subdivision regulations or an amendment to existing subdivision regulations proposed by a metropolitan planning commission is not effective until approved by an ordinance of the metropolitan council.

(3) All existing metropolitan government subdivision regulations in effect as of the effective date of this act must be ratified by an ordinance of the metropolitan council within one (1) year from the effective date of this act. If the metropolitan council fails to ratify the existing subdivision regulations within one (1) year from the effective date of this act, the subdivision regulations that were in

effect on January 1, 2023, govern the subdivision of land within the area of the metropolitan government until such time as the existing subdivision regulations are so ratified.

SECTION 5. Tennessee Code Annotated, Section 13-4-304, is amended by adding the following as a new subsection:

(e) In deciding whether to approve a subdivision plat within the area of a metropolitan government, the metropolitan planning commission shall base its decision solely upon compliance with the subdivision regulations and the applicable zoning ordinance. The metropolitan planning commission shall not base its decision, in whole or in part, upon the general plan adopted pursuant to § 13-4-202.

SECTION 6. Tennessee Code Annotated, Section 13-3-404, is amended by adding the following new subsection (c):

(c) In deciding whether to approve a subdivision plat within the area of the metropolitan government, the metropolitan planning commission shall base its decision solely upon compliance with the subdivision regulations and the applicable zoning ordinance. The metropolitan planning commission shall not base its decision, in whole or in part, upon the regional plan adopted pursuant to § 13-3-303.

SECTION 7. 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 8. This act takes effect upon becoming a law, the public welfare requiring it.

No. _____

Signature of Sponsor

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

AMEND Senate Bill No. 1203

House Bill No. 1387*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 3-17-102(6)(A), is amended by adding the following as a new subdivision:

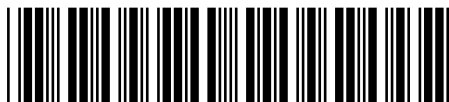
() Is a foundation, connected to a chamber of commerce that has been in continuous and active existence in this state for at least ten (10) successive years in the county in which the foundation applies to hold an annual event;

SECTION 2. Tennessee Code Annotated, Section 3-17-103(a)(1)(A), is amended by deleting subdivisions (ii)-(vii) and adding the following language as a new, appropriately designated subdivision:

(ii) In addition to the submission deadline described in subdivision (a)(1)(A)(i), a nonprofit organization seeking to operate an annual event for the benefit of that organization located in this state may submit an annual event application to the secretary within five (5) calendar days after this act becomes law, for the annual event period beginning July 1, 2023, and ending June 30, 2024.

SECTION 3. Tennessee Code Annotated, Section 3-17-103(a)(1)(B), is amended by deleting the language "subdivisions (a)(1)(A)(ii)-(vii)" and substituting instead the language "subdivision (a)(1)(A)(ii)".

SECTION 4. Tennessee Code Annotated, Section 3-17-103(b), is amended by deleting subdivisions (2)-(7) and adding the following language as a new, appropriately designated subdivision:



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(2) In addition to the omnibus listing transferred to the clerk of the senate and the clerk of the house of representatives pursuant to subdivision (b)(1), the secretary shall transfer an additional omnibus listing of any organizations approved pursuant to subdivision (a)(1)(A)(ii) for the annual event period beginning July 1, 2023, and ending June 30, 2024. The list must be transferred in a manner consistent with subdivision (b)(1) by twelve o'clock (12:00) noon central daylight time (CDT) within ten (10) calendar days after this act becomes law.

SECTION 5. This act takes effect upon becoming a law, the public welfare requiring it, and SECTION 1 of this act terminates on July 1, 2026.

Amendment No. _____

Signature of Sponsor

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

AMEND Senate Bill No. 1019*

House Bill No. 1492

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 8, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Drone" has the same meaning as defined in § 39-13-609; and

(2) "Law enforcement agency" has the same meaning as defined in § 39-13-609.

(b) By January 1, 2024, each law enforcement agency shall develop and enforce a policy that prohibits an officer from using a drone or other substantially similar device as a weapon under any circumstances while in the exercise of the officer's official duties.

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. 1463

House Bill No. 562*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 58-1-109, is amended by designating the existing language as subsection (a) and adding the following new subsection (b):

(b) The compensation for members of the national guard under this section must accrue upon being ordered to active state service. The payment of compensation to the members must use this state's established weekly pay cycle as needed to effectuate compensation.

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. 551

House Bill No. 448*

by adding the following new subsection (d) to SECTION 1:

(d) This section does not apply to:

(1) A meeting of a governing body, or a portion thereof, where the governing body is conducting a disciplinary hearing for a member of the governing body or a person whose profession or activities fall within the jurisdiction of the governing body; or

(2) A meeting for which there are no actionable items on the agenda.



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004149

Amendment No. _____

Rusty Childs

Signature of Sponsor

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

AMEND Senate Bill No. 1503

House Bill No. 1005*

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 39-17-1313(a), is amended by deleting "lawfully carries a handgun pursuant to § 39-17-1307(g)" and substituting "is not prohibited from possessing or carrying a firearm".

SECTION 6. Tennessee Code Annotated, Section 39-17-1364, is amended by deleting "§ 39-17-1307, or".

SECTION 7. 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".

SECTION 8. Tennessee Code Annotated, Section 39-17-1351(r)(1), is amended by deleting the subdivision and substituting instead:



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

SECTION 10. 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 11. Tennessee Code Annotated, Section 10-7-504(a)(2)(A), is amended by deleting the language "handgun carry permit" and substituting instead the language "firearm carry permit" and by deleting the language "handgun carry permits" and substituting instead the language "firearm carry permits".

SECTION 12. Tennessee Code Annotated, Section 10-7-504(o), is amended by deleting the language "handgun carry permit" wherever it appears and substituting instead the language "firearm carry permit" and by deleting the language "handgun permit holder" and substituting instead the language "firearm carry permit holder".

SECTION 13. Tennessee Code Annotated, Section 33-6-413(b), is amended by deleting the language "handgun carry permit" wherever it appears and substituting instead the language "firearm carry permit".

SECTION 14. Tennessee Code Annotated, Section 36-3-626, is amended by deleting the language "handgun" wherever it appears and substituting instead the language "firearm" and by deleting the language "as defined in § 39-17-1319" and substituting "as defined in § 39-11-106".

SECTION 15. Tennessee Code Annotated, Section 38-3-122(c), is amended by deleting the language "handgun carry permit" wherever it appears and substituting instead the language "firearm carry permit".

SECTION 16. Tennessee Code Annotated, Section 38-6-105, is amended by deleting the language "handgun permit" and substituting instead the language "firearm carry permit".

SECTION 17. Tennessee Code Annotated, Section 38-8-116, 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 39-16-702(b), 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 39-17-1309(e)(8), is amended by deleting the language "handgun" wherever it appears and substituting instead the language "firearm".

SECTION 20. Tennessee Code Annotated, Section 39-17-1309(e)(11), is amended by deleting the language "handgun" wherever it appears and substituting instead the language "firearm".

SECTION 21. 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 22. Tennessee Code Annotated, Section 39-17-1321(a), is amended by deleting the language "handgun" and substituting "firearm".

SECTION 23. 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 24. 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 25. Tennessee Code Annotated, Section 39-17-1352, is amended by deleting the language "handgun" wherever it appears and substituting instead the language "firearm".

SECTION 26. 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 27. Tennessee Code Annotated, Section 40-32-101, is amended by deleting the language "handgun carry permit" wherever it appears and substituting instead the language "firearm carry permit".

SECTION 28. Tennessee Code Annotated, Section 40-32-105(i)(5), is amended by deleting the language "handgun carry permit" and substituting instead the language "firearm carry permit".

SECTION 29. Tennessee Code Annotated, Section 49-6-816, is amended by deleting the language "handgun carry permit" wherever it appears and substituting instead the language "firearm carry permit".

SECTION 30. Tennessee Code Annotated, Section 49-7-161(b)(2), is amended by deleting the language "handgun carry permit" and substituting instead the language "firearm carry permit".

SECTION 31. Tennessee Code Annotated, Section 49-50-803(b)(2), is amended by deleting the language "handgun carry permit" and substituting instead the language "firearm carry permit".

SECTION 32. Tennessee Code Annotated, Section 50-3-201(d), is amended by deleting the language "handgun permits to carry a handgun" and substituting instead the language "firearm carry permits to carry a firearm".

SECTION 33. Tennessee Code Annotated, Section 50-1-312(a)(1), is amended by deleting the language "handgun carry permit" and substituting instead the language "firearm carry permit".

SECTION 34. Tennessee Code Annotated, Section 70-2-104(g)(3)(B), is amended by deleting the language "handgun carry permit" wherever it appears and substituting instead the language "firearm carry permit".

SECTION 35. Tennessee Code Annotated, Section 70-4-117(d), is amended by deleting the language "handgun" wherever it appears and substituting instead the language "firearm".

SECTION 36. Tennessee Code Annotated, Section 70-4-117(e), is amended by deleting the language "hand gun" and substituting "firearm".

SECTION 37. Tennessee Code Annotated, Section 70-5-101(c), is amended by deleting the language "handgun" wherever it appears and substituting instead the language "firearm".

SECTION 38. Tennessee Code Annotated, Section 70-5-101(d), is amended by deleting the language "hand gun" and substituting "firearm".

SECTION 39. Tennessee Code Annotated, Section 8-21-401(f)(1), is amended by deleting the language "handgun permits" and substituting instead the language "firearm carry permits".

SECTION 40. 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 41. 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 42. Tennessee Code Annotated, Section 39-17-1307, is amended by adding the following as a new subsection:

()

(1) It is an offense for a minor to carry, with the intent to go armed, a firearm.

(2)

(A) A violation of subdivision () (1) is a delinquent act and, in addition to any other disposition authorized by law, the juvenile may be required to perform not more than one hundred (100) hours of community service work to be specified by the judge, and the juvenile's driving privileges shall be suspended for a period of one (1) year in accordance with the procedure set out in title 55, chapter 10, part 7.

(B) A second or subsequent violation of subdivision () (1) is a delinquent act and, in addition to any other disposition authorized by law, the juvenile may be required to perform not less than one hundred (100) nor more than two hundred (200) hours of community service work to be specified by the judge, and the juvenile's driving privileges shall be suspended for a period of two (2) years in accordance with the procedure set out in title 55, chapter 10, part 7.

(3) A firearm carried with the intent to go armed in violation of this subsection () must be confiscated and disposed of in accordance with § 39-17-1317.

(4) It is an exception to the application of subdivision () (1) if the juvenile is:

(A) In attendance at a hunter safety course or a firearm safety course;

(B) Engaging in practice in the use of a firearm or target shooting at an established range or club authorized by the governing body of the

jurisdiction in which the range or club is located or any other area where the discharge of a firearm is not prohibited;

(C) Engaging in an organized competition involving the use of a firearm, or participating in or practicing for a performance by an organized group which is exempt from federal income taxation under § 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. § 501(c)(3)), as amended, and which uses firearms as part of the performance;

(D) Hunting or trapping pursuant to a valid license issued to the juvenile pursuant to title 70;

(E) Engaging in the lawful protection of livestock from predatory animals;

(F) Accompanied by the juvenile's parent or guardian and is being instructed by the adult or guardian in the use of the firearm carried by the juvenile;

(G) On real property which is under the control of an adult and has the permission of that adult and the juvenile's parent or legal guardian to carry, with the intent to go armed, a firearm;

(H) Traveling to or from an activity described in this subdivision () (4) with an unloaded firearm;

(I) At the juvenile's residence and, with permission of the juvenile's parent or legal guardian, is justified in using physical force or deadly force; or

(J) Transporting or storing an unloaded firearm in a motor vehicle while on or utilizing a public or private parking area if:

(i) The juvenile is licensed to drive a motor vehicle pursuant to title 55, chapter 50, part 3;

(ii) The juvenile's motor vehicle is parked in a location where the motor vehicle is permitted to be; and

(iii) The firearm being transported or stored in the motor vehicle:

(a) Is kept from ordinary observation if the juvenile is in the motor vehicle; or

(b) Is kept from ordinary observation and locked within the trunk, glove box, or interior of the juvenile's motor vehicle or a container securely affixed to the motor vehicle if the juvenile is not in the motor vehicle.

(5) As used in this subsection ():

(A) "Juvenile" means a person less than eighteen (18) years of age; and

(B) "Unloaded" means:

(i) The firearm does not have ammunition in the chamber, cylinder, clip, or magazine; and

(ii) The firearm, and the ammunition for the firearm, are not carried on the person of a juvenile or are not in such close proximity to the juvenile that the juvenile could readily gain access to the firearm and the ammunition and load the firearm.

SECTION 43. 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 44. 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. 637*

House Bill No. 1367

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 20-13-203, is amended by deleting the language "and Johnson & Johnson" wherever it appears and substituting instead the language "Johnson & Johnson, Allergan Finance, LLC, CVS Health Corporation, Teva Pharmaceutical Industries Ltd., Walgreen Co., Walmart Inc., and K-VA-T Food Stores, Inc."

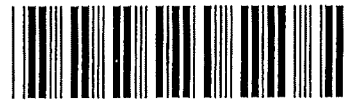
SECTION 2. Tennessee Code Annotated, Section 33-11-103(p), is amended by deleting the language "or Johnson & Johnson" and substituting instead the language "Johnson & Johnson, Allergan Finance, LLC, CVS Health Corporation, Teva Pharmaceutical Industries Ltd., Walgreen Co., Walmart Inc., or K-VA-T Food Stores, Inc."

SECTION 3. If any provision of this act or its application to any person or circumstance is held invalid, 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 4. This act takes effect upon becoming a law, the public welfare requiring it.



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

Amendment No. _____

Lowell Russell

Signature of Sponsor

AMEND Senate Bill No. 1503

House Bill No. 1005*

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 or carrying 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 10-7-504(a)(2)(A), is amended by deleting the language "handgun carry permit" and substituting instead the language "firearm carry permit" and by deleting the language "handgun carry permits" and substituting instead the language "firearm carry permits".

SECTION 13. Tennessee Code Annotated, Section 10-7-504(o), is amended by deleting the language "handgun carry permit" wherever it appears and substituting instead the language "firearm carry permit" and by deleting the language "handgun permit holder" and substituting instead the language "firearm carry permit holder".

SECTION 14. Tennessee Code Annotated, Section 33-6-413(b), 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 36-3-626, is amended by deleting the language "handgun" wherever it appears and substituting instead the language "firearm" and by deleting the language "as defined in § 39-17-1319" and substituting "as defined in § 39-11-106".

SECTION 16. Tennessee Code Annotated, Section 38-3-122(c), is amended by deleting the language "handgun carry permit" wherever it appears and substituting instead the language "firearm carry permit".

SECTION 17. Tennessee Code Annotated, Section 38-6-105, is amended by deleting the language "handgun permit" and substituting instead the language "firearm carry permit".

SECTION 18. Tennessee Code Annotated, Section 38-8-116, 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 39-16-702(b), is amended by deleting the language "handgun carry permit" wherever it appears and substituting instead the language "firearm carry permit".

SECTION 20. 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 21. 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 22. 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 23. 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 24. Tennessee Code Annotated, Section 39-17-1352, is amended by deleting the language "handgun" wherever it appears and substituting instead the language "firearm".

SECTION 25. 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 26. Tennessee Code Annotated, Section 40-32-101, is amended by deleting the language "handgun carry permit" wherever it appears and substituting instead the language "firearm carry permit".

SECTION 27. Tennessee Code Annotated, Section 40-32-105(i)(5), is amended by deleting the language "handgun carry permit" and substituting instead the language "firearm carry permit".

SECTION 28. Tennessee Code Annotated, Section 49-6-816, is amended by deleting the language "handgun carry permit" wherever it appears and substituting instead the language "firearm carry permit".

SECTION 29. Tennessee Code Annotated, Section 49-7-161(b)(2), is amended by deleting the language "handgun carry permit" and substituting instead the language "firearm carry permit".

SECTION 30. Tennessee Code Annotated, Section 49-50-803(b)(2), is amended by deleting the language "handgun carry permit" and substituting instead the language "firearm carry permit".

SECTION 31. Tennessee Code Annotated, Section 50-3-201(d), is amended by deleting the language "handgun permits to carry a handgun" and substituting instead the language "firearm carry permits to carry a firearm".

SECTION 32. Tennessee Code Annotated, Section 50-1-312(a)(1), is amended by deleting the language "handgun carry permit" and substituting instead the language "firearm carry permit".

SECTION 33. Tennessee Code Annotated, Section 70-2-104(g)(3)(B), is amended by deleting the language "handgun carry permit" wherever it appears and substituting instead the language "firearm carry permit".

SECTION 34. Tennessee Code Annotated, Section 70-4-117(d), is amended by deleting the language "handgun" wherever it appears and substituting instead the language "firearm".

SECTION 35. Tennessee Code Annotated, Section 70-5-101(c), is amended by deleting the language "handgun" wherever it appears and substituting instead the language "firearm".

SECTION 36. Tennessee Code Annotated, Section 8-21-401(f)(1), is amended by deleting the language "handgun permits" and substituting instead the language "firearm carry permits".

SECTION 37. 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 38. 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 39. 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 40. Tennessee Code Annotated, Section 39-17-1307, is amended by adding the following as a new subsection:

()

(1) It is an offense for a minor to carry, with the intent to go armed, a firearm.

(2)

(A) A violation of subdivision () (1) is a delinquent act and, in addition to any other disposition authorized by law, the juvenile may be required to perform not more than one hundred (100) hours of community service work to be specified by the judge, and the juvenile's driving privileges shall be suspended for a period of one (1) year in accordance with the procedure set out in title 55, chapter 10, part 7.

(B) A second or subsequent violation of subdivision () (1) is a delinquent act and, in addition to any other disposition authorized by law, the juvenile may be required to perform not less than one hundred (100) nor more than two hundred (200) hours of community service work to be specified by the judge, and the juvenile's driving privileges shall be suspended for a period of two (2) years in accordance with the procedure set out in title 55, chapter 10, part 7.

(3) A firearm carried with the intent to go armed in violation of this subsection () must be confiscated and disposed of in accordance with § 39-17-1317.

(4) It is an exception to the application of subdivision () (1) if the juvenile is:

(A) In attendance at a hunter safety course or a firearm safety course;

(B) Engaging in practice in the use of a firearm or target shooting at an established range or club authorized by the governing body of the jurisdiction in which the range or club is located or any other area where the discharge of a firearm is not prohibited;

(C) Engaging in an organized competition involving the use of a firearm, or participating in or practicing for a performance by an organized group which is exempt from federal income taxation under § 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. § 501(c)(3)), as amended, and which uses firearms as part of the performance;

(D) Hunting or trapping pursuant to a valid license issued to the juvenile pursuant to title 70;

(E) Engaging in the lawful protection of livestock from predatory animals;

(F) Accompanied by the juvenile's parent or guardian and is being instructed by the adult or guardian in the use of the firearm carried by the juvenile;

(G) On real property which is under the control of an adult and has the permission of that adult and the juvenile's parent or legal guardian to carry, with the intent to go armed, a firearm;

(H) Traveling to or from an activity described in this subdivision () (4) with an unloaded firearm; or

(I) At the juvenile's residence and, with permission of the juvenile's parent or legal guardian, is justified in using physical force or deadly force.

(5) As used in this subsection ():

(A) "Juvenile" means a person less than eighteen (18) years of age; and

(B) "Unloaded" means:

(i) The firearm does not have ammunition in the chamber, cylinder, clip, or magazine; and

(ii) The firearm, and the ammunition for the firearm, are not carried on the person of a juvenile or are not in such close proximity to the juvenile that the juvenile could readily gain access to the firearm and the ammunition and load the firearm.

SECTION 41. 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 42. This act takes effect July 1, 2023, the public welfare requiring it.

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

Amendment No. _____

Mary R. [Signature]

 Signature of Sponsor

AMEND Senate Bill No. 489

House Bill No. 337*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 30, Chapter 4, is amended by deleting the chapter and substituting:

30-4-101.

This chapter is known and may be cited as "The Small Estate Probate Act."

30-4-102.

As used in this chapter, unless the context clearly requires otherwise:

- (1) "Court" means the court then exercising probate jurisdiction in the county in which the decedent had legal residence on the date of death;
- (2) "Decedent" means a person who is deceased;
- (3) "Limited letters" means the limited letters of administration of a small estate and limited letters testamentary of a small estate, as appropriate;
- (4) "Limited letters of administration of a small estate" means limited letters of administration for the decedent's property that restrict the person to whom the limited letters of administration are issued to the property itemized and identified in the petition for the limited letters, which must be attached to and made a part of the limited letters;
- (5) "Limited letters testamentary of a small estate" means limited letters testamentary for the decedent's property that restrict the person to whom the limited letters testamentary are issued to the property itemized and identified in



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the petition for the limited letters which must be attached to and made a part of the limited letters;

(6) "Person" means an individual, partnership, firm, business trust, corporation or other legal entity, and includes both the singular and plural and the masculine and feminine, as appropriate;

(7) "Personal representative" means the person to whom limited letters of administration of a small estate or limited letters testamentary of a small estate are issued;

(8) "Property" means only personal property, or any interest in personal property, owned by the decedent on the date of death that would be subject to probate, other than personal property held as tenants by the entirety or jointly with right of survivorship, or personal property payable to a beneficiary other than the decedent's estate; and

(9) "Small estate" means the probate estate of a decedent in which the value of the probate property does not exceed fifty thousand dollars (\$50,000).

30-4-103.

Whenever a decedent leaves a small estate, it may be administered in the following manner:

(1) After the expiration of forty-five (45) days from the date of the decedent's death, as evidenced by a copy of the decedent's death certificate, provided that no petition for the appointment of a personal representative of the decedent's estate has been filed in that period of time for the decedent's estate, either:

(A) One (1) or more of the decedent's competent adult heirs shall file a petition for the issuance of limited letters of administration of a small estate; or

(B) If the decedent died testate and it is determined that distribution of the small estate pursuant to the decedent's will is different than distribution by intestate distribution and it is desired that the small estate be distributed according to the decedent's will, the person named as the personal representative in the decedent's will shall either:

(i) File a petition for the probate of the decedent's will as a muniment of title to the property of the decedent pursuant to § 32-2-111 and for the issuance of limited letters testamentary of a small estate; or

(ii) File the original of the decedent's will together with affidavits of the attesting witnesses or the affidavits of the two (2) disinterested persons attesting to the decedent's handwriting, if the decedent's will is holographic, with the clerk who shall record the will and affidavits. The recording of the decedent's will and accompanying affidavits is deemed sufficient to probate the decedent's will for the purposes of this chapter;

(2) To apply for limited letters of administration of a small estate or for limited letters testamentary of a small estate, the person seeking the limited letters shall file a sworn petition with the court containing the information set forth in § 30-1-117(a)(1)-(10). The petition must include an itemized list of the property of the decedent to which the limited letters are to apply, the value of each item of property, the identity of each creditor of the decedent, and the amount owing to each identified creditor;

(3) Regardless of the language of the decedent's will waiving bond, the petitioner for the limited letters shall make the bond payable to the clerk of the court for the benefit of those entitled with a corporate surety. The amount of the

bond must be equal to the value of the decedent's property to be administered under this chapter. However, bond is not required of the petitioner:

(A) If the petitioner or petitioners are the sole heirs of the decedent; or

(B) All the adult heirs consent in writing;

(4) The clerk shall charge and receive such fees for processing a petition for the issuance of limited letters of administration of a small estate or limited letters testamentary of a small estate as provided in § 8-21-401;

(5) Upon posting the required bond, unless waived as set forth in subdivision (3), the clerk shall issue limited letters of administration of a small estate or limited letters testamentary of a small estate, as appropriate;

(6) A notice to creditors must not be published, and a creditor is not permitted to file a claim in a small estate probate;

(7) The personal representative and the surety on the personal representative's bond may be discharged from liability under the bond as follows:

(A) The court may enter an order discharging the personal representative and the surety on the personal representative's bond after the personal representative files, for a decedent dying before January 1, 2016, either the tax receipt issued pursuant to § 67-8-420 or the certificate or assessment issued pursuant to § 67-8-409(f); or

(B) The personal representative and the surety on the personal representative's bond may wait until the first anniversary of the issuance of the limited letters when the court shall automatically discharge them from liability. The limited letters must remain open and active until the first anniversary of the issuance of the limited letters; and

(8) Upon good cause shown, the court may waive the requirement to wait forty-five (45) days before filing a petition for limited letters.

30-4-104.

(a) Each person indebted to the decedent's estate, having possession of any property belonging to the estate, or acting as registrar or transfer agent of any shares of stock, bonds, notes, or other evidence of ownership, indebtedness, or right belonging to the decedent's estate must be furnished with a copy of the limited letters of administration of a small estate or limited letters testamentary of a small estate by the personal representative, duly certified by the clerk of the court. Upon receipt of a copy of the limited letters of administration of a small estate or limited letters testamentary of a small estate and demand by the personal representative, each person furnished a copy of the limited letters under this subsection (a) shall pay, transfer, and deliver to the personal representative:

(1) All indebtedness owing by the recipient; and

(2) Other property in possession of or subject to registration or transfer by the recipient.

(b) A person making payment, transfer, or delivery of property belonging to a decedent's estate to the personal representative pursuant to this chapter is released and discharged from all further liability to the estate and its creditors to the same extent as if the payment, transfer, or delivery were made to the duly appointed, qualified, and acting personal representative of the decedent. The person making the payment, transfer, or delivery shall not be required to see to its application.

(c) The decedent's property must be distributed either to the decedent's heirs as provided by law or in accordance with the terms of the decedent's will admitted to probate as a muniment of title or filed with the clerk as provided in § 30-4-103(1)(B)(ii). The person to whom payment, transfer, or delivery of any property of the decedent is made by the personal representative shall be liable and remain liable up to one (1) year from the date of payment, transfer, or delivery, to the extent of the value of the property received, to unpaid creditors of the decedent, to anyone who had a prior right to the

decedent's property, or to any personal representative of the decedent thereafter appointed. If distribution is made prior to payment of all medical assistance owed to TennCare under § 71-5-116, then both the personal representative and the person to whom payment, transfer, or delivery is made by the personal representative shall be liable to TennCare and remain liable, to the extent of the value of the property received.

(d) If a person having possession of any of the decedent's property, upon receipt of a copy of the limited letters issued by the clerk, refuses to pay, transfer, or deliver the property to or at the direction of the personal representative, then:

(1) The property may be recovered; or

(2)

(A) Transfer and delivery of the property may be compelled in an action brought in a court of competent jurisdiction for that purpose upon proof of the facts required to be stated in the petition; and

(B) Costs of the proceeding must be adjudged against the person wrongfully refusing to pay, transfer, or deliver the property.

(e) If, during the administration of the small estate pursuant to the limited letters, the personal representative or a creditor of the decedent discovers additional assets that exceed the statutory small estate limitation, then the court may allow the small estate administration to be converted into probate administration by application of a verified petition to the court pursuant to § 30-1-117 by the personal representative of the small estate or a creditor of the decedent. The personal representative of the small estate, if the property of the decedent has not been paid, transferred, or delivered, or the person or persons to whom the property of the decedent has been paid, transferred, or delivered is liable for the assets that have been paid, transferred, or delivered prior to the conversion.

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

Amendment No. _____

Mary R. [Signature]
Signature of Sponsor

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

AMEND Senate Bill No. 617*

House Bill No. 1120

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

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 5, Part 1, is amended by adding the following as a new section:

(a) The department shall make chaplain services available on a regular basis to juveniles who are housed in a youth development center.

(b) The department shall not require a juvenile to attend or make use of the chaplain services.

SECTION 2. Tennessee Code Annotated, Title 37, Chapter 5, Part 1, is amended by adding the following as a new section:

The department shall provide training to all persons employed by the department as youth service officers on best practices for behavior management and conflict resolution in the context of supervision of juvenile justice youth. The training must be conducted annually.

SECTION 3. Tennessee Code Annotated, Title 37, Chapter 5, Part 2, is amended by adding the following as a new section:

(a) Children sixteen (16) years of age or older who have been committed to the department for a determinate period of time and are housed in a hardware secure residential facility or youth development center, shall be housed separately from children less than sixteen (16) years of age.

(b) Notwithstanding subsection (a), the department may house children less than sixteen (16) years of age with determinately committed children sixteen (16) years of



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age or older in applicable facilities if the department deems it necessary for the safety and well-being of the children less than sixteen (16) years of age, or to otherwise comply with the requirements of § 37-5-214.

SECTION 4. This act takes effect January 1, 2024, the public welfare requiring it.

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

Amendment No. _____



Signature of Sponsor

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(x)(2), is amended by deleting the first sentence and substituting:

The department shall charge an application and processing fee for a lifetime enhanced handgun carry permit of two hundred dollars (\$200). A permit holder who is applying for the renewal of an enhanced handgun carry permit under subsection (q) may instead obtain a lifetime enhanced handgun carry permit by submitting to the department a fee of two hundred dollars (\$200).

SECTION 3. This act takes effect January 1, 2024, the public welfare requiring it. This act is repealed January 1, 2027, the public welfare requiring it.



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

Amendment No. _____



Signature of Sponsor

AMEND Senate Bill No. 822*

House Bill No. 1189

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 29, is amended by adding the following as a new chapter:

29-42-101.

As used in this chapter:

(1) "Ammunition" means an ammunition or cartridge case, primer, bullet, or propellant powder designed for use in a firearm;

(2) "Dealer" means a person who is licensed to engage in business as a dealer in this state in accordance with 18 U.S.C. § 923;

(3) "Defective condition" means a condition:

(A) Of a product that renders it unsafe or unreliable for normal or foreseeable handling; and

(B) That is the result of the dealer, manufacturer, or seller's negligent deviation from the qualified product design or quality;

(4) "Engaged in the business" has the same meaning as defined under 18 U.S.C. § 921(a)(21), and, as applied to a seller of ammunition, means a person who devotes time, attention, and labor to the sale of ammunition as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of ammunition;

(5) "Firearm" has the same meaning as defined under § 39-11-106;

(6) "Manufacturer" means a person who is:



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(A) Engaged in the business of manufacturing a qualified product in intrastate commerce;

(B) Licensed to engage in business as a manufacturer in accordance with 18 U.S.C. § 923; and

(C)

(i) Incorporated in this state; or

(ii) Headquartered in this state;

(7) "Negligent entrustment" means the supplying of a qualified product by a seller for use by another person when the seller knows, or reasonably should know, the person to whom the product is supplied is likely to, and does, use the product in a manner involving unreasonable risk of physical injury to the person or others;

(8) "Person" means an individual, corporation, company, association, firm, partnership, society, joint stock company, governmental entity, or other entity;

(9) "Qualified civil liability action" means a civil action or proceeding or an administrative proceeding brought by a person against a manufacturer or seller of a qualified product for damages, punitive damages, injunctive or declaratory relief, abatement, restitution, fines, penalties, or other relief, resulting from the criminal or unlawful misuse of a qualified product by a person;

(10) "Qualified product" means:

(A) A firearm;

(B) Ammunition; or

(C) A component part of a firearm or ammunition; and

(11) "Seller" means a person engaged in the business of selling a qualified product at wholesale or retail in this state.

A person shall not bring a qualified civil liability action in a court in this state against a dealer, manufacturer, or seller of a qualified product, except under the following circumstances:

(1) The dealer, manufacturer, or seller was involved directly in the crime giving rise to the action;

(2) An action brought against a transferor convicted under 18 U.S.C. § 924(h), by a party directly harmed by the conduct of which the transferor is so convicted;

(3) An action brought against a seller for negligent entrustment or negligence per se;

(4) An action in which a manufacturer or licensed seller or transferor of a qualified product knowingly violated a state or federal statute applicable to the sale or marketing of the product, and the violation was the sole proximate cause of the harm for which relief is sought, including a case in which the manufacturer or licensed seller or transferor knowingly made a false entry in, or intentionally failed to make appropriate entry in, any record required to be kept under federal or state law with respect to the qualified product, or aided, abetted, or conspired with a person in making a false or fictitious oral or written statement with respect to a fact material to the lawfulness of the sale or other disposition of a qualified product;

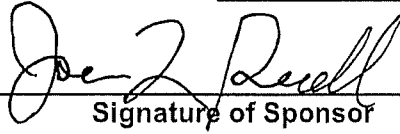
(5) An action for breach of contract or warranty in connection with the purchase of the product; or

(6) An action for death, physical injuries, or property damage resulting directly from a defect in design or manufacture of the product, when used as intended or in a reasonably foreseeable manner, except that where the discharge of the product was caused by a volitional act that constituted a criminal offense,

then such act is considered the sole proximate cause of any resulting death, personal injuries, or property damage.

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. 596*

House Bill No. 878

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 36-3-301, is amended by adding the following as a new subsection:

(m) A person shall not be required to solemnize a marriage if the person has an objection to solemnizing the marriage based on suspicion that a party to the marriage is the victim of an offense under title 39, chapter 15, part 5.

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

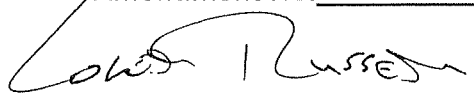


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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____


 Signature of Sponsor

AMEND House Joint Resolution No. 38*

by deleting the following language from the first resolving clause:

That the citizens of this State have a right to keep and to bear arms for their defense.

and substituting instead the following:

That the citizens of this State have a right to keep, bear, and wear arms.

