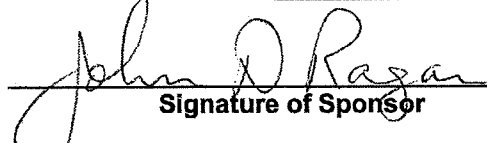


**THE ATTACHED
AMENDMENT(S)
ARE TO BILLS
THAT WILL
BE HEARD
IN COMMITTEE
THE WEEK OF**

March 13, 2023

Amendment No. _____


Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 817*

House Bill No. 1376

by deleting all language after the enacting clause and substituting:

SECTION 1. This act is known and may be cited as the "Tennessee Higher Education Freedom of Expression and Transparency Act."

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 7, Part 19, is amended by designating Section 49-7-1907 as Section 49-7-1908 and adding the following as a new Section 49-7-1907:

(a) The general assembly finds that:

(1) Freedom of expression and inquiry at public institutions of higher education are indispensable to the pursuit of educational excellence and the furtherance of the ordered individual liberty established in our nation's founding documents;

(2) Public institutions of higher education have a duty to promote and defend freedom of expression and inquiry, and educate students on the individual liberties established in our nation's founding documents;

(3) Public institutions of higher education should seek and foster intellectual diversity among administrators, faculty, students, and employees;

(4) Positively or negatively incentivizing, informally pressuring, indoctrinating, or otherwise compelling students or employees of a public institution of higher education to embrace divisive concepts is contrary to the mutual respect and collegial processes essential to the free exchange of ideas;



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(5) Measures taken to ensure non-discrimination cannot be allowed to undermine the principles of merit and excellence in the core activities of public institutions of higher education;

(6) Institutional transparency and the implementation of § 49-7-1903 will help limit the potential risk of diminished excellence from our great institutions; and

(7) Public medical institutions of higher education best serve the state when providing meritorious education and training that positions future healthcare professionals to serve all patients adequately and to the best of their ability.

(b) A student or employee of a public institution of higher education who believes that a violation of § 49-7-1903 has occurred may file a report of the alleged violation with the institution. The institution shall investigate the report and take appropriate steps to correct any violation that is found to have occurred. Institutions shall report violations and any corrective action annually to the comptroller of the treasury through the comptroller's office of research and education accountability. A report submitted to the comptroller must be redacted, if necessary, to ensure compliance with the federal Family Educational Rights and Privacy Act (FERPA) (20 U.S.C § 1232g); § 10-7-504; and all other relevant privacy laws.

(c)

(1) Subject to appropriate constitutional time, place, and manner restrictions in accordance with applicable law, for purposes of approving or scheduling usage of the institution's property, an institution shall not show bias or favoritism for or against:

(A) A student group that is peaceful and requests to use the institution's property in a peaceful and lawful manner;

(B) A guest speaker's, or a guest speaker's student-sponsoring group's, viewpoint, race, creed, color, religion, non-violent political ideology, or non-violent political party affiliation; or

(C) A student group that, or a guest speaker who, intends to maintain a peaceful campus presence and peaceful use of the institution's property on grounds that the institution has received threatened simple breaches of the peace or non-destructive disruptions from groups or individuals who oppose the student group's or guest speaker's presence on campus.

(2) A public institution of higher education shall not:

(A) Require a student group to pay fees or security deposits that are not charged to all other student groups; or

(B) Deny a student group access to the institution's property if the property is routinely used by other student groups.

(3) Notwithstanding subdivision (c)(1), a public institution of higher education may restrict or deny use of the institution's property for public displays, organized public gatherings, or public demonstrations if the display, gathering, or demonstration would violate § 39-17-902 or § 49-7-1904.

SECTION 3. Tennessee Code Annotated, Section 49-7-1903, is amended by designating subdivision (3) as (4) and adding the following as subdivision (3):

(3) A public institution of higher education shall not require an applicant for employment or admission to submit a personal diversity statement or to affirm the applicant's agreement with an institutional diversity statement as part of the application or admissions process.

SECTION 4. Tennessee Code Annotated, Section 49-7-1904(a), is amended by adding the following as a new subdivision:

(4) Approve or use state funds for fees, dues, subscriptions, or travel in conjunction with the membership, meetings, or activities of an organization if participation in such organization requires an individual, or an individual's employer, to endorse or promote a divisive concept.

SECTION 5. Tennessee Code Annotated, Section 49-7-1904, is amended by deleting subsection (b) and substituting:

(b)

(1) If a public institution of higher education employs an individual whose primary job title includes diversity, equity, or inclusion, then:

(A) The institution must ensure that the employee's efforts strengthen and increase intellectual diversity and promote a climate that facilitates the free and respectful exchange of ideas; and

(B) The institution must ensure that the employee's duties include efforts devoted to supporting student academic achievement and workforce readiness, such as mentoring, career readiness and support, workforce development, or other related learning support activities necessary for the academic and professional success of all students.

(2) Employees whose job title includes diversity, equity, or inclusion but whose primary duties require compliance with state or federal law that conflicts with subdivision (b)(1) are exempt from this subsection (b).

(c) Each public institution of higher education shall review the requirements of subsection (b) to ensure the institution's compliance and to evaluate the institution's progress toward academic and institutional outcomes. The outcomes must be submitted directly to the institution's chief executive. If the institution is part of a university system, then the outcomes must be subsequently reviewed by the system's chief executive.

SECTION 6. Tennessee Code Annotated, Section 49-7-1904, is amended by adding the following as a new subsection:

(d)

(1) A public institution of higher education shall notify students and employees of the institution on the restrictions in § 49-7-1903 and the definition of divisive concepts in § 49-7-1904 by including such information on the institution's website and on introductory materials provided by the institution to new students and employees.

(2) Institutions shall provide employee training to ensure compliance with this part.

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. 1303

House Bill No. 1199*

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

SECTION 1. Tennessee Code Annotated, Section 49-4-1005(5), is amended by designating the subdivision as subdivision (A) and adding the following as a new subdivision:

(B)

(i) Notwithstanding § 49-4-1003:

(a) As used in this subdivision (5)(B), "educational institution" means a private college accredited by the Accrediting Commission of Career School and Colleges (ACCSC) that maintains a campus in this state and that had its primary campus domiciled in this state prior to August 1, 2022, but that is no longer domiciled in this state; and

(b) For purposes of this subdivision (5)(B), all references to terms defined in § 49-4-1003 that refer to an "educational institution" refer only to an "educational institution" as defined in subdivision (5)(B)(i)(a);

(ii) Notwithstanding subdivision (5)(A), the adjutant general shall directly reimburse a member for the tuition charged to the member by an educational institution if the member enlisted prior to December 31, 2020;

(iii) Tuition reimbursement under this subdivision (5)(B) must not exceed twenty-four (24) semester hours earned toward a certificate or diploma from a vocational or technical program offered by the educational institution. A member is eligible for tuition reimbursement under this subdivision (5)(B) for each of the semester hours the member was enrolled in a vocational or technical program



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offered by the educational institution, including the semester hours earned by the student in the vocational or technical program before the member's receipt of tuition reimbursement under this subdivision (5)(B). It is not required that tuition reimbursement under this subdivision (5)(B) apply toward a member's first certificate or diploma from a vocational or technical program; and

(iv) This subdivision (5)(B) is repealed on July 1, 2024;

SECTION 2. Tennessee Code Annotated, Section 49-4-1005(11), is amended by designating the subdivision as subdivision (11)(A) and adding the following as a new subdivision:

(B) Notwithstanding subdivision (11)(A):

(i) Members eligible for direct tuition reimbursement under subdivision (5)(B) must submit an application for tuition reimbursement within ninety (90) days of course completion if the course is completed on or after July 1, 2023; and

(ii) Members eligible for direct tuition reimbursement under subdivision (5)(B) must submit an application for tuition reimbursement no later than June 30, 2024, for courses completed by the member prior to July 1, 2023.

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. 1163*

House Bill No. 1408

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following as a new section:

49-7-182.

(a) As used in this section, "administrator" means a president, vice president, chancellor, vice chancellor, associate or assistant vice chancellor, provost, vice provost, associate or assistant provost, dean, associate or assistant dean, chief administrator, director, general counsel, senior associate, chief officer, chief of staff, controller, chief information officer, senior executive program director, or treasurer of a public institution of higher education.

(b) An annual salary increase, including a contractual bonus payment, for an administrator shall not exceed two hundred percent (200%) of the salary pool percentage appropriated by the general assembly for higher education employees for the fiscal year for which the annual salary increase is given to the administrator.

SECTION 2. Tennessee Code Annotated, Section 49-8-202(a)(2), is amended by adding ", in accordance with § 49-7-182" after "chief executive officer's compensation".

SECTION 3. Tennessee Code Annotated, Section 49-8-203(a)(1)(A), is amended by adding ", in accordance with § 49-7-182," after "fix their salaries".

SECTION 4. Tennessee Code Annotated, Section 49-9-209(d)(1)(B), is amended by adding ", in accordance with § 49-7-182," after "fix the president's compensation".



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SECTION 5. Tennessee Code Annotated, Section 49-9-209(d)(1)(C)(i), is amended by adding ", in accordance with § 49-7-182," after "set their compensation".

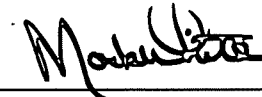
SECTION 6. Tennessee Code Annotated, Section 49-9-209(d)(1)(D)(i), is amended by adding ", in accordance with § 49-7-182," after "set their compensation".

SECTION 7. Tennessee Code Annotated, Section 49-9-209(d)(1)(G), is amended by adding ", in accordance with § 49-7-182, as applicable," after "employees of the University of Tennessee system and the individual institutions".

SECTION 8. Tennessee Code Annotated, Section 49-9-401(d), is amended by adding "in accordance with § 49-7-182" after "compensation".

SECTION 9. This act takes effect July 1, 2023, the public welfare requiring it, and applies to the 2023-2024 academic year and each academic year thereafter.

Amendment No. _____



Signature of Sponsor

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Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1220

House Bill No. 432*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 4, Part 7, is amended by adding the following as a new section:

(a) This section is known and may be cited as the "Tennessee Future Teacher Scholarship Act of 2023."

(b) As used in this section:

(1) "Approved EPP" means an educator preparation program approved by the state board of education at an eligible postsecondary institution;

(2) "Eligible candidate" means a student who is:

(A) Enrolled in an approved EPP in the student's junior or senior year as determined by the institution in which the student is enrolled; and

(B) A citizen of the United States who has resided in this state for at least one (1) year prior to the student's admission to the eligible postsecondary institution at which the student is enrolled;

(3) "Eligible postsecondary institution" has the same meaning as defined in § 49-4-902;

(4) "Gift aid" means financial aid received from the federal Pell grant, the Tennessee education lottery scholarship, or the Tennessee student assistance award;

(5) "Targeted setting" means a:



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(A) Tennessee public school located in a distressed or at-risk county, as determined by the department of education; or

(B) Subject area for which there is a critical shortage, as determined by the department of education; and

(6) "TSAC" means the Tennessee student assistance corporation.

(c) Subject to available funding, TSAC shall administer a five-year pilot program to award a Tennessee Future Teacher scholarship to future educators. The pilot program begins with the 2023-2024 academic year and terminates on July 1, 2028.

(d) To be eligible for a Tennessee Future Teacher scholarship, an eligible candidate must:

(1) Be eligible for and receive a Tennessee HOPE scholarship under chapter 4, part 9 of this title;

(2) Be admitted to and enrolled in an approved EPP;

(3) Complete the scholarship application, as required by TSAC;

(4) Maintain the minimum cumulative grade point average required by the approved EPP; and

(5) Sign a promissory note agreeing to teach in an LEA or public charter school in this state for at least four (4) consecutive years in a targeted setting.

(e) If a student ceases to be eligible for the Tennessee Future Teacher scholarship at any time for any reason, then the student is not eligible to regain the scholarship.

(f) If a student is awarded a Tennessee Future Teacher scholarship, then the student may continue to receive a Tennessee Future Teacher scholarship under this section until the occurrence of the first of the following events:

(1) The student has attained a degree through an approved EPP;

(2) The student ceases to be eligible for the Tennessee HOPE scholarship; or

(3) Three (3) years have elapsed since the date of the student's enrollment in a term for which the student received the student's first Tennessee Future Teacher scholarship.

(g) A student who receives a Tennessee Future Teacher scholarship may transfer from one (1) eligible postsecondary institution to another eligible postsecondary institution without loss of the scholarship so long as the student continues to meet all eligibility requirements for the scholarship.

(h) Subject to the amounts appropriated by the general assembly, the amount of a Tennessee Future Teacher scholarship:

(1) At a public institution is the cost of tuition and mandatory fees charged to all students for coursework leading to completion of an approved undergraduate EPP at the public institution attended less all other gift aid. The gift aid must be credited first to tuition and mandatory fees before the Tennessee Future Teacher scholarship is applied; and

(2) At a private institution must not exceed the average cost of tuition and mandatory fees charged to all students for coursework leading to completion of an approved undergraduate EPP at the state's public institutions less all other gift aid. The gift aid must be credited first to tuition and mandatory fees before the Tennessee Future Teacher scholarship is applied.

(i) If a student receives a Tennessee Future Teacher scholarship and does not teach in a targeted setting for at least four (4) consecutive years, then the student must reimburse TSAC for each year the student did not teach in a targeted setting an amount equal to the total scholarship amount the student received pursuant to this section divided by four (4), without interest.

(j) TSAC may promulgate rules to effectuate the purposes of this section, including establishing reimbursement requirements pursuant to subsection (i). The rules

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

(k) The office of research and education accountability (OREA), in the office of the comptroller of treasury, shall review and study the pilot program created in this section and the Tennessee Future Teacher scholarships awarded through the pilot program to determine the effectiveness of the scholarships in increasing the number of licensed educators in this state. The study must be conducted in the third and fifth year of the pilot program and four (4) years after the program terminates on July 1, 2028. The OREA shall report its findings and conclusions of each study to the speakers of the senate and house of representatives and to the education committees of the senate and house of representatives by December 31 each year a study is conducted.

SECTION 2. 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. _____

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Signature of Sponsor

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Date _____

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Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1042

House Bill No. 783*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-4-921, is amended by deleting subsection (a) and substituting:

(a) To be eligible for a Wilder-Naifeh technical skills grant, a student:

(1) Seeking a diploma or certificate at a Tennessee college of applied technology operated by the board of regents of the state university and community college system must:

(A) Meet the requirements of §§ 49-4-904 and 49-4-905(a); and

(B) Be admitted to the institution in an eligible program of study leading to a certificate or diploma; or

(2) Seeking a quality non-degree credential must:

(A) Reside in a county in which:

(i) A community college operated by the board of regents maintains a campus at which the graduation rate is less than twenty percent (20%); and

(ii) The high school graduation rate for each LEA located in the county is less than the average high school graduation rate for all LEAs for each school year in a three-year period;

(B) Meet the requirements of §§ 49-4-904 and 49-4-905(a)(1) and (2); and



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(C) Be admitted to a QNDC program at a community college operated by the board of regents, a state university located in this state, the University of Tennessee system, a nonprofit technical school, or a nonprofit providing a THEC-approved training program.

SECTION 2. Tennessee Code Annotated, Section 49-4-921, is amended by deleting subsection (b) and substituting:

(b) A minimum number of hours of enrollment is not required for eligibility for a Wilder-Naifeh technical skills grant under this section. A student receiving a grant pursuant to subdivision (a)(1) must maintain satisfactory academic progress in accordance with the standards and practices used for federal Title IV programs by the institution at which the student is enrolled to continue the grant. A student receiving a grant pursuant to subdivision (a)(2) must maintain satisfactory academic progress in accordance with the standards and practices used by the institution at which the student is enrolled to continue the grant. If a student fails to maintain satisfactory academic progress, then the student loses the Wilder-Naifeh technical skills grant. Once a student loses a Wilder-Naifeh technical skills grant, an additional award under this section shall not be granted.

SECTION 3. Tennessee Code Annotated, Section 49-4-921(d), is amended by deleting "the certificate or diploma" and substituting "the certificate, diploma, or QNDC".

SECTION 4. Tennessee Code Annotated, Section 49-4-921(e), is amended by adding "for the QNDC program or" immediately preceding "by the institution".

SECTION 5. Tennessee Code Annotated, Section 49-4-921, is amended by adding the following as a new subsection:

(h) As used in this section:

(1) "In-demand occupation" means an occupation for which there exists a high demand for a trained workforce in this state based on current job openings,

hiring data, and future projections as determined by the report created pursuant to § 49-7-112;

(2) "Nonprofit technical school" means a private, nonprofit technical school that:

(A) Has had its primary campus domiciled in this state for at least seventy-five (75) consecutive years;

(B) Is accredited by the Council on Occupational Education; and

(C) In addition to offering diploma, certificate, and associate degree programs, offers a baccalaureate degree through an articulation agreement with a regionally accredited postsecondary institution; and

(3) "Quality non-degree credential" or "QNDC" means a credential, other than a degree or a diploma, the receipt of which indicates satisfactory completion of a workforce training program that:

(A) Has instruction and training lasting no longer than twenty-two (22) weeks or seven hundred (700) hours;

(B) Has a defined curriculum, objectives, and results in the awarding of credential upon successful completion;

(C) Culminates in a recognized industry certification, registered apprenticeship, occupational licensure, or certificate but does not include participation in or completion of a program of professional development, continuing education, exam preparation, or similar objectives;

(D) Creates a pathway to other quality credentials, postsecondary degrees, or diploma programs;

(E) Qualifies an individual for an in-demand occupation; and

(F) Is not eligible for federal title IV funding.

SECTION 6. Tennessee Code Annotated, Section 49-4-902(45), is amended by deleting the subdivision and substituting:

(45) "Wilder-Naifeh technical skills grant" means a grant that is funded from net proceeds of the state lottery and awarded under this part for coursework in an eligible program of study at a Tennessee college of applied technology operated by the board of regents of the state university and community college system or a quality non-degree credential, as defined in § 49-4-921.

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. 74

House Bill No. 27*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-4-902(13), is amended by deleting the subdivision and substituting:

(13) "Eligible program of study" means:

(A) A curriculum of courses leading to a certificate or diploma at a Tennessee college of applied technology; or

(B) A federal Title IV-eligible curriculum of courses leading to a certificate, diploma, or an associate, baccalaureate, or advanced degree at an eligible postsecondary institution;

SECTION 2. Tennessee Code Annotated, Section 49-4-902(30), is amended by deleting subdivision (A) and substituting:

(A) Is an independent student, as determined by the FAFSA, who has enrolled in a baccalaureate degree program at an eligible four-year postsecondary institution and attempted at least twelve (12) semester hours; or

SECTION 3. Tennessee Code Annotated, Section 49-4-902, is amended by deleting "associate or baccalaureate" in subdivisions (39) and (40) and substituting "associate, baccalaureate, or advanced".

SECTION 4. Tennessee Code Annotated, Section 49-4-913(a)(1), is amended by deleting "a baccalaureate" and substituting "an advanced".

SECTION 5. Tennessee Code Annotated, Section 49-4-919(a)(1), is amended by deleting "a baccalaureate" and substituting "an advanced".



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SECTION 6. Tennessee Code Annotated, Section 49-4-920(f)(1), is amended by deleting "a baccalaureate" and substituting "an advanced".

SECTION 7. Tennessee Code Annotated, Section 49-4-931(a)(4), is amended by deleting the subdivision and substituting:

(4) Not have earned a baccalaureate or advanced degree prior to initially receiving an award under this section;

SECTION 8. Tennessee Code Annotated, Section 49-4-931(d)(1), is amended by deleting "a baccalaureate" and substituting "an advanced".

SECTION 9. 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.

House Higher Education Subcommittee Am. #1

Amendment No. _____

Signature of Sponsor

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

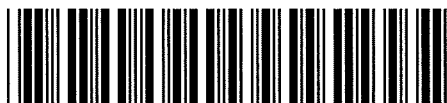
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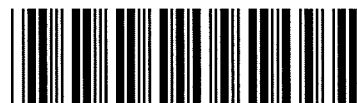
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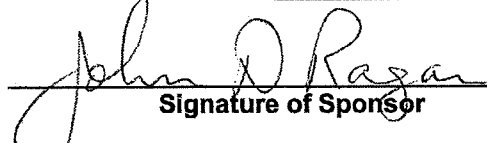


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Amendment No. _____


Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 817*

House Bill No. 1376

by deleting all language after the enacting clause and substituting:

SECTION 1. This act is known and may be cited as the "Tennessee Higher Education Freedom of Expression and Transparency Act."

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 7, Part 19, is amended by designating Section 49-7-1907 as Section 49-7-1908 and adding the following as a new Section 49-7-1907:

(a) The general assembly finds that:

(1) Freedom of expression and inquiry at public institutions of higher education are indispensable to the pursuit of educational excellence and the furtherance of the ordered individual liberty established in our nation's founding documents;

(2) Public institutions of higher education have a duty to promote and defend freedom of expression and inquiry, and educate students on the individual liberties established in our nation's founding documents;

(3) Public institutions of higher education should seek and foster intellectual diversity among administrators, faculty, students, and employees;

(4) Positively or negatively incentivizing, informally pressuring, indoctrinating, or otherwise compelling students or employees of a public institution of higher education to embrace divisive concepts is contrary to the mutual respect and collegial processes essential to the free exchange of ideas;



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(5) Measures taken to ensure non-discrimination cannot be allowed to undermine the principles of merit and excellence in the core activities of public institutions of higher education;

(6) Institutional transparency and the implementation of § 49-7-1903 will help limit the potential risk of diminished excellence from our great institutions; and

(7) Public medical institutions of higher education best serve the state when providing meritorious education and training that positions future healthcare professionals to serve all patients adequately and to the best of their ability.

(b) A student or employee of a public institution of higher education who believes that a violation of § 49-7-1903 has occurred may file a report of the alleged violation with the institution. The institution shall investigate the report and take appropriate steps to correct any violation that is found to have occurred. Institutions shall report violations and any corrective action annually to the comptroller of the treasury through the comptroller's office of research and education accountability. A report submitted to the comptroller must be redacted, if necessary, to ensure compliance with the federal Family Educational Rights and Privacy Act (FERPA) (20 U.S.C § 1232g); § 10-7-504; and all other relevant privacy laws.

(c)

(1) Subject to appropriate constitutional time, place, and manner restrictions in accordance with applicable law, for purposes of approving or scheduling usage of the institution's property, an institution shall not show bias or favoritism for or against:

(A) A student group that is peaceful and requests to use the institution's property in a peaceful and lawful manner;

(B) A guest speaker's, or a guest speaker's student-sponsoring group's, viewpoint, race, creed, color, religion, non-violent political ideology, or non-violent political party affiliation; or

(C) A student group that, or a guest speaker who, intends to maintain a peaceful campus presence and peaceful use of the institution's property on grounds that the institution has received threatened simple breaches of the peace or non-destructive disruptions from groups or individuals who oppose the student group's or guest speaker's presence on campus.

(2) A public institution of higher education shall not:

(A) Require a student group to pay fees or security deposits that are not charged to all other student groups; or

(B) Deny a student group access to the institution's property if the property is routinely used by other student groups.

(3) Notwithstanding subdivision (c)(1), a public institution of higher education may restrict or deny use of the institution's property for public displays, organized public gatherings, or public demonstrations if the display, gathering, or demonstration would violate § 39-17-902 or § 49-7-1904.

SECTION 3. Tennessee Code Annotated, Section 49-7-1903, is amended by designating subdivision (3) as (4) and adding the following as subdivision (3):

(3) A public institution of higher education shall not require an applicant for employment or admission to submit a personal diversity statement or to affirm the applicant's agreement with an institutional diversity statement as part of the application or admissions process.

SECTION 4. Tennessee Code Annotated, Section 49-7-1904(a), is amended by adding the following as a new subdivision:

(4) Approve or use state funds for fees, dues, subscriptions, or travel in conjunction with the membership, meetings, or activities of an organization if participation in such organization requires an individual, or an individual's employer, to endorse or promote a divisive concept.

SECTION 5. Tennessee Code Annotated, Section 49-7-1904, is amended by deleting subsection (b) and substituting:

(b)

(1) If a public institution of higher education employs an individual whose primary job title includes diversity, equity, or inclusion, then:

(A) The institution must ensure that the employee's efforts strengthen and increase intellectual diversity and promote a climate that facilitates the free and respectful exchange of ideas; and

(B) The institution must ensure that the employee's duties include efforts devoted to supporting student academic achievement and workforce readiness, such as mentoring, career readiness and support, workforce development, or other related learning support activities necessary for the academic and professional success of all students.

(2) Employees whose job title includes diversity, equity, or inclusion but whose primary duties require compliance with state or federal law that conflicts with subdivision (b)(1) are exempt from this subsection (b).

(c) Each public institution of higher education shall review the requirements of subsection (b) to ensure the institution's compliance and to evaluate the institution's progress toward academic and institutional outcomes. The outcomes must be submitted directly to the institution's chief executive. If the institution is part of a university system, then the outcomes must be subsequently reviewed by the system's chief executive.

SECTION 6. Tennessee Code Annotated, Section 49-7-1904, is amended by adding the following as a new subsection:

(d)

(1) A public institution of higher education shall notify students and employees of the institution on the restrictions in § 49-7-1903 and the definition of divisive concepts in § 49-7-1904 by including such information on the institution's website and on introductory materials provided by the institution to new students and employees.

(2) Institutions shall provide employee training to ensure compliance with this part.

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. 1303

House Bill No. 1199*

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

SECTION 1. Tennessee Code Annotated, Section 49-4-1005(5), is amended by designating the subdivision as subdivision (A) and adding the following as a new subdivision:

(B)

(i) Notwithstanding § 49-4-1003:

(a) As used in this subdivision (5)(B), "educational institution" means a private college accredited by the Accrediting Commission of Career School and Colleges (ACCSC) that maintains a campus in this state and that had its primary campus domiciled in this state prior to August 1, 2022, but that is no longer domiciled in this state; and

(b) For purposes of this subdivision (5)(B), all references to terms defined in § 49-4-1003 that refer to an "educational institution" refer only to an "educational institution" as defined in subdivision (5)(B)(i)(a);

(ii) Notwithstanding subdivision (5)(A), the adjutant general shall directly reimburse a member for the tuition charged to the member by an educational institution if the member enlisted prior to December 31, 2020;

(iii) Tuition reimbursement under this subdivision (5)(B) must not exceed twenty-four (24) semester hours earned toward a certificate or diploma from a vocational or technical program offered by the educational institution. A member is eligible for tuition reimbursement under this subdivision (5)(B) for each of the semester hours the member was enrolled in a vocational or technical program



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offered by the educational institution, including the semester hours earned by the student in the vocational or technical program before the member's receipt of tuition reimbursement under this subdivision (5)(B). It is not required that tuition reimbursement under this subdivision (5)(B) apply toward a member's first certificate or diploma from a vocational or technical program; and

(iv) This subdivision (5)(B) is repealed on July 1, 2024;

SECTION 2. Tennessee Code Annotated, Section 49-4-1005(11), is amended by designating the subdivision as subdivision (11)(A) and adding the following as a new subdivision:

(B) Notwithstanding subdivision (11)(A):

(i) Members eligible for direct tuition reimbursement under subdivision (5)(B) must submit an application for tuition reimbursement within ninety (90) days of course completion if the course is completed on or after July 1, 2023; and

(ii) Members eligible for direct tuition reimbursement under subdivision (5)(B) must submit an application for tuition reimbursement no later than June 30, 2024, for courses completed by the member prior to July 1, 2023.

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. 1163*

House Bill No. 1408

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following as a new section:

49-7-182.

(a) As used in this section, "administrator" means a president, vice president, chancellor, vice chancellor, associate or assistant vice chancellor, provost, vice provost, associate or assistant provost, dean, associate or assistant dean, chief administrator, director, general counsel, senior associate, chief officer, chief of staff, controller, chief information officer, senior executive program director, or treasurer of a public institution of higher education.

(b) An annual salary increase, including a contractual bonus payment, for an administrator shall not exceed two hundred percent (200%) of the salary pool percentage appropriated by the general assembly for higher education employees for the fiscal year for which the annual salary increase is given to the administrator.

SECTION 2. Tennessee Code Annotated, Section 49-8-202(a)(2), is amended by adding ", in accordance with § 49-7-182" after "chief executive officer's compensation".

SECTION 3. Tennessee Code Annotated, Section 49-8-203(a)(1)(A), is amended by adding ", in accordance with § 49-7-182," after "fix their salaries".

SECTION 4. Tennessee Code Annotated, Section 49-9-209(d)(1)(B), is amended by adding ", in accordance with § 49-7-182," after "fix the president's compensation".



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SECTION 5. Tennessee Code Annotated, Section 49-9-209(d)(1)(C)(i), is amended by adding ", in accordance with § 49-7-182," after "set their compensation".

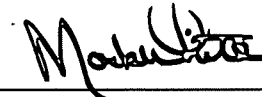
SECTION 6. Tennessee Code Annotated, Section 49-9-209(d)(1)(D)(i), is amended by adding ", in accordance with § 49-7-182," after "set their compensation".

SECTION 7. Tennessee Code Annotated, Section 49-9-209(d)(1)(G), is amended by adding ", in accordance with § 49-7-182, as applicable," after "employees of the University of Tennessee system and the individual institutions".

SECTION 8. Tennessee Code Annotated, Section 49-9-401(d), is amended by adding "in accordance with § 49-7-182" after "compensation".

SECTION 9. This act takes effect July 1, 2023, the public welfare requiring it, and applies to the 2023-2024 academic year and each academic year thereafter.

Amendment No. _____



Signature of Sponsor

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Date _____

Time _____

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Comm. Amdt. _____

AMEND Senate Bill No. 1220

House Bill No. 432*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 4, Part 7, is amended by adding the following as a new section:

(a) This section is known and may be cited as the "Tennessee Future Teacher Scholarship Act of 2023."

(b) As used in this section:

(1) "Approved EPP" means an educator preparation program approved by the state board of education at an eligible postsecondary institution;

(2) "Eligible candidate" means a student who is:

(A) Enrolled in an approved EPP in the student's junior or senior year as determined by the institution in which the student is enrolled; and

(B) A citizen of the United States who has resided in this state for at least one (1) year prior to the student's admission to the eligible postsecondary institution at which the student is enrolled;

(3) "Eligible postsecondary institution" has the same meaning as defined in § 49-4-902;

(4) "Gift aid" means financial aid received from the federal Pell grant, the Tennessee education lottery scholarship, or the Tennessee student assistance award;

(5) "Targeted setting" means a:



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(A) Tennessee public school located in a distressed or at-risk county, as determined by the department of education; or

(B) Subject area for which there is a critical shortage, as determined by the department of education; and

(6) "TSAC" means the Tennessee student assistance corporation.

(c) Subject to available funding, TSAC shall administer a five-year pilot program to award a Tennessee Future Teacher scholarship to future educators. The pilot program begins with the 2023-2024 academic year and terminates on July 1, 2028.

(d) To be eligible for a Tennessee Future Teacher scholarship, an eligible candidate must:

(1) Be eligible for and receive a Tennessee HOPE scholarship under chapter 4, part 9 of this title;

(2) Be admitted to and enrolled in an approved EPP;

(3) Complete the scholarship application, as required by TSAC;

(4) Maintain the minimum cumulative grade point average required by the approved EPP; and

(5) Sign a promissory note agreeing to teach in an LEA or public charter school in this state for at least four (4) consecutive years in a targeted setting.

(e) If a student ceases to be eligible for the Tennessee Future Teacher scholarship at any time for any reason, then the student is not eligible to regain the scholarship.

(f) If a student is awarded a Tennessee Future Teacher scholarship, then the student may continue to receive a Tennessee Future Teacher scholarship under this section until the occurrence of the first of the following events:

(1) The student has attained a degree through an approved EPP;

(2) The student ceases to be eligible for the Tennessee HOPE scholarship; or

(3) Three (3) years have elapsed since the date of the student's enrollment in a term for which the student received the student's first Tennessee Future Teacher scholarship.

(g) A student who receives a Tennessee Future Teacher scholarship may transfer from one (1) eligible postsecondary institution to another eligible postsecondary institution without loss of the scholarship so long as the student continues to meet all eligibility requirements for the scholarship.

(h) Subject to the amounts appropriated by the general assembly, the amount of a Tennessee Future Teacher scholarship:

(1) At a public institution is the cost of tuition and mandatory fees charged to all students for coursework leading to completion of an approved undergraduate EPP at the public institution attended less all other gift aid. The gift aid must be credited first to tuition and mandatory fees before the Tennessee Future Teacher scholarship is applied; and

(2) At a private institution must not exceed the average cost of tuition and mandatory fees charged to all students for coursework leading to completion of an approved undergraduate EPP at the state's public institutions less all other gift aid. The gift aid must be credited first to tuition and mandatory fees before the Tennessee Future Teacher scholarship is applied.

(i) If a student receives a Tennessee Future Teacher scholarship and does not teach in a targeted setting for at least four (4) consecutive years, then the student must reimburse TSAC for each year the student did not teach in a targeted setting an amount equal to the total scholarship amount the student received pursuant to this section divided by four (4), without interest.

(j) TSAC may promulgate rules to effectuate the purposes of this section, including establishing reimbursement requirements pursuant to subsection (i). The rules

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

(k) The office of research and education accountability (OREA), in the office of the comptroller of treasury, shall review and study the pilot program created in this section and the Tennessee Future Teacher scholarships awarded through the pilot program to determine the effectiveness of the scholarships in increasing the number of licensed educators in this state. The study must be conducted in the third and fifth year of the pilot program and four (4) years after the program terminates on July 1, 2028. The OREA shall report its findings and conclusions of each study to the speakers of the senate and house of representatives and to the education committees of the senate and house of representatives by December 31 each year a study is conducted.

SECTION 2. 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.

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Signature of Sponsor

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Comm. Amdt. _____

AMEND Senate Bill No. 1042

House Bill No. 783*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-4-921, is amended by deleting subsection (a) and substituting:

(a) To be eligible for a Wilder-Naifeh technical skills grant, a student:

(1) Seeking a diploma or certificate at a Tennessee college of applied technology operated by the board of regents of the state university and community college system must:

(A) Meet the requirements of §§ 49-4-904 and 49-4-905(a); and

(B) Be admitted to the institution in an eligible program of study leading to a certificate or diploma; or

(2) Seeking a quality non-degree credential must:

(A) Reside in a county in which:

(i) A community college operated by the board of regents maintains a campus at which the graduation rate is less than twenty percent (20%); and

(ii) The high school graduation rate for each LEA located in the county is less than the average high school graduation rate for all LEAs for each school year in a three-year period;

(B) Meet the requirements of §§ 49-4-904 and 49-4-905(a)(1) and (2); and



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(C) Be admitted to a QNDC program at a community college operated by the board of regents, a state university located in this state, the University of Tennessee system, a nonprofit technical school, or a nonprofit providing a THEC-approved training program.

SECTION 2. Tennessee Code Annotated, Section 49-4-921, is amended by deleting subsection (b) and substituting:

(b) A minimum number of hours of enrollment is not required for eligibility for a Wilder-Naifeh technical skills grant under this section. A student receiving a grant pursuant to subdivision (a)(1) must maintain satisfactory academic progress in accordance with the standards and practices used for federal Title IV programs by the institution at which the student is enrolled to continue the grant. A student receiving a grant pursuant to subdivision (a)(2) must maintain satisfactory academic progress in accordance with the standards and practices used by the institution at which the student is enrolled to continue the grant. If a student fails to maintain satisfactory academic progress, then the student loses the Wilder-Naifeh technical skills grant. Once a student loses a Wilder-Naifeh technical skills grant, an additional award under this section shall not be granted.

SECTION 3. Tennessee Code Annotated, Section 49-4-921(d), is amended by deleting "the certificate or diploma" and substituting "the certificate, diploma, or QNDC".

SECTION 4. Tennessee Code Annotated, Section 49-4-921(e), is amended by adding "for the QNDC program or" immediately preceding "by the institution".

SECTION 5. Tennessee Code Annotated, Section 49-4-921, is amended by adding the following as a new subsection:

(h) As used in this section:

(1) "In-demand occupation" means an occupation for which there exists a high demand for a trained workforce in this state based on current job openings,

hiring data, and future projections as determined by the report created pursuant to § 49-7-112;

(2) "Nonprofit technical school" means a private, nonprofit technical school that:

(A) Has had its primary campus domiciled in this state for at least seventy-five (75) consecutive years;

(B) Is accredited by the Council on Occupational Education; and

(C) In addition to offering diploma, certificate, and associate degree programs, offers a baccalaureate degree through an articulation agreement with a regionally accredited postsecondary institution; and

(3) "Quality non-degree credential" or "QNDC" means a credential, other than a degree or a diploma, the receipt of which indicates satisfactory completion of a workforce training program that:

(A) Has instruction and training lasting no longer than twenty-two (22) weeks or seven hundred (700) hours;

(B) Has a defined curriculum, objectives, and results in the awarding of credential upon successful completion;

(C) Culminates in a recognized industry certification, registered apprenticeship, occupational licensure, or certificate but does not include participation in or completion of a program of professional development, continuing education, exam preparation, or similar objectives;

(D) Creates a pathway to other quality credentials, postsecondary degrees, or diploma programs;

(E) Qualifies an individual for an in-demand occupation; and

(F) Is not eligible for federal title IV funding.

SECTION 6. Tennessee Code Annotated, Section 49-4-902(45), is amended by deleting the subdivision and substituting:

(45) "Wilder-Naifeh technical skills grant" means a grant that is funded from net proceeds of the state lottery and awarded under this part for coursework in an eligible program of study at a Tennessee college of applied technology operated by the board of regents of the state university and community college system or a quality non-degree credential, as defined in § 49-4-921.

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. 74

House Bill No. 27*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-4-902(13), is amended by deleting the subdivision and substituting:

(13) "Eligible program of study" means:

(A) A curriculum of courses leading to a certificate or diploma at a Tennessee college of applied technology; or

(B) A federal Title IV-eligible curriculum of courses leading to a certificate, diploma, or an associate, baccalaureate, or advanced degree at an eligible postsecondary institution;

SECTION 2. Tennessee Code Annotated, Section 49-4-902(30), is amended by deleting subdivision (A) and substituting:

(A) Is an independent student, as determined by the FAFSA, who has enrolled in a baccalaureate degree program at an eligible four-year postsecondary institution and attempted at least twelve (12) semester hours; or

SECTION 3. Tennessee Code Annotated, Section 49-4-902, is amended by deleting "associate or baccalaureate" in subdivisions (39) and (40) and substituting "associate, baccalaureate, or advanced".

SECTION 4. Tennessee Code Annotated, Section 49-4-913(a)(1), is amended by deleting "a baccalaureate" and substituting "an advanced".

SECTION 5. Tennessee Code Annotated, Section 49-4-919(a)(1), is amended by deleting "a baccalaureate" and substituting "an advanced".



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SECTION 6. Tennessee Code Annotated, Section 49-4-920(f)(1), is amended by deleting "a baccalaureate" and substituting "an advanced".

SECTION 7. Tennessee Code Annotated, Section 49-4-931(a)(4), is amended by deleting the subdivision and substituting:

(4) Not have earned a baccalaureate or advanced degree prior to initially receiving an award under this section;

SECTION 8. Tennessee Code Annotated, Section 49-4-931(d)(1), is amended by deleting "a baccalaureate" and substituting "an advanced".

SECTION 9. 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.

House Higher Education Subcommittee Am. #1

Amendment No. _____

Signature of Sponsor

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

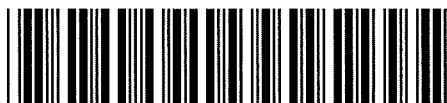
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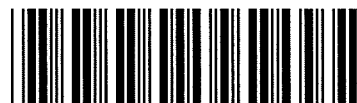
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Amendment No. _____


Signature of Sponsor

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Date _____

Time _____

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AMEND Senate Bill No. 528*

House Bill No. 551

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 36-1-109(a)(1)(B)(ii), is amended by deleting the language "counseling" and substituting instead "counseling, which may occur in person or by virtual means,".

SECTION 2. Tennessee Code Annotated, Section 36-1-111(o)(6)(C), is amended by deleting the subdivision and substituting instead:

(C) If the person, the department, or the licensed child-placing agency to whom the child is surrendered or to whom parental consent is given, has physical custody or has otherwise complied with subdivision (d)(6), and if there has been full compliance with the other provisions of this section, then the court shall, contemporaneously with the surrender or the filing of an adoption petition, immediately upon written motion by the person or the person's attorney, or by the department or the licensed child-placing agency, enter an order giving the person, the licensed child-placing agency, or the department guardianship or partial guardianship of the child.

SECTION 3. Tennessee Code Annotated, Section 36-1-112, is amended by adding the following as a new subsection:

() The court may reduce the three-day revocation period to a twenty-four (24) hour revocation period if the birth parent is represented by an attorney who is licensed to practice law in this state.

SECTION 4. Tennessee Code Annotated, Section 36-1-113(g)(10), is amended by deleting the subdivision and substituting instead:



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(A) The parent has been convicted of one (1) of the following offenses from which the child was conceived:

- (i) Aggravated rape, pursuant to § 39-13-502;
- (ii) Rape, pursuant to § 39-13-503;
- (iii) Rape of a child, pursuant to § 39-13-522;
- (iv) Especially aggravated rape, pursuant to § 39-13-534; or
- (v) Especially aggravated rape of a child, pursuant to § 39-13-535; and

(B) A certified copy of the conviction suffices to prove this ground;

SECTION 5. Tennessee Code Annotated, Section 36-1-113(h)(1), is amended by deleting subdivision (h)(1)(D) and substituting instead the following:

(D) If a juvenile court has made a finding of severe child abuse as defined in § 37-1-102, then a petition required by this subdivision (h)(1)(D) must be filed within ninety (90) days of the finding;

(E) If a child has been in foster care under the responsibility of the department for six (6) months or more and the child's parents have not made reasonable progress toward obtaining custody of the child during the six-month period; or

(F) If two (2) or more of the grounds for termination of parental rights set out in subsection (g) apply to the child's parent.

SECTION 6. Tennessee Code Annotated, Section 36-1-117(c)(2), is amended by deleting the subdivision and substituting instead:

(2) The biological father has claimed to the child's biological mother, or the petitioners or their attorney, or to the department, a licensed child-placing agency, or a licensed clinical social worker who is involved in the care, placement, supervision, or study of the child, that the biological father believes that the biological father is the father of the child and has either paid financial support to or for the benefit of the child or the

child's mother during the pregnancy or when the mother had physical custody of the child, or has made a court filing or appearance consistent with the biological father's claim of paternity; provided, that if the biological father has previously notified the department of the biological father's claim to paternity of the child pursuant to the putative father registry, § 36-2-318(e)(3), then the biological father is subject to all requirements for waiver of notice provisions of § 36-2-318(f)(2) and to all requirements for filing a paternity petition;

SECTION 7. Tennessee Code Annotated, Section 36-1-117(c)(4), is amended by deleting the subdivision and substituting instead:

(4) The biological father has openly lived with the child and has held himself out as the father of the child; provided, that if custody of the child has been removed from the biological mother by court order, notice shall be given to any man who was openly living with the child at the time of the initiation of the custody or guardianship proceeding that resulted in the removal of the custody or guardianship of the child from the biological mother or biological father, if the man held himself out to be the father of the child at the time of the removal; or

SECTION 8. Tennessee Code Annotated, Section 36-1-122(b)(2), is amended by deleting the subdivision and substituting instead:

(2) In no event, for any reason, shall an adoption be overturned by any court or collaterally attacked by any person or entity after six (6) months from the date of entry of the final order of adoption by a court of competent jurisdiction. This subdivision (b)(2) is intended as a statute of repose.

SECTION 9. Tennessee Code Annotated, Section 37-2-414(b)(2), is amended by adding the following language between the first and second sentences of the subdivision:

The department shall prioritize efforts to locate an appropriate kinship foster care placement for the child for at least thirty (30) days following removal from the child's home.

SECTION 10. Tennessee Code Annotated, Section 37-2-414(b), is amended by adding the following new subdivision:

() The department shall develop and implement eligibility standards for temporary kinship placements.

SECTION 11. Tennessee Code Annotated, Section 37-2-414(e), is amended by adding the following subdivision (e)(1) and redesignating the current language as subdivision (e)(2):

(1) Except when placement is in the best interest of the child, the department shall not place a child with, or allow a child to remain in the home of, a kinship foster parent if the kinship foster parent shares a residence with the child's parent who has had parental rights to the child terminated.

SECTION 12. Tennessee Code Annotated, Section 37-2-415(a)(17), is amended by adding the following language before the semicolon at the end of the subdivision:

. A foster parent who has served as the physical placement for the child for a period of six (6) months or more shall be permitted to actively participate in any permanency hearing or dispositional hearing for that child and to appear, call witnesses, make arguments, and be represented by counsel during the hearing for the sole purpose of presenting evidence with regard to the best interests of the child

SECTION 13. Tennessee Code Annotated, Title 37-2-416, is amended by deleting subsection (a), substituting the following, and redesignating the subsequent subsection appropriately:

(a) The department shall notify the foster parents, if any, or any prospective adoptive parent or relative providing care for the child in state custody with notice of any review or hearing to be held with respect to the child. The foster parents, if any, of such a child and any prospective adoptive parent or relative providing care for the child shall be provided with notice of the right to be heard in any review or hearing to be held with respect to the child, except that this section shall not be construed to require that any foster parent, prospective adoptive parent, or relative providing care for the child who

has served as the physical placement for the child for a period of fewer than six (6) continuous months be made a party to such a review or hearing solely on the basis of such notice and right to be heard.

(b) Any foster parent who has served as the physical placement for the child for a period of six (6) or more continuous months shall be permitted to appear, call witnesses, make arguments, and be represented by counsel for the sole purpose of presenting evidence with regard to the best interests of the child.

SECTION 14. Tennessee Code Annotated, Section 36-1-116(a), is amended by adding the following new subdivision:

(3) The department must accept a home study performed by a licensed child-placing agency or licensed clinical social worker within the previous two (2) years, and shall not require a prospective adoptive parent who has had a valid home study completed by a licensed child-placing agency or licensed clinical social worker to undergo an additional home study by the department in order to adopt a child who is in the custody of the department unless there have been subsequent changes to the circumstances of the household.

SECTION 15. Tennessee Code Annotated, Section 36-1-114, is amended by deleting the section and substituting:

(a) The termination petition may be filed in the county:

- (1) Where the petitioners reside;
- (2) Where the child resides;
- (3) Where, at the time the petition is filed, any respondent resides;
- (4) In which is located any licensed child-placing agency or institution operated under the laws of this state having custody or guardianship of the child or to which the child has been surrendered as provided in this part;
- (5) Where the child became subject to the care and control of a public or private child-caring or child-placing agency; or

(6) Where the child became subject to partial or complete guardianship or legal custody of the petitioners as provided in this part.

(b) The adoption petition may be filed in any county in this state.

SECTION 16. Tennessee Code Annotated, Section 37-2-403(b), is amended by adding the following new subdivision:

(4) A foster parent or kinship caregiver with whom a child has resided for six (6) months or more is a person who has a significant relationship with the child. Absent evidence to the contrary, the department, foster care advisory review board, or court may presume that continuation of the child's placement with, or adoption by, the child's current caregivers is in the child's best interests.

SECTION 17. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. _____

Mary Littleton

Signature of Sponsor

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Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 528*

House Bill No. 551

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 36-1-109(a)(1)(B)(ii), is amended by deleting the language "counseling" and substituting instead "counseling, which may occur in person or by virtual means,".

SECTION 2. Tennessee Code Annotated, Section 36-1-111(o)(6)(C), is amended by deleting the subdivision and substituting instead:

(C) If the person, the department, or the licensed child-placing agency to whom the child is surrendered or to whom parental consent is given, has physical custody or has otherwise complied with subdivision (d)(6), and if there has been full compliance with the other provisions of this section, then the court shall, contemporaneously with the surrender or the filing of an adoption petition, immediately upon written motion by the person or the person's attorney, or by the department or the licensed child-placing agency, enter an order giving the person, the licensed child-placing agency, or the department guardianship or partial guardianship of the child.

SECTION 3. Tennessee Code Annotated, Section 36-1-112, is amended by adding the following as a new subsection:

() The court may reduce the three-day revocation period to a twenty-four (24) hour revocation period if the birth parent is represented by an attorney who is licensed to practice law in this state.

SECTION 4. Tennessee Code Annotated, Section 36-1-113(g)(10), is amended by deleting the subdivision and substituting instead:

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(10)

(A) The parent has been convicted of one (1) of the following offenses from which the child was conceived:

(i) Aggravated rape, pursuant to § 39-13-502;

(ii) Rape, pursuant to § 39-13-503;

(iii) Rape of a child, pursuant to § 39-13-522;

(iv) Especially aggravated rape, pursuant to § 39-13-534; or

(v) Especially aggravated rape of a child, pursuant to § 39-13-535; and

(B) A certified copy of the conviction suffices to prove this ground;

SECTION 5. Tennessee Code Annotated, Section 36-1-113(h)(1), is amended by deleting subdivision (h)(1)(D) and substituting instead the following:

(D) If a juvenile court has made a finding of severe child abuse as defined in § 37-1-102, then a petition required by this subdivision (h)(1)(D) must be filed within ninety (90) days of the finding;

(E) If a child has been in foster care under the responsibility of the department for six (6) months or more and the child's parents have not made reasonable progress toward obtaining custody of the child during the six-month period; or

(F) If two (2) or more of the grounds for termination of parental rights set out in subsection (g) apply to the child's parent.

SECTION 6. Tennessee Code Annotated, Section 36-1-117(c)(2), is amended by deleting the subdivision and substituting instead:

(2) The biological father has claimed to the child's biological mother, or the petitioners or their attorney, or to the department, a licensed child-placing agency, or a licensed clinical social worker who is involved in the care, placement, supervision, or

study of the child, that the biological father believes that the biological father is the father of the child and has either paid financial support to or for the benefit of the child or the child's mother during the pregnancy or when the mother had physical custody of the child, or has made a court filing or appearance consistent with the biological father's claim of paternity; provided, that if the biological father has previously notified the department of the biological father's claim to paternity of the child pursuant to the putative father registry, § 36-2-318(e)(3), then the biological father is subject to all requirements for waiver of notice provisions of § 36-2-318(f)(2) and to all requirements for filing a paternity petition;

SECTION 7. Tennessee Code Annotated, Section 36-1-117(c)(4), is amended by deleting the subdivision and substituting instead:

(4) The biological father has openly lived with the child and has held himself out as the father of the child; provided, that if custody of the child has been removed from the biological mother by court order, notice shall be given to any man who was openly living with the child at the time of the initiation of the custody or guardianship proceeding that resulted in the removal of the custody or guardianship of the child from the biological mother or biological father, if the man held himself out to be the father of the child at the time of the removal; or

SECTION 8. Tennessee Code Annotated, Section 36-1-122(b)(2), is amended by deleting the subdivision and substituting instead:

(2) In no event, for any reason, shall an adoption be overturned by any court or collaterally attacked by any person or entity after six (6) months from the date of entry of the final order of adoption by a court of competent jurisdiction. This subdivision (b)(2) is intended as a statute of repose.

SECTION 9. Tennessee Code Annotated, Section 37-2-414(b)(2), is amended by adding the following language between the first and second sentences of the subdivision: The department shall prioritize efforts to locate an appropriate kinship foster care placement for the child for at least thirty (30) days following removal from the child's home.

SECTION 10. Tennessee Code Annotated, Section 37-2-414(b), is amended by adding the following new subdivision:

() The department shall develop and implement eligibility standards for temporary kinship placements.

SECTION 11. Tennessee Code Annotated, Section 37-2-414(e), is amended by adding the following subdivision (e)(1) and redesignating the current language as subdivision (e)(2):

(1) Except when placement is in the best interest of the child, the department shall not place a child with, or allow a child to remain in the home of, a kinship foster parent if the kinship foster parent shares a residence with the child's parent who has had parental rights to the child terminated.

SECTION 12. Tennessee Code Annotated, Section 37-2-415(a)(17), is amended by adding the following language before the semicolon at the end of the subdivision:

. A foster parent who has served as the physical placement for the child for a period of nine (9) months or more shall be permitted to appear and actively participate in any permanency hearing or dispositional hearing for that child with regard to the best interests of the child

SECTION 13. Tennessee Code Annotated, Section 37-2-416, is amended by deleting subsection (a), substituting the following, and redesignating the subsequent subsection appropriately:

(a) The department shall notify the foster parents, if any, or any prospective adoptive parent or relative providing care for the child in state custody with notice of any review or hearing to be held with respect to the child. The foster parents, if any, of such a child and any prospective adoptive parent or relative providing care for the child shall be provided with notice of the right to be heard in any review or hearing to be held with respect to the child, except that this section shall not be construed to require that any foster parent, prospective adoptive parent, or relative providing care for the child who has served as the physical placement for the child for a period of fewer than nine (9)

continuous months be made a party to such a review or hearing solely on the basis of such notice and right to be heard.

(b) Any foster parent who has served as the physical placement for the child for a period of nine (9) or more continuous months shall be permitted to appear, call witnesses, make arguments, and be represented by counsel for the sole purpose of presenting evidence with regard to the best interests of the child.

SECTION 14. Tennessee Code Annotated, Section 36-1-116(a), is amended by adding the following new subdivision:

(3) The department must accept a home study performed by a licensed childplacing agency or licensed clinical social worker within the previous two (2) years, and shall not require a prospective adoptive parent who has had a valid home study completed by a licensed child-placing agency or licensed clinical social worker to undergo an additional home study by the department in order to adopt a child who is in the custody of the department unless there have been subsequent changes to the circumstances of the household.

SECTION 15. Tennessee Code Annotated, Section 36-1-114, is amended by deleting the section and substituting:

(a) The termination petition may be filed in the county:

- (1) Where the petitioners reside;
- (2) Where the child resides;
- (3) Where, at the time the petition is filed, any respondent resides;
- (4) In which is located any licensed child-placing agency or institution operated under the laws of this state having custody or guardianship of the child or to which the child has been surrendered as provided in this part;
- (5) Where the child became subject to the care and control of a public or private child-caring or child-placing agency; or
- (6) Where the child became subject to partial or complete guardianship or legal custody of the petitioners as provided in this part.

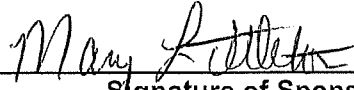
(b) The adoption petition may be filed in any county listed in subdivisions (a)(1)–(6) or a county that is adjacent to a county listed in subdivisions (a)(1)–(6).

SECTION 16. Tennessee Code Annotated, Section 37-2-403(b), is amended by adding the following new subdivision:

(4) A foster parent or kinship caregiver with whom a child has resided for six (6) months or more is a person who has a significant relationship with the child. Absent evidence to the contrary, the department, foster care advisory review board, or court may presume that continuation of the child's placement with, or adoption by, the child's current caregivers is in the child's best interests.

SECTION 17. Section 8 of this act takes effect July 1, 2024, the public welfare requiring it. All other sections of this act take effect July 1, 2023, the public welfare requiring it.

Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 656

House Bill No. 641*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 37-1-130(d), is amended by adding the following new subdivision:

(4) Prior to making the notification required in subdivision (d)(1), the department must conduct an assessment of the home to determine whether the child will receive proper care and supervision in the home, including a visit to the home.

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



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Amendment No. _____

Ron Travis

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 447*

House Bill No. 619

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 37-1-137(b), is amended by adding the following as a new subdivision:

(3) The commissioner shall notify the committing court at least fifteen (15) days prior to the proposed discharge of a child under subdivision (b)(1).

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



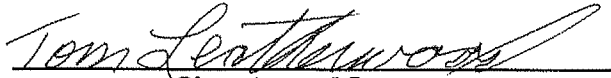
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Amendment No. _____


Signature of Sponsor

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Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 531*

House Bill No. 630

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 37-1-602(a), is amended by adding the following new subdivision:

() "Person residing in the child's home" includes, but is not limited to, a person who resides in a residential setting with a child who is in the custody of the department;

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



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Amendment No. _____

Tom Leatherwood

Signature of Sponsor

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Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 531*

House Bill No. 630

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

SECTION 1. Tennessee Code Annotated, Section 37-5-132, is amended by adding the following new subsections:

(c)

(1) Beginning January 1, 2025, the commissioner shall ensure that no case manager is responsible for more than twenty (20) cases at any time, unless the commissioner determines that assignment of cases in excess of this limit is temporarily necessary to ensure the life and safety of a child under the care and supervision of the department.

(2) Beginning January 1, 2026, the commissioner shall ensure that no case manager is responsible for more than eighteen (18) cases at any time, unless the commissioner determines that assignment of cases in excess of this limit is temporarily necessary to ensure the life and safety of a child under the care and supervision of the department.

(3) Beginning January 1, 2027, the commissioner shall ensure that no case manager is responsible for more than fifteen (15) cases at any time, unless the commissioner determines that assignment of cases in excess of this limit is temporarily necessary to ensure the life and safety of a child under the care and supervision of the department.



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(d) The commissioner shall ensure reasonable supervisory ratios to ensure supervisors can provide case managers effective leadership, oversight, and staff support.

(e) The commissioner is authorized to employ:

(1) Programmatic support personnel who do not maintain regular caseloads to provide technical expertise in the delivery of services to any child under the care and supervision of the department;

(2) Special response team personnel who do not maintain regular caseloads but are available to assume cases from case managers to assist in maintaining caseload standards, respond to emergent situations, and guard against interruption in service delivery; and

(3) Administrative support personnel who do not maintain caseloads to ensure the uninterrupted business processes that support the care and supervision of case-carrying staff.

(f) In addition to the annual report required by § 37-5-105(4), beginning January 1, 2024, and by January 1 of each year thereafter, the department must publish on the department's website:

(1) The average daily statewide caseload of case managers; and

(2) The number of case managers whose caseload is above the average set forth in subsection (a) or the limit set forth in subsection (c).

(g) The department may segment published data related to caseload by type of work performed by division consistent with department policies.

(h)

(1)

(A) Beginning January 1, 2025, if the average daily caseload of case managers exceeds twenty (20) cases per case manager for three

(3) consecutive months or if ten percent (10%) or more of case managers

have average daily caseloads exceeding twenty (20) cases per case manager, then the department is considered noncompliant with caseload standards established pursuant to this section.

(B) Beginning January 1, 2026, if the average daily caseload of case managers exceeds eighteen (18) cases per case manager for three (3) consecutive months or if ten percent (10%) or more of case managers have average daily caseloads exceeding eighteen (18) cases per case manager, then the department is considered noncompliant with caseload standards established pursuant to this section.

(C) Beginning January 1, 2027, if the average daily caseload of case managers exceeds fifteen (15) cases per case manager for three (3) consecutive months or if ten percent (10%) or more of case managers have average daily caseloads exceeding fifteen (15) cases per case manager, then the department is considered noncompliant with caseload standards established pursuant to this section.

(2) In such circumstances described in subdivision (h)(1):

(A) The department shall:

(i) Within thirty (30) days of initial noncompliance under this subsection (h), deliver to the governor, speaker of the senate, and speaker of the house of representatives notice of the noncompliance and a summary of emergent efforts being made to rectify the noncompliance; and

(ii) Post, on a monthly basis, on the department's website, the average daily statewide caseload of case managers, until such time as the average daily caseload has been maintained at the applicable limit of cases per case manager for thirty (30) consecutive days; and

(B) The department of human resources shall authorize the use of a number of temporary positions determined by the commissioner of children's services to ensure re-establishment of compliance with subsection (a) or the limit set forth in subsection (c), whichever is applicable.

(i) If, after three (3) consecutive months of non-compliance, the commissioner determines compliance with any of this section's requirements is infeasible or unwarranted, then the commissioner shall provide written notice to the governor and members of the general assembly with a request for necessary resources to re-establish ongoing compliance with subsection (a) or the limit set forth in subsection (c), whichever is applicable.

SECTION 2. Tennessee Code Annotated, Section 37-5-132(a), is amended by deleting the language "The department shall maintain staffing levels of case managers" and substituting instead "Prior to January 1, 2025, the department shall maintain staffing levels of case managers".

SECTION 3. Tennessee Code Annotated, Section 37-1-602(a), is amended by adding the following new subdivision:

() "Person residing in the child's home" includes, but is not limited to, a person who resides in a residential setting with a child who is in the custody of the department;

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. 575*

House Bill No. 731

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 5, Part 1, is amended by adding the following as a new section:

(a) Notwithstanding a law to the contrary:

(1) If the department of children's services investigates an individual based on a report of medical neglect of a child after July 1, 2026, and does not find that abuse or neglect occurred but instead finds that the report was based on a legitimate difference of medical opinion that involved no substantial threat of injury to the child, then the department must close the case as unsubstantiated.

(2) After the investigation has been closed pursuant to subdivision (a)(1) for one (1) year or more, the individual may submit a written request to the department to remove and destroy all records of the investigation if technologically feasible within the limits of the department's electronic records management system. The request must be accompanied by a consent to such removal and destruction issued by the appropriate district attorney general or the district attorney general's designee. Both the request and consent must be on forms developed by the department and made available to the public.

(b) This section does not apply to records that are relevant to a separate ongoing investigation that is known to the department.



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SECTION 2. The commissioner of children's services 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 3. For purposes of rule promulgation, 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. 1048

House Bill No. 1032*

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

SECTION 1. Tennessee Code Annotated, Section 37-5-132, is amended by adding the following new subsections:

(c)

(1) Beginning January 1, 2025, the commissioner shall ensure that no case manager is responsible for more than twenty (20) cases at any time, unless the commissioner determines that assignment of cases in excess of this limit is temporarily necessary to ensure the life and safety of a child under the care and supervision of the department.

(2) Beginning January 1, 2026, the commissioner shall ensure that no case manager is responsible for more than eighteen (18) cases at any time, unless the commissioner determines that assignment of cases in excess of this limit is temporarily necessary to ensure the life and safety of a child under the care and supervision of the department.

(3) Beginning January 1, 2027, the commissioner shall ensure that no case manager is responsible for more than fifteen (15) cases at any time, unless the commissioner determines that assignment of cases in excess of this limit is temporarily necessary to ensure the life and safety of a child under the care and supervision of the department.



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(d) The commissioner shall ensure reasonable supervisory ratios to ensure supervisors can provide case managers effective leadership, oversight, and staff support.

(e) The commissioner is authorized to employ:

(1) Programmatic support personnel who do not maintain regular caseloads to provide technical expertise in the delivery of services to any child under the care and supervision of the department;

(2) Special response team personnel who do not maintain regular caseloads but are available to assume cases from case managers to assist in maintaining caseload standards, respond to emergent situations, and guard against interruption in service delivery; and

(3) Administrative support personnel who do not maintain caseloads to ensure the uninterrupted business processes that support the care and supervision of case-carrying staff.

(f) In addition to the annual report required by § 37-5-105(4), beginning January 1, 2024, the department must annually publish on the department's website:

(1) The average daily statewide caseload of case managers; and

(2) The number of case managers whose caseload is above the average set forth in subsection (a) or the limit set forth in subsection (c).

(g) The department may segment published data related to caseload by type of work performed by division consistent with department policies.

(h)

(1)

(A) Beginning January 1, 2025, if the average daily caseload of case managers exceeds twenty (20) cases per case manager for three (3) consecutive months or if ten percent (10%) or more of case managers have average daily caseloads exceeding twenty (20) cases per case

manager, then the department shall be considered noncompliant with caseload standards established pursuant to this section.

(B) Beginning January 1, 2026, if the average daily caseload of case managers exceeds eighteen (18) cases per case manager for three (3) consecutive months or if ten percent (10%) or more of case managers have average daily caseloads exceeding eighteen (18) cases per case manager, then the department shall be considered noncompliant with caseload standards established pursuant to this section.

(C) Beginning January 1, 2027, if the average daily caseload of case managers exceeds fifteen (15) cases per case manager for three (3) consecutive months or if ten percent (10%) or more of case managers have average daily caseloads exceeding fifteen (15) cases per case manager, then the department shall be considered noncompliant with caseload standards established pursuant to this section.

(2) In such circumstances described in subdivision (h)(1):

(A) The department shall:

(i) Within thirty (30) days of initial noncompliance under this subsection (h), deliver to the governor, lieutenant governor, and speaker of the house of representatives notice of the noncompliance and a summary of emergent efforts being made to rectify the noncompliance; and

(ii) Post, on a monthly basis, on the department's website, the average daily statewide caseload of case managers, until such time as the average daily caseload has been maintained at the applicable limit of cases per case manager for thirty (30) consecutive days; and

(B) The department of human resources shall authorize the use of a number of temporary positions determined by the commissioner of children's services to ensure re-establishment of compliance with subsection (a) or the limit set forth in subsection (c), whichever is applicable.

(i) If, after three (3) consecutive months of non-compliance, the commissioner determines compliance with any of this section's requirements is infeasible or unwarranted, then the commissioner shall provide written notice to the governor and members of the general assembly with a request for necessary resources to re-establish ongoing compliance with subsection (a) or the limit set forth in subsection (c), whichever is applicable.

SECTION 2. Tennessee Code Annotated, Section 37-5-132(a), is amended by deleting the language "The department shall maintain staffing levels of case managers" and substituting instead "Prior to January 1, 2025, the department shall maintain staffing levels of case managers".

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. 880*

House Bill No. 1225

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 36-5-104, is amended by deleting subsection (c) and substituting:

(c) In addition to the sanctions provided in subsection (a), if an individual fails to comply with the order or decree of support and maintenance for a minor child or children, then the court has the discretion to:

(1) Require the obligor to remove litter from the state highway system, public playgrounds, public parks, or other appropriate locations for any prescribed period of time in lieu of or in addition to any of the penalties otherwise provided. An obligor sentenced to remove litter from the state highway system, public playgrounds, public parks, or other appropriate locations or to work in a recycling center must be allowed to do so at a time other than the obligor's regular hours of employment; and

(2) Order the department of safety to issue the obligor a restricted driver license as the court deems appropriate.

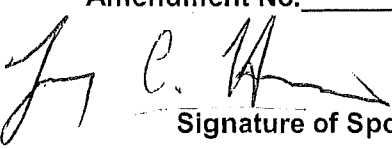
SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.



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Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1010*

House Bill No. 1393

by deleting all language after the enacting clause and substituting:

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

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

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

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

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

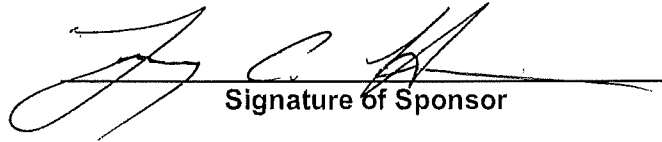


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Amendment No. _____


Signature of Sponsor

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Date _____

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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.

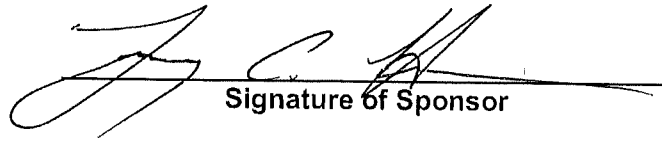


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Amendment No. _____


Signature of Sponsor

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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. _____


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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- 1 -



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Amendment No. _____

Mary Rottator
Signature of Sponsor

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Date _____

Time _____

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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 adding the following 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 at the parent's, guardian's, or other custodian's expense.

(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.

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

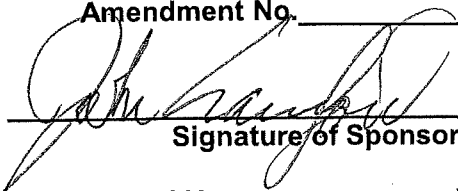


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Amendment No. _____

Signature of Sponsor

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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;

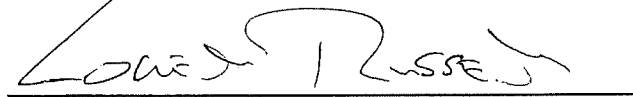
(ii) The victim's aunt, uncle, or cousin; or

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

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



Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 827*

House Bill No. 977

by deleting subsection (g) in the amendatory language of Section 2 and substituting:

(g) Subsections (b) and (c) do not apply to universities, college campuses, and other public or private non-K-12 education institutions or property. The possession or carrying of a firearm by an adult who is authorized to carry a firearm pursuant to § 39-17-1351 is not prohibited by this section on the property of any university, college campus, or other public or private non-K-12 educational institution.

AND FURTHER AMEND by deleting Section 5 and renumbering the subsequent sections accordingly.

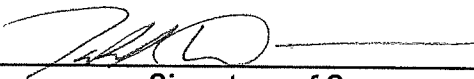


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Amendment No. _____



Signature of Sponsor

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AMEND Senate Bill No. 659

House Bill No. 37*

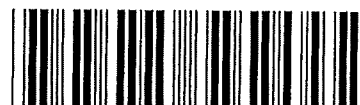
by deleting SECTION 2 and substituting:

SECTION 2. Tennessee Code Annotated, Title 4, Chapter 54, is amended by adding the following as a new section:

An employee or elected or appointed official of a state, local, or other government entity shall not enforce, or assist in the enforcement, of a federal law, rule, executive order, or regulation in violation of this chapter.

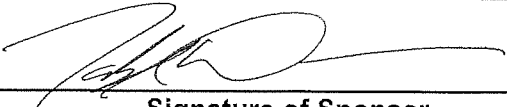


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Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 659

House Bill No. 37*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 4-54-105, is amended by deleting the section in its entirety.

SECTION 2. Tennessee Code Annotated, Title 4, Chapter 54, is amended by adding the following as a new section:

An employee or elected or appointed official of a state, local, or any other government entity shall not enforce, or assist in the enforcement, of a rule, executive order, or regulation in violation of this chapter.

SECTION 3. Tennessee Code Annotated, Title 39, Chapter 17, Part 13, is amended by adding the following as a new section:

- (a) It is an offense for a person to disenfranchise another of the person's constitutional rights in violation of title 4, chapter 54.
- (b) It is an offense for a person to knowingly assist another in violation of subsection (a).
- (c) It is an offense for a person to order another to violate subsection (a) or (b).
- (d)
 - (1) A violation of subsection (a) is a Class A misdemeanor.
 - (2) A violation of subsection (b) is a Class B misdemeanor.
 - (3) A violation of subsection (c) is a Class E felony.

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. 659

House Bill No. 37*

by adding the following language at the end of the amendatory language in SECTION 2:

A person shall not be discharged or terminated for refusal to violate this chapter or for reporting a violation of this chapter. An individual who alleges that the individual was terminated or discharged in violation of this section has all protections available under § 8-50-116 and § 50-1-304, and any other applicable protections as provided by law.

AND FURTHER AMEND by deleting subsection (d) in the amendatory language of SECTION 3.



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Amendment No. 1


Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1037

House Bill No. 746*

by deleting SECTION 8 and substituting instead:

SECTION 8. Tennessee Code Annotated, Section 39-17-1352(a)(6), is amended by deleting the language "39-17-1360" and substituting instead "39-17-1358".

SECTION 9. Tennessee Code Annotated, Section 39-17-1358(b), is amended by deleting the language "§§ 39-17-1351 — 39-17-1360 or § 39-17-1366" and substituting instead "§§ 39-17-1351 – 39-17-1357, § 39-17-1366, or subsection (a)".

SECTION 10: This act takes effect July 1, 2023, the public welfare requiring it.

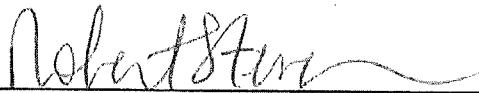


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Amendment No. _____



Signature of Sponsor

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Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1218

House Bill No. 100*

by adding the following as a new section immediately preceding the effective date section and renumbering the effective date section accordingly:

SECTION 2. Tennessee Code Annotated, Section 67-4-601, is amended by adding the following as a new subsection:

() Notwithstanding § 67-1-602, a county continues to have the authority to levy a local litigation tax on an adoption proceeding in chancery, circuit, or juvenile court, and the exemption provided in Section 1 does not limit or repeal such authority.



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Amendment No. _____



Signature of Sponsor

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Time _____

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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)

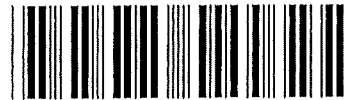
(1) Statutory immunities and statutory limitations on liability, damages, or attorney fees do not apply to a claim brought pursuant to this chapter.

(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

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Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 855

House Bill No. 794*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 55-10-419, is amended by deleting the section and substituting:

(a) As used in this section, unless the context otherwise requires:

(1) "Alternative device" means a transdermal monitoring device, other alternative alcohol or drug monitoring device, or global positioning monitoring device;

(2) "Eligible costs" means the costs paid from the fund that are associated with:

(A) The lease, purchase, installation, removal, and maintenance of a functioning ignition interlock device or with any other cost or fee associated with a functioning ignition interlock device required in accordance with § 40-11-118(d)(1)(B), § 55-10-401, § 55-10-409(b)(2), § 55-10-409(d)(2), § 55-10-417(a)(1), § 55-10-417(k), and other applicable law for a person determined by the court to be indigent; or

(B) The use, monitoring, and maintenance of an alternative device required pursuant to § 40-11-118(d)(2), § 40-11-152, § 55-10-402(d)(2)(A)(iii), § 55-10-402(h)(7), or any other applicable law for a person determined by a court to be indigent;

(3) "Functioning ignition interlock device" has the same meaning as in § 55-10-411(h)(2);



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(4) "Fund" means the electronic monitoring indigency fund;

(5) "Indigent" means a person who has been determined by a court to not possess sufficient means to pay for eligible costs applying the factors in subdivision (h)(4);

(6) "Local government" means a county or metropolitan government; and

(7) "Provider" means an ignition interlock provider, as defined in § 55-10-411(h)(3), and a provider of an alternative device.

(b) There is created in the state treasury a fund known as the electronic monitoring indigency fund. The fund is composed of two (2) accounts:

(1) The ignition interlock device account, which must pay for eligible costs for a functioning ignition interlock device that has been ordered by a court in accordance with applicable law; and

(2) The alternative device account, which must pay for eligible costs for an alternative device that has been ordered by a court in accordance with applicable law.

(c) The fund must be administered as follows:

(1) The money in the two (2) accounts may be commingled for investment purposes but must be accounted for separately with separate accounting for each account's principal and income;

(2) The ignition interlock device account must contain state-appropriated monies and may contain a portion of the fees assessed in accordance with this section, and as provided in other applicable law. The ignition interlock device account must be funded in whole or in part from state-appropriated monies;

(3) The alternative device account must contain state-appropriated monies;

(4) Moneys in the fund shall not revert to the general fund of the state, but must remain available to be used as provided for in this section;

(5) Interest accruing on fund deposits and investments must be credited to the fund, must not revert to the general fund, and must be carried forward into each subsequent fiscal year;

(6) Moneys in the fund must be invested by the state treasurer in accordance with § 9-4-603; and

(7) All proceeds collected pursuant to § 55-10-413(a) and § 69-9-219(c)(9) must be transmitted to the state treasurer for deposit in the fund.

(d) The fund must be composed of fees assessed pursuant to §§ 55-10-413(a) and 69-9-219(c)(9), which must be allocated as follows:

(1) Thirty dollars and fifty cents (\$30.50) to the fund for the purpose of paying eligible costs, and all costs and expenses incurred by the department of treasury for the administration of the fund;

(2) Four dollars and fifty cents (\$4.50) to the Tennessee Hospital Association for the sole purposes of making grants to hospitals that have been designated as critical access hospitals under the Medicare rural flexibility program for the purposes of purchasing medical equipment, enhancing high technology efforts, and expanding healthcare services in underserved areas;

(3) One dollar and twenty-five cents (\$1.25) to the department of mental health and substance abuse services to be placed in the alcohol and drug addiction treatment fund;

(4) One dollar and twenty-five cents (\$1.25) to the department of safety, Tennessee highway safety office, for the sole purpose of funding grant awards to local law enforcement agencies for purposes of obtaining and maintaining equipment and personnel needed in the enforcement of alcohol-related traffic offenses;

(5) One dollar and twenty-five cents (\$1.25) for the department of safety to be used to defray the expenses of administering this part; and

(6) One dollar and twenty-five cents (\$1.25) to the department of finance and administration, office of criminal justice programs, for the sole purpose of funding grant awards to halfway houses whose primary focus is to assist drug and alcohol offenders. In order for a halfway house to qualify for such grant awards it must provide:

(A) No less than sixty (60) residential beds monthly with occupancy at no less than ninety-seven percent (97%) per month, or if a halfway house with nonresidential day reporting services, it shall serve no less than two hundred (200) adults monthly;

(B) Safe and secure treatment facilities, and treatment to include moral recognition therapy, high school equivalency credential course work, anger management therapy, and domestic and family counseling; and

(C) Transportation to and from work and mental health or medical appointments for each of its residents.

(e) Annually, the state treasurer, in consultation with the commissioner of finance and administration, shall conduct an analysis to determine the solvency of the fund. The state treasurer may declare a surplus if there is a balance in excess of the amount necessary to maintain the solvency of the fund and shall report the amount of any surplus to the commissioner of finance and administration for inclusion in the annual budget document prepared pursuant to title 9, chapter 4, part 51. A surplus in the fund must be allocated as follows:

(1) Fifty percent (50%) of such surplus must be transmitted to the department of mental health and substance abuse services and placed in the alcohol and drug addiction treatment fund; and

(2) Fifty percent (50%) of such surplus must be used by the department of safety, Tennessee highway safety office, to provide grants to local law

enforcement agencies for purposes of obtaining and maintaining equipment or personnel needed in the enforcement of alcohol-related traffic offenses.

(f) The state treasurer shall manage and administer the payment of eligible costs for ignition interlock devices. A local government is not required to demonstrate its participation in the fund for the payment of eligible costs from the fund for ignition interlock devices.

(g) Subject to annual appropriations, there is established a grant program to assist local governments with up to fifty percent (50%) of the payment of eligible costs for alternative devices. The department of finance and administration, office of criminal justice programs, shall develop and administer the grant program.

(h)

(1) Notwithstanding another law to the contrary, the eligible costs incurred in order to comply with a court order to use a functioning ignition interlock device or an alternative device must be paid by the person ordered to use the device, unless the court finds such person to be indigent.

(2) If a court determines that a person is indigent, then the court shall order the person to pay a minimum of thirty dollars (\$30.00) per month. The remainder of the costs must be paid from the fund.

(3) Whenever a person ordered to install a device asserts an inability to pay for such device, the court shall conduct a full and complete hearing to determine the person's indigency. All statements made by the person must be by written affidavit of indigency created by the administrative office of the courts and sworn to before the court. If the person intentionally misrepresents, falsifies, or withholds any information in the affidavit of indigency, then the person commits perjury as set out in § 39-16-702.

(4) When making a finding as to indigency under this section, the court shall consider:

(A) The income of the person, regardless of source, including, but not limited to, governmental assistance or pensions;

(B) The person's monthly expenses;

(C) The number of other members of the person's household and any dependents;

(D) The person's employment status and education level;

(E) The person's ownership or equity in real or personal property or other assets;

(F) The person's debts;

(G) The amount of the appearance or appeal bond, whether the person has been able to obtain release by making bond, and, if the person obtained release by making bond, the amount of money paid and the source of the money;

(H) The poverty level income guidelines compiled and published by the United States department of labor; and

(I) Other circumstances presented to the court that the court finds to be relevant to the issue of indigency.

(i) The department of treasury shall administer, process, and pay the claims submitted by ignition interlock providers for an indigent person's eligible costs. Each local government participating in the alternative device account shall administer, process, and pay its own claims submitted by alternative device providers for an indigent person's eligible costs.

(j) Ignition interlock providers shall submit claims and invoices to the state treasurer for reimbursement from the ignition interlock device account for an indigent person with eligible costs, and providers of alternative devices shall submit claims and invoices for reimbursement to the respective local government for reimbursement from the alternative device account for an indigent person with eligible costs. Both types of

claims must be submitted no later than ninety (90) calendar days after the device has been ordered by the court, and must be accompanied by the following:

- (1) The court order requiring the device;
- (2) The affidavit of indigency, and any other information considered by the court to arrive at a determination of the person's indigency; and
- (3) An attestation from the provider for each claim indicating that the charges contained in the claim are true and accurate and do not contain duplicate claims or charges previously submitted for reimbursement.

(k) Once a claim is approved for eligibility, the provider shall submit:

- (1) Invoices for payment to either the state treasurer or the local government no later than one hundred eighty (180) calendar days from the date of service;
- (2) Amendments to documents previously submitted or new documentation in support of a claim or invoice to either the state treasurer or the local government no later than ninety (90) calendar days after the provider's receipt of the amended or new documentation; and
- (3) Any additional information or any additional forms requested by the state treasurer or the local government.

(l) Once the invoice for payment has been approved, a provider must be paid no more than two hundred dollars (\$200) per month for the eligible costs for a device.

(m) The provider shall ensure that the court orders submitted to either the state treasurer or the local government do not contain handwritten changes and are submitted on a uniform court order prescribed by the administrative office of the courts.

(n) If a provider filing a claim or invoice for reimbursement from the fund knowingly makes a false, fictitious, or fraudulent statement or representation, or knowingly submits false, fictitious, or fraudulent documentation or information to the

state treasurer or the local government for reimbursement, then the provider may be liable under the false claims act, compiled in title 4, chapter 18.

(o) If a provider is overpaid from the fund for any reason, then either the state treasurer or the local government may exercise a right of set-off against any amount due to the provider from the fund.

(p) If the state treasurer determines or anticipates that there are or will be insufficient funds to pay for eligible costs from the ignition interlock account, or the local government determines or anticipates that there are or will be insufficient funds to pay for eligible costs, then the state treasurer or the local government may:

(1) Stop accepting, determining eligibility for, or paying claims or invoices submitted by providers for a period of time determined by either the state treasurer or the local government;

(2) Begin accepting or paying claims or invoices submitted by providers on or after the date on which the state treasurer determines that there is a sufficient amount of money in the ignition interlock account or the local government determines there is a sufficient amount of money in the alternative device account;

(3) Notify providers and the administrative office of the courts of the anticipated date that provider claims and invoices will be accepted and paid from the respective accounts in the fund again; and

(4) Establish an order of priority for paying claims and invoices after the period of insolvency.

(q) The state treasurer is authorized to promulgate rules relative to the investment of money in the fund and the administration, processing, and payment of ignition interlock provider claims and invoices. The commissioner of finance and administration is authorized to promulgate rules relative to the grant program.

(r) The state treasurer, in consultation with the department of finance and administration, shall report annually to the general assembly on the activities of the fund for the preceding fiscal year. The first report is due no later than February 1, 2024, and by each February 1 thereafter.

(s) The fund is subject to examination and audit by the comptroller of the treasury.

SECTION 2. This act takes effect October 1, 2023, the public welfare requiring it, and applies to claims for alternative devices that are eligible for payment or pending an eligibility determination on or after October 1, 2023, and to invoices for alternative devices that are pending payment or submitted for payment on or after October 1, 2023.

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 476*

House Bill No. 1253

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 40-25-129, is amended by deleting subdivision (c)(1) and substituting:

(1) Notwithstanding subsections (a) and (b), the department of correction, through the judicial accountant, shall advance or reimburse witness expenses necessary to the prosecution of a criminal case as requested by the district attorney general and approved by the court. In such cases, a determination of indigency is not required; however, the county shall seek to recover the costs of the advance or reimbursement of witness expenses from a convicted defendant as provided in subdivision (a)(2) or another appropriate provision.

SECTION 2. Tennessee Code Annotated, Section 40-25-129, is amended by adding the following new subsection:

(d) This section must be applied liberally to effectuate witnesses for the state being advanced or reimbursed for the cost of all witness expenses allowable under the law in the shortest timeframe possible. This section applies to all cases that fall within the intent of this subsection (d) prior to, or on or after, the effective date of this act.

SECTION 3. 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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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. 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, the Tennessee district attorneys general conference, and other relevant parties at the request of the district attorneys general conference shall work in conjunction to 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:



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

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Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1475

House Bill No. 806*

by deleting subsection (a) in SECTION 1 and substituting the following:

(a) The general assembly finds and declares that an effective means of punishing and deterring organized crime, particularly crime involving gang activity and human trafficking, is prosecuting unlawful conduct that furthers the interests of these criminal organizations, as well as the forfeiture of profits derived from such criminal activities.

AND FURTHER AMEND by deleting the substantive language in SECTION 2 and substituting the following:

(3) "Enterprise" means a formal or informal ongoing organization, association, or group that has as one (1) of its primary activities the commission of one (1) or more offenses qualifying as racketeering activity, and that consists of three (3) or more persons:

(A) Who share a common name, identifying signs, colors, or symbols;

(B) In a terrorist organization, hate group, or criminal gang as defined in § 40-35-121(a); or

(C) Who share the primary purpose of promoting or facilitating commercial sex acts, as defined under § 39-13-301(4);



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House Criminal Justice Subcommittee Am. # 1

Amendment No. _____

Signature of Sponsor

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AMEND Senate Bill No. 1348

House Bill No. 1475*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-16-603(d)(2)(A), is amended by deleting "thirty (30)" and substituting "ninety (90)".

SECTION 2. Tennessee Code Annotated, Section 39-16-603(d)(2)(B), is amended by deleting "sixty (60)" and substituting "one hundred twenty (120)".

SECTION 3. 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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Comm. Amdt. _____

AMEND Senate Bill No. 1153*

House Bill No. 1482

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 40-11-404, is amended by deleting subsection (b) and substituting:

(b) The Tennessee Association of Professional Bail Agents shall either provide or contract for a minimum of eight (8) hours of in-person continuing education classes to be held on a regular basis in each of the grand divisions and may provide additional classes as necessary. The association may also provide or contract for one (1) or more virtual classes. The association is authorized to subcontract with any of its sub associations for classes. A schedule of these classes must be provided to all agents. The association shall not charge more than four hundred fifty dollars (\$450) annually for the eight (8) hours of continuing education, and the cost of any course with less than eight (8) hours must be prorated.

SECTION 2. Tennessee Code Annotated, Title 40, Chapter 11, Part 4, is amended by adding the following as a new section:

(a) A person shall not attend a continuing education class under this part who has been convicted in any state of a crime equivalent to:

(1) A felony in this state; or

(2) Two (2) or more misdemeanors that are equivalent to Class A or

Class B misdemeanors in this state if the misdemeanor convictions occurred within five (5) years of the date of the continuing education class.



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(b)

(1) Not less than ninety (90) days before a scheduled continuing education class, an applicant seeking to attend a continuing education class pursuant to this part must submit to a criminal history background check as provided by § 38-6-109, with the results being reported as follows:

(A) An applicant who has been previously approved as a professional bondsman or an agent of a professional bondsman must have the results reported to the clerk of a court of record with criminal jurisdiction within a county in which the professional bondsman or the agent is approved to write appearance bonds;

(B) An applicant who will be seeking approval as a professional bondsman or as an agent of a professional bondsman must have the results reported to the clerk of a court of record with criminal jurisdiction within a county in which the prospective professional bondsman or agent will be seeking approval to write appearance bonds; and

(C) All other applicants must have the results reported to the clerk of a court of record with criminal jurisdiction within the county in which the applicant resides.

(2) The criminal history background check required by this section must include fingerprint checks against state and federal criminal records maintained by the Tennessee bureau of investigation and the federal bureau of investigation. The applicant is responsible for any fees associated with the criminal history background check.

(c)

(1) Upon receipt of a criminal history background check, the clerk of the court of record with criminal jurisdiction shall review the background check to determine whether the applicant has a disqualifying criminal history. The clerk may consult with the office of the district attorney general for the judicial district in making the determination required by this subdivision (c)(1).

(2) If the clerk determines that an applicant has a disqualifying criminal history, then the clerk must inform the applicant and the Tennessee Association of Professional Bail Agents of the clerk's determination not less than sixty (60) days prior to the scheduled continuing education class.

(3) If the clerk fails to come to a decision, then the applicant is presumed to have no disqualifying criminal history.

(d)

(1) If the applicant believes that the decision of the clerk is in error or that there are extenuating circumstances that would permit attendance notwithstanding the criminal history, then the applicant may appeal the clerk's decision within ten (10) days to the court of record with criminal jurisdiction within the county where the criminal history background check was received.

(2) All appeals must be in writing, setting forth the grounds for the appeal.

(3) The court hearing the appeal shall give written notice of its decision not less than fifteen (15) days before the scheduled continuing education class. If the court fails to provide written notice within the time period prescribed by this subdivision (d)(3), then the court must give written notice as to when the decision will occur, or if no such notice is given, then the clerk's decision is deemed final.

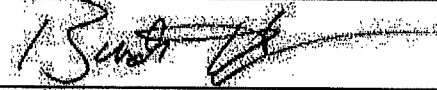
(e) An applicant has a right to appeal the court's decision to the court of criminal appeals within thirty (30) days.

(f) The clerk of the criminal court is authorized to charge a fee of not more than ten dollars (\$10.00) to receive and process the application and the criminal history background check.

(g) The Tennessee Association of Professional Bail Agents and its agents, contractors, and employees are not liable to any person for damages resulting from a determination made pursuant to this section.

SECTION 3. Section 1 of this act takes effect upon becoming a law, the public welfare requiring it. Section 2 of this act takes effect January 1, 2025, the public welfare requiring it, and applies to the 2025 continuing education period.

Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1153*

House Bill No. 1482

by deleting subdivision (c)(2) from the amendatory language in SECTION 2 and substituting:

(2) If the clerk determines that an applicant has a disqualifying criminal history, then the clerk must inform the applicant and the Tennessee Association of Professional Bail Agents not less than sixty (60) days prior to the scheduled continuing education class that the applicant is ineligible to attend the continuing education class.



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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. _____

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, criminal, 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 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 sexual battery when the victim is less than thirteen (13) years of age, 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:

(a) The offense of robbery or attempt to commit robbery; or

(b) Any offense if a deadly weapon was used during the commission of the offense; 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 child shall be tried as an adult in criminal court 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 child shall be tried as an adult in criminal court 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 determination that the child shall be tried as an adult in criminal court 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 mandatory sentence of death or imprisonment for life without the possibility of parole.

(c)

(1) If the criminal court determines that the child shall be tried as an adult in criminal court, then the 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 child shall not be tried as an adult in criminal court, 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 child shall be tried as an adult in criminal court, 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 child shall be tried as an adult in criminal court.

(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 child shall be tried as an adult in criminal court, 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) When a child being tried as an adult in criminal court pursuant to subsection (a) is detained, the adult criminal court may, in its discretion, order confinement in a local juvenile detention facility, or a juvenile detention facility with which the juvenile court contracts, or an adult detention facility separate and removed from adult detainees. If the adult criminal court orders detention in an adult detention facility separate and removed from adult detainees, then during the period while the child is detained

separately from adult detainees, the 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 child from being tried as an adult in criminal court 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 child from being tried as an adult in criminal court 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 a child is tried as an adult in criminal court 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 a child is tried as an adult in 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 juvenile being tried as an adult in criminal court".

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

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 juvenile being tried as an adult in criminal court".

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

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 juvenile being tried as an adult in criminal court".

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

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

SECTION 26. 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. 1193

House Bill No. 1030*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 40-35-120(a), is amended by deleting the subsection and substituting:

(a) A "repeat violent offender" is a defendant who:

(1) Is convicted in this state on or after July 1, 1994, and before July 1, 2023, of any offense classified in subdivision (b)(1) as a violent offense; and

(2) Has at least two (2) prior convictions for offenses classified in subdivision (b)(1) or (b)(2) as a violent offense; or

(3) Is convicted in this state on or after July 1, 1994, and before July 1, 2023, of any offense classified in subdivision (c)(1) as a violent offense; and

(4) Has at least one (1) conviction for an offense classified in subdivision (c)(1) or (c)(2) as a violent offense; or

(5) Is convicted in this state on or after July 1, 1995, and before July 1, 2023, of any offense classified in subdivision (d)(1) as a violent offense; and

(6) Has at least one (1) prior conviction for an offense classified in subdivision (d)(1) or (d)(2) as a violent offense with the exception of the prior offense of robbery by use of a deadly weapon as listed in § 40-35-118(a).

SECTION 2. Tennessee Code Annotated, Title 40, Chapter 35, Part 1, is amended by adding the following new section:

(a) As used in this section:

(1) "Prior conviction":



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(A) Means the defendant was convicted of a violent offense that occurred before the violent offense for which the defendant is to be sentenced; provided, however, that a defendant who was convicted of multiple violent offenses based on conduct that occurred contemporaneously, occurred at the same location, and represented a single continuous criminal episode with a single criminal intent shall only be considered to have a prior conviction for the offense that would result in the highest point allocation pursuant to this section;

(B) Does not include a finding or adjudication that the defendant committed an act as a juvenile that is designated as a violent offense if committed by an adult, unless the defendant was tried as an adult in criminal court pursuant to § 37-1-134, or similar statutes of other states or jurisdictions, and was convicted of the violent offense in a criminal court and sentenced as an adult; and

(C) Includes convictions under the laws of any other state, government, or country that, if committed in this state, would have constituted a violent offense. If a felony from another jurisdiction is not a named violent offense and if the elements of the felony are the same as a violent offense, the offense shall be considered a prior conviction;

(2) "Repeat violent offender" means a defendant who is convicted of a violent offense, which occurred on or after July 1, 2023, and the combination of the strikes allocated pursuant to this section for the violent offense and the defendant's prior convictions equals three (3) or more strikes; and

(3) "Violent offense" means:

(A) The following offenses, each of which results in the offender receiving one and one-half (1.5) strikes:

- (i) First degree murder, as defined in § 39-13-202, with a sentence of life imprisonment, or any attempt, solicitation, conspiracy, or facilitation to commit first degree murder;
- (ii) Second degree murder, as defined in § 39-13-210;
- (iii) Especially aggravated kidnapping, as defined in § 39-13-305;
- (iv) Aggravated kidnapping, as defined in § 39-13-304;
- (v) Especially aggravated robbery, as defined in § 39-13-403;
- (vi) Aggravated rape, as defined in § 39-13-502;
- (vii) Rape, as defined in § 39-13-503;
- (viii) Aggravated sexual battery, as defined in § 39-13-504;
- (ix) Rape of a child, as defined in § 39-13-522;
- (x) Aggravated rape of a child, as defined in § 39-13-531;
- (xi) Especially aggravated rape, as defined in § 39-13-534;
- (xii) Especially aggravated rape of a child, as defined in § 39-13-535;
- (xiii) Especially aggravated burglary, as defined in § 39-13-1004;
- (xiv) Aggravated arson, as defined in § 39-14-302;
- (xv) Aggravated child abuse, as defined in § 39-15-402;
- (xvi) Aggravated sexual exploitation of a minor, as defined in § 39-17-1004;
- (xvii) Especially aggravated sexual exploitation of a minor, as defined in § 39-17-1005; and

(xviii) Any offense that was repealed on November 1, 1989, and is listed in § 40-35-118(a) as a Class A or B felony against a person, with the exception of the offense of robbery by use of a deadly weapon;

(B) The following offenses, each of which results in the offender receiving one (1) strike:

(i) Female genital mutilation, as defined in § 39-13-110;

(ii) Domestic assault, as defined in § 39-13-111, when the offense is a felony offense;

(iii) Vehicular homicide, as defined in § 39-13-213(a)(2);

(iv) Aggravated vehicular homicide, as defined in § 39-13-218;

(v) Trafficking for a commercial sex act, as defined in § 39-13-309;

(vi) Advertising commercial sexual abuse of a minor, as defined in § 39-13-315;

(vii) Aggravated human trafficking, as defined in § 39-13-316;

(viii) Aggravated robbery, as defined in § 39-13-402;

(ix) Carjacking, as defined in § 39-13-404;

(x) Sexual battery, as defined in § 39-13-505;

(xi) Aggravated statutory rape, as defined in § 39-13-506(c);

(xii) Indecent exposure, as defined in § 39-13-511, when the offense is a felony offense;

(xiii) Patronizing prostitution, as defined in § 39-13-514(b)(3);

- (xiv) Promoting prostitution, as defined in § 39-13-515;
- (xv) Public Indecency, as defined in § 39-13-517(d)(3);
- (xvi) Continuous sexual abuse of a child, as defined in § 39-13-518;
- (xvii) Sexual battery by an authority figure, as defined in § 39-13-527;
- (xviii) Solicitation of a minor, as defined in § 39-13-528, when the offense is a felony offense;
- (xix) Soliciting sexual exploitation of a minor or exploitation of a minor by electronic means, as defined in § 39-13-529;
- (xx) Statutory rape by an authority figure, as defined in § 39-13-532;
- (xxi) Promoting travel for prostitution, as defined in § 39-13-533;
- (xxii) Unlawful photographing in violation of privacy, as defined in § 39-13-605, when the victim is under thirteen (13) years of age;
- (xxiii) Observation without consent, as defined in § 39-13-607(d)(2);
- (xxiv) Incest, as defined in § 39-15-302;
- (xxv) Child abuse or child neglect or endangerment, as defined in § 39-15-401;
- (xxvi) Aggravated child endangerment or neglect, as defined in § 39-15-402;
- (xxvii) Using a minor to produce, import, prepare, distribute, process, or appear in obscene material, as defined in § 39-17-902(b);

(xxviii) Unlawful sale, distribution, or transportation with intent to sell or distribute a child-like sex doll, as defined in § 39-17-910(f);

(xxix) Sexual exploitation of a minor, as defined in § 39-17-1003;

(xxx) Facilitation, under § 39-11-403, to commit any of the offenses listed in this subdivision (a)(3)(B) or subdivisions (a)(3)(A)(ii)–(a)(3)(A)(xviii);

(xxxi) Criminal attempt, under § 39-12-101, to commit any of the offenses listed in this subdivision (a)(3)(B) or subdivisions (a)(3)(A)(ii)–(a)(3)(A)(xviii);

(xxxii) Solicitation, under § 39-12-102, to commit any of the offenses listed in this subdivision (a)(3)(B) or subdivisions (a)(3)(A)(ii)–(a)(3)(A)(xviii);

(xxxiii) Conspiracy, under § 39-12-103, to commit any of the offenses listed in this subdivision (a)(3)(B) or subdivisions (a)(3)(A)(ii)–(a)(3)(A)(xviii); and

(xxxiv) Robbery by use of a deadly weapon, as defined in § 39-2-501 [repealed];

(C) The following offenses, each of which results in the offender receiving one-half (1/2) strike:

(i) Aggravated assault, as defined in § 39-13-102(a)(1)(A)(iii) or § 39-13-102(a)(1)(B)(iii), if the offense involved the use of a deadly weapon;

(ii) Aggravated assault, as defined in § 39-13-102(a)(1)(A)(iv);

(iii) Aggravated assault, as defined in § 39-13-102, if the offense resulted in serious bodily injury to or the death of another;

(iv) Aggravated assault against a first responder or nurse, as defined in § 39-13-116(b)(3), if the offense involved the use of a deadly weapon;

(v) Aggravated assault against a first responder or nurse, as defined in § 39-13-116(b)(1), (b)(2), or (b)(4);

(vi) Voluntary manslaughter, as defined in § 39-13-211;

(vii) Criminally negligent homicide, as defined in § 39-13-212;

(viii) Vehicular homicide, as defined in § 39-13-213(a)(1), (a)(3), or (a)(4);

(ix) Reckless homicide, as defined in § 39-13-215;

(x) Involuntary labor servitude, as defined in § 39-13-307;

(xi) Trafficking persons for forced labor or services, as defined in § 39-13-308;

(xii) Aggravated burglary, as defined in § 39-13-1003;

(xiii) The manufacture, delivery, or sale of a controlled substance, as defined in § 39-17-417, where the instant offense is classified as a Class A, B, or C felony and the person has two (2) or more prior convictions for the manufacture, delivery, or sale of a controlled substance classified as a Class A, B, or C felony, pursuant to § 39-17-417, prior to or at the time of committing the instant offense;

(xiv) Possessing or using a firearm or antique firearm during commission of or attempt to commit a dangerous felony, as defined in § 39-17-1324; and

(xv) Driving under the influence with six (6) prior convictions, as defined in § 55-10-401; and

(D) The following offenses, each of which results in the offender receiving one-quarter (1/4) strike:

(i) Unlawful possession of a firearm by a person convicted of a felony crime of violence, an attempt to commit a felony crime of violence, or a felony involving use of a deadly weapon, as defined in § 39-17-1307(b)(1)(A);

(ii) Unlawful possession of a firearm by a person convicted of a felony drug offense, as defined in § 39-17-1307(b)(1)(B);

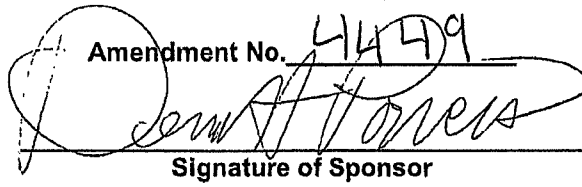
(iii) Unlawful possession of a handgun by a person convicted of a felony, as defined in § 39-17-1307(c); and

(iv) Unlawfully providing a handgun to a juvenile or permitting a juvenile to possess a handgun, as defined in § 39-17-1320.

(b) The court shall sentence a defendant who has been convicted of a violent offense that occurred on or after July 1, 2023, and that, in combination with prior convictions for violent offenses, results in the defendant having three (3) or more strikes to imprisonment for life without possibility of parole if the court finds beyond a reasonable doubt that the defendant is a repeat violent offender.

(c) The finding that a defendant is or is not a repeat violent offender is appealable by either party.

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it, and applies to sentencing for offenses occurring on or after that date, regardless of whether the offender's prior convictions for violent offenses occurred prior to, on, or after that date.

Amendment No. 4449

Signature of Sponsor

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

AMEND Senate Bill No. 1398

House Bill No. 1242*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-17-408, is amended by adding the following as a new subsection:

() Xylazine and any salt, sulfate, isomer, homologue, analog, or other preparation of xylazine, and any salt, sulfate, isomer, compound, derivative, precursor, homologue, analog, or other preparation thereof that is substantially chemically equivalent or identical with xylazine.

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



Amendment No. 3806
[Signature]
Signature of Sponsor

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Date	_____
Time	_____
Clerk	_____
Comm. Amdt.	_____

AMEND Senate Bill No. 756*

House Bill No. 1248

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 45-2-1204(b), is amended by adding the following as a new subdivision:

(4) The Tennessee bureau of investigation's elder financial reporting system pursuant to Section 4.

SECTION 2. Tennessee Code Annotated, Section 45-2-1204(c), is amended by designating the current language as subdivision (c)(1) and adding the following subdivision (c)(2):

(2) Notwithstanding subdivision (c)(1), the financial service provider shall provide information to aid in the investigation of suspected elder financial exploitation pursuant to Section 3.

SECTION 3. Tennessee Code Annotated, Section 45-10-103, is amended by adding the following as a new subdivision:

() The furnishing by a financial institution of access to, or copies of, records that are relevant to suspected, actual, or attempted financial exploitation, as defined in § 45-2-1202, to the Tennessee bureau of investigation or an elder abuse investigator, as described in Section 5, if a report is made pursuant to § 45-2-1204. The records provided pursuant to this subdivision () must be limited to records relating to the most recent transaction or transactions that may comprise financial exploitation not to exceed thirty (30) calendar days prior to the first suspected financial exploitation transaction or thirty (30) calendar days after the last suspected financial exploitation transaction.



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SECTION 4. Tennessee Code Annotated, Title 38, Chapter 6, Part 1, is amended by adding the following as a new section:

(a) By no later than October 1, 2023, the Tennessee bureau of investigation shall create an elder financial exploitation reporting system that accepts reports from financial institutions as described in § 45-2-1204(b).

(b) Upon receiving a report of suspected elder financial exploitation, the bureau shall coordinate with the district attorney general in the appropriate judicial district and, when appropriate, with other law enforcement agencies and adult protective services for additional investigation of the reported exploitation. The bureau may share appropriate information with the district attorney general, other law enforcement agencies, and adult protective services to aid in the investigation of the reported exploitation.

SECTION 5. Tennessee Code Annotated, Title 8, Chapter 7, Part 1, is amended by adding the following as a new section:

(a) There is created an elder abuse investigator position within the district attorney general's office of each judicial district. An elder abuse investigator shall be employed and compensated as provided for a criminal investigator pursuant to part 2 of this chapter.

(b) An elder abuse investigator may investigate:

(1) Suspected cases of physical abuse, neglect, or financial exploitation of individuals sixty-five (65) years of age or older or of otherwise vulnerable adults;

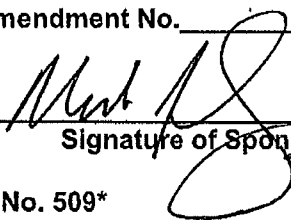
(2) Reports of financial exploitation made to the Tennessee bureau of investigation's elder financial exploitation reporting system; and

(3) Other crimes as requested by the district attorney general.

SECTION 6. Sections 1 through 3 of this act take effect October 1, 2023, the public welfare requiring it. Section 4 of this act takes effect upon becoming a law, the public welfare

requiring it. All remaining sections of this act take effect July 1, 2023, the public welfare
requiring it.

Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 509*

House Bill No. 720

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 37-1-113, is amended by adding the following as a new subsection:

(c) When a child is taken into custody due to suspicion that the child has committed a delinquent act or unruly conduct that places the child in jeopardy of being removed from the home pursuant to § 37-1-132(b), the child shall immediately be informed of the rights listed in this subsection (c). The following rights must be posted where the child may read them, and such rights must be read to the child:

(1) The right to be informed of the reason the child was taken into custody;

(2) The right to be released to a parent, guardian, or other custodian within a reasonable time or delivered to a detention facility, shelter facility, or medical facility, pursuant to § 37-1-115;

(3) The right to legal counsel during all stages of any proceedings including any interview or interrogation, pursuant to § 37-1-126; and

(4) The right to have the child's legal counsel, parent, guardian, or custodian present during any interview or interrogation concerning any violation of state or federal law, which cannot be waived.

SECTION 2. Tennessee Code Annotated, Section 37-1-126(a)(1), is amended by deleting the subdivision and substituting instead the following:



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(1) A child is entitled to representation by legal counsel at all stages of any delinquency proceedings or proceedings alleging unruly conduct that place the child in jeopardy of being removed from the home pursuant to § 37-1-132(b), including any interview or interrogation, and is entitled to a guardian ad litem for proceedings alleging a child to be dependent and neglected or abused.

SECTION 3. Tennessee Code Annotated, Section 37-1-126, is amended by adding the following as a new subsection:

(d)

(1) Except as provided in subdivision (d)(2), when a child has been taken into custody due to suspicion that the child committed a delinquent act or unruly conduct that places the child in jeopardy of being removed from the home pursuant to § 37-1-132(b), a person shall not interview or interrogate the child concerning any violation of state or federal law by the child unless in the presence of the child's legal counsel, parent, guardian, or custodian. A child cannot waive the requirements of this subdivision (d)(1).

(2) It is an exception to the requirement in subdivision (d)(1) that exigent circumstances existed at the time of the interview or interrogation that prevented the presence of the child's legal counsel, parent, guardian, or custodian.

SECTION 4. This act takes effect July 1, 2023, the public welfare requiring it, and applies to acts committed on or after that date.

Amendment No. _____

Signature of Sponsor

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Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 509*

House Bill No. 720

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 37-1-113, is amended by adding the following as a new subsection:

(c) When a child is taken into custody due to suspicion that the child has committed a delinquent act or unruly conduct that places the child in jeopardy of being removed from the home pursuant to § 37-1-132(b):

(1) The child shall be immediately informed of the rights listed in this subdivision (c)(1). The following rights must be posted where the child may read them, and the rights must be read to the child:

(A) The right to be informed of the reason the child was taken into custody;

(B) The right to be released to a parent, guardian, or other custodian within a reasonable time or delivered to a detention facility, shelter facility, or medical facility, pursuant to § 37-1-115;

(C) The right to legal counsel during all stages of any proceedings, including any interview or interrogation, pursuant to § 37-1-126; and

(D) The right to have the child's legal counsel, parent, guardian, or custodian present during any interview or interrogation concerning any violation of state or federal law, except when there is probable cause that the parent, guardian, or custodian is a co-conspirator; and



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(2) The arresting officer shall immediately notify the juvenile's parent, guardian, or custodian of such custody. The arresting officer shall also notify the parent, guardian, or custodian of the rights of the juvenile as listed in subdivision (c)(1) and of the nature of the alleged delinquent act or unruly conduct.

SECTION 2. Tennessee Code Annotated, Section 37-1-126(a)(1), is amended by deleting the subdivision and substituting instead the following:

(1) A child is entitled to representation by legal counsel at all stages of any delinquency proceedings or proceedings alleging unruly conduct that place the child in jeopardy of being removed from the home pursuant to § 37-1-132(b), including any interview or interrogation, and is entitled to a guardian ad litem for proceedings alleging a child to be dependent and neglected or abused.

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

Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 509

House Bill No. 720

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

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 37-1-113, is amended by adding the following as a new subsection:

(c) When a child is taken into custody by law enforcement due to suspicion that the child has committed a delinquent act or unruly conduct that places the child in jeopardy of being removed from the home pursuant to § 37-1-132(b):

(1) The child shall be immediately informed of the rights listed in this subdivision (c)(1). The following rights must be posted where the child may read them, and the rights must be read to the child:

(A) The right to be informed of the reason the child was taken into custody;

(B) The right to be released to a parent, guardian, or other custodian within a reasonable time or delivered to a detention facility, shelter facility, or medical facility, pursuant to § 37-1-115;

(C) The right to legal counsel during all stages of any proceedings, including any interview or interrogation by law enforcement, pursuant to § 37-1-126; and

(D) The right to have the child's legal counsel, parent, guardian, or custodian present during any interview or interrogation by law enforcement concerning any violation of state or federal law, except when



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there is probable cause that the parent, guardian, or custodian is a co-conspirator; and

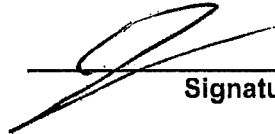
(2) The arresting officer shall immediately notify the juvenile's parent, guardian, or custodian of such custody. The arresting officer shall also notify the parent, guardian, or custodian of the rights of the juvenile as listed in subdivision (c)(1) and of the nature of the alleged delinquent act or unruly conduct.

SECTION 2. Tennessee Code Annotated, Section 37-1-126(a)(1), is amended by deleting the subdivision and substituting instead the following:

(1) A child is entitled to representation by legal counsel at all stages of any delinquency proceedings or proceedings alleging unruly conduct that place the child in jeopardy of being removed from the home pursuant to § 37-1-132(b), including any interview or interrogation by law enforcement, and is entitled to a guardian ad litem for proceedings alleging a child to be dependent and neglected or abused.

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

Amendment No. _____



Signature of Sponsor

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Comm. Amdt.	_____

AMEND Senate Bill No. 213

House Bill No. 248*

by deleting Section 1 and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-13-111, is amended by adding the following new subsection:

(f) A person convicted of a violation of this section involving strangulation or attempted strangulation shall be punished by a mandatory minimum sentence of thirty (30) days incarceration, which includes participation in programming that is evidence-based for domestic violence.



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Amendment No. _____

Signature of Sponsor

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Comm. Amdt. _____

AMEND Senate Bill No. 213

House Bill No. 248*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-13-111, is amended by adding the following new subsection:

(f) A person convicted of a violation of this section involving strangulation or attempted strangulation shall be punished by a mandatory minimum sentence of thirty (30) days incarceration, which includes participation in programming that is evidence-based for domestic violence.

SECTION 2. Tennessee Code Annotated, Section 39-13-102, is amended by adding the following new subsection:

(f) A violation of subdivision (a)(1)(A)(iv), in which the victim of the offense loses consciousness due to strangulation, may be prosecuted as attempted second degree murder, under § 39-13-210.

SECTION 3. Tennessee Code Annotated, Section 39-13-102, is amended by deleting subdivision (e)(1)(A)(ii) and substituting instead:

(ii)

(a) Except as provided in subdivision (e)(1)(A)(ii)(b), subdivision

(a)(1)(A)(i), (iii), or (iv) is a Class C felony; and

(b) If the victim is pregnant at the time of the offense, subdivision

(a)(1)(A)(iv) is a Class B felony;

SECTION 4. Tennessee Code Annotated, Section 40-11-115, is amended by adding the following new subsection:



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(d) A defendant charged with a violation of § 39-13-102 or § 39-13-116 that involves strangulation of the victim shall not be released on the defendant's personal recognizance or upon execution of an unsecured bond. The magistrate must require the defendant to post bail to reasonably ensure the appearance of the person as required and the safety of the community, in addition to any other conditions of release imposed.

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

Amendment No. _____

Elaine Davis

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 22*

House Bill No. 415

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:

(a) This part is known and may be cited as the "Sexual Assault Response Team Act."

(b) As used in this part:

(1) "Adult" means a person who is eighteen (18) years of age or otherwise emancipated;

(2) "Response team" means a multidisciplinary team established to strengthen the collaborative response and enhance the safety and judicial outcome for the sexual assault survivor;

(3) "Sexual assault" means a criminal offense under title 39, chapter 13, part 5, involving unlawful sexual penetration or unwanted sexual contact;

(4) "Sexual contact" means the same as defined in § 39-13-501; and

(5) "Sexual penetration" means the same as defined in § 39-13-501.

(c) By January 1, 2024, each local law enforcement agency shall assemble an adult sexual assault response team to assist in responding to incidents of sexual assault with adult victims that occur within the agency's jurisdiction. A team shall include members with expertise in a variety of disciplines relevant to sexual assault response, which may include, but are not limited to:

(1) Victim advocacy;



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- (2) Law enforcement;
- (3) Criminal prosecution;
- (4) Healthcare services; and
- (5) Mental health services.

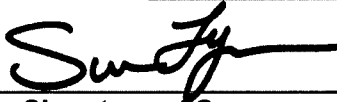
(d)

(1) Except by court order or as provided in subdivision (d)(2), communications between an adult sexual assault response team member and a sexual assault victim shall be confidential and shall not be subject to the open records law, compiled in title 10, chapter 7.

(2) This subsection (d) does not prevent the district attorney general and counsel for a defendant from providing to each other in a pending criminal case, where the constitutional rights of the defendant require it, information which otherwise would be held confidential under this subsection (d).

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

Amendment No. _____



Signature of Sponsor

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Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1059

House Bill No. 841*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-17-902(a), is amended by designating the current language as subdivision (a)(1) and adding the following new subdivision (a)(2):

(2) It is unlawful for a book publisher, distributor, or seller to knowingly sell obscene matter to a public school serving any of the grades kindergarten through twelve (K-12).

SECTION 2. Tennessee Code Annotated, Section 39-17-902(c), is amended by deleting "subsection (a)" wherever it appears and substituting "subdivision (a)(1)".

SECTION 3. Tennessee Code Annotated, Section 39-17-902(c), is amended by adding the following as a new subdivision:

(3) A violation of subdivision (a)(2) is a Class E felony, and, in addition, a violator shall be fined an amount not less than ten thousand dollars (\$10,000) nor more than one hundred thousand dollars (\$100,000).

SECTION 4. This act takes effect July 1, 2023, the public welfare requiring it.



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Signature of Sponsor

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AMEND Senate Bill No. 1061

House Bill No. 1090*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-17-902(a), is amended by designating the current language as subdivision (a)(1) and adding the following new subdivision (a)(2):

(2) It is unlawful for a book publisher, distributor, or seller to knowingly sell obscene matter to a public school serving any of the grades kindergarten through twelve (K-12).

SECTION 2. Tennessee Code Annotated, Section 39-17-902(c), is amended by deleting "subsection (a)" wherever it appears and substituting "subdivision (a)(1)".

SECTION 3. Tennessee Code Annotated, Section 39-17-902(c), is amended by adding the following as a new subdivision:

(3) A violation of subdivision (a)(2) is a Class E felony, and, in addition, a violator shall be fined an amount not less than ten thousand dollars (\$10,000) nor more than one hundred thousand dollars (\$100,000).

SECTION 4. Tennessee Code Annotated, Section 49-6-3803, is amended by adding the following as a new subsection:

(f)

(1)

(A) Notwithstanding this section or another law to the contrary, materials with content that in whole or in part meet the criteria established in the definitions of "obscene" or "harmful to minors" in title 39, chapter



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17, part 9, are unsuitable for children and must not be kept in a school's library collection.

(B) The materials contained in a school's library collection must be suitable for minors.

(2) If the appropriateness of a material in a school's library collection is challenged by a student, a student's parent or guardian, or school employee, then the material must be removed from student access until a final determination is made by the local board of education or public charter school governing body.

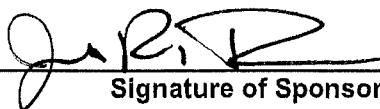
(3) A local board of education or public charter school governing body shall vote and make a final determination on the appropriateness of the challenged book or other material within ninety (90) days of the filing of the challenge by a student, parent, guardian, or school employee.

(4) If the local board of education or public charter school governing body fails to vote within ninety (90) days pursuant to subdivision (f)(3), then the material is deemed inappropriate and must be removed from the school's library collection.

(5) A decision by a local board of education or public charter school governing body pursuant to this subsection (f) does not establish a contemporary community standard for determining whether material is obscene or harmful to minors, as those terms are defined in title 39, chapter 17, part 9.

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. 1205

House Bill No. 686*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 24, Chapter 1, Part 2, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Advocate" means an employee or volunteer of a domestic violence shelter, crisis line, or victim services provider who provides services for victims of domestic violence, sexual assault, stalking, or human trafficking and who has completed a minimum of twenty (20) hours of relevant training, including, but not limited to, training on the application of this section, from a victim services provider;

(2) "Victim" means a person seeking assistance because the person is a domestic abuse victim as defined by § 36-3-601; victim of an offense under title 39, chapter 13, part 5; trafficked person as defined by § 39-13-314; or a victim of stalking as defined by § 39-17-315, regardless of where or how the person seeks or receives services; and

(3) "Victim services provider" is an entity or organization providing direct services to victims, but does not include a law enforcement agency, the department of children's services, the department of human services, the division of adult protective services, or the office of a district attorney general.



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(b) An advocate shall not disclose any of the following in a judicial, legislative, or administrative proceeding, except as provided in this section or when a report of abuse is otherwise required by law:

- (1) A communication, including verbal, written, or otherwise stored information, received by the advocate from a victim;
- (2) Records regarding a victim stored by the advocate in the course of business;
- (3) Counseling that a victim received;
- (4) Crisis Intervention services that a victim received; or
- (5) The location of the shelter that accommodated a victim.

(c) This section does not limit the ability of a court to compel disclosure if, upon the motion of a party, the court determines after an in-camera review that:

- (1) The information sought is relevant and material evidence of the facts and circumstances involved in an alleged criminal act that is the subject of a criminal proceeding or a proceeding brought by the department of children's services under title 37;
- (2) The probative value of the information outweighs the harmful effect of disclosure, if any, on the victim, the victim-advocate relationship, and the treatment services; and
- (3) The information cannot be obtained by reasonable means from any other source.

(d) The victim may waive the privilege of the communication in subsection (b) only by express written consent. A victim's consent is not implied when the victim is a party to any judicial, legislative, or administrative proceeding. The privilege terminates upon the death of the victim.

(e) If the victim files a lawsuit against an advocate or a victim services provider, this section does not limit the ability of the advocate or victim services provider to raise a defense when the confidential communications are relevant to a claim or defense.

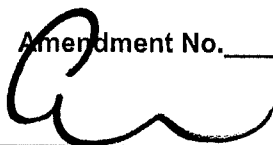
(f) This section does not apply to advocates with child advocacy centers and child protective investigator teams.

(g) This section does not limit access to records by the department of children's services when the department is investigating an allegation of child abuse or neglect.

(h) This section does not limit or expand the ability of law enforcement to make arrangements with a shelter in order to serve any legal papers or process regarding a person staying at a shelter, pursuant to § 71-6-208.

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

Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 331

House Bill No. 253*

by deleting all language after the caption and substituting:

WHEREAS, a parent has a fundamental right to be involved in the lives of the parent's children; and

WHEREAS, a child should know the identity of the child's parents for many reasons, including, but not limited to, allowing the child to learn about the family's medical history and benefiting from inheritance laws; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 14, Part 1, is amended by adding the following as a new section:

(a) A person commits parentage fraud who:

(1) Seeks to legally establish another individual as the biological parent of a child in the person's custody with intent to deprive the individual of property or to prevent the child's actual biological parent from exercising parental rights to the child and the person knows or reasonably should know that the individual is not the child's biological parent; or

(2) Seeks to be legally established as a child's parent based on the person's status as a biological parent of the child and the person knows or reasonably should know that the person is not the child's biological parent.

(b) Parentage fraud is a Class B misdemeanor.

(c) Subsection (a) does not apply when:



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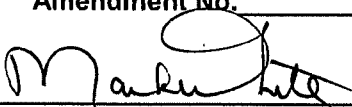
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(1) The child involved was conceived as a result of an act that would be aggravated rape, as defined in § 39-13-502; rape, as defined in § 39-13-503; rape of a child, as defined in § 39-13-522; especially aggravated rape, as defined in § 39-13-534; or especially aggravated rape of a child, as defined in § 39-13-535;

(2) The child involved has been or is in the process of being adopted; or

(3) The victim of the offense was the defendant's spouse at the time of the offense.

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. 393*

House Bill No. 1149

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 40-32-101(g)(2)(B), is amended by deleting the subdivision and substituting instead:

(B) At the time of the filing of the petition for expunction at least:

(i) Three (3) years have elapsed since the completion of the sentence imposed for the offense the person is seeking to have expunged, if the offense is a misdemeanor or Class E felony;

(ii) Six (6) years have elapsed since the completion of the sentence imposed for the offense the person is seeking to have expunged, if the offense is a Class D felony; or

(iii) Ten (10) years have elapsed since the completion of the sentence imposed for the offense the person is seeking to have expunged, if the offense is a Class C felony; and

SECTION 2. Tennessee Code Annotated, Section 40-32-101(k)(1)(C), is amended by deleting the subdivision and substituting:

(C) At the time of the filing of the petition for expunction at least:

(i) Three (3) years have elapsed since the completion of the sentence imposed for the most recent offense, if the offenses were both misdemeanors or a Class E felony and a misdemeanor;



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(ii) Six (6) years have elapsed since the completion of the sentence imposed for the most recent offense, if one (1) of the offenses was a Class D felony; or

(iii) Ten (10) years have elapsed since the completion of the sentence imposed for the most recent offense, if one (1) of the offenses was a Class C felony; and

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. 859

House Bill No. 982*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 24, Chapter 7, is amended by adding the following as a new section:

Notwithstanding another law to the contrary, a person's statement regarding the person's use or possession of marijuana to a pharmacist, physician, nurse, or nurse practitioner licensed under title 63 that was made in the course or scope of the person's medical care, as defined in § 56-7-2902(19)(A), for the purpose of obtaining medical advice on possible adverse effects of marijuana use in combination with other medications or medical treatment is not admissible as evidence in any criminal trial, hearing, or proceeding in which the person is a defendant; provided, that the person may expressly waive this prohibition and request the statement be admitted as evidence.

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

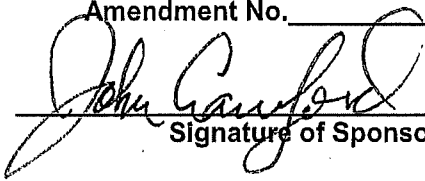


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Amendment No. _____


Signature of Sponsor

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Date _____

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Comm. Amdt. _____

AMEND Senate Bill No. 195*

House Bill No. 472

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-14-202(a), is amended by deleting subdivision (2) and substituting:

(2)

(A) Fails unreasonably to provide necessary food, water, or care for an animal in the person's custody; or

(B)

(i) Fails unreasonably to provide access to necessary shelter for an animal other than a dog in the person's custody; or

(ii)

(a) Fails unreasonably to provide access to shelter in a structure that meets the following requirements for a dog in the person's custody:

(1) The structure is waterproof; constructed of sound and substantial material sufficient to protect the dog from inclement weather; and is ventilated, insulated, and of a size appropriate to allow the dog to maintain normal body temperature;

(2) The structure has a roof and is enclosed on all sides with an entrance on one (1) side of adequate size for the dog to enter; and has dimensions that allow the dog



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while in the shelter to stand erect, sit, turn around, and lie down in a normal position;

(3) The structure provides a solid surface, resting platform, pad, floormat, or similar device that is large enough for the dog to lie on in a normal manner and can be maintained in a sanitary manner;

(4) The structure prevents pain, suffering, or a significant risk to the dog's health;

(5) From March to October, the structure is properly shaded and, from November to February, the structure provides a quantity of bedding material that is sufficient to protect the dog from cold and promote the retention of body heat; and

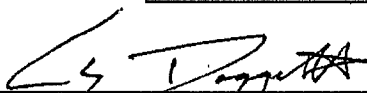
(6) The structure or structures must be of a sufficient size or number to provide shelter to each dog present at the same time.

(b) The requirements in subdivision (a)(2)(B)(ii)(a) do not apply when a dog is actively engaged in lawful hunting; police, military, or patrol work; detection work; search and rescue; herding or livestock guarding; trials and other lawful competitions; service and assistance work; other working, sporting, and competitive functions; or while actively training for such purposes and functions; and

(c) The requirements in subdivision (a)(2)(B)(ii)(a) apply to dogs primarily residing outdoors;

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. 195*

House Bill No. 472

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-14-202(a), is amended by deleting subdivision (2) and substituting:

(2)

(A) Fails unreasonably to provide necessary food, water, or care for an animal in the person's custody; or

(B)

(i) Fails unreasonably to provide access to necessary shelter for an animal other than a dog in the person's custody; or

(ii)

(a) Unless exempted under subdivision (a)(2)(B)(ii)(b), fails unreasonably to provide access to shelter in a structure that meets the following requirements for a dog in the person's custody that resides primarily outdoors:

(1) The structure is constructed of sound and substantial material, is sufficient to protect the dog from inclement weather, and is of a size appropriate to allow the dog to maintain normal body temperature;

(2) The structure must have a roof and be enclosed on all sides with an entrance of adequate size for the dog to enter, and have dimensions that allow the dog,



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while in the shelter, to stand erect, sit, turn around, and lie down in a normal position;

(3) The structure provides a solid surface, resting platform, pad, floormat, or similar device that is large enough for the dog to lie on in a normal manner and that can be maintained in a sanitary manner;

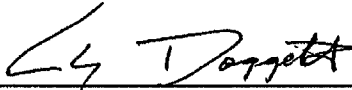
(4) From March through October, the structure is properly shaded, and from November through February, when necessary to protect the dog from cold and promote the retention of body heat, the shelter is fitted with a sufficient quantity of bedding material; and

(5) The structure or structures must be of a sufficient size or number to provide shelter to each dog present at the same time;

(b) The requirements in subdivision (a)(2)(B)(ii)(a) do not apply when a dog is actively engaged in lawful hunting; police, military, or patrol work; detection work; search-and-rescue; herding or livestock guarding; trials and other lawful competitions; service and assistance work; other working, sporting, and competitive functions; or while actively training for these purposes and functions;

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. 813*

House Bill No. 1431

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 8-7-226(a), is amended by deleting the section and substituting instead:

All assistant district attorneys general hired after July 1, 1994, or reclassified under § 8-7-201(e)(3), shall be compensated beginning July 1, 2023, according to the following pay schedule, which must be adjusted on July 1, 2023, and each succeeding July 1, to reflect the average percentage pay increase provided for state employees by the general appropriations act:

Entry level	\$63,853
after one (1) year	\$67,868
after two (2) years	\$71,857
after three (3) years	\$75,928
after four (4) years	\$79,943
after five (5) years	\$83,918
after six (6) years	\$87,934
after seven (7) years	\$91,977
after eight (8) years	\$96,034
after nine (9) years	\$100,009
after ten (10) years	\$104,038
after eleven (11) years	\$108,054
after twelve (12) years	\$112,001



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after thirteen (13) years	\$116,017
after fourteen (14) years	\$120,032
after fifteen (15) years	\$124,021
after sixteen (16) years	\$128,050
after seventeen (17) years	\$131,680
after eighteen (18) years	\$135,226
after nineteen (19) years	\$138,607
after twenty (20) years	\$141,823
after twenty-one (21) years	\$146,501
after twenty-two (22) years	\$151,331
after twenty-three (23) years	\$156,299
after twenty-four (24) years	\$161,833
after twenty-five (25) years	\$167,325

SECTION 2. Tennessee Code Annotated, Section 8-7-230, is amended by deleting the section and substituting instead:

All criminal investigators hired after July 1, 1994, shall be compensated according to the following pay schedule, as adjusted on July 1, 2023, and each succeeding July 1, to reflect the average percentage pay increase provided for state employees by the general appropriations act:

Entry level	\$43,180
after two (2) years	\$46,471
after four (4) years	\$48,944
after six (6) years	\$52,444
after eight (8) years	\$55,982
after ten (10) years	\$59,276
after twelve (12) years	\$62,963
after fourteen (14) years	\$66,196

after sixteen (16) years	\$69,822
after eighteen (18) years	\$73,226
after twenty (20) years	\$76,735

SECTION 3. Tennessee Code Annotated, Section 8-14-107(b)(1), is amended by deleting the subdivision and substituting instead:

A full-time assistant district public defender shall be compensated beginning July 1, 2023, according to the following pay schedule, which must be adjusted on July 1, 2023, and each succeeding July 1, to reflect the average percentage pay increase provided for state employees by the general appropriations act:

Entry level	\$63,853
after one (1) year	\$67,868
after two (2) years	\$71,857
after three (3) years	\$75,928
after four (4) years	\$79,943
after five (5) years	\$83,918
after six (6) years	\$87,934
after seven (7) years	\$91,977
after eight (8) years	\$96,034
after nine (9) years	\$100,009
after ten (10) years	\$104,038
after eleven (11) years	\$108,054
after twelve (12) years	\$112,001
after thirteen (13) years	\$116,017
after fourteen (14) years	\$120,032
after fifteen (15) years	\$124,021
after sixteen (16) years	\$128,050

after seventeen (17) years	\$131,680
after eighteen (18) years	\$135,226
after nineteen (19) years	\$138,607
after twenty (20) years	\$141,823
after twenty-one (21) years	\$146,501
after twenty-two (22) years	\$151,331
after twenty-three (23) years	\$156,299
after twenty-four (24) years	\$161,833
after twenty-five (25) years	\$167,325

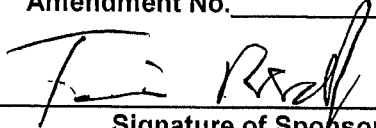
SECTION 4. Tennessee Code Annotated, Section 8-14-107(c)(1), is amended by deleting the subdivision and substituting instead:

Effective July 1, 2023, all full-time district investigators shall be compensated according to the following pay schedule, which must be adjusted on July 1, 2023, and each succeeding July 1, to reflect the average percentage pay increase provided for state employees by the general appropriations act:

Entry level	\$43,180
after two (2) years	\$46,471
after four (4) years	\$48,944
after six (6) years	\$52,444
after eight (8) years	\$55,982
after ten (10) years	\$59,276
after twelve (12) years	\$62,963
after fourteen (14) years	\$66,196
after sixteen (16) years	\$69,822
after eighteen (18) years	\$73,226
after twenty (20) years	\$76,735

SECTION 5. This act takes effect June 30, 2023, the public welfare requiring it.

Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1068

House Bill No. 1000*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 40-32-101, is amended by adding the following as a new subsection:

(l)

(1) Notwithstanding subsections (g) and (k), effective July 1, 2023, for purposes of this subsection (l), an "eligible petitioner" means a person who was convicted of a violation of § 2-19-107 – illegal registration or voting, if:

(A) At the time of the filing of the petition for expunction, at least fifteen (15) years have elapsed since the completion of the sentence imposed for the offense the person is seeking to have expunged;

(B) The person has fulfilled all requirements of the sentence imposed by the court for the offense the petitioner is seeking to expunge, including:

(i) Payment of all fines, restitution, court costs, and other assessments for the offense;

(ii) Completion of any term of imprisonment or probation for the offense; and

(iii) Meeting all conditions of supervised or unsupervised release for the offense;

(C) The person has not been convicted of a criminal offense that is ineligible for expunction, including federal offenses and offenses in



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other states, that occurred prior to the offense for which the person is seeking expunction; provided, that a moving or nonmoving traffic offense is not considered an offense as used in this subdivision (l)(1)(C); and

(D) The person has not previously been granted expunction under subsection (g) or subsection (k) for another criminal offense.

(2) A person may petition for expunction of an offense under this subsection (l) only one (1) time.

(3) Subdivisions (g)(3)-(6), (8), (12), and (13) apply to a petition filed under this subsection (l).

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. 1501

House Bill No. 1016*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-13-114, is amended by deleting the section and substituting:

(a) For purposes of this section:

(1) "School" means:

(A) An elementary school, middle school, or high school;

(B) A college of applied technology or postsecondary vocational or technical school; or

(C) A two-year or four-year college or university; and

(2) "School property" means any school building or bus, school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by any local education agency, private school board of trustees, or directors for the administration of any school.

(b) A person commits the offense of communicating a threat concerning a school employee or student if:

(1) The person communicates to another a threat to cause the death of or serious bodily injury:

(A) To a school employee and the threat is directly related to the employee's scope of employment; or

(B) To a student on school property or at a school-related activity;

(2) The threat involves the use of a firearm or other deadly weapon;



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(3) The person to whom the threat is made reasonably believes that the person making the threat intends to carry out the threat; and

(4) The person making the threat intentionally engages in conduct that constitutes a substantial step in the commission of the threatened act and the threatened act and the substantial step when taken together:

(A) Are corroborative of the person's intent to commit the threatened act; and

(B) Occur close enough in time to evidence an intent and ability to commit the threatened act.

(c) Communicating a death threat concerning a school employee or student is a Class B misdemeanor punishable by a maximum term of imprisonment of thirty (30) days.

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

Amendment No. _____

Mary Little
Signature of Sponsor

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Date _____

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Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1211

House Bill No. 555*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 29-13-103, is amended by deleting subdivision (a)(4) and substituting:

(4) The claimant has fully cooperated with the police and the district attorney general in the investigation and prosecution of the offender, except in cases involving a victim of human trafficking where it is determined that the victim's cooperation may be impacted due to the victim's age, physical condition, psychological state, cultural or linguistic barriers, or any other health or safety concern that jeopardizes the victim's well-being;

SECTION 2. Tennessee Code Annotated, Section 29-13-106, is amended by deleting subsection (c) and substituting:

(c) Compensation must not be awarded for any personal injury or loss alleged to have been incurred as a result of pain and suffering, except for victims of the crime of rape, victims of a human trafficking offense, and victims of a crime involving sexual deviancy, including minors who are victims of the crimes contained in § 39-13-314, § 39-13-316, §§ 39-13-502 – 39-13-505, § 39-13-522, § 39-15-302, § 39-17-902, and §§ 39-17-1003 – 39-17-1005, or any attempt, conspiracy, or solicitation to commit such offenses.

SECTION 3. Tennessee Code Annotated, Section 29-13-108, is amended by deleting subsection (a) and substituting:



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(a) A claim for compensation must be filed not later than two (2) years after the occurrence of the crime upon which the claim is based, two (2) years after the death of the victim, or two (2) years after any mental or physical manifestation or injury is diagnosed as a result of an act committed against a minor that would constitute a criminal offense under §§ 39-13-502 – 39-13-505, § 39-13-522, § 39-15-302, § 39-17-902, or §§ 39-17-1003 – 39-17-1005, or an attempt, conspiracy, or solicitation to commit such offenses; provided, that upon good cause shown, the time period for filing such claim may be extended either before or after the expiration of the filing period. A claim cannot be filed until the crime upon which the claim is based has been reported by the victim, or a member of the victim's family, to the proper authorities, and in no case may an award be made where the law enforcement records show that such report was made more than forty-eight (48) hours after the occurrence of such crime unless, for good cause shown, it is found that the delay was justified. Good cause for the failure of a victim or a member of the victim's family to report a crime may be found if the victim is:

- (1) Physically unable;
- (2) A victim of sexual assault;
- (3) A victim of domestic abuse; or
- (4) A victim of human trafficking.

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

Amendment No. _____



Signature of Sponsor

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 14*

House Bill No. 24

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 38-6-113, is amended by adding the following as a new subsection:

(e)

(1) Until January 1, 2025, the bureau must provide quarterly updates on the bureau's efforts to hire and train employees within the forensic services division and the average amount of time taken to perform forensic analysis on evidence in cases involving offenses under title 39, chapter 13, part 5, to the judiciary committee of the senate and the criminal justice committee of the house of representatives.

(2) By January 1, 2025, the bureau must submit a report to the judiciary and finance, ways and means committees of the senate and the criminal justice and finance, ways, and means committees of the house of representatives detailing any additional resources and personnel that would be required in order to perform forensic analysis on evidence in cases involving offenses under title 39, chapter 13, part 5, within sixty (60) days of the bureau's receipt of the evidence from a law enforcement agency.

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



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Signature of Sponsor

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Comm. Amdt. _____

AMEND Senate Bill No. 807

House Bill No. 832*

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

SECTION 1. Tennessee Code Annotated, Section 40-39-202, is amended by deleting subdivision (31)(N) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 40-39-207, is amended by adding the following as a new subsection:

(k)

(1) An offender who is required to register pursuant to this part because the offender was convicted of the offense of criminal exposure of another to human immunodeficiency virus (HIV) under § 39-13-109(a)(1) and the offense was committed prior to July 1, 2023, may file a request for termination of registration requirements with TBI headquarters in Nashville, if the offender would not be required to register if the offense was committed on or after July 1, 2023.

(2) Upon receipt of the request for termination, the TBI shall review documentation provided by the offender and contained in the offender's file and the SOR to determine whether the offender would not be required to register if the offender committed the same offense on or after July 1, 2023. In addition, the TBI shall conduct fingerprint-based state and federal criminal history checks to determine whether the offender has been convicted of any additional sexual offense or violent sexual offense.



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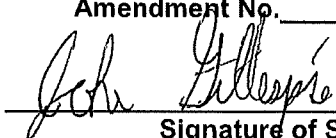
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(3) If the TBI determines that the offender would not be required to register if the offense was committed on or after July 1, 2023, that the offender has not been convicted of any additional sexual offense or violent sexual offense, and that the offender has substantially complied with this part and any previous versions of this part, then the TBI shall remove the offender's name from the SOR and notify the offender that the offender is no longer required to comply with this part.

(4) If the TBI determines that the offender would be required to register even if the offense had been committed on or after July 1, 2023, or that the offender has been convicted of any additional sexual offense or violent sexual offense during the period of registration, then the TBI shall not remove the offender's name from the SOR and shall notify the offender that the offender continues to be required to comply with this part.

(5) An offender whose request for termination of registration requirements is denied by a TBI official may petition the chancery court of Davidson County or the chancery court of the county where the offender resides, if the offender resides in this state, for review of the decision. The review must be on the record used by the TBI official to deny the request. The TBI official who denied the request for termination of registration requirements may submit an affidavit to the court detailing the reasons the request was denied.

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. 933

House Bill No. 908*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 55-10-502, is amended by deleting subsection (c) and substituting:

(1) A motor vehicle used in the commission of a violation of subsection (a) is subject to seizure and forfeiture as provided in title 40, chapter 33, part 2, if:

(A) The perpetrator of the offense is the sole owner of the motor vehicle;

and

(B) The motor vehicle is not subject to the interest of a secured party.

(2) The department of safety is designated as the applicable agency, as defined by § 40-33-202, for all forfeitures authorized by this section.

(3) Only POST-certified or state-commissioned law enforcement officers are authorized to seize vehicles pursuant to this section.

SECTION 2. Tennessee Code Annotated, Section 40-33-201, is amended by inserting the language "§ 55-10-502," after the language "§ 53-11-451,".

SECTION 3. Tennessee Code Annotated, Section 40-33-210(a), is amended by inserting the language "55-10-502," after the language "55-10-414,".

SECTION 4. Tennessee Code Annotated, Section 40-33-211, is amended by adding the following as a new subsection:

() Notwithstanding this section or another law to the contrary, a motor vehicle forfeited under the authority of § 55-10-502 must be destroyed and is not subject to sale or use by a state, county, or municipal agency.



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SECTION 5. Tennessee Code Annotated, Section 40-33-214, is amended by inserting the language "§ 55-10-502," after the language "§ 55-10-414,".

SECTION 6. This act takes effect July 1, 2023, the public welfare requiring it, and applies to offenses committed on or after that date.

Amendment No. _____


Signature of Sponsor

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

AMEND Senate Bill No. 932

House Bill No. 830*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 40-11-115, is amended by adding the following as a new subsection:

(d) Notwithstanding subsection (a), a person charged with a Class A or Class B felony shall not be released on their own recognizance without the approval of a general sessions judge, criminal court judge, or circuit court judge having jurisdiction over the current charges.

SECTION 2. Tennessee Code Annotated, Section 40-11-116, is amended by adding the following as a new subsection:

(c) A person charged with a Class A or Class B felony shall not be released pursuant to subdivision (b)(1) without the approval of a general sessions judge, criminal court judge, or circuit court judge having jurisdiction over the current charges.

SECTION 3. Tennessee Code Annotated, Section 40-11-148, is amended by deleting subsection (a) and substituting:

(a) If a defendant has been released pursuant to § 40-11-115 or § 40-11-116, or has been admitted to and released on bail for a criminal offense, whether prior to or during trial or pending appeal, and the defendant is charged with the commission of one (1) or more bailable offenses while released, then the defendant shall only be released pursuant to § 40-11-118 or § 40-11-122, and the magistrate or judge shall set the defendant's bail on each new offense in an amount not less than twice that which is customarily set for the offense charged.



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SECTION 4. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. _____


Signature of Sponsor

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Date _____

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AMEND Senate Bill No. 406

House Bill No. 120*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-17-1307(g), is amended by deleting the language "handgun" wherever it appears and substituting the language "firearm".

SECTION 2. Tennessee Code Annotated, Section 39-17-1313(a), is amended by deleting the language "lawfully carries a handgun pursuant to" and substituting the language "lawfully carries a firearm pursuant to".

SECTION 3. Tennessee Code Annotated, Section 39-17-1321(a), is amended by deleting "handgun" and substituting "firearm".

SECTION 4. This act takes effect July 1, 2023, the public welfare requiring it.

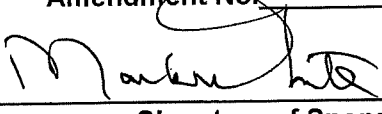


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Amendment No. _____


Signature of Sponsor

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Date	_____
Time	_____
Clerk	_____
Comm. Amdt.	_____

AMEND Senate Bill No. 971

House Bill No. 782*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 17, is amended by adding the following as a new section:

(a) Subject to applicable federal and state laws, rules, and regulations, and upon the request of the commission, each public elementary and middle school, or each LEA on behalf of the schools, shall provide information to the commission or department of education about the financial literacy education provided to public elementary and middle school students during the school year.

(b) As used in this section, "public elementary and middle school" means an elementary school or middle school, as those terms are defined in § 49-6-301, located in this state, including a public charter school that serves comparable grade levels.

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

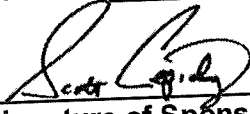


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Amendment No. _____


Signature of Sponsor

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Date _____

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Comm. Amdt. _____

AMEND Senate Bill No. 1189

House Bill No. 1097*

by deleting Section 2 and substituting:

SECTION 2. 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, and applies to the 2023-2024 school year and each school year thereafter.



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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. 1507

House Bill No. 1249

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

SECTION 1.

(a) There is created a federal education funding task force, to be administratively attached to the department of education.

(b) The task force is created to:

(1) Identify:

(A) The amount of federal funding received by this state and by each political subdivision of this state for educational programs or purposes in the current fiscal year;

(B) Each federal law, regulation, or program from which this state or a political subdivision of this state received federal funding for educational programs or purposes in the current fiscal year, and whether this state has the option to not comply with, or participate in, the respective federal law, regulation, or program;

(C) How this state and each political subdivision of this state is using, or intends to use, the federal funds it receives for educational programs or purposes in the current fiscal year; and

(D) The stipulations, requirements, or conditions, if any, placed on this state or a political subdivision of this state for its receipt of federal funds for educational programs or purposes;



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(2) Advise the administration and general assembly on the feasibility of this state and each political subdivision of this state rejecting federal funding for educational programs or purposes to provide this state with the flexibility and opportunity to establish its own educational goals, requirements, and measures to better serve teachers and students; and

(3) Recommend a strategic action plan to guide the administration and general assembly on how to reject federal funding for educational programs or purposes and how to eliminate restrictions placed on this state due to this state's receipt of federal funding for educational programs or purposes.

(c) The task force is composed of eleven (11) members as follows:

(1) The commissioner of education;

(2) Three (3) members of the senate appointed by the speaker of the senate;

(3) Three (3) members of the house of representatives appointed by the speaker of the house of representatives;

(4) One (1) director of schools appointed by the speaker of the senate;

(5) One (1) director of schools appointed by the speaker of the house of representatives;

(6) One (1) teacher appointed by the speaker of the senate; and

(7) One (1) teacher appointed by the speaker of the house of representatives.

(d)

(1) Members of the task force serve without compensation for their services, but may be reimbursed for travel expenses in accordance with the comprehensive travel regulations promulgated by the commissioner of finance and administration and approved by the attorney general and reporter.

(2) Vacancies among the members of the task force must be filled in the same manner as in the original selection of members.

(3) In making appointments, the speaker of the senate and the speaker of the house of representatives shall strive to ensure that members of the task force are inclusive and reflect the geographic, urban, rural, and economic diversity of this state and are diverse in race, sex, and experience.

(4)

(A) The commissioner shall serve as chair, and shall call the first meeting of the task force no later than August 1, 2023, at which time the members shall elect a first vice chair and second vice chair.

(B) No later than August 31, 2023, the commissioner shall contact the United States department of education to discuss this state's interest in potentially rejecting federal funding for educational programs and purposes to assist the task force in its feasibility study and to initiate any processes or procedures that may be required by the federal government in order for this state to reject or refuse receipt of future federal funding.

(5) The task force shall meet at least monthly. The chair may call special meetings whenever necessary for the transaction of business. The chair shall notify each member of the task force of any special meeting at least five (5) days before the time fixed for the special meeting. A majority of the members of the task force may petition the chair to call a special meeting, in which case the chair shall call a special meeting.

(6) The task force may conduct meetings by conference call or video conference in accordance with the requirements of § 8-44-108.

(e) The task force shall agree upon any findings and recommendations by a majority vote of the total membership of the task force. A majority of the members of the task force constitutes a quorum for the purpose of meeting and conducting business.

(f)

(1) The chair of the task force may call on appropriate state agencies for reasonable assistance in the work of the task force.

(2) The task force shall consult with representatives from the department of education, the Tennessee education association, the Tennessee school boards association, and the Tennessee organization of school superintendents for purposes of this act.

(g) The task force shall develop a strategic action plan to guide the administration and general assembly on whether it is feasible for this state and the political subdivisions of this state to reject federal funding for educational programs or purposes, the process required for this state to reject such funding in the future, and how to eliminate restrictions placed on this state due to this state's receipt of federal funding for educational programs or purposes. The task force's strategic plan must be provided to the governor and general assembly no later than December 1, 2023.

(h) This act is repealed on December 1, 2023, unless reenacted or extended by the general assembly prior to that date.

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

Tony Thompson

Amendment No. _____


Signature of Sponsor

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

AMEND Senate Bill No. 967

House Bill No. 662*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-2-207, is amended by deleting subsection (d) and substituting:

(d) An LEA shall maintain:

(1) Added or amended policies on file and make the policies available to review in each school library operated by the LEA;

(2) Notice of deleted policies on file and make the notice of deleted policies available to review in each school library operated by the LEA and at the LEA's central office; and

(3) An archive of all deleted policies.

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



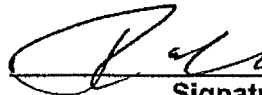
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Tony Thompson

Amendment No. _____


Signature of Sponsor

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

AMEND Senate Bill No. 966

House Bill No. 663*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-6-3803(b), is amended by deleting subdivision (2) and substituting:

(2) A procedure for the LEA or public charter school to receive and evaluate feedback from a student, a student's parent or guardian, or a school employee regarding one (1) or more of the materials in the library collection of the student's or employee's school; and

SECTION 2. Tennessee Code Annotated, Section 49-6-3803(c), is amended by deleting the subsection and substituting:

(c) If an LEA or public charter school receives feedback on material in accordance with the procedure established pursuant to subdivision (b)(2) and the LEA or public charter school does not reach a resolution on the material with the person who provided feedback on the material, then the local board of education or the public charter school governing body shall evaluate the material to determine whether the material is appropriate for the age and maturity levels of the students who may access the materials, and to determine whether the material is suitable for, and consistent with, the educational mission of the school.

SECTION 3. Tennessee Code Annotated, Section 49-6-3803(d), is amended by deleting the subsection and substituting:

(d) If the LEA or public charter school determines that material contained in the school's library collection is not appropriate for the age and maturity levels of the



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students who may access the materials, or is not suitable for, or consistent with, the educational mission of the school, then the school shall remove the material from the library collection.

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

Amendment No. _____

Tom Leatherwood

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 622

House Bill No. 179*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-1-614, is amended by adding the following as a new subsection:

(p)

(1) The department of education shall, no later than July 1, 2023, submit a request to the United States department of education to amend this state's Every Student Succeeds Act (ESSA) plan for purposes of terminating the achievement school district while ensuring that intensive interventions are provided for schools designated to be in priority status pursuant to § 49-1-602.

(2) The department of education shall notify the general assembly whether the United States department of education approves or denies the department's request to amend this state's ESSA plan pursuant to subdivision (p)(1) no later than ten (10) days from the date on which the department is notified of the United States department of education's approval or denial.

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 _____

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Comm. Amdt. _____

AMEND Senate Bill No. 899*

House Bill No. 1332

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-2-301(b)(1), is amended by deleting subdivision (DD).

SECTION 2. Tennessee Code Annotated, Section 49-2-301(b)(1)(EE)(i), is amended by deleting "dismiss any" and substituting "dismiss a nonlicensed employee or a" and adding "nonlicensed or" after "no".

SECTION 3. Tennessee Code Annotated, Section 49-2-301(b)(1)(EE)(iii), is amended deleting "Any" and substituting "A nonlicensed employee or a".

SECTION 4. Tennessee Code Annotated, Section 49-7-119(a)(1)(A), is amended by adding "or full-time educational assistant" immediately after "teacher".

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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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. _____

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. The department of education shall, no later than July 1, 2023, submit a request to the United States department of education to amend this state's Every Student Succeeds Act (ESSA) plan for purposes of implementing this act.

SECTION 9. 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;

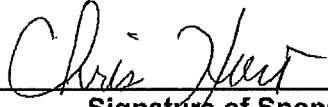
(5) Notification to LEAs of available state or federal grant opportunities;

(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 10. Sections 8 and 9 of this act take effect upon becoming a law, the public welfare requiring it. Sections 1-7 of this act take effect on the thirtieth day immediately following the date on which the United States department of education approves the amendment to this state's Every Students Succeeds Act (ESSA) plan submitted pursuant to Section 8 of this act, the public welfare requiring it. The commissioner of education shall notify the executive secretary of the Tennessee code commission in writing of the date on which the United States department of education approved the amendment to this state's ESSA plan. If the United States department of education does not approve the amendment to this state's ESSA plan, then Sections 1-7 of this act shall have no effect.

Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1070

House Bill No. 897*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-5-106, is amended by adding the following as a new subsection:

(j) Notwithstanding § 49-6-1021(e)(3), upon the request of a director of schools or the director of a public charter school, the commissioner of education may issue an endorsement exemption to a teacher, in accordance with state board rules, to teach a physical education class required under § 49-6-1021(e) to elementary school students. A director of schools or the director of a public charter school who applies for an endorsement exemption to teach in accordance with this subsection (j) shall certify to the commissioner that the LEA or public charter school is unable to secure a qualified teacher for the physical education class. An endorsement exemption issued pursuant to this subsection (j) is valid only until June 30 following the date of the permit's issuance.

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



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Amendment No. 1
W. S. H. A. R.
Signature of Sponsor

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 838*

House Bill No. 962

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 60, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Credit exam" means a comprehensive assessment designed by an LEA or public charter school that is aligned to the Tennessee academic standards for an eligible course;

(2) "Eligible course" means a course identified by the department of education, and approved by the state board of education, for which there is no end-of-course assessment; and

(3) "Qualifying score" means the score set by an LEA or public charter school that a student must achieve on a credit exam to demonstrate proficiency and earn credit for the eligible course for which the credit exam is administered.

(b) An LEA or public charter school that serves students in any of the grades nine through twelve (9-12) may grant a high school student credit for an eligible course offered by the student's high school in which the student is not enrolled, but for which the student attains a qualifying score on the eligible course's credit exam. An LEA or public charter school that serves students in any of the grades nine through twelve (9-12) shall provide each high school student the opportunity to take a credit exam for an eligible course each semester in which the LEA or public charter school offers an eligible course



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for which the LEA has developed a credit exam. A student may only take a credit exam once per eligible course for purposes of this section.

(c) The department of education shall recommend to the state board of education for approval a list of eligible courses for which an LEA or public charter school may develop a credit exam for purposes of this section. The list of eligible courses must include courses in math, English language arts, science, and social studies. The department may recommend eligible courses in additional subject areas.

(d) High school credit earned pursuant to this section must count toward the high school graduation requirements established pursuant to § 49-6-6001(a). A student may earn a maximum of four (4) graduation credits pursuant to this section. If a student receives a qualifying score on a credit exam, then the student's score must be included in the student's overall grade point average pursuant to local board policy.

(e) A credit exam developed by an LEA or public charter school pursuant to this section must cover the entirety of the Tennessee course standards for the course for which the student may receive credit.

(f) A credit exam administered for purposes of this section shall not affect the evaluation of a teacher, principal, school, or LEA.

(g) Each local board of education and charter school governing body that serves students in any of the grades nine through twelve (9-12) shall adopt a policy on the implementation of this section. The policy must include, at a minimum:

(1) When and how credit exams are to be administered to students seeking course credit pursuant to this section;

(2) The qualifying score for each credit exam administered to students pursuant to this section; and

(3) The grade that will be included in a student's overall grade point average for the student's achieving the qualifying score on each credit exam administered to the student pursuant to this section.

(h) An LEA or public charter school that serves students in any of the grades nine through twelve (9-12) shall provide the following information to the department of education at the end of each school year:

- (1) A copy of each credit exam developed by the LEA or public charter school pursuant to this section;
- (2) The number of credit exams administered during the school year;
- (3) The eligible courses for which credit exams were administered; and
- (4) The number of students that did and did not receive a qualifying score on each credit exam administered for purposes of this section.

(i)

(1) Upon the request of the education committee of the senate, the education administration committee of the house of representatives, or the education instruction committee of the house of representatives, the department of education shall submit a report regarding the implementation of this section.

(2) The information reported pursuant to this subsection (i) 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, and applies to the 2023-2024 school year and each school year thereafter.

Amendment No. _____

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Signature of Sponsor

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Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 750

House Bill No. 785*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 4-49-104(e), is amended by deleting subdivision (1) and substituting instead the following:

(1)

(A) For fiscal year 2023-2024:

(i) Sixty percent (60%) of the privilege tax collected under this section must be distributed by the council to the state treasurer for deposit into the promising futures account administered by the department of human services to provide funding for the promising futures program established in § 49-1-1111(k); and

(ii) Twenty percent (20%) of the privilege tax collected under this section must be distributed by the council to the state treasurer for deposit into the lottery for education account created under § 4-51-111.

(B) For fiscal year 2024-2025:

(i) Seventy percent (70%) of the privilege tax collected under this section must be distributed by the council to the state treasurer for deposit into the promising futures account administered by the department of human services to provide funding for the promising futures program established in § 49-1-1111(k); and



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(ii) Ten percent (10%) of the privilege tax collected under this section must be distributed by the council to the state treasurer for deposit into the lottery for education account created under § 4-51-111.

(C) For fiscal year 2025-2026 and each fiscal year thereafter, eighty percent (80%) of the privilege tax collected under this section must be distributed by the council to the state treasurer for deposit into the promising futures account administered by the department of human services to provide funding for the promising futures program established in § 49-1-1111(k).

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 1, Part 11, is amended by adding the following as a new section:

49-1-1111. Scholarship program for children to participate in high-quality early care and learning programs.

(a) As used in this section, "high-quality early care and learning program" means:

(1) A child care agency, licensed by the department of human services pursuant to title 71, chapter 3, part 5, that meets the high-quality qualifications as determined by the department of education pursuant to subsection (c); and

(2) A public or private school that provides early care and learning programs that meet the high-quality qualifications determined by the department of education pursuant to subsection (c).

(b) The department of human services, in consultation with the department of education, shall create and, by July 1, 2024, implement the promising futures program to provide scholarships to assist parents and legal guardians of children who are not school age to develop early language and literacy skills in high-quality early care and learning programs.

(c) The state board of education, in consultation with the department of education, shall promulgate rules to establish the qualifications for a high-quality early

care and learning program that include, but are not limited to, qualifications for high-quality teachers and assistant teachers, high-quality instruction, and high-quality environments. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(d) To be eligible to receive a promising futures scholarship, a parent's or legal guardian's child must:

(1) Be no less than six (6) weeks of age and not eligible to attend a public school pursuant to § 49-6-3001;

(2)

(A) Be a member of a household with an annual income for the previous year that does not exceed the state median income;

(B) Reside with a foster parent as defined in § 37-2-414 or an adoptive parent as defined in § 36-1-102;

(C) Be a homeless child or youth as defined in § 49-50-1701; or

(D) Be a child in custody of the department of children's services;

(3)

(A) Reside with a parent or legal guardian who has primary responsibility for care and control of the child and who is employed and works more than thirty (30) hours per week or is enrolled in and attending an eligible postsecondary education program; or

(B) Reside in a household with two (2) parents or legal guardians who are each either employed and work more than thirty (30) hours per week or are enrolled in and attending an eligible postsecondary education program;

(4) Be accepted to a high-quality early care and learning program; and

(5) Be a citizen of this state.

(e) For purposes of creating and implementing the promising futures program, the department of human services shall utilize its existing infrastructure and systems to

- (1) Review and approve or deny promising futures scholarship applications;
- (2) Determine a child's eligibility to receive a scholarship in accordance with subsection (d);
- (3) Verify income for purposes of subdivision (d)(2)(A);
- (4) Pay scholarship funds directly to the high-quality early care and learning program in which the child who received the scholarship is enrolled;
- (5) Implement a sliding fee scale for parent co-payments;
- (6) Implement a waitlist process if the department receives more applications for children who meet the eligibility requirements in subsection (d) than the amount of scholarships for which funding is available in the promising futures account;
- (7) Ensure that each child who receives a scholarship continues to meet the requirements in subsection (d);
- (8) Establish the number of days a child who receives a scholarship must attend a high-quality early care and learning program;
- (9) Ensure that each child who receives a scholarship attends a high-quality early care and learning program for the number of days established pursuant to subdivision (e)(8);
- (10) Receive and process applications from high-quality early care and learning programs seeking to participate in the promising futures scholarship program;
- (11) Require a high-quality early care and learning program that participates in the promising futures scholarship program to sign assurances that

the high-quality early care and learning program agrees to adhere to the rules promulgated by the department of education pursuant to subsection (c); and

(12) Implement, with training and guidance from the department of education, a process to ensure high-quality early care and learning programs participating in the promising futures scholarship program are adhering to the rules promulgated by the state board of education pursuant to subsection (c).

(f) The amount of a promising futures scholarship is determined annually by mutual agreement between the departments of education and human services; provided, that:

(1) In the first year of the promising futures program the amount of a promising futures scholarship shall not exceed four thousand five hundred dollars (\$4,500) per child; and

(2) The promising futures scholarship amount shall not exceed the cost of tuition and mandatory fees charged by the high-quality early care and learning program, less any other available financial aid or parent co-pay, which must be credited first to the child's tuition and mandatory fees.

(g)

(1) There is created a task force composed of:

(A) One (1) staff member of the department of human services who is appointed by the commissioner;

(B) One (1) member who is appointed by the commissioner of human services;

(C) One (1) staff member of the department of education who is appointed by the commissioner; and

(D) One (1) member who is appointed by the commissioner of education.

(2) The task force shall:

(A) Create marketing and enrollment goals for the promising futures program;

(B) Create a vision for a user-friendly, web-based "finder" tool to help parents find available high-quality early care and learning program options;

(C) Create a request for proposal for the marketing and outreach functions, including the user-friendly, web-based "finder" tool;

(D) Select vendors to achieve the marketing and enrollment goals created by the task force pursuant to subdivision (g)(2)(A); and

(E) Evaluate the progress of the vendors selected pursuant to subdivision (g)(2)(D) at least quarterly.

(3) The task force members' terms begin on July 1, 2023, and expire on June 30, 2025.

(h) The department of human services may suspend or terminate a parent's or legal guardian's participation in the promising futures program if the department determines that the child's parent or legal guardian failed to comply with this section.

(i) If a high-quality early care and learning program knowingly uses promising futures scholarship funds with the intent to defraud the promising futures program, then the department of human services or the department of education may refer the matter to the appropriate enforcement authority for criminal prosecution.

(j) A promising futures scholarship fund:

(1) Constitutes a scholarship provided for early care and learning for a child; and

(2) Does not constitute income of a parent or legal guardian of a child under title 67, chapter 2 or any other state law.

(k) There is created within the state treasury a "promising futures account."

Amounts remaining in the account at the end of each fiscal year must not revert to the

general fund. Money in the account must be invested by the state treasurer pursuant to title 9, chapter 4, part 6 for the sole benefit of the account. All earning attributable to such investments must be credited to the promising futures account.

(l) The department of human services and the department of education may use funds in the promising futures account for expenses incurred by the department due to the promising futures program's administration, marketing expenses, and evaluation; provided, that the expenses shall not exceed:

(1) Two and one-half percent (2.5%) of the total amount appropriated for the promising futures program in the 2023-2024 fiscal year for the department of human services;

(2) Two and one-half percent (2.5%) of the total amount appropriated for the promising futures program in the 2023-2024 fiscal year for the department of education;

(3) One and one-half percent (1.5%) of the total amount appropriated for the promising futures program in a fiscal year after the 2023-2024 fiscal year for the department of human services; or

(4) One and one-half percent (1.5%) of the total amount appropriated for the promising futures program in a fiscal year after the 2023-2024 fiscal year for the department of education.

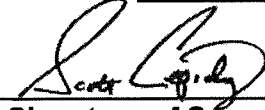
(m) The department of human services, in consultation with the department of education, may promulgate rules necessary to effectuate the purposes this section. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

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

SECTION 4. 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 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. 300*

House Bill No. 437

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-6-3115(a)(2)(A), is amended by adding the following as a new subdivision:

(vi) The student demonstrates proficiency in ELA standards based on the student's scoring in at least the fiftieth percentile on the most recently administered benchmark assessment provided by the state, if the benchmark assessment is administered to the student in a test format and in a test environment, as determined by the department; and

SECTION 2. Tennessee Code Annotated, Section 49-6-3115(d), is amended by deleting the subsection and substituting instead the following:

(d) The state board of education shall promulgate rules to establish an appeal process, to be administered by the department, for a student who is identified for retention in third grade pursuant to subsection (a) based on the student's achieving a performance level rating of "approaching" on the ELA portion of the student's most recent TCAP test. The rules must provide:

(1) That if an appeal is filed, the filing must be made by the student's parent or guardian unless the student's parent or guardian consents, in writing, to a principal, guidance counselor, teacher, or another administrator of the student's school filing the appeal, in which case an appeal may be filed by such individual; and



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(2) The process by which a principal, guidance counselor, teacher, or another administrator of the student's school obtains the written consent of a student's parent or guardian that is sufficient for purposes of filing an appeal on behalf of the student's parent or guardian.

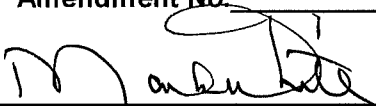
SECTION 3. Tennessee Code Annotated, Section 49-6-3115, is amended by adding the following as a new subsection:

(e)

(1) Beginning with the 2023-2024 school year, a student who is retained in any of the grades kindergarten through three (K-3) must be assigned a tutor to provide the student with tutoring services for the entirety of the upcoming school year based on tutoring requirements established by the department.

(2) The department may procure up to three (3) online tutoring providers that LEAs and public charter schools may use to provide online tutoring services to students pursuant to subdivision (e)(1). The department's chief procurement officer is authorized to approve an emergency purchase of online tutoring providers pursuant to this subdivision (e)(2) using procurement methods authorized in § 12-3-505 and the department of general services' central procurement office's rules.

SECTION 4. For purposes of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, Section 3 of this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, all other sections of this act take 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. 300*

House Bill No. 437

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-6-3115(a)(2)(A), is amended by adding the following as a new subdivision:

(vi) The student demonstrates proficiency in ELA standards based on the student scoring in the fiftieth percentile on the most recently administered benchmark assessment provided by the state, if the benchmark assessment is administered to the student in a test environment, as determined by the department; and

SECTION 2. Tennessee Code Annotated, Section 49-6-3115(d), is amended by deleting the second sentence of the subsection and substituting instead the following:

The rules must provide that if an appeal is filed, the filing must be made by the student's parent or guardian unless the student's parent or guardian consents, in writing, to the principal, guidance counselor, teacher, or another administrator of the student's school filing an appeal with the department, in which case an appeal may be filed by such individual.

SECTION 3. Tennessee Code Annotated, Section 49-6-3115, is amended by adding the following as a new subsection:

(e) A student who is retained in any of the grades kindergarten through three (K-3) must be assigned a tutor through TALLC to provide the student with tutoring services for the entirety of the upcoming school year based on tutoring requirements established by the department.

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



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Amendment No.

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AMEND Senate Bill No. 1455

House Bill No. 1364*

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

SECTION 1. Tennessee Code Annotated, Section 49-6-3115, is amended by deleting the section and substituting instead the following:

(a) A student in any of the grades kindergarten through three (K-3) may be retained if the student is not proficient in reading, as determined by the LEA or public charter school in which the student is enrolled.

(b) An LEA or public charter school may base its decision to retain a student in any of the grades kindergarten through three (K-3) who is not proficient in reading on:

(1) The student's academic performance;

(2) Evaluations of the student's reading proficiency made by the student's reading or English language arts (ELA) teacher after having observed and documented the student's reading skills;

(3) The student's performance on standardized tests administered to the student to measure the student's reading proficiency, such as the Tennessee universal reading screener, a universal reading screener approved by the state board of education, the ELA portion of the student's most recent Tennessee comprehensive assessment program (TCAP) test, or other assessments administered to the student to evaluate the student's reading proficiency; and

(4) Other measures of performance or growth selected by the LEA or public charter school to evaluate and assess a student's reading proficiency.

(c)



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(1) Each LEA and public charter school shall provide intensive reading instruction and intervention to a student who may not be proficient in and who may be retained by the LEA or public charter school. The intensive reading instruction and intervention required in this subsection (c) must be:

(A) Scientifically based;

(B) Provided in small groups with a reduced student-teacher ratio, and include frequent progress monitoring and tutoring, as necessary; and

(C) Provided to the student:

(i) For no less than ninety (90) minutes per school day; and

(ii) Until the student's LEA or public charter school determines, based on one (1) or more of the measures identified in subsection (b) or pursuant to subdivision (f)(1), that the student is proficient in reading.

(2) An LEA or public charter school providing intensive reading instruction and intervention to a student pursuant to this subsection (c) shall provide frequent progress reports to the student's parent or legal guardian. A progress report must be provided to a student's parent or legal guardian, at a minimum, after the LEA or public charter school receives or calculates the student's score on an assessment administered to the student to evaluate the student's reading proficiency and at the end of each grading period.

(3) This subsection (c) does not prohibit an LEA or public charter school from retaining a student who is not proficient in reading.

(d) Notwithstanding subsection (a), a third grade student shall not be retained if:

(1) The student achieves a performance level rating on the ELA portion of the student's most recent TCAP test showing that the student meets or exceeds expectations in ELA based on the Tennessee academic standards;

(2) The student's score on the Tennessee universal reading screener, or on a universal reading screener approved by the state board, administered to the student in the third grade shows that the student is proficient in reading based on the student's achieving the grade-level target for reading;

(3) The student is an English language learner and has received less than two (2) years of ELA instruction;

(4) The student has an individualized education program (IEP) pursuant to the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.) that requires the student to be administered the TCAP's alternative assessment;

(5) The student tests proficient on an alternative standardized reading assessment developed by the student's LEA or public charter school that has been approved by the state board;

(6) The student demonstrates, through a student portfolio model approved by the state board, that the student is reading on grade level;

(7) The student has an IEP pursuant to the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.), is administered the TCAP's standard assessment, and demonstrates progress in reading or ELA in accordance with the literacy goal outlines for the student in the student's IEP;

(8) The student has a Section 504 plan under the Rehabilitation Act (29 U.S.C. § 701 et seq.) that requires the student to be provided accommodations to support the student's reading skills and literacy development;

(9) The student was previously retained in any of the grades kindergarten through three (K-3); or

(10) The student reading proficiency team, established at the LEA or public charter school pursuant to subsection (e), determines that the student is prepared for the next grade level and should be promoted.

(e)

(1) Each LEA and public charter school shall establish a student reading proficiency team for the LEA or public charter school that is composed of the LEA's or public charter school's administrators, third grade teachers, fourth grade teachers, and parents of the LEA's or public charter school's enrolled students. Each LEA and public charter school shall determine the number and process of selecting individuals to serve on the student reading proficiency team.

(2) The student reading proficiency team shall use multiple measures to evaluate student reading proficiency that include the measures identified in subsection (b) and pursuant to subdivision (f)(1), to determine whether a third grade student who may not be proficient in reading should be promoted.

(3) If a third grade student is not proficient in reading and the student reading proficiency team unanimously recommends that the student be promoted to the fourth grade, then the administrators and teachers serving on the student reading proficiency team shall develop a promotion plan for the student that requires intensive reading instruction and intervention, as described in subsection (c), for the student until the student's LEA or public charter school determines, based on one (1) or more of the measures identified in subsection (b) or pursuant to subdivision (f)(1), that the student is proficient in reading. The promotion plan must require frequent progress reports to the student's parent or legal guardian in the same manner as required in subsection (c).

(f) Each LEA and public charter school shall adopt and implement a policy to effectuate this section. The policy must, at a minimum:

(1) Identify the measures of performance or growth that the LEA or public charter school may use to evaluate and assess a student's reading proficiency;

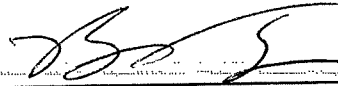
(2) Describe the reading instruction and interventions that the LEA or public charter school will provide students who, based on one (1) or more of the

measures identified in subsection (b) or pursuant to subdivision (f)(1), may not be proficient in reading and who may be retained; and

(3) Require written notification to a student's parent or legal guardian if the LEA or public charter school identifies the student, based on one (1) or more of the measures identified in subsection (b) or pursuant to subdivision (f)(1), as a student who may not be proficient in reading and who may be retained. The written notification must advise the student's parent or legal guardian of the reading instruction and interventions that will be provided to the student and when progress reports will be provided pursuant to subsection (c).

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. 1217

House Bill No. 270*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-6-3115(a)(1), is amended by deleting the subdivision and substituting:

(1) A student in the third grade shall not be promoted to the next grade level if:

(A) The student is determined to not be proficient in English language arts (ELA) based on the student's achieving a performance level rating of "below" or "approaching" on the ELA portion of the student's most recent Tennessee comprehensive assessment program (TCAP) test;

(B) The student is determined to not be proficient in reading based on the student's achieving below the reading proficiency level score required by the department of education on each Tennessee universal reading screener, as defined in § 49-1-903, administered to the student in the student's third grade year; or

(C) Based on the student's performance on the most recently administered Tennessee universal screener or state-board-approved universal screener, the student's LEA or public charter school is required to provide the student with tier II or III interventions, pursuant to Tennessee's response to instruction and intervention framework manual.

SECTION 2. Tennessee Code Annotated, Section 49-6-3115(d), is amended by deleting:



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The rules must provide that if an appeal is filed, the filing must be made by the student's parent or guardian.

and substituting:

The rules must provide that if an appeal is filed, the filing must be made by the student's LEA or the student's parent or guardian.

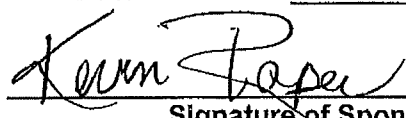
SECTION 3. Tennessee Code Annotated, Section 49-1-905, is amended by deleting subdivision (c)(4) and substituting:

(4) The department shall:

(A) Determine the reading proficiency level scores required for the Tennessee universal reading screener and each universal reading screener approved by the state board; and

(B) Provide LEAs and public charter schools serving students in any of the grades kindergarten through three (K-3) with the reading proficiency level scores required by the department pursuant to subdivision (c)(4)(A).

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it, and applies to the 2022-2023 school year and each school year thereafter.

Amendment No. _____

Signature of Sponsor

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 819*

House Bill No. 1412

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

SECTION 1. Tennessee Code Annotated, Section 49-6-3115, is amended by deleting the section and substituting:

(a) This section is known and may be cited as the "Tennessee Elementary Reading Proficiency Act."

(b)

(1) Beginning with the 2023-2024 school year, a student in any grade kindergarten through three (K-3) shall not be promoted to the next grade level unless the student is determined to be proficient:

(A) In reading based on the student who correctly answered at least forty percent (40%) of the questions on each Tennessee universal reading screener, or each universal reading screener approved by the state board of education, administered to the student in the most recent school year;

(B) In reading based on the student who correctly answered at least forty percent (40%) of the questions on the state-adopted benchmark assessments administered to the student in the most recent school year; or

(C) In English language arts (ELA) based on the student's achieving a performance level rating of "on track", "mastered", or "advanced" on the ELA portion of the student's most recent Tennessee



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comprehensive assessment program (TCAP) test. For purposes of this subdivision (b)(1)(C), the ELA portion of the TCAP test excludes the writing portion.

(2) Notwithstanding subdivision (b)(1), a student who is not proficient pursuant to subdivision (b)(1) may be promoted to the next grade level if:

(A) The student is an English language learner;

(B) The student was previously retained in any of the grades kindergarten through three (K-3);

(C) The student is retested before the beginning of the next school year and correctly answers at least forty percent (40%) of the questions on the Tennessee universal reading screener or a state-board-approved universal reading screener;

(D) The student attends a learning loss bridge camp before the beginning of the upcoming school year, maintains a ninety percent (90%) attendance rate at the camp, and the student's performance on the post-test administered to the student at the end of the learning loss bridge camp, as required under § 49-6-1502(4)(F), demonstrates adequate growth, as determined by the department;

(E) The student is assigned a tutor through the Tennessee accelerating literacy and learning corps (TALLC) to provide the student with tutoring services for the entirety of the upcoming school year based on tutoring requirements established by the department;

(F) The student will be nineteen (19) years of age on or before September 1 of the student's senior year of high school; or

(G) The student's LEA or public charter school determines that the student should be promoted to the next grade level. If a student is promoted pursuant to this subdivision (b)(2)(G), then the LEA or public

charter school shall justify the reason for the student's promotion in the student's education record.

(c) Subject to available funding, and to the extent authorized by federal law, LEAs and public charter schools may use temporary assistance for needy families (TANF) program funds to cover up to fifty percent (50%) of the costs associated with providing tutoring services for students pursuant to subdivision (b)(2)(E).

(d)

(1) Subsection (b) does not supersede an LEA's or public charter school's obligation to comply with the federal Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.) or Section 504 of the federal Rehabilitation Act (29 U.S.C. § 794).

(2) LEAs and public charter schools shall not retain a student based on the student's disability or suspected disability.

(e)

(1) Each LEA and public charter school shall annually report to the department the number of students in any of the grades kindergarten through three (K-3) that the LEA or public charter school retained in the most recent school year and the reason for each retention.

(2) All student information must be maintained in accordance with the federal Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g), § 10-7-504, and all other applicable state and federal privacy laws.

SECTION 2: Tennessee Code Annotated, Section 49-1-905, is amended by deleting subdivision (d)(4) and substituting:

(4) Information about retention pursuant to § 49-6-3115 for students in any of the grades kindergarten through three (K-3).

SECTION 3. Tennessee Code Annotated, Section 49-1-905(c)(4), is amended by deleting the subdivision and substituting:

(A) The Tennessee universal reading screener and each universal reading screener approved by the state board must be nationally normed.

(B) As used in this subdivision (c)(4):

(i) "Nationally normed" means that screener scores, classifications, and score distribution percentiles are reported and calibrated using a representative national sample; and

(ii) "National sample" means a sample of students that represents the population of the United States students that is able to produce valid and reliable scores for classifying and identifying students. A national sample for universal screeners consists of at least one hundred fifty (150) students in each of at least three (3) of nine (9) United States Census Bureau divisions sampled before the year 2020 and may include any needed statistical transformations required to achieve demographic representativeness.

SECTION 4. Tennessee Code Annotated, Section 49-6-1503(a)(1), is amended by deleting the last sentence in the subdivision and substituting:

LEAs and participating public charter schools shall conduct summer learning camps and after-school learning mini-camps annually beginning in the summer of 2021;

SECTION 5. Tennessee Code Annotated, Section 49-6-1503(b)(1)(A), is amended by deleting the last sentence in the subdivision and substituting:

LEAs shall conduct after-school learning mini-camps and summer learning camps annually beginning in the summer of 2021;

SECTION 6. Tennessee Code Annotated, Section 49-6-1503(b)(1)(C), is amended by deleting "Subject to available funding, providing" and substituting "Providing".

SECTION 7. Tennessee Code Annotated, Section 49-6-1507(b), is amended by deleting the subsection and substituting:

The department shall provide TALLC grants to LEAs and public charter schools to increase the number of TALLC members that are available in a community to provide high-quality tutoring services to students.

SECTION 8. Tennessee Code Annotated, Section 49-6-1508, is amended by adding the following as a new subsection:

(e)

(1) The state-adopted benchmark assessments must be nationally normed.

(2) As used in this subsection (e):

(A) "Nationally normed" means that screener scores, classifications, and score distribution percentiles are reported and calibrated using a representative national sample; and

(B) "National sample" means a sample of students that represents the population of the United States students that is able to produce valid and reliable scores for classifying and identifying students.

SECTION 9. Tennessee Code Annotated, Section 49-6-6009(a), is amended by deleting the subsection and substituting:

(a) The department of education shall annually release the Tennessee comprehensive assessment program (TCAP) and end-of-course examination blueprints to each LEA and post the information on the department's website.

SECTION 10. Tennessee Code Annotated, Section 49-6-6009, is amended by adding the following as a new subsection:

(c)

(1) Beginning in the 2023-2024 school year, the department shall use a nationally-normed scoring methodology for the TCAP and end-of-course examinations.

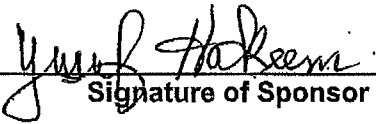
(2) As used in this subsection (c):

(A) "Nationally normed" means that screener scores, classifications, and score distribution percentiles are reported and calibrated using a representative national sample; and

(B) "National sample" means a sample of students that represents the population of the United States students that is able to produce valid and reliable scores for classifying and identifying students.

SECTION 11. 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. 1008

House Bill No. 456*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-6-1503(a)(1), is amended by deleting the last sentence in the subdivision and substituting:

LEAs and participating public charter schools shall conduct summer learning camps and after-school learning mini-camps annually beginning in the summer of 2021;

SECTION 2. Tennessee Code Annotated, Section 49-6-1503(b)(1)(A), is amended by deleting the last sentence in the subdivision and substituting:

LEAs shall conduct after-school learning mini-camps and summer learning camps annually beginning in the summer of 2021;

SECTION 3. Tennessee Code Annotated, Section 49-6-1503(a)(3), is amended by deleting the subdivision and substituting:

Providing training, technical assistance, guidance, and instructional materials and strategies to LEAs and participating public charter schools conducting after-school learning mini-camps, learning loss bridge camps, and summer learning camps;

SECTION 4. Tennessee Code Annotated, Section 49-6-1503(a), is amended by adding the following as new subdivisions:

(7) Ensuring that the instruction provided to students through the learning loss remediation and student acceleration program is aligned to state academic standards; and

(8) Ensuring that licensed teachers provide instruction to students through the learning loss remediation and student acceleration program.



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SECTION 5. Tennessee Code Annotated, Section 49-6-1503, is amended by adding the following as a new subsection:

Each LEA and public charter school that provides instruction to students through the learning loss remediation and student acceleration program shall ensure that the instruction is aligned to state academic standards.

SECTION 6. Tennessee Code Annotated, Section 49-6-1509, is amended by deleting subdivision (b)(3) and substituting:

(3) By November 1 of each year, the report must be posted on the department's website and submitted to each LEA and participating public charter school, the governor, and the general assembly.

SECTION 7. Tennessee Code Annotated, Section 49-6-1509, is amended by adding the following as a new subsection:

(d) The department, each LEA, and each participating public charter school shall:

(1) Review the report each year to determine if changes should be made to the after-school learning mini-camps, learning loss bridge camps, or summer learning camps to improve student achievement; and

(2) Implement any changes necessary that the department approves to the after-school learning mini-camps, learning loss bridge camps, or summer learning camps based upon the review in subdivision (d)(1).

SECTION 8. Tennessee Code Annotated, Section 49-6-3115, is amended by deleting the section and substituting instead the following:

(a) A student may be retained in the third or fourth grade if the student's English language arts (ELA) teacher, or the student's school principal, determines:

(1) That the student is not proficient in ELA:

(A) Based on the student's achieving a performance level rating of "approaching" or "below" on the ELA portion of the student's most recent Tennessee comprehensive assessment program (TCAP) test;

(B) Based on the student's testing below proficient in ELA on one (1) or more of the state-adopted benchmark assessments administered to the student during the school year; or

(C) Because the student has not shown a basic understanding of the ELA curriculum or an ability to perform the skills required in ELA, as demonstrated by the student's grades or standardized test results; and
(2) That retention may benefit the student.

(b)

(1) If a student's ELA teacher or school principal determines that the student is not proficient in ELA and that retention may benefit the student, then the student's ELA teacher or school principal shall notify the student's parent or legal guardian in writing of the potential retention decision no later than March 1. The written notice must inform the student's parent or legal guardian that the student may be promoted to the next grade level if the student:

(A) Attends a learning loss bridge camp before the beginning of the upcoming school year, maintains a ninety percent (90%) attendance rate at the camp, and demonstrates growth, as determined by the ELA teacher or school principal who recommended retention for the student, on the post-test administered to the student at the end of the learning loss bridge camp, as required under § 49-6-1502(4)(F); or

(B) Is assigned a tutor through the Tennessee accelerating literacy and learning corps (TALLC) to provide the student with tutoring services for the entirety of the upcoming school year.

(2) Notwithstanding subdivisions (b)(1)(A)-(B), a student's ELA teacher or school principal is not required to inform a student's parent or legal guardian of one (1) or more of the potential alternatives to retention identified in subdivisions (b)(1)(A)-(B) if the alternative to retention is not available to the student.

(c) A student shall not be retained pursuant to subsection (a) if:

(1) The student is an English language learner and has received less than two (2) years of ELA instruction;

(2) The student was previously retained in any of the grades kindergarten through three (K-3);

(3) The student is retested before the beginning of the upcoming school year and scores proficient in ELA;

(4) The student attends a learning loss bridge camp before the beginning of the upcoming school year, maintains a ninety percent (90%) attendance rate at the camp, and demonstrates growth, as determined by the ELA teacher or school principal who recommended retention for the student, on the post-test administered to the student at the end of the learning loss bridge camp, as required under § 49-6-1502(4)(F); or

(5) The student is assigned a tutor through the TALLC to provide the student with tutoring services for the entirety of the upcoming school year based on tutoring requirements established by the department.

(d) A student shall not be retained in the third or fourth grade more than once.

(e) Subject to available funding, and to the extent authorized by federal law, LEAs and public charter schools may use temporary assistance for needy families (TANF) program funds to cover up to fifty percent (50%) of the costs associated with providing tutoring services for students pursuant to subdivision (c)(5).

(f) LEAs and public charter schools shall not retain a student based on the student's disability or suspected disability.

(g) The state board of education shall promulgate rules to establish an appeal process, to be administered by the department, for a student who is identified for retention pursuant to subsection (a). The rules must provide that only the student's parent or legal guardian may file an appeal. The rules must be promulgated according to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 9. Tennessee Code Annotated, Section 49-1-905(d)(4), is amended by deleting the language "mandatory retention under § 49-6-3115(a)(1)" and substituting instead the language "retention under § 49-6-3115".

SECTION 10. This act takes effect upon becoming a law, the public welfare requiring it, except that sections 8 and 9 take effect July 1, 2023, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 411

House Bill No. 718

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 7, Part 6, is amended by adding the following as a new section:

56-7-611.

(a) As used in this section:

(1) "Covered person" means an individual who is insured under a state healthcare plan;

(2) "Emergency medical services" 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:

(A) Placing the person's health in serious jeopardy;

(B) Serious impairment to bodily functions; or

(C) Serious dysfunction of a bodily organ or part;

(3) "Healthcare services":

(A) Means a nonemergency medical service; and

(B) Includes a prescription drug or device;



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(4) "Nonemergency medical service":

(A) Means the examination or treatment of an individual for the prevention of illness or the correction or treatment of a 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 physicians, dentists, optometrists, and other healthcare entities; and

(iii) Other medical services that include, but are not limited to, 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 entities 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 another appliance, supply, or service related to health care that does not qualify as an emergency medical service; and

(5) "State healthcare plan" or "plan" means the group insurance plans offered under title 8, chapter 27.

(b)

(1) The committees, as defined in § 8-27-101, shall work with the insurance companies with which the committees have entered into contracts to provide health insurance benefits to establish an incentive program no later than January 1, 2024.

(2) The incentive program required by subdivision (b)(1) must provide a rebate to a covered person who obtains a healthcare service covered by the person's plan at a lower cost than the average allowed amount paid by the carrier to network providers for a comparable healthcare service. The rebate must be:

(A) For the full difference between the amount paid by the covered person and the average allowed amount paid by the carrier to network providers for a comparable healthcare service;

(B) Provided to the covered person as a cash payment, which may be done as a direct deposit, by check, or in another similar manner; and

(C) Sent to the covered person within thirty (30) days from the date on which the covered person obtained the healthcare service.

SECTION 2. Tennessee Code Annotated, Section 56-7-603(a)(1), is amended by deleting "Beginning on January 1, 2021, a carrier may provide incentives" and substituting "In addition to the incentives required under § 56-7-611, beginning on January 1, 2021, a carrier may provide incentives".

SECTION 3. Tennessee Code Annotated, Section 56-7-603(a)(2), is amended by deleting "Incentives, effective January 1, 2021, may" and substituting "In addition to the incentives required under § 56-7-611, incentives, effective January 1, 2021, may".

SECTION 4. Tennessee Code Annotated, Section 56-7-609, is amended by deleting "in any year" and substituting "in a year; provided, that this limitation does not apply to the incentive program required by § 56-7-611".

SECTION 5. This act takes effect January 1, 2024, the public welfare requiring it, and applies to state healthcare plans issued, delivered, entered into, amended, or renewed on or after that date.

Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND <SB>

House Joint Resolution No. 45*

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 the members of each house concurring, as shown by the yeas and nays entered on their journals, that it is proposed that Article II, Section 3, of the Constitution of Tennessee be amended by adding the following new paragraph after the existing language:

A member of the House of Representatives or the Senate shall not serve more than sixteen years in office, irrespective of whether the terms are consecutive. If a member is in office upon adoption of this amendment and, by the end of the member's current term will have served more than sixteen years, then the member may serve out the remainder of the member's term.

BE IT FURTHER RESOLVED, that it is proposed that Article III, Section 4, of the Constitution of Tennessee be amended by deleting the language "A person may be eligible" and substituting "Except as provided in this section, a person may be eligible"; and by adding the following new paragraph after the first paragraph:

The Governor shall not serve more than two terms in office, irrespective of whether the terms are consecutive. If the Governor is in office upon adoption of this amendment and, by the end of the Governor's current term will have served more than eight years, then the Governor may serve out the remainder of the term.



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Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 590

House Bill No. 422*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 58-2-107, is amended by deleting subsection (b) and substituting:

(b)

(1) The governor or the governor's designee shall declare a state of emergency or a disaster declaration by executive order or proclamation.

(2) An executive order or proclamation may be declared by the governor pursuant to subdivision (b)(1) if the governor finds an emergency has occurred or the occurrence of threat thereof is imminent. The state of emergency must continue until the governor finds that the threat or danger has been dealt with to the extent that the emergency conditions no longer exist, and the governor terminates the state of emergency by executive order or proclamation. All executive orders or proclamations issued under this section must indicate the nature of the emergency, the area or areas threatened, and the conditions which have brought the emergency about or which make possible its termination. An executive order or proclamation must be promptly disseminated by means calculated to bring its contents to the attention of the general public, unless the circumstances attendant upon the emergency prevent or impede such filing, the order or proclamation must be filed promptly with the department of state and in the office of the chief executive officer in each county to which the order or proclamation applies.



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(3) Notwithstanding subdivision (b)(2), an executive order or proclamation issued under subdivision (b)(1) expires not later than thirty (30) days after its initial issuance. Upon expiration, the executive order or proclamation may only be renewed or extended by the passage of a joint resolution by the general assembly in a regular or extraordinary session.

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. 590

House Bill No. 422*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 58-2-107, is amended by deleting subsection (b) and substituting:

(b)

(1) The governor or the governor's designee shall declare a state of emergency or a disaster declaration by executive order or proclamation.

(2) An executive order or proclamation may be declared by the governor pursuant to subdivision (b)(1) if the governor finds an emergency has occurred or the occurrence of threat thereof is imminent. The state of emergency must continue until the governor finds that the threat or danger has been dealt with to the extent that the emergency conditions no longer exist, and the governor terminates the state of emergency by executive order or proclamation. All executive orders or proclamations issued under this section must indicate the nature of the emergency, the area or areas threatened, and the conditions which have brought the emergency about or which make possible its termination. An executive order or proclamation must be promptly disseminated by means calculated to bring its contents to the attention of the general public, unless the circumstances attendant upon the emergency prevent or impede such filing, the order or proclamation must be filed promptly with the department of state and in



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the office of the chief executive officer in each county to which the order or proclamation applies.

(3) Notwithstanding subdivision (b)(2), an executive order or proclamation issued under subdivision (b)(1) expires not later than thirty (30) days after its initial issuance. Upon expiration, the executive order or proclamation may only be renewed or extended by the passage of a joint resolution by the general assembly in a regular or extraordinary session.

(4) If a state of emergency expires in accordance with subdivision (b)(3), the governor shall not declare a new state of emergency for the same disaster or occurrence as the expired state of emergency within one (1) year of the expiration of the state of emergency.

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

Amendment No. 5143
Elaine Davis
Signature of Sponsor

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

AMEND Senate Bill No. 550

House Bill No. 449*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 8-44-103, is amended by adding the following new subsection (d):

(d) A governmental body may use a secure internet website of the governmental body to post notices of public meetings. If the governmental body publishes an e-newsletter or its notices online, then the governmental body shall establish a mechanism by which a person may sign up to receive such notices and e-newsletters by electronic mail, or, alternatively, to receive a hardcopy by regular mail. A governmental body is not required to respond to a request to receive a notice or e-newsletter under this subsection (d) if the request is made in bad faith.

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. 1127

House Bill No. 1208*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 7, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Law enforcement agency" means an agency of this state or an agency of a political subdivision of this state authorized by law to employ peace officers; and

(2) "Peace officer" has the same meaning as defined in § 40-7-118.

(b) This section applies only to a peace officer, other than a reserve peace officer, who:

(1) Is a candidate for employment as a peace officer for a law enforcement agency on or after January 1, 2024; and

(2) If employed, is entitled to benefits normally offered to a full-time peace officer by the employing agency, such as retirement benefits.

(c) A law enforcement agency shall not employ a peace officer to whom this section applies unless the peace officer obtains and continuously maintains liability insurance to cover damages resulting from misconduct, including intentional, negligent, or willful acts committed by the peace officer while acting in the scope of the peace officer's employment for the law enforcement agency.

(d) Liability insurance obtained and maintained for purposes of subsection (c) must comply with the rules adopted by the commissioner under subsection (e).



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(e)

(1) Not later than January 1, 2024, the commissioner shall adopt rules with respect to the liability insurance required by subsection (c) that:

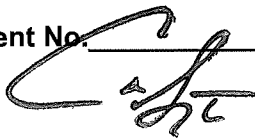
(A) Set a minimum coverage amount for a policy that allows for a reasonable number of victims to be compensated; and

(B) Require a policy to state that the policy is provided in accordance with and subject to this section.

(2) Rules adopted pursuant to this subsection (e) by the commissioner must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. For purposes of promulgating rules and carrying out administrative duties necessary to effectuate this act, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect on January 1, 2024, the public welfare requiring it.

Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1426

House Bill No. 1004*

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

SECTION 6. Tennessee Code Annotated, Section 70-1-201(b)(1), is amended by deleting the language "each member" and substituting instead the language "members appointed by the governor".



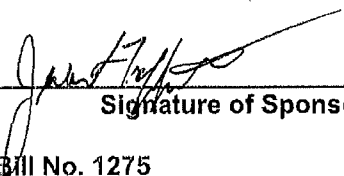
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Amendment No. _____



Signature of Sponsor

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Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1275

House Bill No. 874*

by deleting subsection (c) in SECTION 1 and redesignating the remaining subsections accordingly.

AND FURTHER AMEND by deleting "Prohibit an" and substituting instead "An" in subdivision (e)(2) in SECTION 1.



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Amendment No. _____

Cris R. Rudder

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 502*

House Bill No. 916

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 7, Part 10, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Clinician-administered drug" means an outpatient prescription drug, other than a vaccine:

(A)

(i) That cannot reasonably be self-administered by the patient to whom the drug is prescribed or by an individual assisting the patient with the self-administration; or

(ii) For which the prescriber has ordered administration by a healthcare provider; and

(B) Is administered:

(i) By a healthcare provider authorized under the laws of this state to administer the drug, including when acting under a physician's delegation and supervision; and

(ii) In a physician's office; an outpatient infusion center, including, but not limited to, a hospital-based outpatient infusion center; or another clinical setting;

(2) "Commercial health insurance policy" means health insurance coverage through a policy issued by a health insurance entity under which:



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(A) The insurance risk is borne by the health insurance entity; and

(B) The premiums are not paid by any governmental source;

(3) "Covered person" means a policyholder, subscriber, enrollee, or other individual entitled to benefits under a contract for health insurance coverage issued by a health insurance entity;

(4) "Health insurance coverage" has the same meaning as set forth in § 56-7-109;

(5) "Health insurance entity":

(A) Means an entity subject to the insurance laws of this state, or subject to the jurisdiction of the commissioner of commerce and insurance, that contracts or offers to contract to provide health insurance coverage, including, but not limited to, an insurance company, a health maintenance organization, and a nonprofit hospital and medical service corporation; and

(B) Does not include a managed care organization that is participating in the medical assistance program under title 71, chapter 5;

(6) "Healthcare provider" means an individual acting within the scope of a valid license issued pursuant to title 63, a facility licensed pursuant to title 33 or title 68, an outpatient infusion center, or another facility where clinician-administered drugs are administered in a clinical setting;

(7) "Medical necessity criteria" does not include the location where a clinician-administered drug is administered;

(8) "Participating healthcare provider" means a healthcare provider with whom a health insurance entity has a network provider agreement or contract;

(9) "Specialty pharmacy" means a pharmacy that has the capability of dispensing clinician-administered drugs; and

(10) "Specialty pharmacy network" means a network of specialty pharmacies established by a health insurance entity for the purpose of making clinician-administered drugs available to covered persons.

(b)

(1) Except as provided in subdivision (b)(2), a health insurance entity shall not condition, deny, restrict, refuse to authorize or approve, fail to cover, or reduce payment to a participating healthcare services provider for a clinician-administered drug because:

(A) The clinician-administered drug is purchased and administered by a participating healthcare services provider; or

(B) The participating healthcare services provider obtained the clinician-administered drug from a pharmacy that is not a contracted provider in the health insurance entity's network.

(2) A health insurance entity shall comply with subdivision (b)(1) only if:

(A) The terms of the health insurance contract that do not conflict with subdivision (b)(1), including the covered person's health insurance coverage benefits and medical necessity criteria, can also be met; and

(B) The clinician-administered drug meets the requirements set forth in the federal Drug Supply Chain Security Act (Pub. L. No. 113-54), as amended.

(c) A health insurance entity shall pay a participating healthcare services provider at the provided rate for the clinician-administered drug in the health insurance entity's agreement with the participating healthcare services provider, or, if no rate is included in the agreement, at a rate not less than the health insurance entity's median rate of reimbursement currently payable to all providers in the health insurance entity's provider network for the clinician-administered drug.

(d) A health insurance entity shall not require a covered person to pay an additional fee or other increased cost-sharing amount for a clinician-administered drug solely because:

- (1) The drug is purchased and administered by a healthcare provider; or
- (2) The drug is obtained from a pharmacy that is not a contracted provider in the health insurance entity's network.

(e) A health insurance entity shall not authorize or permit another person or entity acting on its behalf to administer claims or benefits under a health insurance contract in violation of this section.

(f) This section does not prohibit a health insurance entity from establishing differing copayments or other cost-sharing amounts within the health insurance contract for a covered person who receives a clinician-administered drug from a healthcare services provider who is not contracted with the health insurance entity.

(g) This section does not prohibit a health insurance entity from refusing to authorize, approve, or deny coverage of a clinician-administered drug based upon a failure to satisfy the required terms of coverage in the health insurance contract, including, but not limited to, medical necessity criteria.

(h) A health insurance entity that has established a specialty pharmacy network shall establish a process under which requests for authorization by a healthcare provider to administer clinician-administered drugs are handled in accordance with this subsection (h). If the healthcare provider treating the covered person requests expedited review on the basis that the failure of the covered person to receive the clinician-administered drug for which authorization is sought creates an imminent risk of significant adverse consequences to the covered person, then the health insurance entity shall provide expedited review and determination. Failure of a health insurance entity to provide an expedited review and determination precludes the health insurance

entity from denying reimbursement for the clinician-administered drug on the basis of lack of medical necessity or preauthorization. As used in this subsection (h), "expedited review and determination" means review and a decision whether to authorize the clinician-administered drug within two (2) hours of receipt of the request by the health insurance entity.

(i)

(1) Except as provided in subsection (h), a health insurance entity's specialty pharmacy network for its commercial health insurance policies in existence as of the effective date of this act is not subject to the requirements of this section, as long as:

(A) The health insurance entity does not control, directly or through an affiliate, a specialty pharmacy that is participating in the health insurance entity's specialty pharmacy network;

(B) The health insurance entity contracts with specialty pharmacies in this state at rates no less than the median of reimbursement rates applicable to other specialty pharmacies in the network and with the same terms and conditions applicable to other specialty pharmacies in the network; provided, that a specialty pharmacy seeking inclusion in the network meets the reasonable credentialing standards established by the health insurance entity;

(C) When a healthcare provider participating in the health insurance entity's provider network obtains a clinician-administered drug for a covered person from a source other than the health insurance entity's specialty pharmacy network, the health insurance entity reimburses the participating healthcare provider in an amount no less

than the amount that would apply if the clinician-administered drug had been obtained from a pharmacy in the specialty pharmacy network; and

(D) All specialty pharmacies participating in the health insurance entity's specialty pharmacy network establish a process to:

(i) Accept applications for discounts and verify the income qualifications for such discounts; and

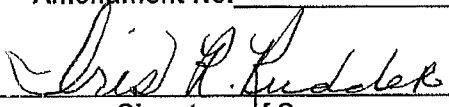
(ii) Discount the portion of the cost of a clinician-administered drug for which the covered person is responsible under the terms of the health coverage, with the discount being no less than the following:

(a) A fifty percent (50%) discount for patients at or below two hundred percent (200%) of the federal poverty level; and

(b) A one hundred percent (100%) discount for patients at or below one hundred percent (100%) of the federal poverty level.

(2) As used in subdivision (i)(1)(D)(ii), "federal poverty level" means the poverty guidelines updated periodically in the federal register by the United States department of health and human services.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it, and applies to contracts for health insurance entered into, amended, or renewed on or after that date.

Amendment No. _____

Signature of Sponsor

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 667*

House Bill No. 920

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 7, Part 31, is amended by adding the following as a new section:

56-7-3124. Fairness in cost sharing.

(a) As used in this section:

(1) "Defined cost sharing" means a deductible payment or coinsurance amount imposed on an enrollee for a covered prescription drug under an enrollee's health plan;

(2) "Insurer" means a health insurance issuer that is subject to state law regulating insurance and offers health insurance coverage, as defined in 42 U.S.C. § 300gg-91, or another state or local governmental employer plan;

(3) "Pharmacy benefit management service" means:

(A) Negotiating the price of prescription drugs, including negotiating and contracting for direct or indirect rebates, discounts, or other price concessions;

(B) Managing all aspects of a prescription drug benefit, including but not limited to, the processing and payment of claims for prescription drugs, arranging alternative access to or funding for prescription drugs, the performance of drug utilization review, the processing of drug prior authorization requests, the adjudication of appeals or grievances related to the prescription drug benefit, contracting with network pharmacies,



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controlling the cost of covered prescription drugs, managing or providing data relating to the prescription drug benefit, or the provision of services related thereto;

(C) Performing all administrative, managerial, clinical, pricing, financial, reimbursement, data administration or reporting, or billing services; and

(D) Performing such other services as the commissioner may define by rule;

(4) "Pharmacy benefit manager" means a person that, pursuant to a written agreement with an insurer or health plan, either directly or indirectly, provides one (1) or more pharmacy benefit management services on behalf of the insurer or health plan, and an agent, contractor, intermediary, affiliate, subsidiary, or related entity of such person who facilitates, provides, directs, or oversees the provision of the pharmacy benefit management services;

(5) "Price protection rebate" means a negotiated price concession that accrues directly or indirectly to the insurer, or other party on behalf of the insurer, including a pharmacy benefit manager, in the event of an increase in the wholesale acquisition cost of a drug above a specified threshold; and

(6) "Rebate" means:

(A) Negotiated price concessions, including, but not limited, to base price concessions, whether described as a rebate or otherwise, and reasonable estimates of price protection rebates and performance-based price concessions that may accrue directly or indirectly to the insurer, or other party on behalf of the insurer, including a pharmacy benefit manager, during the coverage year from a manufacturer, dispensing pharmacy, or other party in connection with the dispensing or administration of a prescription drug, and

(B) Reasonable estimates of negotiated price concessions, fees, and other administrative costs that are passed through, or are reasonably anticipated to be passed through, to the insurer, or other party on behalf of the insurer, including a pharmacy benefit manager, and serve to reduce the insurer's liabilities for a prescription drug.

(b)

(1) An enrollee's defined cost sharing for each prescription drug must be calculated at the point of sale based on a price that is reduced by an amount equal to at least one hundred percent (100%) of all rebates received, or to be received, in connection with the dispensing or administration of the prescription drug.

(2) The pharmacy benefit manager must pass through to each enrollee at the point of sale a good faith estimate of the enrollee's decrease in cost sharing required pursuant to subdivision (b)(1).

(3) The pharmacy benefit manager shall subsequently provide the enrollee with an end-of-year reconciliation for cost sharing reductions owed to the enrollee, as required pursuant to subdivision (b)(1), that were not passed on to the enrollee through the estimated amount at point of sale.

(c) Subsections (a) and (b) do not prohibit a pharmacy benefit manager from decreasing an enrollee's defined cost sharing by an amount greater than that required under subdivision (b)(1).

(d) In implementing this section, the state shall only regulate an insurer or pharmacy benefit manager to the extent permissible under applicable law.

(e) Notwithstanding the requirements and limitations under § 56-7-3101, the commissioner may request that a pharmacy benefit manager disclose information sufficient to show compliance with this section, including, but not limited to, wholesale acquisition costs and actual amounts of rebates. A pharmacy benefit manager shall

timely disclose such information if requested by the commissioner, and such disclosure must be made in the manner and form prescribed by the commissioner. In complying with this section, a pharmacy benefit manager and the commissioner, and their respective agents, shall not publish or otherwise reveal information regarding the actual amount of rebates an insurer receives on a product or therapeutic class of products from a manufacturer or on a pharmacy-specific basis. Such information is protected as a trade secret and is not a public record under § 10-7-503, and must not be disclosed directly or indirectly, or in a manner that would allow for the identification of an individual product, therapeutic class of products, or manufacturer, or in a manner that would have the potential to compromise the financial, competitive, or proprietary nature of the information. A pharmacy benefit manager shall impose the confidentiality protections of this section on a vendor or downstream third party that performs health care or administrative services on behalf of the pharmacy benefit manager that may receive or have access to rebate information.

SECTION 2. Tennessee Code Annotated, Section 56-7-3206(a), is amended by deleting the subsection in its entirety.

SECTION 3. Tennessee Code Annotated, Section 56-7-3206(h)(2), is amended by deleting the subdivision in its entirety.

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

House Banking & Consumer Affairs Subcommittee Am. #1

Amendment No. _____

Signature of Sponsor

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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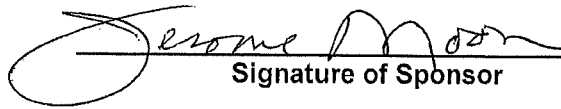


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Amendment No. _____


Signature of Sponsor

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AMEND Senate Bill No. 681*

House Bill No. 774

by deleting Section 2 and substituting:

SECTION 2. Tennessee Code Annotated, Section 7-51-1802, is amended by deleting subsection (f) and substituting instead the following:

(f)

(1) Except as otherwise provided by state or federal law, a local government shall not adopt or enforce an ordinance, regulation, resolution, policy, or another legal requirement that regulates or imposes a requirement upon an employer pertaining to hours worked, scheduling that an employer is required to provide employees, or employee output during work hours.

(2) A local government entity may set and regulate such hours, scheduling, and output for its own employees and for the provision of services, including, but not limited to, those regulated under the supplementary powers given to local governments in the Tennessee Constitution.



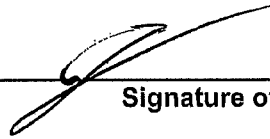
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Amendment No. _____



Signature of Sponsor

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Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 649

House Bill No. 650*

by deleting all language after the enacting clause and substituting:

SECTION 1. This act is known and may be cited as the "Booting Consumer Protection Act."

SECTION 2. Tennessee Code Annotated, Title 47, Chapter 18, is amended by adding the following as a new part:

47-18-3201.

As used in this part:

(1) "Authorized vehicle immobilization device operator" or "operator" means a person authorized by a political subdivision of this state to be engaged in the business of installing vehicle immobilization devices within the jurisdictional area of the political subdivision;

(2) "Engaged in the business of installing vehicle immobilization devices" means installing or removing vehicle immobilization devices on motor vehicles in exchange for monetary payment or other valuable consideration, whether such payment or consideration is received for the installation or the removal of the vehicle immobilization device;

(3) "Person" means an individual, sole proprietor, independent contractor, partnership, corporation, or similar business entity;

(4) "Political subdivision" means a municipality, public corporation, body politic, authority, district, metropolitan government, county, or an agency, department, or board of such entities; and



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(5) "Vehicle immobilization device" means a mechanical device that is designed or adapted to be attached to a wheel, tire, or other part of a parked motor vehicle to prohibit the motor vehicle's usual manner of movement or operation.

47-18-3202.

(a) A person engaged in the business of installing vehicle immobilization devices on motor vehicles in this state shall:

(1) Accept credit cards and debit cards as methods of payment for the removal of a vehicle immobilization device from a motor vehicle; and

(2) If the person who is requesting removal of the vehicle immobilization device elects to make the payment by credit card or debit card and the payment cannot be completed by the card without undue delay at the site where the motor vehicle to which the vehicle immobilization device is attached is located, and an optional online payment method as described in subdivision (c)(3) is either unavailable or has been refused by the individual, remove the vehicle immobilization device and issue a billing invoice for payment due:

(A) To the individual who is requesting the removal of the vehicle immobilization device, if such individual provides a valid form of identification; or

(B) By mail to the registered owner of the vehicle.

(b)

(1) A person engaged in the business of installing vehicle immobilization devices on motor vehicles shall utilize for the work of installing and removing such devices only those persons who are required to file a W-2 wage and tax statement with the federal internal revenue service for the compensation those persons receive for the work performed.

(2) A person engaged in the business of installing vehicle immobilization devices on motor vehicles shall not:

(A) Contract for or engage the services of an independent contractor to install or remove vehicle immobilization devices; or

(B) Compensate employees on a commission basis.

(c)

(1) Subsection (a) does not prohibit a person engaged in the business of installing vehicle immobilization devices on motor vehicles from accepting cash or other methods of payment if the person making such payment, in that person's sole discretion, elects to use such alternative payment method.

(2) A person engaged in the business of installing vehicle immobilization devices on motor vehicles shall not charge a fee to accept payment by credit card or debit card.

(3) A person engaged in the business of installing vehicle immobilization devices on motor vehicles may offer an alternative, online payment service as an optional payment method. If the person making payment for the removal of the vehicle immobilization device elects, in the person's sole discretion, to use the optional online payment method, then the provider of the online payment service may charge a three percent (3%) convenience fee. This subdivision (c)(3) supersedes all local ordinances, rules, or other enactments to the contrary.

(4)

(A) Except as otherwise provided in subdivisions (c)(4)(B) and (C), a person engaged in the business of installing vehicle immobilization devices on motor vehicles shall not charge more than seventy-five dollars (\$75.00) to remove a vehicle immobilization device.

(B) The cost to remove an immobilization device may increase by seventy-five dollars (\$75.00) for each twenty-four-hour period that the vehicle remains immobilized.

(C) If a vehicle immobilization device is placed on a vehicle that is parked on private property due to the vehicle owner's failure to pay the required parking charge, then the owner or operator of the private property may require the owner of the vehicle to pay the applicable immobilization device removal fee and all unpaid parking fines and fees to have the immobilization device removed.

(D) This subdivision (c)(4) supersedes all local ordinances, rules, or other enactments to the contrary.

(d)

(1)

(A) An owner, lessee, or other person who has control of a property for which an enforceable agreement exists with a person engaged in the business of installing vehicle immobilization devices to provide parking enforcement services by installing vehicle immobilization devices on motor vehicles on such property shall post signage in a conspicuous location on the property bearing notice:

(i) That the parking policy for the property is strictly enforced;

(ii) That a violator's vehicle will be immobilized with a vehicle immobilization device with the owner of the vehicle having to pay to have the device removed;

(iii) That a maximum fee of seventy-five dollars (\$75.00) is charged for each day the vehicle immobilization device remains on the vehicle;

(iv) Of the name and phone number of the authorized vehicle immobilization device operator; and

(v) That consumers are protected from violations of this part and that violations may be reported to the attorney general and reporter.

(B) The sign required by this subdivision (d)(1) must:

(i) Be no less than twenty-four inches (24") in height and eighteen inches (18") in width and contain lettering that is no less than two inches (2") in height; and

(ii)

(a) Be located at each designated entrance to the property where parking prohibitions are in place; or

(b) If there is no designated entrance, be erected in a place that is clearly visible from each parking space.

(C) Notwithstanding subdivisions (d)(1)(A) and (B)(i), if on the effective date of this act a property has existing signage posted that contains the notice required by subdivisions (d)(1)(A)(i)-(iv), then the signage complies with subdivision (d)(1)(A) and is exempt from the requirements of subdivision (d)(1)(B)(i) if the notice required by subdivision (d)(1)(A)(v) is permanently affixed adjacent to the existing signage. However, new or replacement signage installed on or after the effective date of this act must comply with subdivisions (d)(1)(A) and (B)(i).

(2) A person engaged in the business of installing vehicle immobilization devices shall not install a vehicle immobilization device on a motor vehicle if the motor vehicle is located on property that does not comply with the signage requirements under subdivision (d)(1).

47-18-3203.

(a) A violation of this part constitutes a violation of the Tennessee Consumer Protection Act of 1977.

(b) A violation of this part constitutes an unfair or deceptive act or practice affecting trade or commerce and is subject to the penalties and remedies as provided in the Tennessee Consumer Protection Act of 1977, in addition to any penalties and remedies established under this part.

(c) If the attorney general and reporter reasonably believes that any person has violated this part, then the attorney general and reporter may institute a proceeding under this chapter.

47-18-3204.

(a) If an authorized vehicle immobilization device operator is found to have violated § 47-18-3202 as part of a final judgment and the operator has no opportunity to appeal the judgment, then the attorney general and reporter shall send notice of the violation to each political subdivision that has authorized the operator to operate within its jurisdictional area.

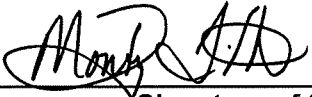
(b) Upon the receipt of notice from the attorney general and reporter that an operator has committed a third violation of § 47-18-3202, a political subdivision shall permanently revoke the operator's authorization to engage in the business of installing vehicle immobilization devices within the jurisdictional area of the political subdivision.

SECTION 3. Tennessee Code Annotated, Section 47-18-104(b), is amended by adding the following as a new subdivision:

() Violating § 47-18-3202.

SECTION 4. This act takes effect July 1, 2023, the public welfare requiring it, and applies to prohibited conduct occurring on or after that date.

Amendment No. _____



Signature of Sponsor

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Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1379

House Bill No. 965*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 45, Chapter 2, Part 17, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Financial institution" means a bank, savings and loan association, industrial loan and thrift company, credit union, mortgage broker, mortgage banker, or leasing company accepting deposits, or making or arranging loans or leases; and

(2) "Person" means an individual, corporation, association, syndicate, partnership, business trust, trust, organization, state or federal governmental entity, or other legal entity.

(b) It is unlawful for a financial institution to release or provide a person's account balance or transaction activity to a person other than the account owner, or the account owner's attorney-in-fact, conservator, or guardian, without:

(1) Express written consent from the account owner, or the account owner's attorney-in-fact, conservator, or guardian; or

(2) A warrant issued by a judicial officer located in this state.

(c) A violation of this section is a Class C misdemeanor.

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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AMEND Senate Bill No. 492*

House Bill No. 1185

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 35-15-303, is amended by deleting subdivisions (5)-(8) and substituting:

(5) When a trust is a beneficiary of another trust, the beneficiary trust may be represented by its trustee or, if the beneficiary trust has not yet been created, has previously terminated, or is otherwise not then in existence, or the trustee is unwilling or unable to represent the trust, the beneficiary trust may be represented by those persons who are qualified beneficiaries or who would be qualified beneficiaries of the beneficiary trust if the beneficiary trust were then in existence;

(6) A personal representative of a decedent's estate may represent and bind persons interested in the estate;

(7) A person may represent and bind the person's minor or unborn descendant if a guardian for the descendant has not been appointed. If a disagreement or material conflict of interest arises between persons seeking to represent the same minor descendant or unborn descendant, representation is determined as follows:

(A) If only one (1) person is a beneficiary of the trust that is the subject of the representation, that person may represent the minor descendant or unborn descendant;

(B) If both persons are beneficiaries of the trust that is the subject of the representation, then the person who is related to the settlor, other than by reason



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of being married to the other person, may represent the minor descendant or unborn descendant;

(C) Subject to subdivision (7)(D), if neither person is a beneficiary of the trust that is the subject of the representation, then the person who is the settlor of the trust that is the subject of the representation may represent the minor descendant or unborn descendant; or

(D) If neither person is a beneficiary or settlor of the trust that is the subject of the representation, then the person who is related to the settlor, other than by reason of being married to the other person, may represent the minor descendant or unborn descendant;

(8) A person designated by the settlor in the trust instrument or in a writing delivered to the trustee to represent the beneficiaries of the trust may represent and bind the beneficiaries;

(9) A person designated by the beneficiaries of the trust to represent them may represent and bind the beneficiaries; and

(10) A parent or spouse of an incapacitated adult who has assumed responsibility for the adult, may represent and bind the incapacitated adult if no conservator or guardian has been appointed and no agent has authority to act with respect to the matter in question.

SECTION 2. Tennessee Code Annotated, Section 35-15-303, is amended by designating the existing language as subsection (a) and adding the following as a new subsection (b):

(b) As used in subdivision (5), "beneficiary trust" means a trust that is a beneficiary of another trust.

SECTION 3. Tennessee Code Annotated, Section 35-15-604(c), is amended by adding the language ", or if a distribution is adjudged to have been made in error," after the language "adjudged to be invalid".

SECTION 4. Tennessee Code Annotated, Title 30, Chapter 2, Part 6, is amended by adding the following as a new section:

(a) The personal representative and all persons whose consent is required to reach a binding settlement to be approved by the court may enter into a binding nonjudicial settlement agreement regarding any matter involving estate administration.

(b) A nonjudicial settlement agreement is valid only to the extent it does not violate a material purpose or intention of the testator and includes terms and conditions that could be properly approved by the court under this section or other applicable law.

(c) Matters that may be resolved by a nonjudicial settlement agreement include:

- (1) The interpretation or construction of the terms of the will;
- (2) Liability of a personal representative for an action relating to the administration of the estate;
- (3) The approval of an investment decision, delegation, policy, plan, or program occurring during estate administration;
- (4) Appointment of a trustee of a trust established by the will in the event of a vacancy in the office of the designated trustee;
- (5) Change of principal place of administration of a trust established by the will;
- (6) Change of governing law of a trust established by the will;
- (7) Approval of attorney and personal representative fees; and
- (8) Directing the decedent's real property to be administered as part of the estate that is subject to the control of the personal representative.

(d) A nonjudicial settlement agreement entered into pursuant to this section is final and binding on all parties to the agreement, including individuals validly represented as provided by title 35, chapter 15, part 3.

(e) Any party to the nonjudicial settlement agreement may request the court to:

- (1) Approve a nonjudicial settlement agreement;

(2) Determine whether the representation as provided in subsection (d) was adequate;

(3) Determine whether the agreement violates a material purpose or intention of the testator; or

(4) Determine whether the agreement contains terms and conditions the court could have properly approved.

(f) Entering into or petitioning a court regarding a nonjudicial settlement agreement under this section does not constitute a violation of an in terrorem provision.

(g) A nonjudicial settlement agreement must not be utilized in a manner that would cause the disqualification or loss of the federal estate tax marital deduction under § 2056(a) or § 2523(a) of the Internal Revenue Code (26 U.S.C. § 2506(a) or § 2523(a)), charitable deduction under § 170(a), § 642(c), § 2055(a), or § 2522(a) of the Internal Revenue Code (26 U.S.C. § 170(a), 642(c), § 2055(a), or § 2522(a)), or any specific tax benefit under the Internal Revenue Code that would otherwise be lost under this section.

SECTION 5. Tennessee Code Annotated, Section 35-15-103(12), is amended by adding the language "an exercise of the authority described in Section 7," after the language "an agreement of the qualified beneficiaries,".

SECTION 6. Tennessee Code Annotated, Section 35-15-710, is amended by deleting the section and substituting:

If the terms of the trust, an agreement of the qualified beneficiaries, an exercise of the authority described in Section 7, or a court order requires a trustee, trust advisor, or trust protector to follow the direction of a trust advisor, trust protector, or trustee, and the trustee, trust advisor, or trust protector acts in accordance with such direction, then the trustee, trust advisor, or trust protector so directed must be treated as an excluded fiduciary.

SECTION 7. Tennessee Code Annotated, Title 35, Chapter 15, Part 7, is amended by adding the following as a new section:

(a) The power to appoint a successor trustee under a trust instrument includes the power to appoint multiple successor trustees. A presently exercisable power to remove and replace a trustee under a trust instrument includes the power to appoint additional trustees to serve with the current trustee. Such power to appoint multiple successor trustees and additional trustees under this subsection (a) includes the power to allocate various trustee powers, including the power to direct or prevent certain actions of the trustees, exclusively to one (1) or more of the trustees serving from time to time.

(b) All of the provisions of a trust instrument generally applicable to the trustees, including the provisions regarding trustee qualifications, resignation, removal, standard of care, indemnification, compensation, and the scope and nature of the restrictions, limitations, and immunities applicable when exercising powers and authority, apply to trustees appointed under this section. Such provisions include, but are not limited to:

(1) Provisions waiving certain duties when exercising certain investment powers apply equally to trustees appointed under this section;

(2) Provisions permitting the removal and replacement of a trustee subject to various limitations and conditions apply equally to trustees appointed under this section; and

(3) Provisions proscribing the settlor and beneficiaries and persons or entities related or subordinate to the settlor and any beneficiary from being eligible to serve as a trustee apply equally to proscribe all of those persons from serving as trustees appointed under this section.

(c) Notwithstanding subsection (b), if an appointment under this section confers upon a co-trustee, to the exclusion of another co-trustee, the power to take certain actions with respect to the trust, including the power to direct or prevent certain actions of the trustees, then the respective duties and liabilities of the trustee who is an excluded

fiduciary as well as of the co-trustee holding the power are as set forth under § 35-15-1204 and § 35-15-1205.

(d) Any powers granted in subsection (a) to appoint additional trustees, which are exercised in such a manner as to modify the duties of an existing trustee, do not become effective until thirty (30) days after the receipt by the existing trustee of a written notice from the person authorized to appoint additional trustees detailing the changes. The thirty-day notice requirement may be waived by the existing trustee.

(e) Except as otherwise expressly provided by the terms of a trust instrument, this section is available to any trust that is administered in this state or otherwise governed by the laws of this state.

SECTION 8. Tennessee Code Annotated, Section 35-15-411, is amended by deleting "modified" wherever it appears in subsection (c) and substituting "modified or terminated"; by deleting "modification" wherever it appears in subsection (c) and substituting "modification or termination"; and by deleting subsection (b) and substituting:

(b) Following the settlor's death, a noncharitable irrevocable trust may be terminated upon the unanimous agreement of the trustee and all qualified beneficiaries if such termination does not violate a material purpose of the trust. Additionally, following the settlor's death, a noncharitable irrevocable trust may be terminated upon consent of all of the qualified beneficiaries if the court concludes that continuance of the trust is not necessary to achieve any material purpose of the trust.

SECTION 9. Tennessee Code Annotated, Section 35-15-510, is amended by deleting subsection (i) and substituting:

(i) After a conveyance to a trustee described in subsection (b), the property transferred is no longer held by the spouses as tenants by the entirety, but is held by the trustee, in trust, and the spouses and the spouse's creditors have the rights as set forth in this section with regard to the property.

Amendment No. _____



Signature of Sponsor

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Comm. Amdt.	_____

AMEND Senate Bill No. 73*

House Bill No. 1181

by deleting all language after the enacting clause and substituting:

SECTION 1. This act is known and may be cited as the "Tennessee Information Protection Act."

SECTION 2. Tennessee Code Annotated, Title 47, Chapter 18, is amended by adding the following as a new part:

47-18-3201. Part definitions.

As used in this part:

(1) "Affiliate" means a legal entity that controls, is controlled by, or is under common control with another legal entity or shares common branding with another legal entity. As used in this subdivision (1), "control" or "controlled" means:

(A) Ownership of, or the power to vote, more than fifty percent (50%) of the outstanding shares of a class of voting security of a company;

(B) Control in any manner over the election of a majority of the directors or of individuals exercising similar functions; or

(C) The power to exercise controlling influence over the management of a company;

(2) "Authenticate" means to verify using reasonable means that a consumer who is entitled to exercise the rights in § 47-18-3203, is the same .



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consumer who is exercising those consumer rights with respect to the personal information at issue;

(3) "Biometric data":

(A) Means data generated by automatic measurement of an individual's biological characteristics, such as a fingerprint, voiceprint, eye retina or iris, or other unique biological patterns or characteristics that are used to identify a specific individual; and

(B) Does not include a physical or digital photograph, video recording, or audio recording or data generated from a photograph or video or audio recording; or information collected, used, or stored for healthcare treatment, payment, or operations under HIPAA;

(4) "Business associate" has the same meaning as defined by HIPAA;

(5) "Child" means a natural person younger than thirteen (13) years of age;

(6) "Consent":

(A) Means a clear affirmative act signifying a consumer's freely given, specific, informed, and unambiguous agreement to process personal information relating to the consumer; and

(B) Includes a written statement, including a statement written by electronic means, or an unambiguous affirmative action;

(7) "Consumer":

(A) Means a natural person who is a resident of this state acting only in a personal context; and

(B) Does not include a natural person acting in an employment context;

(8) "Controller" means the natural or legal person that, alone or jointly with others, determines the purpose and means of processing personal information;

(9) "Covered entity" has the same meaning as defined by HIPAA;

(10) "Decisions that produce legal or similarly significant effects concerning the consumer" means decisions made by the controller that result in the provision or denial by the controller of financial or lending services, housing, insurance, education enrollment or opportunity, criminal justice, employment opportunities, healthcare services, or access to basic necessities, such as food and water;

(11) "De-identified data" means data that cannot reasonably be linked to an identified or identifiable natural person, or a device linked to that individual;

(12) "Health record":

(A) Means a written, printed, or electronically recorded material that:

(i) Was created or is maintained by a healthcare entity described in or licensed under title 68 in the course of providing healthcare services to an individual; and

(ii) Concerns the individual and the services provided; and

(B) Includes the substance of a communication made by an individual to a healthcare entity described in or licensed under title 68 in confidence during or in connection with the provision of healthcare services or information otherwise acquired by the healthcare entity about an individual in confidence and in connection with the provision of healthcare services to the individual;

(13) "HIPAA" means the federal Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. § 1320d et seq.);

(14) "Identified or identifiable natural person," "natural person," and "individual" mean a human being who can be readily identified, whether directly or indirectly;

(15) "Institution of higher education" means a public or private institution of higher education;

(16) "Nonprofit organization" means:

(A) A corporation organized under the Tennessee Nonprofit Corporation Act, compiled in title 48, chapter 51;

(B) An organization exempt from taxation under the Internal Revenue Code, codified in 26 U.S.C. §§ 501-530;

(C) A public utility organized under the laws of this state; or

(D) An entity owned or controlled by a nonprofit organization;

(17) "Personal information":

(A) Means information that is linked or reasonably linkable to an identified or identifiable natural person;

(B) Includes:

(i) Biometric data;

(ii) Internet or other electronic network activity information, including, but not limited to, browsing history, search history, and information regarding a consumer's interaction with an internet website, application, or advertisement;

(iii) Geolocation data;

(iv) Audio, electronic, visual, thermal, olfactory, or similar information;

(v) Professional or employment-related information;

(vi) Education information that is not publicly available information, or that is personally identifiable information as defined in 20 U.S.C. § 1232g and 34 C.F.R. § 99.1 et seq.; and

(vii) Inferences drawn from the information identified in this subdivision (17)(B) to create a profile about a consumer reflecting the consumer's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes; and

(C) Does not include information that is:

(i) Publicly available information; or

(ii) De-identified or aggregate consumer information;

(18) "Precise geolocation data":

(A) Means information derived from technology, including, but not limited to, global positioning system level latitude and longitude coordinates or other mechanisms, that directly identifies the specific location of a natural person with precision and accuracy within a radius of one thousand seven hundred fifty feet (1,750'); and

(B) Does not include:

(i) The content of communications; or

(ii) Data generated by or connected to advanced utility metering infrastructure systems or equipment for use by a utility;

(19) "Process" or "processing" means an operation or set of operations performed, whether by manual or automated means, on personal information or on sets of personal information, such as the collection, use, storage, disclosure, analysis, deletion, or modification of personal information;

(20) "Processor" means a natural or legal entity that processes personal information on behalf of a controller;

(21) "Profiling" means a form of solely automated processing performed on personal information to evaluate, analyze, or predict personal aspects related to an identified or identifiable natural person's economic situation, health, personal preferences, interests, reliability, behavior, location, or movements;

(22) "Protected health information" has the same meaning as defined by HIPAA;

(23) "Pseudonymous data" means personal information that cannot be attributed to a specific natural person without the use of additional information, so long as the additional information is kept separately and is subject to appropriate technical and organizational measures to ensure that the personal information is not attributed to an identified or identifiable natural person;

(24) "Publicly available information" means information that is lawfully made available through federal, state, or local government records, or information that a business has a reasonable basis to believe is lawfully made available to the general public through widely distributed media, by the consumer, or by a person to whom the consumer has disclosed the information, unless the consumer has restricted the information to a specific audience;

(25) "Sale of personal information":

(A) Means the exchange of personal information for monetary or other valuable consideration by the controller to a third party; and

(B) Does not include:

(i) The disclosure of personal information to a processor that processes the personal information on behalf of the controller;

(ii) The disclosure of personal information to a third party for purposes of providing a product or service requested by the consumer;

(iii) The disclosure or transfer of personal information to an affiliate of the controller;

(iv) The disclosure of information that the consumer:

(a) Intentionally made available to the general public via a channel of mass media; and

(b) Did not restrict to a specific audience; or

(v) The disclosure or transfer of personal information to a third party as an asset that is part of a merger, acquisition, bankruptcy, or other transaction in which the third party assumes control of all or part of the controller's assets;

(26) "Sensitive data" means a category of personal information that includes:

(A) Personal information revealing racial or ethnic origin, religious beliefs, mental or physical health diagnosis, sexual orientation, or citizenship or immigration status;

(B) The processing of genetic or biometric data for the purpose of uniquely identifying a natural person;

(C) The personal information collected from a known child; or

(D) Precise geolocation data;

(27) "State agency" means an agency, institution, board, bureau, commission, council, or instrumentality of state government in the executive branch;

(28) "Targeted advertising":

(A) Means displaying to a consumer an advertisement that is selected based on personal information obtained from that consumer's activities over time and across nonaffiliated websites or online applications to predict the consumer's preferences or interests; and

(B) Does not include:

(i) Advertisements based on activities within a controller's own websites or online applications;

(ii) Advertisements based on the context of a consumer's current search query, visit to a website, or online application;

(iii) Advertisements directed to a consumer in response to the consumer's request for information or feedback; or

(iv) Personal information processed solely for measuring or reporting advertising performance, reach, or frequency;

(29) "Third party" means a natural or legal person, public authority, agency, or body other than the consumer, controller, processor, or an affiliate of the processor or the controller; and

(30) "Trade secret" means information, without regard to form, including, but not limited to, technical, nontechnical, or financial data, a formula, pattern, compilation, program, device, method, technique, plan, or process, that:

(A) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from the information's disclosure or use; and

(B) Is the subject of efforts that are reasonable under the circumstances to maintain the information's secrecy.

47-18-3202. Scope.

This part applies to persons that conduct business in this state producing products or services that target residents of this state and that:

(1)

(A) Exceed twenty-five million dollars (\$25,000,000) in revenue;

and

(B) During a calendar year, control or process personal information of at least one hundred thousand (100,000) consumers; or

(2) Control or process personal information of at least twenty-five thousand (25,000) consumers and derive more than fifty percent (50%) of gross revenue from the sale of personal information.

47-18-3203. Personal information rights – Consumers.

(a)

(1) A consumer may invoke the consumer rights authorized pursuant to subdivision (a)(2) at any time by submitting a request to a controller specifying the consumer rights the consumer wishes to invoke. A known child's parent or legal guardian may invoke the consumer rights authorized pursuant to subdivision (a)(2) on behalf of the child regarding processing personal information belonging to the known child.

(2) A controller shall comply with an authenticated consumer request to exercise the right to:

(A) Confirm whether a controller is processing the consumer's personal information and to access the personal information;

(B) Correct inaccuracies in the consumer's personal information, taking into account the nature of the personal information and the purposes of the processing of the consumer's personal information;

(C) Delete personal information provided by or obtained about the consumer. A controller is not required to delete information that it maintains or uses as aggregate or de-identified data; provided, that such data in the possession of the controller is not linked to a specific consumer. A controller that obtained personal information about a consumer from a source other than the consumer is in compliance with a consumer's request to delete such personal information by:

(I)

(a) Retaining a record of the deletion request and the minimum information necessary for the purpose of ensuring that the consumer's personal information remains deleted from the controller's records; and

(b) Not using such retained personal information for any purpose prohibited under this part; or

(ii) Opting the consumer out of the processing of such personal data for any purpose except for those exempted under this part;

(D) Obtain a copy of the consumer's personal information that the consumer previously provided to the controller in a portable and, to the extent technically feasible, readily usable format that allows the consumer to transmit the data to another controller without hindrance, where the processing is carried out by automated means; or

(E) Opt out of a controller's processing of personal information for purposes of:

(i) Selling personal information about the consumer;

(ii) Targeted advertising; or

(iii) Profiling in furtherance of decisions that produce legal or similarly significant effects concerning the consumer.

(b) Except as otherwise provided in this part, a controller shall comply with an authenticated request by a consumer to exercise the consumer rights authorized pursuant to subdivision (a)(2) as follows:

(1) A controller shall respond to the consumer without undue delay, but in all cases within forty-five (45) days of receipt of a request submitted pursuant to subsection (a). The response period may be extended once by forty-five (45)

additional days when reasonably necessary, taking into account the complexity and number of the consumer's requests, so long as the controller informs the consumer of the extension within the initial forty-five-day response period, together with the reason for the extension;

(2) If a controller declines to take action regarding the consumer's request, then the controller shall inform the consumer without undue delay, but in all cases and at the latest within forty-five (45) days of receipt of the request, of the justification for declining to take action and instructions for how to appeal the decision pursuant to subsection (c);

(3) Information provided in response to a consumer request must be provided by a controller free of charge, up to twice annually per consumer. If requests from a consumer are manifestly unfounded, technically infeasible, excessive, or repetitive, then the controller may charge the consumer a reasonable fee to cover the administrative costs of complying with the request or decline to act on the request. The controller bears the burden of demonstrating the manifestly unfounded, technically infeasible, excessive, or repetitive nature of the request; and

(4) If a controller is unable to authenticate the request using commercially reasonable efforts, then the controller is not required to comply with a request to initiate an action under subsection (a) and may request that the consumer provide additional information reasonably necessary to authenticate the consumer and the consumer's request.

(c) A controller shall establish a process for a consumer to appeal the controller's refusal to take action on a request within a reasonable period of time after the consumer's receipt of the decision pursuant to subdivision (b)(2). The appeal process must be made available to the consumer in a conspicuous manner, must be available at no cost to the consumer, and must be similar to the process for submitting

requests to initiate action pursuant to subsection (a). Within sixty (60) days of receipt of an appeal, a controller shall inform the consumer in writing of action taken or not taken in response to the appeal, including a written explanation of the reasons for the decisions. If the appeal is denied, then the controller shall also provide the consumer with an online mechanism, if available, or other method through which the consumer may contact the attorney general and reporter to submit a complaint.

47-18-3204. Data controller responsibilities – Transparency.

(a) A controller shall:

(1) Limit the collection of personal information to what is adequate, relevant, and reasonably necessary in relation to the purposes for which the data is processed, as disclosed to the consumer;

(2) Except as otherwise provided in this part, not process personal information for purposes that are beyond what is reasonably necessary to and compatible with the disclosed purposes for which the personal information is processed, as disclosed to the consumer, unless the controller obtains the consumer's consent;

(3) Establish, implement, and maintain reasonable administrative, technical, and physical data security practices, as described in § 47-18-3213, to protect the confidentiality, integrity, and accessibility of personal information. The data security practices must be appropriate to the volume and nature of the personal information at issue;

(4) Not be required to delete information that it maintains or uses as aggregate or de-identified data, provided that such data in the possession of the business is not linked to a specific consumer;

(5) Not process personal information in violation of state and federal laws that prohibit unlawful discrimination against consumers. A controller shall not discriminate against a consumer for exercising the consumer rights contained in

this part, including denying goods or services, charging different prices or rates for goods or services, or providing a different level of quality of goods and services to the consumer. However, this subdivision (a)(5) does not require a controller to provide a product or service that requires the personal information of a consumer that the controller does not collect or maintain, or prohibit a controller from offering a different price, rate, level, quality, or selection of goods or services to a consumer, including offering goods or services for no fee, if the consumer has exercised the right to opt out pursuant to § 47-18-3203(a)(2)(F) or the offer is related to a consumer's voluntary participation in a bona fide loyalty, rewards, premium features, discounts, or club card program; and

(6) Not process sensitive data concerning a consumer without obtaining the consumer's consent, or, in the case of the processing of sensitive data concerning a known child, without processing the data in accordance with the federal Children's Online Privacy Protection Act (15 U.S.C. § 6501 et seq.) and its implementing regulations.

(b) A provision of a contract or agreement that purports to waive or limit the consumer rights described in § 47-18-3203 is contrary to public policy and is void and unenforceable.

(c) A controller shall provide a reasonably accessible, clear, and meaningful privacy notice that includes:

- (1) The categories of personal information processed by the controller;
- (2) The purpose for processing personal information;
- (3) How consumers may exercise their consumer rights pursuant to § 47-18-3203, including how a consumer may appeal a controller's decision with regard to the consumer's request;
- (4) The categories of personal information that the controller sells to third parties, if any; and

(5) The categories of third parties, if any, to whom the controller sells personal information.

(d) If a controller sells personal information to third parties or processes personal information for targeted advertising, then the controller shall clearly and conspicuously disclose the processing, as well as the manner in which a consumer may exercise the right to opt out of the processing.

(e)

(1) A controller shall provide, and shall describe in a privacy notice, one (1) or more secure and reliable means for a consumer to submit a request to exercise the consumer rights in § 47-18-3203. Such means must take into account the:

(A) Ways in which a consumer normally interacts with the controller;

(B) Need for secure and reliable communication of such requests; and

(C) Ability of a controller to authenticate the identity of the consumer making the request.

(2) A controller shall not require a consumer to create a new account in order to exercise consumer rights in § 47-18-3203, but may require a consumer to use an existing account.

47-18-3205. Responsibility according to role – Controller and processor.

(a) A processor shall adhere to the instructions of a controller and shall assist the controller in meeting its obligations under this part. The assistance must include:

(1) Taking into account the nature of processing and the information available to the processor, by appropriate technical and organizational measures, insofar as this is reasonably practicable, to fulfill the controller's obligation to respond to consumer rights requests pursuant to § 47-18-3203; and

(2) Providing necessary information to enable the controller to conduct and document data protection assessments pursuant to § 47-18-3206.

(b) A contract between a controller and a processor governs the processor's data processing procedures with respect to processing performed on behalf of the controller. The contract is binding and must clearly set forth instructions for processing data, the nature and purpose of processing, the type of data subject to processing, the duration of processing, and the rights and obligations of both parties. The contract must also include requirements that the processor shall:

(1) Ensure that each person processing personal information is subject to a duty of confidentiality with respect to the data;

(2) At the controller's direction, delete or return all personal information to the controller as requested at the end of the provision of services, unless retention of the personal information is required by law;

(3) Upon the reasonable request of the controller, make available to the controller all information in its possession necessary to demonstrate the processor's compliance with the obligations in this part;

(4) Allow, and cooperate with, reasonable assessments by the controller or the controller's designated assessor; alternatively, the processor may arrange for a qualified and independent assessor to conduct an assessment of the processor's policies and technical and organizational measures in support of the obligations under this part using an appropriate and accepted control standard or framework and assessment procedure for the assessments. The processor shall provide a report of each assessment to the controller upon request; and

(5) Engage a subcontractor pursuant to a written contract in that requires the subcontractor to meet the obligations of the processor with respect to the personal information.

(c) This section does not relieve a controller or a processor from the liabilities imposed on it by virtue of its role in the processing relationship as described in subsection (b).

(d) Determining whether a person is acting as a controller or processor with respect to a specific processing of data is a fact-based determination that depends upon the context in which personal information is to be processed. A processor that continues to adhere to a controller's instructions with respect to a specific processing of personal information remains a processor.

47-18-3206. Data protection assessments.

(a) A controller shall conduct and document a data protection assessment of each of the following processing activities involving personal information:

(1) The processing of personal information for purposes of targeted advertising;

(2) The sale of personal information;

(3) The processing of personal information for purposes of profiling, where the profiling presents a reasonably foreseeable risk of:

(A) Unfair or deceptive treatment of, or unlawful disparate impact on, consumers;

(B) Financial, physical, or reputational injury to consumers;

(C) A physical or other intrusion upon the solitude or seclusion, or the private affairs or concerns, of consumers, where the intrusion would be offensive to a reasonable person; or

(D) Other substantial injury to consumers;

(4) The processing of sensitive data; and

(5) Processing activities involving personal information that present a heightened risk of harm to consumers.

(b) Data protection assessments conducted pursuant to subsection (a) must identify and weigh the benefits that may flow, directly and indirectly, from the processing to the controller, the consumer, other stakeholders, and the public against the potential risks to the rights of the consumer associated with the processing, as mitigated by safeguards that can be employed by the controller to reduce the risks. The use of de-identified data and the reasonable expectations of consumers, as well as the context of the processing and the relationship between the controller and the consumer whose personal information will be processed, must be factored into this assessment by the controller.

(c) The attorney general and reporter may request that a controller disclose a data protection assessment that is relevant to an investigation conducted by the attorney general and reporter, and the controller shall make the data protection assessment available to the attorney general and reporter. The attorney general and reporter may evaluate the data protection assessment for compliance with the responsibilities set forth in § 47-18-3204. Data protection assessments are confidential and not open to public inspection and copying. The disclosure of a data protection assessment pursuant to a request from the attorney general and reporter does not constitute a waiver of attorney-client privilege or work product protection with respect to the assessment and information contained in the assessment.

(d) A single data protection assessment may address a comparable set of processing operations that include similar activities.

(e) Data protection assessments conducted by a controller for the purpose of compliance with other laws, rules, or regulations may comply with this section if the assessments have a reasonably comparable scope and effect.

(f) Data protection assessment requirements apply to processing activities created or generated on or after July 1, 2024, and are not retroactive.

47-18-3207. Processing de-identified data – Exemptions.

(a) The controller in possession of de-identified data shall:

- (1) Take reasonable measures to ensure that the data cannot be associated with a natural person;
- (2) Publicly commit to maintaining and using de-identified data without attempting to reidentify the data; and
- (3) Contractually obligate recipients of the de-identified data to comply with this part.

(b) This section does not require a controller or processor to:

- (1) Reidentify de-identified data or pseudonymous data;
- (2) Maintain data in identifiable form, or collect, obtain, retain, or access data or technology, in order to be capable of associating an authenticated consumer request with personal information; or
- (3) Comply with an authenticated consumer rights request, pursuant to § 47-18-3203, if:

(A) The controller is not reasonably capable of associating the request with the personal information or it would be unreasonably burdensome for the controller to associate the request with the personal information;

(B) The controller does not use the personal information to recognize or respond to the specific consumer who is the subject of the personal information, or associate the personal information with other personal information about the same specific consumer; and

(C) The controller does not sell the personal information to a third party or otherwise voluntarily disclose the personal information to a third party other than a processor, except as otherwise permitted in this section.

(c) The consumer rights contained in §§ 47-18-3203 and 47-18-3204 do not apply to pseudonymous data in cases where the controller is able to demonstrate information necessary to identify the consumer is kept separately and is subject to effective technical and organizational controls that prevent the controller from accessing that information.

(d) A controller that discloses pseudonymous data or de-identified data shall exercise reasonable oversight to monitor compliance with contractual commitments to which the pseudonymous data or de-identified data is subject and shall take appropriate steps to address breaches of those contractual commitments.

47-18-3208. Limitations.

(a) This part does not restrict a controller's or processor's ability to:

- (1) Comply with federal, state, or local laws, rules, or regulations;
- (2) Comply with a civil, criminal, or regulatory inquiry, investigation, subpoena, or summons by federal, state, local, or other governmental authorities;
- (3) Cooperate with law enforcement agencies concerning conduct or activity that the controller or processor reasonably and in good faith believes may violate federal, state, or local laws, rules, or regulations;
- (4) Investigate, establish, exercise, prepare for, or defend legal claims;
- (5) Provide a product or service specifically requested by a consumer or the parent or legal guardian of a known child, perform a contract to which the consumer is a party, including fulfilling the terms of a written warranty, or take steps at the request of the consumer prior to entering into a contract;
- (6) Take immediate steps to protect an interest that is essential for the life or physical safety of the consumer or of another natural person, and where the processing cannot be manifestly based on another legal basis;
- (7) Prevent, detect, protect against, or respond to security incidents, identity theft, fraud, harassment, malicious or deceptive activity, or illegal activity;

preserve the integrity or security of systems; or investigate, report, or prosecute those responsible for such action;

(8) Engage in public- or peer-reviewed scientific or statistical research in the public interest that adheres to all other applicable ethics and privacy laws and is approved, monitored, and governed by an institutional review board, or similar independent oversight entity that determines whether:

(A) Deletion of the information is likely to provide substantial benefits that do not exclusively accrue to the controller;

(B) The expected benefits of the research outweigh the privacy risks; and

(C) The controller has implemented reasonable safeguards to mitigate privacy risks associated with research, including risks associated with reidentification; or

(9) Assist another controller, processor, or third party with the obligations under this part.

(b) The obligations imposed on controllers or processors under this part do not restrict a controller's or processor's ability to collect, use, or retain data to:

(1) Conduct internal research to develop, improve, or repair products, services, or technology;

(2) Effectuate a product recall;

(3) Identify and repair technical errors that impair existing or intended functionality; or

(4) Perform internal operations that are reasonably aligned with the expectations of the consumer or reasonably anticipated based on the consumer's existing relationship with the controller or are otherwise compatible with processing data in furtherance of the provision of a product or service specifically

requested by a consumer or the performance of a contract to which the consumer is a party.

(c) The obligations imposed on controllers or processors under this part do not apply where compliance by the controller or processor with this part would violate an evidentiary privilege under the laws of this state. This part does not prevent a controller or processor from providing personal information concerning a consumer to a person covered by an evidentiary privilege under the laws of this state as part of a privileged communication.

(d)

(1) A controller or processor that discloses personal information to a third-party controller or processor, in compliance with the requirements of this part, is not in violation of this part if:

(A) The third-party controller or processor that receives and processes the personal information is in violation of this part; and

(B) At the time of disclosing the personal information, the disclosing controller or processor did not have actual knowledge that the recipient intended to commit a violation.

(2) A third-party controller or processor receiving personal information from a controller or processor in compliance with the requirements of this part is likewise not in violation of this part for the violations of the controller or processor from which it receives such personal information.

(e) This part does not impose an obligation on controllers and processors that adversely affects the rights or freedoms of a person, such as exercising the right of free speech pursuant to the First Amendment to the United States Constitution, or applies to the processing of personal information by a person in the course of a purely personal activity.

(f) A controller shall not process personal information for purposes other than those expressly listed in this section unless otherwise allowed by this part. Personal information processed by a controller pursuant to this section may be processed to the extent that the processing is:

(1) Reasonably necessary and proportionate to the purposes listed in this section; and

(2) Adequate, relevant, and limited to what is necessary in relation to the specific purposes listed in this section. Personal information collected, used, or retained pursuant to subsection (b) shall, where applicable, take into account the nature and purpose or purposes of the collection, use, or retention. The data is subject to reasonable administrative, technical, and physical measures to protect the confidentiality, integrity, and accessibility of the personal information and to reduce reasonably foreseeable risks of harm to consumers relating to the collection, use, or retention of personal information.

(g) If a controller processes personal information pursuant to an exemption in this section, then the controller bears the burden of demonstrating that the processing qualifies for the exemption and complies with subsection (f).

(h) Processing personal information for the purposes expressly identified in subdivisions (a)(1)-(9) does not solely make an entity a controller with respect to the processing.

47-18-3209. Investigative authority.

If the attorney general and reporter has reasonable cause to believe that an individual, controller, or processor has engaged in, is engaging in, or is about to engage in a violation of this part, then the attorney general and reporter may issue a civil investigative demand.

47-18-3210. Exemptions.

(a) This part does not apply to:

(1) A body, authority, board, bureau, commission, district, or agency of this state or of a political subdivision of this state;

(2) A financial institution, an affiliate of a financial institution, or data subject to Title V of the federal Gramm-Leach-Bliley Act (15 U.S.C. § 6801 et seq.);

(3) An individual, firm, association, corporation, or other entity that is licensed in this state under title 56 as an insurance company and transacts insurance business;

(4) A covered entity or business associate governed by the privacy, security, and breach notification rules issued by the United States department of health and human services, 45 C.F.R. Parts 160 and 164 established pursuant to HIPAA, and the federal Health Information Technology for Economic and Clinical Health Act (P.L. 111-5);

(5) A nonprofit organization;

(6) An institution of higher education;

(7) Protected health information under HIPAA;

(8) Health records for purposes of title 68;

(9) Patient identifying information for purposes of 42 U.S.C. § 290dd-2;

(10) Personal information:

(A) Processed for purposes of:

(i) Research conducted in accordance with the federal policy for the protection of human subjects under 45 C.F.R. Part 46;

(ii) Human subjects research conducted in accordance with good clinical practice guidelines issued by The International Council for Harmonization of Technical Requirements for Pharmaceuticals for Human Use; or

- (iii) Research conducted in accordance with the protection of human subjects under 21 C.F.R. Parts 6, 50, and 56; or
- (B) Processed or sold in connection with research conducted in accordance with the requirements set forth in this part, or other research conducted in accordance with applicable law;
- (11) Information and documents created for purposes of the federal Health Care Quality Improvement Act of 1986 (42 U.S.C. § 11101 et seq.);
- (12) Patient safety work product for purposes of the federal Patient Safety and Quality Improvement Act (42 U.S.C. § 299b-21 et seq.);
- (13) Information derived from the healthcare-related information listed in this subsection (a) that is de-identified in accordance with the requirements for de-identification pursuant to HIPAA;
- (14) Information originating from, and intermingled to be indistinguishable with, or information treated in the same manner as, information exempt under this subsection (a) that is maintained by a covered entity or business associate as defined by HIPAA or a program or a qualified service organization as defined by 42 U.S.C. § 290dd-2;
- (15) Information used only for public health activities and purposes as authorized by HIPAA;
- (16) The collection, maintenance, disclosure, sale, communication, or use of personal information bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living by a consumer reporting agency or furnisher that provides information for use in a consumer report, and by a user of a consumer report, but only to the extent that such activity is regulated by and authorized under the federal Fair Credit Reporting Act (15 U.S.C. § 1681 et seq.);

(17) Personal information collected, processed, sold, or disclosed in compliance with the federal Driver's Privacy Protection Act of 1994 (18 U.S.C. § 2721 et seq.);

(18) Personal information or educational information regulated by the federal Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g et seq.);

(19) Personal information collected, processed, sold, or disclosed in compliance with the federal Farm Credit Act (12 U.S.C. § 2001 et seq.);

(20) Data processed or maintained:

(A) In the course of an individual applying to, being employed by, or acting as an agent or independent contractor of a controller, processor, or third party, to the extent that the data is collected and used within the context of that role;

(B) As the emergency contact information of an individual under this part used for emergency contact purposes; or

(C) That is necessary to retain to administer benefits for another individual relating to the individual under subdivision (a)(20)(A) and used for the purposes of administering those benefits;

(21) Information collected as part of public- or peer-reviewed scientific or statistical research in the public interest; or

(22) An insurance producer licensed under title 56.

(b) Controllers and processors that comply with the verifiable parental consent requirements of the federal Children's Online Privacy Protection Act (15 U.S.C. § 6501 et seq.) are deemed compliant with an obligation to obtain parental consent under this part.

(c) This part does not require a controller, processor, third party, or consumer to disclose trade secrets.

47-18-3211. Contracts.

(a) A provision of a contract or agreement that waives or limits a consumer's rights under this part, including, but not limited to, a right to a remedy or means of enforcement, is contrary to public policy, void, and unenforceable.

(b) This part does not prevent a consumer from declining to request information from a controller, declining to opt out of a controller's sale of the consumer's personal information, or authorizing a controller to sell the consumer's personal information after previously opting out.

(c) This part applies to contracts entered into on or after the effective date of this act.

47-18-3212. Enforcement – Civil penalty – Expenses.

(a) The attorney general and reporter has exclusive authority to enforce this part.

(b) The attorney general and reporter may develop reasonable cause to believe that a controller or processor is in violation of this part, based on the attorney general and reporter's own inquiry or on consumer or public complaints. Prior to initiating an action under this part, the attorney general and reporter shall provide a controller or processor sixty-days' written notice identifying the specific provisions of this part the attorney general and reporter alleges have been or are being violated. If within the sixty-day period, the controller or processor cures the noticed violation and provides the attorney general and reporter an express written statement that the alleged violations have been cured and that no such further violations shall occur, then the attorney general and reporter shall not initiate an action against the controller or processor.

(c) If a controller or processor continues to violate this part following the cure period in subsection (b) or breaches an express written statement provided to the attorney general and reporter under subsection (b), then the attorney general and reporter may bring an action in a court of competent jurisdiction seeking any of the following relief:

(1) Declaratory judgment that the act or practice violates this chapter;

(2) Injunctive relief, including preliminary and permanent injunctions, to prevent an additional violation of and compel compliance with this part;

(3) Civil penalties, as described in subsection (d);

(4) Reasonable attorney's fees and investigative costs; or

(5) Other relief the court determines appropriate.

(d)

(1) A court may impose a civil penalty of up to ten thousand dollars (\$10,000) for each violation of this part.

(2) If the court finds the controller or processor willfully or knowingly violated this part, then the court may, in its discretion, award treble damages and reasonable attorney fees and expenses.

(e) A violation of this part shall not serve as the basis for, or be subject to, a private right of action, including a class action lawsuit, under this part or other law.

(f) The attorney general and reporter may recover reasonable expenses incurred in investigating and preparing a case, including attorney fees, in an action initiated under this part.

47-18-3213. Affirmative defense – Voluntary privacy program.

(a) A controller or processor has an affirmative defense to a cause of action for a violation of this part if the controller or processor creates, maintains, and complies with a written privacy policy that:

(1)

(A) Reasonably conforms to the National Institute of Standards and Technology (NIST) privacy framework entitled "A Tool for Improving Privacy through Enterprise Risk Management Version 1.0." or another comparable privacy framework known to the community; and

(B) Is updated to reasonably conform with a subsequent revision to the NIST or comparable privacy framework within one (1) year of the

publication date stated in the most recent revision to the NIST or comparable privacy framework; and

(2) Provides a person with the substantive rights required by this part.

(b) The scale and scope of a controller or processor's privacy program under subsection (a) is appropriate if it is based on all of the following factors:

- (1) The size and complexity of the controller or processor's business;
- (2) The nature and scope of the activities of the controller or processor;
- (3) The sensitivity of the personal information processed;
- (4) The cost and availability of tools to improve privacy protections and

data governance; and

(5) Compliance with a comparable state or federal law.

(c)

(1) In addition to subsections (a) and (b):

(A) A controller may be certified pursuant to the Asia Pacific Economic Cooperation's Cross Border Privacy Rules system; and

(B) A processor may be certified pursuant to the Asia Pacific Economic Cooperation's Privacy Recognition for Processors system.

(2) Certifications under subdivision (c)(1) may be considered in addition to the factors in subsection (b).

SECTION 3. If a provision of this act or its application to a 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 4. This act supersedes and preempts laws, ordinances, resolutions, regulations, or the equivalent adopted by any statutory, private act, or home rule municipality, county, including a metropolitan government, or city regarding the processing of personal data by controllers or processors.

SECTION 5. 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 6. This act takes effect January 1, 2025, the public welfare requiring it.

Amendment No. _____

Kevin Vanham

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1109

House Bill No. 637*

by adding the following as a new subsection in SECTION 1:

(f)

(1) This section does not apply to an employer who:

(A) Has a religious objection to working with a person who is
unvaccinated or refuses to obtain an immunization; and

(B) Provides a signed, written statement of religious objection to working
with a person who is unvaccinated or refuses to obtain an immunization.

(2) An employer who provides a statement of religious objection is not required
to provide any form of proof of the employer's religious conviction beyond the signed,
written statement.



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Amendment No. 3674
Dennis Powers
Signature of Sponsor

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

AMEND Senate Bill No. 111*

House Bill No. 682

by deleting all language after the caption and substituting:

WHEREAS, the General Assembly finds that social media platforms represent an extraordinary advance in communication technology for Tennesseans and have become ubiquitous in American society; and

WHEREAS, the General Assembly finds that users should be afforded control over their social media accounts as social media platforms provide unprecedented avenues for the dissemination of speech; and

WHEREAS, the General Assembly finds that social media platforms have transformed into the new public town square, where Tennesseans increasingly rely on such platforms to express their opinions; and

WHEREAS, the General Assembly finds that social media platforms have become as important for conveying public opinion as common carriers have become for supporting modern society, such as utility and telephone companies; and

WHEREAS, social media platforms have unprecedented and concentrated control over speech and possess substantial market power in this arena; and

WHEREAS, our legal system and its British predecessor have long subjected certain businesses, known as common carriers, to special regulations, including a general requirement to serve all comers; and

WHEREAS, the Supreme Court of the United States suggested long ago that common carriage regulation may be justified for industries not historically recognized as common carriers



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when the industry or business by circumstances and its nature rise from being a private entity to one of public concern; and

WHEREAS, there is clear historical precedent for regulating communication networks in a similar manner as traditional common carriers. Telegraphs, for example, were regulated as common carriers after the American Industrial Revolution because they resembled railroad companies and other common carriers, and were bound to serve all customers alike, without discrimination; and

WHEREAS, social media platforms that hold themselves out to the public resemble traditional common carriers. Although digital instead of physical, social media platforms "carry" information from one user to another, or even thousands of others; and

WHEREAS, the concentration of market power among a handful of social media platforms gives such platforms enormous control over speech and its dissemination by hundreds of millions of users. Such platforms control speech by suppressing content by deindexing or downlisting a search result and by steering users away from content by manually altering search results and algorithms. Furthermore, such platforms can greatly narrow a person's information flow through similar manipulation, or disrupt the sale and distribution of books, e-books, and other literature and information, in a manner that can impose cataclysmic consequences on authors and other content creators by blocking a listing or access to a website, platform, or social media account; and

WHEREAS, if the analogy between common carriers and social media platforms is correct, then laws that restrict a platform's ability to exclude users are appropriate and necessary; and

WHEREAS, the General Assembly finds that social media platforms are common carriers that unfairly censor, shadow ban, deplatform, or apply post-prioritization algorithms to Tennessee candidates, Tennessee users, and Tennessee residents, and that such platforms are not acting in good faith; and

WHEREAS, the General Assembly finds that this State has a substantial interest in protecting its residents from inconsistent and unfair actions by social media platforms that hold themselves out to the public at large and have risen to become institutions of significant public interest; and

WHEREAS, the General Assembly finds that this State must vigorously protect Tennesseans and the public at large by ensuring that common carriers, including social media platforms, do not discriminate against their users; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Title 65, is amended by adding SECTIONS 2-7 as a new chapter.

SECTION 2.

As used in this chapter:

(1) "Algorithm" means a mathematical set of rules that specifies how a group of data behaves and that:

(A) Assists in ranking search results and maintaining order; or

(B) Is used in sorting or ranking content or material based on relevancy or other factors instead of using published time or chronological order of the content or material;

(2) "Candidate" means an individual who runs or seeks to qualify for public office;

(3) "Censor" means:

(A) An action taken by a social media platform to delete, regulate, restrict, edit, alter, inhibit the publication or republication of, suspend a right to post, remove, or post an addendum to content or material posted by a user; or

(B) An action to inhibit the ability of a user to be viewable by, or to interact with, another user of the social media platform;

(4) "Commission" means the Tennessee public utility commission;

(5) "Deplatform" means the action or practice by a social media platform to permanently delete or ban a user, or to temporarily delete or ban a user, from the social media platform for more than twenty-one (21) consecutive days;

(6) "Journalistic enterprise" means an entity doing business in this state that:

(A) Publishes in excess of one hundred thousand (100,000) words available online with at least fifty thousand (50,000) paid subscribers or one hundred thousand (100,000) monthly active users;

(B) Publishes one hundred (100) hours of audio or video available online with at least one hundred million (100,000,000) viewers annually;

(C) Operates a cable channel that provides more than forty (40) hours of content per week to more than one hundred thousand (100,000) cable television subscribers; or

(D) Operates under a broadcast license issued by the federal communications commission;

(7) "Official" means an individual who is elected or appointed to a public office;

(8) "Post-prioritization":

(A) Means an action by a social media platform to place, feature, or prioritize certain content or material ahead of, below, or in a more or less prominent position than others in a newsfeed, a feed, a view, or search results; and

(B) Does not include such actions with respect to content and material of a third party, including other users, based on payments by the third party to the social media platform;

(9) "Shadow ban":

(A) Means an action by a social media platform, whether the action is determined by a natural person or an algorithm, to limit or eliminate the exposure of a user or content or material posted by a user to other users of the social media platform; and

(B) Includes such actions by a social media platform that are not readily apparent to a user;

(10) "Social media" means an electronic medium that allows users to create and view user-generated content, including, but not limited to, uploaded or downloaded videos, photographs, or internet links, posts, blogs, audio files, instant messages, or emails;

(11) "Social media platform":

(A) Means an information service, system, internet search engine, computer service, internet platform, or access software provider that:

(i) Provides or enables computer access by multiple users to social media; and

(ii) Operates as a legal entity doing business in this state; and

(B) Does not include:

(i) An internet service provider, electronic mail, or online service application;

(ii) A website consisting primarily of news, sports, entertainment, or other information or content that is not user-generated but is preselected or curated by the provider and for which chat, comment, or interactive functionality is incidental to, directly related to, or dependent on the provision of that information or content; or

- (iii) An online service, website, or application whose primary purpose is related to academic or scholarly research; and
- (12) "User":
 - (A) Means a person who resides or is located in this state and who has an account on a social media platform, regardless of whether the person posts or has posted content or material to the social media platform; and
 - (B) Includes a journalistic enterprise.

SECTION 3.

(a) An operator of a social media platform authorizing users located in this state to post content or material on the platform shall, on or before April 1, 2024, and by January 1, 2025, for each year thereafter, obtain a certificate of public convenience and necessity as a social media common carrier.

(b) The commission shall prescribe by rule in consultation with the office of the attorney general and reporter the form on which application may be made for a certificate and the fee for the certificate. The commission may prescribe an equitable fee schedule based on a social media platform's gross annual revenue or the number of global individual platform participants.

(c) The operator of a social media platform shall disclose and file with the commission as part of the operator's application for a certificate all information relating to ownership and control of the company that is required to be filed with the federal communications commission.

(d)

(1) If the commission finds that a social media operator is operating in this state without a valid certificate, or has failed to provide the commission with all information required by this section or by rule of the commission regarding the

application for a certificate or the operation of the social media platform, then the commission shall provide the operator with written notice of its failure to comply.

(2) If, after sixty (60) days of providing notice under subdivision (d)(1), the operator remains out of compliance, then the commission shall conduct a contested case hearing in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and may fine the operator in an amount not to exceed fifty thousand dollars (\$50,000), and may exercise discretion in the amount of such fine based on the severity of the operator's noncompliance. The commission may levy such fine each thirty (30) days thereafter against the operator if the operator remains noncompliant.

SECTION 4.

(a)

(1) Except as otherwise provided in this chapter, a social media platform shall not intentionally deplatform or shadow ban a user of the social media platform if the basis of such action is rooted in political ideology, viewpoint discrimination, personal animus, or discrimination because of race, creed, color, religion, sex, age, or national origin.

(2) Subdivision (a)(1) does not prohibit a social media platform from taking action to restrict access to, or the availability of, material in accordance with 47 U.S.C. § 230 that the social media platform considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable, regardless of whether the material is constitutionally protected.

(b) If the commission, by its own inquiry or as a result of the filing of a written complaint by a user, suspects that a violation of this section is imminent, occurring, or has occurred, then the commission may investigate the suspected violation. Based on its investigation, the commission may conduct a contested case hearing to take appropriate action in accordance with subsection (c).

(c) If the commission finds a violation of subdivision (a)(1) after a contested case hearing, the commission may:

(1) Fine the operator of a social media platform:

(A) For a user who is not a candidate for public office or an official, twenty-five thousand dollars (\$25,000) for each day the social media platform is not in compliance with subdivision (a)(1); or

(B) For a user known by the social media platform to be a candidate for public office or an official, one hundred thousand dollars (\$100,000) for each day the social media platform is not in compliance with subdivision (a)(1); and

(2) Suspend or revoke the certificate of public convenience and necessity of the social media platform indefinitely until the platform's operator provides the commission with proof satisfactory to the commission that the social media platform is in compliance with subdivision (a)(1).

(d) If the commission finds that a social media platform has violated subdivision (a)(1) at the conclusion of the contested case hearing, a user may bring a private cause of action for the violation of subdivision (a)(1). In addition to the fines that may be levied under subsection (c), a court of competent jurisdiction may award the following to the user:

(1) Actual damages;

(2) Punitive damages, under § 29-39-104, if appropriate;

(3) Other forms of equitable relief, including injunctive relief; and

(4) Costs and reasonable attorney fees.

(e) If the commission investigates an alleged violation of this section, then the commission's investigative powers include, but are not limited to, the ability to subpoena algorithms used by a social media platform related to the alleged violation.

(f) This section must be enforced:

(1) To the extent not inconsistent with 47 U.S.C. § 230 or other applicable federal law; and

(2) Notwithstanding other state law.

(g) A social media platform is not subject to an administrative fine or to damages pursuant to an order of a court if the commission or court, as applicable, finds that the social media platform:

(1) Relied in good faith on 47 U.S.C. § 230 in censoring or banning a user and applied such censorship or ban fairly and equitably to all users of the social media platform who posted the same or substantially the same objectionable material;

(2) Has in place an adequate appeals process that is available to the user; and

(3) Agrees to restore the user's account in a reasonable period of time in accordance with rules prescribed under SECTION 5(a)(6), unless the user's persistent violation of permitted rules justifies permanent removal from the social media platform.

SECTION 5.

(a) The commission shall promulgate rules in consultation with the office of the attorney general and reporter to effectuate the purposes of this chapter, including, without limitation, rules prescribing:

(1) Model policies for social media platforms for notifying a user that the user is being censored or banned;

(2) An appeals process by which a user can challenge censorship by a social media platform;

(3) Specific types of speech or posts that may be removed or censored;

(4) The process for reviewing an act of censorship by a social media platform;

(5) Circumstances under which a social media platform will not be subject to civil liability or administrative action under SECTION 4;

(6) Reasonable time periods by which a social media platform must restore a user's account after being censored or banned based on the nature of the content posted and the number of times the user has violated the policies of the social media platform, including allowance of permanently banning a user from the social media platform if the user's persistent violation of permitted rules justifies permanent removal from the social media platform; and

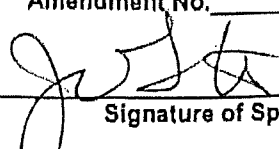
(7) Additional criteria for obtaining a license as a social media common carrier.

(b) The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 6. The middle division of the court of appeals has exclusive jurisdiction to hear an appeal of a final action of the commission after a contested case hearing under this chapter.

SECTION 7. If a provision of this act or its application to a 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 8. For purposes of promulgating rules and carrying out administrative duties necessary to effectuate the provisions and intent of this act, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect April 1, 2024, the public welfare requiring it.

Amendment No. _____


Signature of Sponsor

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

AMEND Senate Bill No. 368*

House Bill No. 1182

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 66, is amended by adding the following as a new chapter:

66-33-101. Short title.

This chapter is known and may be cited as the "Real Property Records Integrity Act."

66-33-102. Definitions.

As used in this chapter:

- (1) "Person" means a natural person, partnership, association, cooperative, corporation, trust, or other legal entity;
- (2) "Recording" means presenting a document to a county register in this state for official placement in the public land records;
- (3) "Residential real estate" means real property located in this state that is used primarily for personal, family, or household purposes and is improved by one (1) to four (4) dwelling units;
- (4) "Service agreement" means a contract pursuant to which a person agrees to provide services in connection with the sale of residential real estate or the sale of any product or the performance of any personal service on or for the maintenance of residential real estate; and
- (5) "Service provider" means a person who provides services or products to a consumer.



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66-33-103. Service agreements.

(a) The general assembly finds and declares that:

(1) The public policy of this state favors the transferability of interests in real property free from unreasonable restraints on alienation and covenants or servitudes that do not touch and concern the property; and

(2) A recorded service agreement violates this public policy by impairing the marketability of title to the affected real property and constitutes an unreasonable restraint on alienation, regardless of the duration of the contract or the amount of the consideration set forth in the agreement.

(b) A recorded service agreement is void and unenforceable under this chapter if the agreement:

(1) Purports to run with the land or to be binding on future owners of interests in the real property;

(2) Allows for assignment of the right to provide services without notice to and the consent of the owner of residential real estate; or

(3) Purports to create a lien, encumbrance, or other real property security interest.

(c) This chapter does not impair:

(1) The rights granted or applied involving a mechanic's or materialmen's lien under title 66, chapter 11;

(2) The furnishing of a loan or other thing of value to be secured by real property as otherwise provided by law;

(3) An agreement entered into by a nonprofit, mandatory membership organization comprised of owners of homes, condominiums, cooperatives, or manufactured homes; or

(4) Any interest in real property created pursuant to a declaration, covenant, or other applicable law, pertaining to the oversight or management of real property.

66-33-104. Recording prohibited.

(a) A service provider shall not record or cause to be recorded a service agreement or notice or memorandum of the agreement in this state.

(b) A service provider who records or causes to be recorded a service agreement or notice or memorandum of the agreement in this state in violation of § 66-33-103 is liable to an affected party for ten thousand dollars (\$10,000) in statutory damages.

(c) Notwithstanding chapter 24 of this title, a register in this state may refuse to accept for recordation a service agreement and is not liable for mistakenly recording an unfair service agreement.

(d) If a service agreement is recorded in violation of this chapter, then it does not constitute actual or constructive notice to an otherwise bona fide purchaser or creditor.

66-33-105. Recording of court order.

If a service agreement or a notice or memorandum of the agreement is recorded in violation of this chapter, then a person with an interest in the real property that is the subject of the agreement may apply to a court of competent jurisdiction in the county where the recording exists to record a court order declaring the agreement unenforceable.

66-33-106. Rights of recovery.

(a) If a service agreement or a notice or memorandum of the agreement is recorded in violation of this chapter, then a person with an interest in the real property that is the subject of the agreement:

(1) May recover actual damages, court costs, and attorney's fees in addition to the statutory damages described in § 66-33-104(b); and

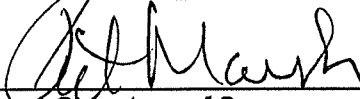
(2) Has all rights and remedies available to the person under § 47-18-109.

(b) This chapter may also be enforced by the attorney general and reporter on behalf of the citizens of this state.

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. 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. 975

House Bill No. 921*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 7-36-112(a), is amended by deleting "fifty thousand dollars (\$50,000)" and substituting "one hundred thousand dollars (\$100,000)".

SECTION 2. Tennessee Code Annotated, Section 7-36-112, is amended by adding the following new subsections:

() In addition to the authorization set forth in subsection (a), the president may let other contracts with the approval of the supervisory board or pursuant to the purchasing policy or other delegation of authority adopted by the board; provided, that purchasing exceeding in cost the amount specified in subsection (a) must, before a contract is let or work is done, be advertised by the president or the president's designee for bids in accordance with the purchasing policy of the authority.

() The authorization set forth in this section supplements the authorization provided to an energy authority or utility authority created by a private act of the general assembly that operates an electric, water, wastewater, gas, telecommunications, cable television, internet, or broadband facility and is applicable to the extent provided by the board or other supervisory board of the utility authority.

SECTION 3. Tennessee Code Annotated, Section 7-52-117, is amended by deleting subsections (d) and (e) and substituting instead:

(d) The superintendent shall let all contracts, subject to the approval of the supervisory body, but may, without such approval, obligate the electric plant on purchase orders up to an amount to be fixed by the supervisory body, but not to exceed



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one hundred thousand dollars (\$100,000). The superintendent shall let all other contracts with the approval of the supervisory body or pursuant to a purchasing policy or other delegation of authority adopted by the supervisory body. Work or construction exceeding in cost the amount specified in this subsection (d) must, before a contract is let or work is done, be advertised by the superintendent for bids as required by applicable law; provided, that the supervisory body may reject any and all bids.

(e) The superintendent shall make and keep full and proper books and records, subject to the supervision and direction of the supervisory body.

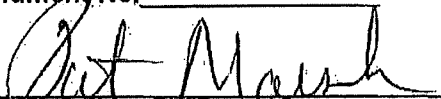
(f) If the supervisory body has jurisdiction over other utility systems, and the superintendent of the electric system serves in a similar role for such other utility systems, then this section applies to all purchases of services or property, whether real or personal, all leases and lease-purchases, all contracts, and the disposition of all property for the other utility systems. "Other utility systems" include waterworks, sewerage works, gas, telecommunications, cable television, internet, or broadband systems.

(g) The authorization set forth in this section supplements the authorization provided to a municipal electric system or other similar system that operates an electric, waterworks, sewerage works, gas, telecommunications, cable television, internet, or broadband facility pursuant to otherwise applicable law and applies to the extent provided by the board.

(h) For the purposes of this section, "superintendent" includes a designee of the superintendent or another officer or person as may be authorized by the superintendent of the electric system.

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. 975

House Bill No. 921*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 7-36-112(a), is amended by deleting "fifty thousand dollars (\$50,000)" and substituting "one hundred thousand dollars (\$100,000)".

SECTION 2. Tennessee Code Annotated, Section 7-36-112, is amended by adding the following new subsections:

() In addition to the authorization set forth in subsection (a), the president may let other contracts with the approval of the supervisory board, or pursuant to the purchasing policy or other delegation of authority adopted by the board; provided, that purchasing exceeding in cost the amount specified in subsection (a) must, before a contract is let or work is done, be advertised by the president or the president's designee for bids in accordance with the purchasing policy of the authority.

() The authorization set forth in this section supplements the authorization provided to an energy authority or utility authority created by a private act of the general assembly that operates an electric, water, wastewater, gas, telecommunications, cable television, internet, or broadband facility, and is applicable to the extent provided by the board or other supervisory board of the utility authority.

SECTION 3. Tennessee Code Annotated, Section 7-52-117, is amended by deleting subsections (d) and (e) and substituting:

(d) The superintendent shall let all contracts, subject to the approval of the supervisory body, but may, without such approval, obligate the electric plant on purchase orders up to an amount to be fixed by the supervisory body, but not to exceed



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one hundred thousand dollars (\$100,000). The superintendent shall let all other contracts with the approval of the supervisory body or pursuant to a purchasing policy or other delegation of authority adopted by the supervisory body. Work or construction exceeding in cost the amount specified in this subsection (d) must, before a contract is let or work is done, be advertised by the superintendent for bids as required by applicable law; provided, that the supervisory body may reject any and all bids.

(e) The superintendent shall make and keep full and proper books and records, subject to the supervision and direction of the supervisory body.

(f) If the supervisory body has jurisdiction over other utility systems, and the superintendent of the plant serves in a similar role for such other utility systems, then this section applies to all purchases of services or property, whether real or personal, all leases and lease-purchases, all contracts, and the disposition of all property for the other utility systems. As used in this subsection (f), "other utility systems" means waterworks, sewerage works, gas, telecommunications, cable television, internet, or broadband systems.

(g)

(1) In addition to the powers provided to boards of public utilities operating pursuant to this section, the authorization set forth in this section supplements the authorization provided to a municipal electric system or other similar system that operates an electric, waterworks, sewerage works, gas, telecommunications, cable television, internet, or broadband facility pursuant to otherwise applicable law, and applies to the extent provided by the supervisory body for the system or, if there is no supervisory body, by the legislative body of the municipality.

(2) Subdivision (g)(1) does not supersede any authority, limitation, or requirement established by the legislative body of the municipality in accordance with the charter of the municipality.

(h) For the purposes of this section, "superintendent" includes a designee of the superintendent or another officer or person as may be authorized by the superintendent of the electric system.

SECTION 4. 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. 975

House Bill No. 921*

by deleting SECTION 4 and substituting:

SECTION 4. Tennessee Code Annotated, Title 12, Chapter 3, Part 12, is amended by adding the following as a new section:

Where any local or private act, charter, or general law requires that a local governmental unit purchase by competitive procurement method, the local governmental unit may, notwithstanding the local or private act, charter, or general law, purchase, without public advertisement or competitive soliciting, under contracts or price agreements entered into by the state building commission.

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



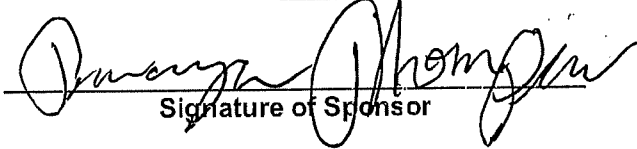
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Amendment No. _____


Signature of Sponsor

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Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 1276

House Bill No. 1305*

by deleting subsection (d) in SECTION 2 and substituting:

(d)

(1) If the information required by subsection (a) is not provided in the lease agreement or other writing, then the tenant may provide written notice requesting the information.

(2) If the information is not provided to the tenant within ten (10) days of the tenant submitting a written request in accordance with subdivision (d)(1), then the tenant may bring a cause of action to seek payment of the fine described in subdivision (c)(2).
If a court finds that a landlord, or an agent of the landlord, failed to comply with subsection (a), then the court shall award the tenant:

- (A) The fine, as described in subdivision (c)(2); and
- (B) Reasonable costs and attorneys' fees.

AND FURTHER AMEND by deleting subsection (e) in SECTION 3 and substituting:

(e)

(1) If the information required by subsection (b) is not provided in the lease agreement or other writing, then the tenant may provide written notice requesting the information.

(2) If the information is not provided to the tenant within ten (10) days of the tenant submitting a written request in accordance with subdivision (e)(1), then the tenant may bring a cause of action to seek payment of the fine described in subdivision (d)(2).



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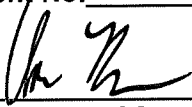


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If a court finds that a landlord, or an agent of the landlord, failed to comply with subsection (b), then the court shall award the tenant:

- (A) The fine, as described in subdivision (d)(2); and
- (B) Reasonable costs and attorneys' fees.

Amendment No. _____



Signature of Sponsor

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Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 845*

House Bill No. 947

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 4-29-246(a), is amended by deleting subdivision (52) and substituting:

(52) Tennessee board of utility regulation, created by § 7-82-701.

SECTION 2. Tennessee Code Annotated, Section 4-29-247(a), is amended by deleting subdivision (54).

SECTION 3. Tennessee Code Annotated, Section 7-34-115, is amended by deleting "water and wastewater financing board" wherever it appears and substituting "Tennessee board of utility regulation".

SECTION 4. Tennessee Code Annotated, Section 7-36-113, is amended by adding the following as new subsections:

(g)

(1) An authority, whether created pursuant to this chapter or another public or private act, shall not issue a bond, or a note other than a note issued in anticipation of the collection of revenues, as authorized by this chapter or the public or private act creating the authority, until the resolution authorizing the issuance of the bond or note is submitted to the comptroller of the treasury, or the comptroller of the treasury's designee, for review, together with a statement as of the beginning of the then current fiscal year, which must show:

(A) The authority's total outstanding bonds, notes, warrants, refunding bonds, and other forms of indebtedness;



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(B) The maturity dates of the bonds, notes, warrants, refunding bonds, other forms of indebtedness, interest rates, and special provisions for payment;

(C) The project to be funded by the bonds or notes; and

(D) The current operating financial statement of the authority and other pertinent financial information.

(2) The comptroller of the treasury, or the comptroller's designee, shall immediately acknowledge, in writing, receipt of the proposed bond or note issue statement and information.

(3)

(A) The comptroller of the treasury, or the comptroller's designee, shall, within fifteen (15) days from the date the proposed bond or note issue statement and information is received by the comptroller of the treasury, or the comptroller's designee, issue a report on the proposal to the authority. In addition, the report must:

(i) Be published on the authority's website during the week following the report's receipt; and

(ii) Be made a part of the bond transcript.

(B) The authority may take an action with reference to the proposed bond or note issue as it deems advisable after:

(i)

(a) Receipt of the report of the comptroller of the treasury, or the comptroller's designee; and

(b) Publication of the report made in accordance with subdivision (g)(3)(A); or

(ii) Expiration of fifteen (15) days from the date that the proposed bond or note issue was received by the comptroller of the treasury, or the comptroller's designee, whichever is earlier.

(h) A provision of this section related to the review or approval of a bond or note issued by the comptroller of the treasury, or the comptroller's designee, or another state agency, does not apply when the bond or other evidence of indebtedness of the authority is to be purchased, or the loan is to be made, by the farmers home administration or another direct lending department of the federal government.

(i)

(1) Prior to the beginning of the fiscal year, an authority shall adopt a balanced annual operating budget that identifies the authority's anticipated revenues by source and anticipated expenses by type of expense. The budget must be:

(A) Based upon historical operating results and reasonably anticipated future operations; and

(B) Created in conformity with generally accepted accounting principles and prepared in a form consistent with accepted governmental standards and as approved by the comptroller of the treasury or the comptroller's designee.

(2) A budget as adopted must be submitted to the comptroller of the treasury, or the comptroller's designee, for approval.

(3) The comptroller of the treasury, or the comptroller's designee, shall provide guidance to the form of a budget, including supplemental schedules, as necessary, to demonstrate that an authority has adequate cash to meet current obligations, including principal and interest, as applicable.

(4) If a proper budget is not approved by or submitted to the comptroller of the treasury, or the comptroller's designee, within two (2) months of the

beginning of the fiscal year, then the authority shall not issue a debt or financing obligation until the comptroller of the treasury, or the comptroller's designee, has approved the budget, or as otherwise provided for in a manner approved by the comptroller of the treasury, or the comptroller's designee.

(5) In the case of an emergency, the comptroller of the treasury, or the comptroller's designee, may waive the requirement of budget approval in order to allow the authority to enter into emergency financial transactions.

(j) If an authority proposes to sell bonds in excess of fifty million dollars (\$50,000,000) at a negotiated sale, a written request for proposal must be sent to a minimum of five (5) qualified firms no later than thirty (30) days prior to the first meeting of the authority's governing body to discuss the specific bond transaction. A minimum of three (3) proposals must be received no later than fourteen (14) days prior to the first meeting. This subsection (j) applies to both financial advisory and underwriting services.

SECTION 5. Tennessee Code Annotated, Section 7-51-2301, is amended by deleting the section and substituting:

As used in this part, "utility" means:

- (1) An entity subject to the jurisdiction of the Tennessee board of utility regulation in accordance with § 7-82-701;
- (2) A cooperative, as defined in § 65-25-102; or
- (3) A county-owned or municipal-owned utility that provides electric, natural gas, or propane services to the public.

SECTION 6. Tennessee Code Annotated, Section 7-51-2303, is amended by deleting subsection (b) and substituting:

(b) If a utility:

- (1) As described in § 7-51-2301(1), has not implemented or updated a cyber security plan within the timeframe required by § 7-51-2302, then the comptroller of the treasury, or the comptroller's designee, shall refer the utility to

the Tennessee board of utility regulation to order reasonable sanctions against the utility; or

(2) As described in § 7-51-2301(2) or (3), has not implemented or updated a cyber security plan within the timeframe required by § 7-51-2302, then the comptroller of the treasury, or the comptroller's designee, shall impose reasonable sanctions against the utility.

SECTION 7. Tennessee Code Annotated, Section 7-82-102, is amended by deleting "utility management review board" wherever it appears and substituting "Tennessee board of utility regulation".

SECTION 8. Tennessee Code Annotated, Section 7-82-112(a), is amended by deleting "utility management review board" wherever it appears and substituting "Tennessee board of utility regulation".

SECTION 9. Tennessee Code Annotated, Section 7-82-201(a), is amended by deleting "utility management review board" and substituting "Tennessee board of utility regulation".

SECTION 10. Tennessee Code Annotated, Section 7-82-202, is amended by deleting "utility management review board" wherever it appears and substituting "Tennessee board of utility regulation".

SECTION 11. Tennessee Code Annotated, Section 7-82-301(b), is amended by deleting "utility management review board" wherever it appears and substituting "Tennessee board of utility regulation".

SECTION 12. Tennessee Code Annotated, Section 7-82-302, is amended by deleting "utility management review board" wherever it appears and substituting "Tennessee board of utility regulation".

SECTION 13. Tennessee Code Annotated, Section 7-82-307(b)(3)(A)(i)(c), is amended by deleting "pursuant to § 7-82-709(b)" and substituting "pursuant to part 7 of this chapter".

SECTION 14. Tennessee Code Annotated, Section 7-82-307, is amended by deleting "utility management review board" wherever it appears and substituting "Tennessee board of utility regulation".

SECTION 15. Tennessee Code Annotated, Section 7-82-308, is amended by deleting "utility management review board" wherever it appears and substituting "Tennessee board of utility regulation".

SECTION 16. Tennessee Code Annotated, Section 7-82-308(a)(1), is amended by deleting "as defined in § 7-82-401(g)" and substituting "as defined in § 7-82-401(f)".

SECTION 17. Tennessee Code Annotated, Section 7-82-314, is amended by deleting the section.

SECTION 18. Tennessee Code Annotated, Section 7-82-401, is amended by deleting subsections (d) through (i) and substituting:

(d) A copy of such annual statement and audit shall be filed with the county mayor or mayors where publication is required in accordance with this section and § 7-82-608.

(e) Audits performed by the internal audit staffs of the utility districts must be conducted in accordance with the standards established by the comptroller of the treasury pursuant to § 4-3-304(9).

(f)

(1) Any utility district that is a financially distressed utility district is subject to the supervision and evaluation of the Tennessee board of utility regulation created pursuant to part 7 of this chapter.

(2) A government joint venture that supplies or treats water or wastewater for wholesale use only to other governments does not fall under the jurisdiction of the Tennessee board of utility regulation for the purpose of reporting negative change in net position annually, but must be referred to the

board if the government joint venture is in a deficit or default position as described in subdivision (f)(3).

(3) For the purposes of this chapter, "financially distressed utility district" means a utility district, and its system or systems, that, as shown by the audited annual financial reports, has a deficit in total net position in any one (1) year, has a deficit unrestricted net position in any one (1) year, is in default on an indebtedness, or has a negative change in net position for two (2) consecutive years without regard to any grants or capital contributions. For purposes of this section, "change in net position" means total revenues less all grants, capital contributions, and expenses.

SECTION 19. Tennessee Code Annotated, Section 7-82-402, is amended by deleting "utility management review board" wherever it appears and substituting "Tennessee board of utility regulation".

SECTION 20. Tennessee Code Annotated, Section 7-82-402(a)(1), is amended by deleting subdivision (A) and substituting:

(A) Within sixty (60) days of the fiscal year end, a customer of the district may file with the commissioners of the district a protest, giving reasons why, in the opinion of the customer, the utility's adopted rates are too high or too low. Within a period of fifteen (15) days after the end of this sixty-day period during which such protest may be filed, the commissioners shall notify each protestant of a hearing to be held by the commissioners on such protests as may have been filed within the sixty-day period. Upon the hearing date, which must be a date within a period of sixty (60) days after giving the notices to the protestants, the commissioners shall hear all protests during the same hearing. After hearing and examining statements, exhibits, and arguments of the protestants or their counsel, the commissioners shall make and spread upon the minutes of the commission their finding as to the reasonableness or unreasonableness of the

published rates, and, at the same time, the commission may increase or decrease such rates upon a finding that they are too low or too high, as the case may be.

SECTION 21. Tennessee Code Annotated, Section 7-82-402(c), is amended by deleting subdivision (6) and substituting:

(6) Notify its customers at least once a year that decisions by a utility district board of commissioners on customer complaints may be reviewed by the Tennessee board of utility regulation in accordance with § 7-82-702(b), and of the method used to fill vacancies on the utility district's board of commissioners. The utility district shall provide the notice described in this subdivision (c)(6) by publishing it on the utility's website, publishing it in a newspaper of general circulation in the county or counties in which the district is situated, or mailing it annually to the district's customers in a separate correspondence, an annual report, an annual newsletter, or other writing provided annually to the district's customers.

SECTION 22. Tennessee Code Annotated, Section 7-82-501, is amended by deleting subsection (e) and substituting:

(e)

(1) Prior to the beginning of the fiscal year, a utility district, whether created pursuant to this chapter or a public or private act, shall adopt a balanced annual operating budget that identifies the utility district's anticipated revenues by source and anticipated expenses by type of expense. The budget must be:

(A) Based upon historical operating results and reasonably anticipated future operations; and

(B) Created in conformity with generally accepted accounting principles and prepared in a form consistent with accepted governmental standards and as approved by the comptroller of the treasury, or the comptroller's designee.

(2) A budget as adopted must be submitted to the comptroller of the treasury, or the comptroller's designee, for approval.

(3) The comptroller of the treasury, or the comptroller's designee, shall provide guidance to the form of a budget, including supplemental schedules, as necessary, to demonstrate that a utility district has adequate cash to meet current obligations, including principal and interest, as applicable.

(4) If a proper budget is not approved by or submitted to the comptroller of the treasury, or the comptroller's designee, within two (2) months of the beginning of the fiscal year, then the utility district shall not issue a debt or financing obligation until the comptroller of the treasury, or the comptroller's designee, has approved the budget, or as otherwise provided for in a manner approved by the comptroller of the treasury, or the comptroller's designee.

(5) In the case of an emergency, the comptroller of the treasury, or the comptroller's designee, may waive the requirement of budget approval in order to allow the utility district to enter into emergency financial transactions.

SECTION 23. Tennessee Code Annotated, Title 7, Chapter 82, Part 7, is amended by deleting the part and substituting:

7-82-701.

(a) There is created in the office of the comptroller of the treasury a Tennessee board of utility regulation for the purpose of advising and directing utility systems in the area of utility management, and to determine and ensure the financial integrity of those utility systems. The board is charged with the responsibility of furthering the legislative objective of self-supporting water systems, wastewater facilities, and natural gas systems in this state and is deemed to be acting for the public welfare.

(b) As used in this part, "utility system" includes:

(1) The water, wastewater, or natural gas systems of a county, metropolitan government, or incorporated town or city;

(2) A treatment authority created pursuant to:

(A) The Water and Wastewater Treatment Authority Act, compiled in title 68, chapter 221, part 6;

(B) The Regional Water and Wastewater Treatment Authority Act, compiled in title 68, chapter 221, part 13; or

(C) Another public or private act of the general assembly that operates a water, wastewater, or natural gas facility;

(3) The water, wastewater, and natural gas systems of an energy or utility authority created pursuant to the Municipal Energy Authority Act, compiled in title 7, chapter 36, or a private act of the general assembly; and

(4) Any utility district created under this chapter, or any other public or private act of the general assembly.

(c)

(1) The board is composed of eleven (11) members as follows:

(A) The comptroller of the treasury, or the comptroller's designee, who serves as chair;

(B) The commissioner of environment and conservation, or the commissioner's designee, who serves as vice chair;

(C) One (1) member, appointed by the governor, who represents the interests of utilities under the jurisdiction of the Tennessee board of utility regulation. The governor shall consult with the Tennessee Association of Utility Districts to determine a qualified person to fill this appointment;

(D) One (1) member, appointed by the governor, who is an active municipal employee or elected official in a county that owns or operates a utility system, who represents the municipalities of this state. The

governor shall consult with the Tennessee Municipal League to determine a qualified person to fill this appointment;

(E) One (1) member, appointed by the governor, who represents the interests of minority citizens of this state. The member must have experience in governmental finance and not otherwise be a state employee;

(F) One (1) member, appointed by the governor, who is an active employee or sits on the governing board of a municipal water utility under the jurisdiction of the Tennessee board of utility regulation. The governor shall consult with the Tennessee Association of Utility Districts to determine a qualified person to fill this appointment;

(G) Two (2) members, appointed by the governor, who are active employees or commissioners of a utility district under the jurisdiction of the Tennessee board of utility regulation. The governor shall consult with the Tennessee Association of Utility Districts to determine qualified persons to fill these appointments;

(H) One (1) member, appointed by the comptroller of the treasury;

(I) One (1) member, appointed by the speaker of the senate, who sits on the governing body, or is an active employee, of a utility system;
and

(J) One (1) member, appointed by the speaker of the house, who sits on the governing body, or is an active employee, of a utility system.

(2) In addition to the requirements for members in subdivision (c)(1), at least one (1) member must sit on the governing body or be an active employee of a utility system that owns or operates a natural gas system.

(d)

(1) Members are appointed to four-year terms; provided, that the initial appointments are for terms, not to exceed four (4) years, as are necessary so that the terms of no more than three (3) members of the board end in any one (1) year.

(2) A board member continues to serve until a successor has been appointed.

(3) Appointments to succeed a board member who is unable to serve the board member's full term are for the remainder of that term.

(4) Board members are eligible for reappointment, but do not succeed themselves automatically.

(5) Appointments to the board for the remainder of an unexpired term and reappointments must be made in the same manner as under subsection (c).

(6) Each member of the board is entitled to receive reimbursement for the member's traveling and other necessary expenses actually incurred while engaged in the performance of any official duties when so authorized by the board, but such expenses must be made in accordance with the comprehensive state travel regulations duly promulgated by the commissioner of finance and administration and approved by the attorney general and reporter.

(7) A majority of the board constitutes a quorum, and the concurrence of a majority of those present and voting on a matter is required for a determination of matters within the board's jurisdiction.

(8) A board member shall not participate in making a decision in a case involving a utility system in which the board member has a direct financial interest, including a contract of employment.

(9) The comptroller shall designate a staff person to serve as manager to the board. In that capacity, the designee shall report the proceedings of the board to the comptroller and perform such other duties as the board may require.

(e) The Tennessee board of utility regulation combines the former utility management review board and the water and wastewater financing board. Any references to either board in state law, rules, or policy, are considered to refer to the Tennessee board of utility regulation.

7-82-702.

(a) In order to further the legislative objective of self-supporting and well-managed utility systems, the board has the power and authority to:

(1) Adopt, modify, repeal, promulgate, and enforce rules for:

(A) The conduct of the affairs of the board;

(B) Enforcement of the board's orders;

(C) Administration of the utility revitalization fund; and

(D) Training of the commissioners, aldermen, or other members of the governing body of a utility system;

(2) Issue subpoenas requiring the attendance of witnesses and production of such evidence as requested, administer oaths, and take such testimony as the board deems necessary in fulfilling its purpose. If a person or entity refuses to obey a subpoena issued by the board under this part, then the chancery court of Davidson County has jurisdiction upon application of the board to issue an order requiring the person to appear and testify or produce evidence as the case may require, and a failure to obey the order of the court may be punished by the court as contempt;

(3) Conduct a contested case hearing and issue an order on the question of whether a member of a utility district board should be removed from office and a new board or member appointed or elected as provided in § 7-82-307(b);

(4) Conduct a contested case hearing and issue an order in the manner prescribed under § 7-82-307(c) on the question of whether a utility district that fills vacancies on its board using a method other than appointment by a county

mayor should be required to fill a vacancy under the uniform method for the filling of vacancies set forth by § 7-82-307(a)(4) and (5);

(5) Establish parameters that define excessive water loss, and order reasonable measures to cure excessive water loss;

(6)

(A) Review and approve the model of ethical standards prepared by the Tennessee Association of Utility Districts (TAUD) for water, wastewater, and gas authorities created by a private act or under the general law;

(B) Review and approve the ethical standards prepared for utility districts pursuant to § 8-17-105; and

(C) Review and find, by order, that the ethical standards adopted by a water, wastewater, or gas authority created by a private act or under the general law, or a utility district that differ from the TAUD model are more stringent than the TAUD model;

(7) Review and approve the incorporation of a utility district in accordance with part 2 of this chapter;

(8) Review and approve the purchase, development, acquisition, or construction of a new water or wastewater system by a city or county in accordance with § 68-221-1017;

(9) Require a utility system to merge or consolidate with a financially distressed utility system in accordance with the process provided under § 7-82-704;

(10) Administer and make grants from the utility revitalization fund established under § 7-82-708;

(11) Make and enter into contracts;

(12) Accept gifts, grants, or other moneys, and receive appropriations made by law;

(13) Offer advisory technical assistance to any utility system, to the extent it may be competently offered; and

(14) Exercise all the powers and take all the actions necessary, proper or convenient, for the accomplishment of the purposes enumerated in this part.

(b)

(1) In addition to the powers described under subsection (a), the board also has the authority to review and conduct informal hearings of the following:

(A) The justness and reasonableness of a utility system's rates, fees, or charges;

(B) The justness and reasonableness of a utility system's requirement that a customer or developer build infrastructure or fixtures to be dedicated to the utility system;

(C) The failure of a utility system to adopt and enforce policies or rules necessary for the efficient and financially responsible operation of the utility system, including policies regarding ethics or financial controls, or for water loss, water leak adjustment, purchasing, or other industry standard policies;

(D) The inadequacy of a utility system's policies regarding ethics or financial controls, or for water loss, water leak adjustment, purchasing, or other industry standard policies; and

(E)

(i) The failure of a utility system to offer or extend utility service to a customer:

(a) Located within the utility system's covered area;

(b) Located within an area in which the utility system offers similar services;

(c) Located within an area in which the utility has the infrastructure to offer similar services; or

(d) Pursuant to a request made in accordance with § 7-82-112.

(ii) For any complaint submitted pursuant to subdivision (b)(1)(E)(i), the utility system has the affirmative burden to show that

(a) It does not have the capacity to serve the customer;

(b) Service to the customer is not economically feasible; or

(c) Service is not in the best interest of the utility and its existing customers.

(2) A complainant to the Tennessee board of utility regulation shall first appeal or make a complaint to the utility system's governing board, or utilize any other available remedy offered by the utility system, prior to seeking an informal hearing before the board.

(3) The board shall consider the reasonableness of the utility system's rules, policies, and cost of service as well as evidence presented during the hearing, if applicable, in making the board's decision.

(4) The request for an informal hearing under this subsection (b) must be received within thirty (30) days of the adverse decision of the utility system's governing board.

(5) Appellate review of the board's decisions is governed by the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. The Davidson

County chancery court has jurisdiction over judicial review of the board's decisions.

(6) In the conduct of an informal hearing upon request or complaint, the board may receive affidavit evidence, in addition to minutes, transcripts, and other evidence of actions by the utility system, and may render its decision on the basis of that evidence or, if the board deems an open hearing appropriate, may order the interested parties be notified of the date, time, and place that such hearing will be held.

(7) The board may order such remedial actions as necessary to address a customer's complaint, including the exercise of any authority conferred upon the board by this part.

(8) Board staff may consolidate complaints that raise substantially similar issues against the same utility system to be heard together before the board.

(9)

(A) The board may only conduct an informal hearing under this subsection (b) pursuant to a referral from the comptroller of the treasury or board staff.

(B) Board staff shall recommend that the board conduct an informal hearing pursuant to a customer complaint so long as the complaint presents a dispute that, if resolved in favor of the complainant, would justify the board ordering remedial action.

7-82-703.

(a) The comptroller of the treasury shall file with the Tennessee board of utility regulation a copy of the audited annual financial report of any financially distressed utility system within sixty (60) days from the date that the audit is filed with the comptroller of the treasury, for administrative review by the board.

(b) A utility system is financially distressed when it has a deficit total net position in any one (1) year, has a deficit unrestricted net position in any one (1) year, has a negative change in net position for two (2) consecutive years without regard to any grants or capital contributions, or is currently in default on any of its debt instruments.

(c)

(1) The comptroller of the treasury shall refer a utility system to the board if the utility system:

(A) Fails to complete and submit to the comptroller for administrative review an audited annual financial report for two (2) consecutive years;

(B) Is found to have used utility funds to pay non-utility expenses, used non-utility funds to pay utility expenses, or transferred utility funds to any other non-utility fund or account, unless the use or transfer is allowed by law; or

(C) Is found to have made an illegal payment or transfer of funds.

(2) The board is authorized to take one (1) or more remedial actions as described under § 7-82-706(b) for a financially distressed utility system.

(d) After reviewing the audited annual financial report and operations of the financially distressed utility system, and after holding a public hearing, which may be held as part of a regularly scheduled or specially called board meeting, the board may prescribe a rate structure to be adopted by the financially distressed utility system to:

(1) Eliminate the utility system's negative changes in net position;

(2) Liquidate any deficit total net position, in an orderly fashion; or

(3) Cure a default on any indebtedness of the utility system.

(e) In the event the governing body of the financially distressed utility system fails to adopt the prescribed rate structure described in accordance with subsection (d), the board shall petition the chancery court in a jurisdiction in which the utility system is

operating or in the chancery court of Davidson County to require the adoption of the rate structure prescribed by the board. The court may also order other remedies that, in the court's discretion, may be required to cause the utility system to operate in accordance with state law and in a financially self-sufficient manner.

(f) Notwithstanding any other law to the contrary, this section does not preclude a public utility system from operating water and sewer systems as individual or combined entities.

(g) Notwithstanding any other law to the contrary, a government joint venture that supplies or treats water or wastewater for wholesale use only to other governments does not fall under the jurisdiction of the board for the purpose of reporting negative change in net position annually; provided, however, that the government joint venture must be referred to the board if the government joint venture is in a deficit or default position as described under this section.

(h) As used in this section, "change in net position" means total revenues less all grants, capital contributions, and expenses.

7-82-704.

(a) The board may order the merger or consolidation of an ailing utility system with another utility system if the merger is necessary to restore financial stability of the system, ensure continued operation, or otherwise ensure the well-being of the public being served by the utility system. A utility system is ailing if the utility system:

(1) Is financially distressed, as described in § 7-82-703(b);

(2) Is financially unable to expand the amount or type of service as set forth and described in its founding documents or petition for creation as described under § 7-82-201, § 68-221-604, § 68-221-1304, or any other section or private act; or

(3) Displays a pattern of severe managerial incompetence such that the utility system cannot provide the public it serves with safe, consistent access to

its services. As used in this subdivision (a)(3), "severe managerial incompetence" includes:

(A) Frequent interruptions in service to multiple customers, lasting multiple days;

(B) Frequent infrastructure failures that result in interruptions in service or cause the quality of service to fall below safe levels; or

(C) Failure to:

(i) Respond to reports of damage to, or failure of, infrastructure within a reasonable timeframe;

(ii) Improve or attempt to improve infrastructure, including necessary maintenance, upgrades, or construction of redundant infrastructure where necessary; or

(iii) Correct a deficiency in oversight, operational management, or finance management, which leads to repeated harm to the utility system, a violation of state or federal law, or fraud, waste, or abuse of the utility system's resources.

(b)

(1) After reviewing the audited annual financial report and operations of the ailing utility system, the board may order the ailing utility system to obtain a study from a qualified expert on the feasibility and benefit of the ailing system merging or consolidating with another utility system. For purposes of this subdivision (b)(1), the board may determine by vote that an expert is not qualified to conduct the study, or determine that the study is not sufficient for any reason deemed appropriate in the board's discretion.

(2) After the results of the study are submitted to the board or the board's staff, and if the results favor a merger or consolidation, then a representative of

the board shall hold a public hearing within the service area of the ailing utility system to notify the customers of the potential merger or consolidation.

(c) After the public hearing described in subdivision (b)(2) occurs, the board shall conduct an informal hearing on the questions of whether:

(1) The consolidation or merger:

(A) Is in the best interest of the public being served by the ailing utility system; and

(B) Harms the public being served by the utility system with which the ailing utility system may consolidate or merge; and

(2) The ailing utility system should be merged or consolidated with another utility system.

(d) In making the determination pursuant to subsection (c), the board shall consider:

(1) The results of the study described in subdivision (b)(1);

(2) Comments that the board representative received at the public hearing that occurred within the service area of the system;

(3) Other evidence presented by the ailing system and the system with which the ailing system may merge or consolidate; and

(4) Other evidence presented to the board.

(e) The board shall properly notify the ailing utility system and the system with which the ailing utility system may merge or consolidate of the date and time of the informal hearing and allow each party a reasonable opportunity to address the board.

(f) If the board determines that it is in the best interest of the public being served by the ailing utility system that the ailing utility system merge or consolidate with another utility system, and that it is not harmful to the public being served by the utility system with which the ailing utility system should merge or consolidate, then the board shall

order the systems to develop a merger or consolidation agreement between the systems. The agreement must include, at a minimum, the following components:

(1) An assurance that the systems have sought and obtained, or will seek and obtain, all necessary approvals from the United States department of agriculture, the Tennessee local development authority, the Tennessee department of environment and conservation, or another interested party for the assumption of the ailing utility system's outstanding debt obligations;

(2) A transfer of all other rights and duties of the ailing utility system to the system with which the ailing utility system is to merge or consolidate;

(3) An assumption of all assets and liabilities of the ailing utility system to the system with which the ailing utility system is to merge or consolidate;

(4) A transfer of all appropriate documents to vest legal title of the ailing utility system to the system with which the ailing utility system is to merge or consolidate;

(5) A provision that the system with which the ailing utility system is to merge or consolidate will operate the system and account for the revenues from the system in a manner as not to impair contractual or other legal obligations of the ailing utility system;

(6) A provision describing the merged or consolidated system's new territorial boundaries;

(7) An initial rate structure for the newly merged or consolidated utility system; and

(8) Other provisions necessary to comply with applicable state and federal laws such that the systems are solely responsible for ensuring that the terms of the merger or consolidation agreement address all necessary topics.

(g)

(1) After the systems have drafted a complete agreement, the board shall enter an order approving the merger or consolidation agreement and shall require the utility systems to enter into the merger or consolidation agreement.

(2)

(A) If the board finds that a provision of the agreement is unreasonable or deficient, then the board may order the parties to amend the agreement or resolve the deficiency in a fair and reasonable manner.

(B) If, after the parties have attempted to develop an agreement in good faith, they are unable to come to an agreement, then the board may resolve topics of disagreement in a fair and reasonable manner and have the parties amend the agreement to reflect the determination of the board.

(3) If the board determines that the systems have refused or failed to enter into good faith negotiations on a merger or consolidation, then the board shall petition the chancery court in a jurisdiction in which a utility system that is a party to the merger or consolidation is operating to require the party or parties to engage in good faith negotiations concerning the merger or consolidation.

(h) If the governing body of the utility system does not enter into the approved merger or consolidation agreement or fails to abide by the terms and conditions of the merger or consolidation agreement, then the board shall petition the chancery court in a jurisdiction in which the utility system is operating to enforce the board's order to require the board of commissioners to enter into the approved merger or consolidation agreement and to abide by and implement all of the terms and conditions of the merger or consolidation agreement.

(i) A merger or consolidation approved by the board under this section is not subject to the petition, public hearing, or mayoral order requirements of § 7-82-202, § 7-

82-601, or § 7-82-603. A merger or consolidation approved under this section is not subject to approval by a county legislative body under § 7-82-202(a)(3)(B).

(j) After the board has ordered the utility systems to enter into the merger or consolidation agreement negotiated under this section, and after the utility systems have entered into the agreement, the board shall issue an order like that required under § 7-82-202(e). After the board issues the order, a party to the agreement may secure judicial review of the decision by filing a petition for judicial review in the appropriate venue as set forth in § 4-5-322(b).

(k) The board shall file the order required by subsection (j) in the same manner as described under § 7-82-202(d). The board shall also file a copy of its order with the county or municipal mayor or mayors where the consolidated or merged systems are located.

(l)

(1) When utility systems merge or consolidate and the merging utility systems are utility districts, the utility systems may agree to expand the size of the board of commissioners of the surviving district as permitted by § 7-82-202(e)(2) and (3). If the utility systems agree to expand the size of the board of commissioners of the surviving district, then the systems shall assert their intention to expand the size of the board of commissioners of the surviving district and name qualified individuals to serve on the new board in the consolidation or merger agreement. If the board approves of the agreement, then the named qualified individuals serve on the board of commissioners of the surviving merged or consolidated district until their terms expire, at which time the county mayors shall appoint commissioners in accordance with the procedures set out in this section.

(2) If the utility systems do not agree to expand the size of the board of commissioners of the surviving district, then the current commissioners of the

surviving district must serve the remainder of their terms. Upon the first expiration of a commissioner's term after the merger or consolidation is completed, the list of three (3) nominees submitted to the appropriate county mayor to fill the vacancy created by the expiration of the term must include at least one (1) nominee from the service area of the previously ailing utility system to fill the seat.

(m) The board is authorized to develop a plan of mitigation payments to the merged or consolidated utility system in order to mitigate any negative financial impact of the merger or consolidation on the utility system agreeing to merge or consolidate with an ailing utility system. The mitigation payments must be made from funds available in the utility revitalization fund and may include:

(1) Amounts to offset increased administrative costs relating to the merger or consolidation, to the extent those costs cannot reasonably be recovered from customer revenues or other assets of the ailing utility system;

(2) Amounts that may be necessary to cure a default on indebtedness of the ailing utility system to the extent the defaults can, in the opinion of the board, reasonably be cured;

(3) Amounts that may be necessary to renovate and repair the facilities of the ailing utility system to the level necessary to enable the merged or consolidated utility system to provide continued service to the public being served by the ailing utility system;

(4) Amounts sufficient to fund capital improvements or connect one (1) utility system to another, if the merger is not achievable without the improvements; or

(5) Other payments as may be necessary in the opinion of the board to accomplish the merger or consolidation and mitigate the financial impact of the merger or consolidation.

7-82-705.

The Tennessee board of utility regulation shall publish annually on its public website a report describing the activities of the board for the preceding year. The board shall receive and consider from any source, whether private or governmental, suggestions for amendments to this chapter, and, on the basis of the suggestions, may recommend amendments to the governor or the comptroller of the treasury.

7-82-706.

(a) Notwithstanding any law to the contrary, the Tennessee board of utility regulation has the authority to review utility systems under its jurisdiction and may include the assistance of the department of environment and conservation, the comptroller of the treasury, the Tennessee Association of Utility Districts, or any other governmental entity or entity approved by the board. The board may review utility systems:

(1) To determine the financial, technical, and managerial capacity of a utility system to comply with the requirements of applicable federal and state law; or

(2) To determine the financial, technical, and managerial capacities of a utility system to efficiently manage its system, including reasonable and just user rates, debt structures, and water loss.

(b)

(1) The board may require a utility system to take appropriate remedial action to correct a deficiency identified by the board. A remedial action may include:

(A) Changes in ownership, management, accounting practices, or user rates;

(B) Adoption or change to maintenance practices, software, or hardware, or development of alternative supplies of resources, means of

distribution of resources, or methods of water and wastewater management;

(C) Merger or consolidation of a utility system with another system, as described under § 7-82-704; or

(D) Development of rules and policies by the utility system as necessary for effective and responsible management of a utility system.

(2) The board may only require remedial action under subdivision (b)(1) when the review was initiated pursuant to a referral from the comptroller of the treasury or at the recommendation of board staff.

(c) In addition to the authority granted under subsections (a) and (b), the board has the authority to review a utility system whose water loss as reported in the utility system's annual water loss report submitted pursuant to § 7-82-707 is excessive, as established by parameters determined by the board. If a utility system fails to take the appropriate actions required by the board to reduce water loss to an acceptable level, then the board may petition the chancery court in a jurisdiction in which the utility system is operating to require the utility system to take the appropriate actions.

7-82-707.

(a) Each utility system shall submit to the Tennessee board of utility regulation by the first day of the system's fiscal year an annual report on a form approved by the board. If a utility system fails to submit the annual report in accordance with this section, then the board may order reasonable sanctions against the system or facility.

(b) The form approved by the board shall inform the public of:

(1) The financial condition of the utility system at the end of the fiscal year;

(2) A statement of the utility rates then being charged by the system;

(3) Other information the board finds would assist the board and the public in understanding the financial health of the system or any challenges the system faces.

(c) A utility system that purchases more than fifty percent (50%) of its total water for resale must include the contract for the purchase of water for resale simultaneously with the report required under subsection (a).

(d) A utility system shall submit to the comptroller of the treasury a water loss report on a form prescribed by the board, simultaneously, with the report required under subsection (a). Failure of a utility system to submit the water loss report constitutes excessive water loss, and the board may order appropriate remedial measures.

(e) The comptroller of the treasury shall annually publish on its website the annual reports and water loss reports submitted by utility systems.

(f) A utility system shall ensure that each member of the utility's governing body completes all required training and shall collect an annual training statement, on a form approved by the board, from each member of the governing body.

(g) An employee of, or member of, the governing body of a utility system who becomes aware of a transfer, loan, grant to or from the utility fund, or another transaction in violation of § 7-34-115 or another applicable law, shall immediately report the transaction to the comptroller of the treasury. The report must be made no later than fifteen (15) calendar days after the employee or member becomes aware of the unauthorized transaction.

7-82-708.

(a)

(1) There is created in the state treasury a fund to be known as the "utility revitalization fund." The fund must be initially funded by a deposit of the balance of funds held in the utility district revitalization fund previously created in accordance with § 7-82-707(a)(1) as such section existed prior to July 1, 2023.

(2) The Tennessee board of utility regulation shall administer the fund for grants to utility systems that have merged or consolidated under § 7-82-704 to mitigate the financial impact of the merger or consolidation.

(3) Utility systems pursuing a voluntary merger, consolidation, or acquisition may apply to the board for grants from the fund. The board has discretion to grant the application if it finds that the merger is in the best interest of at least one (1) utility system's service population, does not harm another service population, and the grant is necessary to achieve the merger.

(4) The board may adopt rules for the fund's administration.

(5) Interest and earnings of the fund remain a part of the fund.

(6) No part of the fund reverts to the general fund at the end of a fiscal year, but remains a part of the fund available for expenditure in accordance with this part.

(b)

(1) It is the intent of the general assembly that, to the extent practicable, money from the fund is spent in all areas of the state.

(2) In addition to subdivision (b)(1), it is the intent of the general assembly that in each fiscal year the fund be managed so that actual expenditures and obligations to be recognized at the end of the fiscal year do not exceed available reserves and appropriations of the fund.

(c)

(1) The board shall provide a report to the commissioner of finance and administration regarding the status of the appropriations for the fund by June 30 of each year. The report must include, at a minimum, the following information:

(A) The amount of each grant accepted since the previous report and the name of the utility system receiving the grant;

(B) The total outstanding commitments; and

(C) The total unobligated appropriation.

(2) The board shall transmit a copy of the report required under subdivision (c)(1) to the speaker of the house of representatives, the speaker of the senate, the state treasurer, the state comptroller of the treasury, the office of legislative budget analysis, the legislative librarian, and the secretary of state by July 30 of each year.

(d) The board shall determine the appropriate amount of each grant based on:

- (1) Available funds in the fund;
- (2) The findings of a study performed pursuant to § 7-82-704;
- (3) Evidence provided by the Tennessee Association of Utility Districts;

or

(4) Another source or authority determined to be reliable, in the discretion of the board.

(e) A utility system that is a recipient of a grant under this section shall submit quarterly reports to the board on a form approved by the board.

(f)

(1) A grant from this fund may be used to mitigate a utility system's operating expenses.

(2) The board's order approving the grant must specify the total maximum amount of the grant, the time period over which the grant will be disbursed, the disbursement schedule, and a description of the expenses the grant is meant to mitigate. The grant must be used only as described in the board's order.

(3) The comptroller of the treasury and the board may consider a disbursement made under this section to be operating revenue for purposes of determining whether a utility system is in financial distress.

(4) The board may only approve grants to mitigate operating expenses if the applicant utility system establishes that, after the last disbursement from the grant is made, the system will be financially solvent.

SECTION 24. Tennessee Code Annotated, Section 7-82-804, is amended by deleting the last sentence and substituting:

Questions of the appropriateness or adequacy of any utility district purchasing policy must be submitted in writing to the Tennessee board of utility regulation.

SECTION 25. Tennessee Code Annotated, Section 8-17-105, is amended by deleting subsection (b) and substituting:

(b)

(1) In order to provide guidance and direction to water, wastewater, and gas authorities created by a private act or under the general law and to utility districts, the Tennessee Association of Utility Districts (TAUD) shall prepare a model of ethical standards for officials and employees of water, wastewater, and gas authorities created by private act or under the general law and of utility districts. The model must be submitted to the Tennessee board of utility regulation for its review and approval pursuant to § 7-82-702(a)(6). The board shall approve by order the TAUD model of ethical standards before the model is adopted by a water, wastewater, or gas authority created by a private act or under the general law or by a utility district. After the board approves the TAUD model, the TAUD model must be filed with the commission.

(2) The governing body of a water, wastewater, or gas authority created by a private act or under the general law, or of a utility district, that adopts ethical standards for its officials and employees shall either adopt the TAUD model of ethical standards approved by the board or adopt ethical standards that are more stringent than the TAUD model. If a water, wastewater, or gas authority created by a private act or under the general law, or a utility district, adopts ethical

standards that are different from and more stringent than the TAUD model, then the more stringent ethical standards must be submitted to the board, which shall make a finding by order that the ethical standards adopted are more stringent than the TAUD model.

SECTION 26. Tennessee Code Annotated, Section 8-44-111, is amended by deleting subsection (c) and substituting:

(c) The Tennessee board of utility regulation shall develop a program for members of the governing bodies of utility systems under the board's jurisdiction to educate the board members about the open meetings laws and how to remain in compliance with such laws.

SECTION 27. Tennessee Code Annotated, Section 64-9-107(c), is amended by deleting "utility management review board, water and wastewater financing board" and substituting "Tennessee board of utility regulation".

SECTION 28. Tennessee Code Annotated, Section 65-5-401, is amended by deleting subdivision (2) and substituting:

(2) "Utility" means:

(A) An entity subject to the jurisdiction of the Tennessee board of utility regulation in accordance with § 7-82-701;

(B) A county-owned or municipal-owned utility that provides electric, broadband, or propane services to the public;

(C) A public utility, as defined in § 65-4-101; and

(D) A cooperative, as defined in § 65-25-102.

SECTION 29. Tennessee Code Annotated, Section 65-5-403, is amended by deleting subsection (a) and substituting:

(a) If a utility:

(1) As defined in § 65-5-401(2)(A), fails to comply with § 65-5-402, then the Tennessee board of utility regulation shall order reasonable sanctions against the utility;

(2) As described in § 65-5-401(2)(B) or (2)(D), fails to comply with § 65-5-402, then the comptroller of the treasury, or the comptroller's designee, shall order reasonable sanctions against the utility; and

(3) As described in § 65-5-401(C), fails to comply with § 65-5-402, then the Tennessee public utility commission shall order reasonable sanctions against the utility.

SECTION 30. Tennessee Code Annotated, Section 67-3-901(j), is amended by deleting "utility management review board" wherever it appears and substituting "Tennessee board of utility regulation".

SECTION 31. Tennessee Code Annotated, Section 68-221-109, is amended by deleting the section.

SECTION 32. Tennessee Code Annotated, Section 68-221-604, is amended by deleting "water and wastewater financing board" wherever it appears and substituting "Tennessee board of utility regulation".

SECTION 33. Tennessee Code Annotated, Section 68-221-605(f), is amended by deleting "water and wastewater financing board" wherever it appears and substituting "Tennessee board of utility regulation".

SECTION 34. Tennessee Code Annotated, Section 68-221-611, is amended by deleting subsection (m) and substituting:

(m)

(1) Prior to the beginning of the fiscal year, an authority, whether created pursuant to this chapter or a public or private act, shall adopt a balanced annual operating budget that identifies the authority's anticipated revenues by source and anticipated expenses by type of expense. The budget must be:

(A) Based upon historical operating results and reasonably anticipated future operations; and

(B) Created in conformity with generally accepted accounting principles and prepared in a form consistent with accepted governmental standards and as approved by the comptroller of the treasury or the comptroller's designee.

(2) A budget as adopted must be submitted to the comptroller of the treasury, or the comptroller's designee, for approval.

(3) The comptroller of the treasury, or the comptroller's designee, shall provide guidance to the form of a budget, including supplemental schedules, as necessary, to demonstrate that an authority has adequate cash to meet current obligations, including principal and interest, as applicable.

(4) If a proper budget is not approved by or submitted to the comptroller of the treasury, or the comptroller's designee, within two (2) months of the beginning of the fiscal year, then the authority shall not issue a debt or financing obligation until the comptroller of the treasury, or the comptroller's designee, has approved the budget, or as otherwise provided for in a manner approved by the comptroller of the treasury, or the comptroller's designee.

(5) In the case of an emergency, the comptroller of the treasury, or the comptroller's designee, may waive the requirement of budget approval in order to allow the authority to enter into emergency financial transactions.

SECTION 35. Tennessee Code Annotated, Section 68-221-1003, is amended by deleting subdivision (2) and substituting:

(2) "Board" means the Tennessee board of utility regulation established under § 7-82-701;

SECTION 36. Tennessee Code Annotated, Section 68-221-1007, is amended by deleting the section.

SECTION 37. Tennessee Code Annotated, Section 68-221-1008, is amended by deleting the section.

SECTION 38. Tennessee Code Annotated, Section 68-221-1009, is amended by deleting the section.

SECTION 39. Tennessee Code Annotated, Section 68-221-1010, is amended by deleting the section.

SECTION 40. Tennessee Code Annotated, Section 68-221-1011, is amended by deleting the section.

SECTION 41. Tennessee Code Annotated, Section 68-221-1012, is amended by deleting the section.

SECTION 42. Tennessee Code Annotated, Section 68-221-1013, is amended by deleting the section.

SECTION 43. Tennessee Code Annotated, Section 68-221-1015, is amended by deleting subsection (d).

SECTION 44. Tennessee Code Annotated, Section 68-221-1016, is amended by deleting the section.

SECTION 45. Tennessee Code Annotated, Section 68-221-1017, is amended by deleting "water and wastewater financing board" wherever it appears and substituting "Tennessee board of utility regulation".

SECTION 46. Tennessee Code Annotated, Section 68-221-1206(a)(3), is amended by deleting "water and wastewater financing board" and substituting "Tennessee board of utility regulation".

SECTION 47. Tennessee Code Annotated, Section 68-221-1304, is amended by deleting "water and wastewater financing board" wherever it appears and substituting "Tennessee board of utility regulation".

SECTION 48. Tennessee Code Annotated, Section 68-221-1305, is amended by deleting "water and wastewater financing board" wherever it appears and substituting "Tennessee board of utility regulation".

SECTION 49. Tennessee Code Annotated, Section 68-221-1306, is amended by deleting subdivision (c)(3) and substituting:

(3)

(A) Prior to the beginning of the fiscal year, an authority, whether created pursuant to this chapter or a public or private act, shall adopt a balanced annual operating budget that identifies the authority's anticipated revenues by source and anticipated expenses by type of expense. The budget must be:

(i) Based upon historical operating results and reasonably anticipated future operations; and

(ii) Created in conformity with generally accepted accounting principles and prepared in a form consistent with accepted governmental standards and as approved by the comptroller of the treasury, or the comptroller's designee.

(B) A budget as adopted must be submitted to the comptroller of the treasury, or the comptroller's designee, for approval.

(C) The comptroller of the treasury, or the comptroller's designee, shall provide guidance to the form of a budget, including supplemental schedules, as necessary, to demonstrate that an authority has adequate cash to meet current obligations, including principal and interest, as applicable.

(D) If a proper budget is not approved by or submitted to the comptroller of the treasury, or the comptroller's designee, within two (2) months of the beginning of the fiscal year, then the authority shall not issue a debt or financing obligation until the comptroller of the treasury, or the comptroller's designee, has

approved the budget, or as otherwise provided for in a manner approved by the comptroller of the treasury, or the comptroller's designee.

(E) In the case of an emergency, the comptroller of the treasury, or the comptroller's designee, may waive the requirement of budget approval in order to allow the authority to enter into emergency financial transactions.

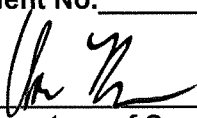
SECTION 50. Notwithstanding Tennessee Code Annotated, Section 4-29-112, the utility management review board, created by Tennessee Code Annotated, Section 7-82-701, terminates and ceases to exist.

SECTION 51. All administrative rules filed by the utility management review board or the water and wastewater financing board in the office of the secretary of state and in effect on July 1, 2023, shall remain in effect as rules of the comptroller of the treasury, and all rulemaking authority, procedures, records, reports, functions, and duties of the utility management review board or the water and wastewater financing board shall be transferred to the comptroller of the treasury.

SECTION 52. All ongoing business of the utility management review board and the water and wastewater financing board, and the supervision of all entities under the utility management review board and the water and wastewater financing board are transferred to the Tennessee board of utility regulation.

SECTION 53. 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. 845*

House Bill No. 947

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 4-29-246(a), is amended by deleting subdivision (52) and substituting:

(52) Tennessee board of utility regulation, created by § 7-82-701.

SECTION 2. Tennessee Code Annotated, Section 4-29-247(a), is amended by deleting subdivision (54).

SECTION 3. Tennessee Code Annotated, Section 7-34-115, is amended by deleting "water and wastewater financing board" wherever it appears and substituting "Tennessee board of utility regulation".

SECTION 4. Tennessee Code Annotated, Section 7-36-113, is amended by adding the following as new subsections:

(g)

(1) An authority, whether created pursuant to this chapter or another public or private act, shall not issue a bond, or a note other than a note issued in anticipation of the collection of revenues, as authorized by this chapter or the public or private act creating the authority, until the resolution authorizing the issuance of the bond or note is submitted to the comptroller of the treasury, or the comptroller of the treasury's designee, for review, together with a statement as of the beginning of the then current fiscal year, which must show:

(A) The authority's total outstanding bonds, notes, warrants, refunding bonds, and other forms of indebtedness;



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(B) The maturity dates of the bonds, notes, warrants, refunding bonds, other forms of indebtedness, interest rates, and special provisions for payment;

(C) The project to be funded by the bonds or notes; and

(D) The current operating financial statement of the authority and other pertinent financial information.

(2) The comptroller of the treasury, or the comptroller's designee, shall immediately acknowledge, in writing, receipt of the proposed bond or note issue statement and information.

(3)

(A) The comptroller of the treasury, or the comptroller's designee, shall, within fifteen (15) days from the date the proposed bond or note issue statement and information is received by the comptroller of the treasury, or the comptroller's designee, issue a report on the proposal to the authority. In addition, the report must:

(i) Be published on the authority's website during the week following the report's receipt; and

(ii) Be made a part of the bond transcript.

(B) The authority may take an action with reference to the proposed bond or note issue as it deems advisable after:

(i)

(a) Receipt of the report of the comptroller of the treasury, or the comptroller's designee; and

(b) Publication of the report made in accordance with subdivision (g)(3)(A); or

(ii) Expiration of fifteen (15) days from the date that the proposed bond or note issue was received by the comptroller of the treasury, or the comptroller's designee, whichever is earlier.

(h) A provision of this section related to the review or approval of a bond or note issued by the comptroller of the treasury, or the comptroller's designee, or another state agency, does not apply when the bond or other evidence of indebtedness of the authority is to be purchased, or the loan is to be made, by the farmers home administration or another direct lending department of the federal government.

(i)

(1) Prior to the beginning of the fiscal year, an authority shall adopt a balanced annual operating budget that identifies the authority's anticipated revenues by source and anticipated expenses by type of expense. The budget must be:

(A) Based upon historical operating results and reasonably anticipated future operations; and

(B) Created in conformity with generally accepted accounting principles and prepared in a form consistent with accepted governmental standards and as approved by the comptroller of the treasury or the comptroller's designee.

(2) A budget as adopted must be submitted to the comptroller of the treasury, or the comptroller's designee, for approval.

(3) The comptroller of the treasury, or the comptroller's designee, shall provide guidance to the form of a budget, including supplemental schedules, as necessary, to demonstrate that an authority has adequate cash to meet current obligations, including principal and interest, as applicable.

(4) If a proper budget is not approved by or submitted to the comptroller of the treasury, or the comptroller's designee, within two (2) months of the

beginning of the fiscal year, then the authority shall not issue a debt or financing obligation until the comptroller of the treasury, or the comptroller's designee, has approved the budget, or as otherwise provided for in a manner approved by the comptroller of the treasury, or the comptroller's designee.

(5) In the case of an emergency, the comptroller of the treasury, or the comptroller's designee, may waive the requirement of budget approval in order to allow the authority to enter into emergency financial transactions.

SECTION 5. Tennessee Code Annotated, Section 7-51-2301, is amended by deleting the section and substituting:

As used in this part, "utility" means:

- (1) An entity subject to the jurisdiction of the Tennessee board of utility regulation in accordance with § 7-82-701;
- (2) A cooperative, as defined in § 65-25-102; or
- (3) A county-owned or municipal-owned utility that provides electric, natural gas, or propane services to the public.

SECTION 6. Tennessee Code Annotated, Section 7-51-2303, is amended by deleting subsection (b) and substituting:

(b) If a utility:

- (1) As described in § 7-51-2301(1), has not implemented or updated a cyber security plan within the timeframe required by § 7-51-2302, then the comptroller of the treasury, or the comptroller's designee, shall refer the utility to the Tennessee board of utility regulation to order reasonable sanctions against the utility; or
- (2) As described in § 7-51-2301(2) or (3), has not implemented or updated a cyber security plan within the timeframe required by § 7-51-2302, then the comptroller of the treasury, or the comptroller's designee, shall impose reasonable sanctions against the utility.

SECTION 7. Tennessee Code Annotated, Section 7-82-102, is amended by deleting "utility management review board" wherever it appears and substituting "Tennessee board of utility regulation".

SECTION 8. Tennessee Code Annotated, Section 7-82-112(a), is amended by deleting "utility management review board" wherever it appears and substituting "Tennessee board of utility regulation".

SECTION 9. Tennessee Code Annotated, Section 7-82-201(a), is amended by deleting "utility management review board" and substituting "Tennessee board of utility regulation".

SECTION 10. Tennessee Code Annotated, Section 7-82-202, is amended by deleting "utility management review board" wherever it appears and substituting "Tennessee board of utility regulation".

SECTION 11. Tennessee Code Annotated, Section 7-82-301(b), is amended by deleting "utility management review board" wherever it appears and substituting "Tennessee board of utility regulation".

SECTION 12. Tennessee Code Annotated, Section 7-82-302, is amended by deleting "utility management review board" wherever it appears and substituting "Tennessee board of utility regulation".

SECTION 13. Tennessee Code Annotated, Section 7-82-307(b)(3)(A)(i)(c), is amended by deleting "pursuant to § 7-82-709(b)" and substituting "pursuant to part 7 of this chapter".

SECTION 14. Tennessee Code Annotated, Section 7-82-307, is amended by deleting "utility management review board" wherever it appears and substituting "Tennessee board of utility regulation".

SECTION 15. Tennessee Code Annotated, Section 7-82-308, is amended by deleting "utility management review board" wherever it appears and substituting "Tennessee board of utility regulation".

SECTION 16. Tennessee Code Annotated, Section 7-82-308(a)(1), is amended by deleting "as defined in § 7-82-401(g)" and substituting "as defined in § 7-82-401(f)".

SECTION 17. Tennessee Code Annotated, Section 7-82-314, is amended by deleting the section.

SECTION 18. Tennessee Code Annotated, Section 7-82-401, is amended by deleting subsections (d) through (i) and substituting:

(d) A copy of such annual statement and audit shall be filed with the county mayor or mayors where publication is required in accordance with this section and § 7-82-608.

(e) Audits performed by the internal audit staffs of the utility districts must be conducted in accordance with the standards established by the comptroller of the treasury pursuant to § 4-3-304(9).

(f)

(1) Any utility district that is a financially distressed utility district is subject to the supervision and evaluation of the Tennessee board of utility regulation created pursuant to part 7 of this chapter.

(2) A government joint venture that supplies or treats water or wastewater for wholesale use only to other governments does not fall under the jurisdiction of the Tennessee board of utility regulation for the purpose of reporting negative change in net position annually, but must be referred to the board if the government joint venture is in a deficit or default position as described in subdivision (f)(3).

(3) For the purposes of this chapter, "financially distressed utility district" means a utility district, and its system or systems, that, as shown by the audited annual financial reports, has a deficit in total net position in any one (1) year, has a deficit unrestricted net position in any one (1) year, is in default on an indebtedness, or has a negative change in net position for two (2) consecutive years without regard to any grants or capital contributions. For purposes of this

section, "change in net position" means total revenues less all grants, capital contributions, and expenses.

SECTION 19. Tennessee Code Annotated, Section 7-82-402, is amended by deleting "utility management review board" wherever it appears and substituting "Tennessee board of utility regulation".

SECTION 20. Tennessee Code Annotated, Section 7-82-402(a)(1), is amended by deleting subdivision (A) and substituting:

(A) Within sixty (60) days of the fiscal year end, a customer of the district may file with the commissioners of the district a protest, giving reasons why, in the opinion of the customer, the utility's adopted rates are too high or too low. Within a period of fifteen (15) days after the end of this sixty-day period during which such protest may be filed, the commissioners shall notify each protestant of a hearing to be held by the commissioners on such protests as may have been filed within the sixty-day period. Upon the hearing date, which must be a date within a period of sixty (60) days after giving the notices to the protestants, the commissioners shall hear all protests during the same hearing. After hearing and examining statements, exhibits, and arguments of the protestants or their counsel, the commissioners shall make and spread upon the minutes of the commission their finding as to the reasonableness or unreasonableness of the published rates, and, at the same time, the commission may increase or decrease such rates upon a finding that they are too low or too high, as the case may be.

SECTION 21. Tennessee Code Annotated, Section 7-82-402(c), is amended by deleting subdivision (6) and substituting:

(6) Notify its customers at least once a year that decisions by a utility district board of commissioners on customer complaints may be reviewed by the Tennessee board of utility regulation in accordance with § 7-82-702(b), and of the method used to fill vacancies on the utility district's board of commissioners. The utility district shall provide the notice described in this subdivision (c)(6) by publishing it on the utility's website,

publishing it in a newspaper of general circulation in the county or counties in which the district is situated, or mailing it annually to the district's customers in a separate correspondence, an annual report, an annual newsletter, or other writing provided annually to the district's customers.

SECTION 22. Tennessee Code Annotated, Section 7-82-501, is amended by deleting subsection (e) and substituting:

(e)

(1) Prior to the beginning of the fiscal year, a utility district, whether created pursuant to this chapter or a public or private act, shall adopt a balanced annual operating budget that identifies the utility district's anticipated revenues by source and anticipated expenses by type of expense. The budget must be:

(A) Based upon historical operating results and reasonably anticipated future operations; and

(B) Created in conformity with generally accepted accounting principles and prepared in a form consistent with accepted governmental standards and as approved by the comptroller of the treasury, or the comptroller's designee.

(2) A budget as adopted must be submitted to the comptroller of the treasury, or the comptroller's designee, for approval.

(3) The comptroller of the treasury, or the comptroller's designee, shall provide guidance to the form of a budget, including supplemental schedules, as necessary, to demonstrate that a utility district has adequate cash to meet current obligations, including principal and interest, as applicable.

(4) If a proper budget is not approved by or submitted to the comptroller of the treasury, or the comptroller's designee, within two (2) months of the beginning of the fiscal year, then the utility district shall not issue a debt or financing obligation until the comptroller of the treasury, or the comptroller's

designee, has approved the budget, or as otherwise provided for in a manner approved by the comptroller of the treasury, or the comptroller's designee.

(5) In the case of an emergency, the comptroller of the treasury, or the comptroller's designee, may waive the requirement of budget approval in order to allow the utility district to enter into emergency financial transactions.

SECTION 23. Tennessee Code Annotated, Title 7, Chapter 82, Part 7, is amended by deleting the part and substituting:

7-82-701.

(a) There is created in the office of the comptroller of the treasury a Tennessee board of utility regulation for the purpose of advising and directing utility systems in the area of utility management, and to determine and ensure the financial integrity of those utility systems. The board is charged with the responsibility of furthering the legislative objective of self-supporting water systems, wastewater facilities, and natural gas systems in this state and is deemed to be acting for the public welfare.

(b) As used in this part, "utility system" includes:

(1) The water, wastewater, or natural gas systems of a county, metropolitan government, or incorporated town or city;

(2) A treatment authority created pursuant to:

(A) The Water and Wastewater Treatment Authority Act, compiled in title 68, chapter 221, part 6;

(B) The Regional Water and Wastewater Treatment Authority Act, compiled in title 68, chapter 221, part 13; or

(C) Another public or private act of the general assembly that operates a water, wastewater, or natural gas facility;

(3) The water, wastewater, and natural gas systems of an energy or utility authority created pursuant to the Municipal Energy Authority Act, compiled in title 7, chapter 36, or a private act of the general assembly; and

(4) Any utility district created under this chapter, or any other public or private act of the general assembly.

(c)

(1) The board is composed of eleven (11) members as follows:

(A) The comptroller of the treasury, or the comptroller's designee, who serves as chair;

(B) The commissioner of environment and conservation, or the commissioner's designee, who serves as vice chair;

(C) One (1) member, appointed by the governor, who represents the interests of utilities under the jurisdiction of the Tennessee board of utility regulation. The governor shall consult with the Tennessee Association of Utility Districts to determine a qualified person to fill this appointment;

(D) One (1) member, appointed by the governor, who is an active municipal employee or elected official in a county that owns or operates a utility system, who represents the municipalities of this state. The governor shall consult with the Tennessee Municipal League to determine a qualified person to fill this appointment;

(E) One (1) member, appointed by the governor, who represents the interests of minority citizens of this state. The member must have experience in governmental finance and not otherwise be a state employee;

(F) One (1) member, appointed by the governor, who is an active employee or sits on the governing board of a municipal water utility under the jurisdiction of the Tennessee board of utility regulation. The governor shall consult with the Tennessee Association of Utility Districts to determine a qualified person to fill this appointment;

(G) Two (2) members, appointed by the governor, who are active employees or commissioners of a utility district under the jurisdiction of the Tennessee board of utility regulation. The governor shall consult with the Tennessee Association of Utility Districts to determine qualified persons to fill these appointments;

(H) One (1) member, appointed by the comptroller of the treasury;

(I) One (1) member, appointed by the speaker of the senate, who sits on the governing body, or is an active employee, of a utility system; and

(J) One (1) member, appointed by the speaker of the house, who sits on the governing body, or is an active employee, of a utility system.

(2) In addition to the requirements for members in subdivision (c)(1), at least one (1) member must sit on the governing body or be an active employee of a utility system that owns or operates a natural gas system.

(d)

(1) Members are appointed to four-year terms; provided, that the initial appointments are for terms, not to exceed four (4) years, as are necessary so that the terms of no more than three (3) members of the board end in any one (1) year.

(2) A board member continues to serve until a successor has been appointed.

(3) Appointments to succeed a board member who is unable to serve the board member's full term are for the remainder of that term.

(4) Board members are eligible for reappointment, but do not succeed themselves automatically.

(5) Appointments to the board for the remainder of an unexpired term and reappointments must be made in the same manner as under subsection (c).

(6) Each member of the board is entitled to receive reimbursement for the member's traveling and other necessary expenses actually incurred while engaged in the performance of any official duties when so authorized by the board, but such expenses must be made in accordance with the comprehensive state travel regulations duly promulgated by the commissioner of finance and administration and approved by the attorney general and reporter.

(7) A majority of the board constitutes a quorum, and the concurrence of a majority of those present and voting on a matter is required for a determination of matters within the board's jurisdiction.

(8) A board member shall not participate in making a decision in a case involving a utility system in which the board member has a direct financial interest, including a contract of employment.

(9) The comptroller shall designate a staff person to serve as manager to the board. In that capacity, the designee shall report the proceedings of the board to the comptroller and perform such other duties as the board may require.

(e) The Tennessee board of utility regulation combines the former utility management review board and the water and wastewater financing board. Any references to either board in state law, rules, or policy, are considered to refer to the Tennessee board of utility regulation.

7-82-702.

(a) In order to further the legislative objective of self-supporting and well-managed utility systems, the board has the power and authority to:

- (1) Adopt, modify, repeal, promulgate, and enforce rules for:
 - (A) The conduct of the affairs of the board;
 - (B) Enforcement of the board's orders;
 - (C) Administration of the utility revitalization fund; and

(D) Training of the commissioners, aldermen, or other members of the governing body of a utility system;

(2) Issue subpoenas requiring the attendance of witnesses and production of such evidence as requested, administer oaths, and take such testimony as the board deems necessary in fulfilling its purpose. If a person or entity refuses to obey a subpoena issued by the board under this part, then the chancery court of Davidson County has jurisdiction upon application of the board to issue an order requiring the person to appear and testify or produce evidence as the case may require, and a failure to obey the order of the court may be punished by the court as contempt;

(3) Conduct a contested case hearing and issue an order on the question of whether a member of a utility district board should be removed from office and a new board or member appointed or elected as provided in § 7-82-307(b);

(4) Conduct a contested case hearing and issue an order in the manner prescribed under § 7-82-307(c) on the question of whether a utility district that fills vacancies on its board using a method other than appointment by a county mayor should be required to fill a vacancy under the uniform method for the filling of vacancies set forth by § 7-82-307(a)(4) and (5);

(5) Establish parameters that define excessive water loss, and order reasonable measures to cure excessive water loss;

(6)

(A) Review and approve the model of ethical standards prepared by the Tennessee Association of Utility Districts (TAUD) for water, wastewater, and gas authorities created by a private act or under the general law;

(B) Review and approve the ethical standards prepared for utility districts pursuant to § 8-17-105; and

(C) Review and find, by order, that the ethical standards adopted by a water, wastewater, or gas authority created by a private act or under the general law, or a utility district that differ from the TAUD model are more stringent than the TAUD model;

(7) Review and approve the incorporation of a utility district in accordance with part 2 of this chapter;

(8) Review and approve the purchase, development, acquisition, or construction of a new water or wastewater system by a city or county in accordance with § 68-221-1017;

(9) Require a utility system to merge or consolidate with a financially distressed utility system in accordance with the process provided under § 7-82-704;

(10) Administer and make grants from the utility revitalization fund established under § 7-82-708;

(11) Make and enter into contracts;

(12) Accept gifts, grants, or other moneys, and receive appropriations made by law;

(13) Offer advisory technical assistance to any utility system, to the extent it may be competently offered; and

(14) Exercise all the powers and take all the actions necessary, proper or convenient, for the accomplishment of the purposes enumerated in this part.

(b)

(1) In addition to the powers described under subsection (a), the board also has the authority to review and conduct informal hearings of the following:

(A) The justness and reasonableness of a utility system's rates, fees, or charges;

(B) The justness and reasonableness of a utility system's requirement that a customer or developer build infrastructure or fixtures to be dedicated to the utility system;

(C) The failure of a utility system to adopt and enforce policies or rules necessary for the efficient and financially responsible operation of the utility system, including policies regarding ethics or financial controls, or for water loss, water leak adjustment, purchasing, or other industry standard policies;

(D) The inadequacy of a utility system's policies regarding ethics or financial controls, or for water loss, water leak adjustment, purchasing, or other industry standard policies; and

(E)

(i) The failure of a utility system to offer or extend utility service to a customer:

(a) Located within the utility system's covered area;

(b) Located within an area in which the utility system offers similar services;

(c) Located within an area in which the utility has the infrastructure to offer similar services; or

(d) Pursuant to a request made in accordance with § 7-82-112.

(ii) For any complaint submitted pursuant to subdivision (b)(1)(E)(i), the utility system has the affirmative burden to show that

(a) It does not have the capacity to serve the customer;

(b) Service to the customer is not economically feasible; or

(c) Service is not in the best interest of the utility and its existing customers.

(2) A complainant to the Tennessee board of utility regulation shall first appeal or make a complaint to the utility system's governing board, or utilize any other available remedy offered by the utility system, prior to seeking an informal hearing before the board.

(3) The board shall consider the reasonableness of the utility system's rules, policies, and cost of service as well as evidence presented during the hearing, if applicable, in making the board's decision.

(4) The request for an informal hearing under this subsection (b) must be received within thirty (30) days of the adverse decision of the utility system's governing board.

(5) Appellate review of the board's decisions is governed by the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. The Davidson County chancery court has jurisdiction over judicial review of the board's decisions.

(6) In the conduct of an informal hearing upon request or complaint, the board may receive affidavit evidence, in addition to minutes, transcripts, and other evidence of actions by the utility system, and may render its decision on the basis of that evidence or, if the board deems an open hearing appropriate, may order the interested parties be notified of the date, time, and place that such hearing will be held.

(7) The board may order such remedial actions as necessary to address a customer's complaint, including the exercise of any authority conferred upon the board by this part.

(8) Board staff may consolidate complaints that raise substantially similar issues against the same utility system to be heard together before the board.

(9)

(A) The board may only conduct an informal hearing under this subsection (b) pursuant to a referral from the comptroller of the treasury or board staff.

(B) Board staff shall recommend that the board conduct an informal hearing pursuant to a customer complaint so long as the complaint presents a dispute that, if resolved in favor of the complainant, would justify the board ordering remedial action.

7-82-703.

(a) The comptroller of the treasury shall file with the Tennessee board of utility regulation a copy of the audited annual financial report of any financially distressed utility system within sixty (60) days from the date that the audit is filed with the comptroller of the treasury, for administrative review by the board.

(b) A utility system is financially distressed when it has a deficit total net position in any one (1) year, has a deficit unrestricted net position in any one (1) year, has a negative change in net position for two (2) consecutive years without regard to any grants or capital contributions, or is currently in default on any of its debt instruments.

(c)

(1) The comptroller of the treasury shall refer a utility system to the board if the utility system:

(A) Fails to complete and submit to the comptroller for administrative review an audited annual financial report for two (2) consecutive years;

(B) Is found to have used utility funds to pay non-utility expenses, used non-utility funds to pay utility expenses, or transferred utility funds to

any other non-utility fund or account, unless the use or transfer is allowed by law; or

(C) Is found to have made an illegal payment or transfer of funds.

(2) The board is authorized to take one (1) or more remedial actions as described under § 7-82-706(b) for a financially distressed utility system.

(d) After reviewing the audited annual financial report and operations of the financially distressed utility system, and after holding a public hearing, which may be held as part of a regularly scheduled or specially called board meeting, the board may prescribe a rate structure to be adopted by the financially distressed utility system to:

- (1) Eliminate the utility system's negative changes in net position;
- (2) Liquidate any deficit total net position, in an orderly fashion; or
- (3) Cure a default on any indebtedness of the utility system.

(e) In the event the governing body of the financially distressed utility system fails to adopt the prescribed rate structure described in accordance with subsection (d), the board shall petition the chancery court in a jurisdiction in which the utility system is operating or in the chancery court of Davidson County to require the adoption of the rate structure prescribed by the board. The court may also order other remedies that, in the court's discretion, may be required to cause the utility system to operate in accordance with state law and in a financially self-sufficient manner.

(f) Notwithstanding any other law to the contrary, this section does not preclude a public utility system from operating water and sewer systems as individual or combined entities.

(g) Notwithstanding any other law to the contrary, a government joint venture that supplies or treats water or wastewater for wholesale use only to other governments does not fall under the jurisdiction of the board for the purpose of reporting negative change in net position annually; provided, however, that the government joint venture

must be referred to the board if the government joint venture is in a deficit or default position as described under this section.

(h) As used in this section, "change in net position" means total revenues less all grants, capital contributions, and expenses.

7-82-704.

(a) The board may order the merger or consolidation of an ailing utility system with another utility system if the merger is necessary to restore financial stability of the system, ensure continued operation, or otherwise ensure the well-being of the public being served by the utility system. A utility system is ailing if the utility system:

(1) Is financially distressed, as described in § 7-82-703(b);

(2) Is financially unable to expand the amount or type of service as set forth and described in its founding documents or petition for creation as described under § 7-82-201, § 68-221-604, § 68-221-1304, or any other section or private act; or

(3) Displays a pattern of severe managerial incompetence such that the utility system cannot provide the public it serves with safe, consistent access to its services. As used in this subdivision (a)(3), "severe managerial incompetence" includes:

(A) Frequent interruptions in service to multiple customers, lasting multiple days;

(B) Frequent infrastructure failures that result in interruptions in service or cause the quality of service to fall below safe levels; or

(C) Failure to:

(i) Respond to reports of damage to, or failure of, infrastructure within a reasonable timeframe;

(ii) Improve or attempt to improve infrastructure, including necessary maintenance, upgrades, or construction of redundant infrastructure where necessary; or

(iii) Correct a deficiency in oversight, operational management, or finance management, which leads to repeated harm to the utility system, a violation of state or federal law, or fraud, waste, or abuse of the utility system's resources.

(b)

(1) After reviewing the audited annual financial report and operations of the ailing utility system, the board may order the ailing utility system to obtain a study from a qualified expert on the feasibility and benefit of the ailing system merging or consolidating with another utility system. For purposes of this subdivision (b)(1), the board may determine by vote that an expert is not qualified to conduct the study, or determine that the study is not sufficient for any reason deemed appropriate in the board's discretion.

(2) After the results of the study are submitted to the board or the board's staff, and if the results favor a merger or consolidation, then a representative of the board shall hold a public hearing within the service area of the ailing utility system to notify the customers of the potential merger or consolidation.

(c) After the public hearing described in subdivision (b)(2) occurs, the board shall conduct an informal hearing on the questions of whether:

(1) The consolidation or merger:

(A) Is in the best interest of the public being served by the ailing utility system; and

(B) Harms the public being served by the utility system with which the ailing utility system may consolidate or merge; and

(2) The ailing utility system should be merged or consolidated with another utility system.

(d) In making the determination pursuant to subsection (c), the board shall consider:

(1) The results of the study described in subdivision (b)(1);

(2) Comments that the board representative received at the public hearing that occurred within the service area of the system;

(3) Other evidence presented by the ailing system and the system with which the ailing system may merge or consolidate; and

(4) Other evidence presented to the board.

(e) The board shall properly notify the ailing utility system and the system with which the ailing utility system may merge or consolidate of the date and time of the informal hearing and allow each party a reasonable opportunity to address the board.

(f) If the board determines that it is in the best interest of the public being served by the ailing utility system that the ailing utility system merge or consolidate with another utility system, and that it is not harmful to the public being served by the utility system with which the ailing utility system should merge or consolidate, then the board shall order the systems to develop a merger or consolidation agreement between the systems. The agreement must include, at a minimum, the following components:

(1) An assurance that the systems have sought and obtained, or will seek and obtain, all necessary approvals from the United States department of agriculture, the Tennessee local development authority, the Tennessee department of environment and conservation, or another interested party for the assumption of the ailing utility system's outstanding debt obligations;

(2) A transfer of all other rights and duties of the ailing utility system to the system with which the ailing utility system is to merge or consolidate;

(3) An assumption of all assets and liabilities of the ailing utility system to the system with which the ailing utility system is to merge or consolidate;

(4) A transfer of all appropriate documents to vest legal title of the ailing utility system to the system with which the ailing utility system is to merge or consolidate;

(5) A provision that the system with which the ailing utility system is to merge or consolidate will operate the system and account for the revenues from the system in a manner as not to impair contractual or other legal obligations of the ailing utility system;

(6) A provision describing the merged or consolidated system's new territorial boundaries;

(7) An initial rate structure for the newly merged or consolidated utility system; and

(8) Other provisions necessary to comply with applicable state and federal laws such that the systems are solely responsible for ensuring that the terms of the merger or consolidation agreement address all necessary topics.

(g)

(1) After the systems have drafted a complete agreement, the board shall enter an order approving the merger or consolidation agreement and shall require the utility systems to enter into the merger or consolidation agreement.

(2)

(A) If the board finds that a provision of the agreement is unreasonable or deficient, then the board may order the parties to amend the agreement or resolve the deficiency in a fair and reasonable manner.

(B) If, after the parties have attempted to develop an agreement in good faith, they are unable to come to an agreement, then the board may resolve topics of disagreement in a fair and reasonable manner and

have the parties amend the agreement to reflect the determination of the board.

(3) If the board determines that the systems have refused or failed to enter into good faith negotiations on a merger or consolidation, then the board shall petition the chancery court in a jurisdiction in which a utility system that is a party to the merger or consolidation is operating to require the party or parties to engage in good faith negotiations concerning the merger or consolidation.

(h) If the governing body of the utility system does not enter into the approved merger or consolidation agreement or fails to abide by the terms and conditions of the merger or consolidation agreement, then the board shall petition the chancery court in a jurisdiction in which the utility system is operating to enforce the board's order to require the board of commissioners to enter into the approved merger or consolidation agreement and to abide by and implement all of the terms and conditions of the merger or consolidation agreement.

(i) A merger or consolidation approved by the board under this section is not subject to the petition, public hearing, or mayoral order requirements of § 7-82-202, § 7-82-601, or § 7-82-603. A merger or consolidation approved under this section is not subject to approval by a county legislative body under § 7-82-202(a)(3)(B).

(j) After the board has ordered the utility systems to enter into the merger or consolidation agreement negotiated under this section, and after the utility systems have entered into the agreement, the board shall issue an order like that required under § 7-82-202(e). After the board issues the order, a party to the agreement may secure judicial review of the decision by filing a petition for judicial review in the appropriate venue as set forth in § 4-5-322(b).

(k) The board shall file the order required by subsection (j) in the same manner as described under § 7-82-202(d). The board shall also file a copy of its order with the

county or municipal mayor or mayors where the consolidated or merged systems are located.

(l)

(1) When utility systems merge or consolidate and the merging utility systems are utility districts, the utility systems may agree to expand the size of the board of commissioners of the surviving district as permitted by § 7-82-202(e)(2) and (3). If the utility systems agree to expand the size of the board of commissioners of the surviving district, then the systems shall assert their intention to expand the size of the board of commissioners of the surviving district and name qualified individuals to serve on the new board in the consolidation or merger agreement. If the board approves of the agreement, then the named qualified individuals serve on the board of commissioners of the surviving merged or consolidated district until their terms expire, at which time the county mayors shall appoint commissioners in accordance with the procedures set out in this section.

(2) If the utility systems do not agree to expand the size of the board of commissioners of the surviving district, then the current commissioners of the surviving district must serve the remainder of their terms. Upon the first expiration of a commissioner's term after the merger or consolidation is completed, the list of three (3) nominees submitted to the appropriate county mayor to fill the vacancy created by the expiration of the term must include at least one (1) nominee from the service area of the previously ailing utility system to fill the seat.

(m) The board is authorized to develop a plan of mitigation payments to the merged or consolidated utility system in order to mitigate any negative financial impact of the merger or consolidation on the utility system agreeing to merge or consolidate with

an ailing utility system. The mitigation payments must be made from funds available in the utility revitalization fund and may include:

- (1) Amounts to offset increased administrative costs relating to the merger or consolidation, to the extent those costs cannot reasonably be recovered from customer revenues or other assets of the ailing utility system;
- (2) Amounts that may be necessary to cure a default on indebtedness of the ailing utility system to the extent the defaults can, in the opinion of the board, reasonably be cured;
- (3) Amounts that may be necessary to renovate and repair the facilities of the ailing utility system to the level necessary to enable the merged or consolidated utility system to provide continued service to the public being served by the ailing utility system;
- (4) Amounts sufficient to fund capital improvements or connect one (1) utility system to another, if the merger is not achievable without the improvements; or
- (5) Other payments as may be necessary in the opinion of the board to accomplish the merger or consolidation and mitigate the financial impact of the merger or consolidation.

7-82-705.

The Tennessee board of utility regulation shall publish annually on its public website a report describing the activities of the board for the preceding year. The board shall receive and consider from any source, whether private or governmental, suggestions for amendments to this chapter, and, on the basis of the suggestions, may recommend amendments to the governor or the comptroller of the treasury.

7-82-706.

(a) Notwithstanding any law to the contrary, the Tennessee board of utility regulation has the authority to review utility systems under its jurisdiction and may

include the assistance of the department of environment and conservation, the comptroller of the treasury, the Tennessee Association of Utility Districts, or any other governmental entity or entity approved by the board. The board may review utility systems:

(1) To determine the financial, technical, and managerial capacity of a utility system to comply with the requirements of applicable federal and state law; or

(2) To determine the financial, technical, and managerial capacities of a utility system to efficiently manage its system, including reasonable and just user rates, debt structures, and water loss.

(b)

(1) The board may require a utility system to take appropriate remedial action to correct a deficiency identified by the board. A remedial action may include:

(A) Changes in ownership, management, accounting practices, or user rates;

(B) Adoption or change to maintenance practices, software, or hardware, or development of alternative supplies of resources, means of distribution of resources, or methods of water and wastewater management;

(C) Merger or consolidation of a utility system with another system, as described under § 7-82-704; or

(D) Development of rules and policies by the utility system as necessary for effective and responsible management of a utility system.

(2) The board may only require remedial action under subdivision (b)(1) when the review was initiated pursuant to a referral from the comptroller of the treasury or at the recommendation of board staff.

(c) In addition to the authority granted under subsections (a) and (b), the board has the authority to review a utility system whose water loss as reported in the utility system's annual water loss report submitted pursuant to § 7-82-707 is excessive, as established by parameters determined by the board. If a utility system fails to take the appropriate actions required by the board to reduce water loss to an acceptable level, then the board may petition the chancery court in a jurisdiction in which the utility system is operating to require the utility system to take the appropriate actions.

7-82-707.

(a) Each utility system shall submit to the Tennessee board of utility regulation by the first day of the system's fiscal year an annual report on a form approved by the board. If a utility system fails to submit the annual report in accordance with this section, then the board may order reasonable sanctions against the system or facility.

(b) The form approved by the board shall inform the public of:

- (1) The financial condition of the utility system at the end of the fiscal year;
- (2) A statement of the utility rates then being charged by the system;
- (3) Other information the board finds would assist the board and the public in understanding the financial health of the system or any challenges the system faces.

(c) A utility system that purchases more than fifty percent (50%) of its total water for resale must include the contract for the purchase of water for resale simultaneously with the report required under subsection (a).

(d) A utility system shall submit to the comptroller of the treasury a water loss report on a form prescribed by the board, simultaneously, with the report required under subsection (a). Failure of a utility system to submit the water loss report constitutes excessive water loss, and the board may order appropriate remedial measures.

(e) The comptroller of the treasury shall annually publish on its website the annual reports and water loss reports submitted by utility systems.

(f) A utility system shall ensure that each member of the utility's governing body completes all required training and shall collect an annual training statement, on a form approved by the board, from each member of the governing body.

(g) An employee of, or member of, the governing body of a utility system who becomes aware of a transfer, loan, grant to or from the utility fund, or another transaction in violation of § 7-34-115 or another applicable law, shall immediately report the transaction to the comptroller of the treasury. The report must be made no later than fifteen (15) calendar days after the employee or member becomes aware of the unauthorized transaction.

7-82-708.

(a)

(1) There is created in the state treasury a fund to be known as the "utility revitalization fund." The fund must be initially funded by a deposit of the balance of funds held in the utility district revitalization fund previously created in accordance with § 7-82-707(a)(1) as such section existed prior to July 1, 2023.

(2) The Tennessee board of utility regulation shall administer the fund for grants to utility systems that have merged or consolidated under § 7-82-704 to mitigate the financial impact of the merger or consolidation.

(3) Utility systems pursuing a voluntary merger, consolidation, or acquisition may apply to the board for grants from the fund. The board has discretion to grant the application if it finds that the merger is in the best interest of at least one (1) utility system's service population, does not harm another service population, and the grant is necessary to achieve the merger.

(4) The board may adopt rules for the fund's administration.

(5) Interest and earnings of the fund remain a part of the fund.

(6) No part of the fund reverts to the general fund at the end of a fiscal year, but remains a part of the fund available for expenditure in accordance with this part.

(b)

(1) It is the intent of the general assembly that, to the extent practicable, money from the fund is spent in all areas of the state.

(2) In addition to subdivision (b)(1), it is the intent of the general assembly that in each fiscal year the fund be managed so that actual expenditures and obligations to be recognized at the end of the fiscal year do not exceed available reserves and appropriations of the fund.

(c)

(1) The board shall provide a report to the commissioner of finance and administration regarding the status of the appropriations for the fund by June 30 of each year. The report must include, at a minimum, the following information:

(A) The amount of each grant accepted since the previous report and the name of the utility system receiving the grant;

(B) The total outstanding commitments; and

(C) The total unobligated appropriation.

(2) The board shall transmit a copy of the report required under subdivision (c)(1) to the speaker of the house of representatives, the speaker of the senate, the state treasurer, the state comptroller of the treasury, the office of legislative budget analysis, the legislative librarian, and the secretary of state by July 30 of each year.

(d) The board shall determine the appropriate amount of each grant based on:

(1) Available funds in the fund;

(2) The findings of a study performed pursuant to § 7-82-704;

(3) Evidence provided by the Tennessee Association of Utility Districts;
or

(4) Another source or authority determined to be reliable, in the discretion
of the board.

(e) A utility system that is a recipient of a grant under this section shall submit
quarterly reports to the board on a form approved by the board.

(f)

(1) A grant from this fund may be used to mitigate a utility system's
operating expenses.

(2) The board's order approving the grant must specify the total
maximum amount of the grant, the time period over which the grant will be
disbursed, the disbursement schedule, and a description of the expenses the
grant is meant to mitigate. The grant must be used only as described in the
board's order.

(3) The comptroller of the treasury and the board may consider a
disbursement made under this section to be operating revenue for purposes of
determining whether a utility system is in financial distress.

(4) The board may only approve grants to mitigate operating expenses if
the applicant utility system establishes that, after the last disbursement from the
grant is made, the system will be financially solvent.

SECTION 24. Tennessee Code Annotated, Section 7-82-804, is amended by deleting
the last sentence and substituting:

Questions of the appropriateness or adequacy of any utility district purchasing policy
must be submitted in writing to the Tennessee board of utility regulation.

SECTION 25. Tennessee Code Annotated, Section 8-17-105, is amended by deleting
subsection (b) and substituting:

(b)

(1) In order to provide guidance and direction to water, wastewater, and gas authorities created by a private act or under the general law and to utility districts, the Tennessee Association of Utility Districts (TAUD) shall prepare a model of ethical standards for officials and employees of water, wastewater, and gas authorities created by private act or under the general law and of utility districts. The model must be submitted to the Tennessee board of utility regulation for its review and approval pursuant to § 7-82-702(a)(6). The board shall approve by order the TAUD model of ethical standards before the model is adopted by a water, wastewater, or gas authority created by a private act or under the general law or by a utility district. After the board approves the TAUD model, the TAUD model must be filed with the commission.

(2) The governing body of a water, wastewater, or gas authority created by a private act or under the general law, or of a utility district, that adopts ethical standards for its officials and employees shall either adopt the TAUD model of ethical standards approved by the board or adopt ethical standards that are more stringent than the TAUD model. If a water, wastewater, or gas authority created by a private act or under the general law, or a utility district, adopts ethical standards that are different from and more stringent than the TAUD model, then the more stringent ethical standards must be submitted to the board, which shall make a finding by order that the ethical standards adopted are more stringent than the TAUD model.

SECTION 26. Tennessee Code Annotated, Section 8-44-111, is amended by deleting subsection (c) and substituting:

(c) The Tennessee board of utility regulation shall develop a program for members of the governing bodies of utility systems under the board's jurisdiction to educate the board members about the open meetings laws and how to remain in compliance with such laws.

SECTION 27. Tennessee Code Annotated, Section 64-9-107(c), is amended by deleting "utility management review board, water and wastewater financing board" and substituting "Tennessee board of utility regulation".

SECTION 28. Tennessee Code Annotated, Section 65-5-401, is amended by deleting subdivision (2) and substituting:

(2) "Utility" means:

(A) An entity subject to the jurisdiction of the Tennessee board of utility regulation in accordance with § 7-82-701;

(B) A county-owned or municipal-owned utility that provides electric, broadband, or propane services to the public;

(C) A public utility, as defined in § 65-4-101; and

(D) A cooperative, as defined in § 65-25-102.

SECTION 29. Tennessee Code Annotated, Section 65-5-403, is amended by deleting subsection (a) and substituting:

(a) If a utility:

(1) As defined in § 65-5-401(2)(A), fails to comply with § 65-5-402, then the Tennessee board of utility regulation shall order reasonable sanctions against the utility;

(2) As described in § 65-5-401(2)(B) or (2)(D), fails to comply with § 65-5-402, then the comptroller of the treasury, or the comptroller's designee, shall order reasonable sanctions against the utility; and

(3) As described in § 65-5-401(C), fails to comply with § 65-5-402, then the Tennessee public utility commission shall order reasonable sanctions against the utility.

SECTION 30. Tennessee Code Annotated, Section 67-3-901(j), is amended by deleting "utility management review board" wherever it appears and substituting "Tennessee board of utility regulation".

SECTION 31. Tennessee Code Annotated, Section 68-221-109, is amended by deleting the section.

SECTION 32. Tennessee Code Annotated, Section 68-221-604, is amended by deleting "water and wastewater financing board" wherever it appears and substituting "Tennessee board of utility regulation".

SECTION 33. Tennessee Code Annotated, Section 68-221-605(f), is amended by deleting "water and wastewater financing board" wherever it appears and substituting "Tennessee board of utility regulation".

SECTION 34. Tennessee Code Annotated, Section 68-221-611, is amended by deleting subsection (m) and substituting:

(m)

(1) Prior to the beginning of the fiscal year, an authority, whether created pursuant to this chapter or a public or private act, shall adopt a balanced annual operating budget that identifies the authority's anticipated revenues by source and anticipated expenses by type of expense. The budget must be:

(A) Based upon historical operating results and reasonably anticipated future operations; and

(B) Created in conformity with generally accepted accounting principles and prepared in a form consistent with accepted governmental standards and as approved by the comptroller of the treasury or the comptroller's designee.

(2) A budget as adopted must be submitted to the comptroller of the treasury, or the comptroller's designee, for approval.

(3) The comptroller of the treasury, or the comptroller's designee, shall provide guidance to the form of a budget, including supplemental schedules, as necessary, to demonstrate that an authority has adequate cash to meet current obligations, including principal and interest, as applicable.

(4) If a proper budget is not approved by or submitted to the comptroller of the treasury, or the comptroller's designee, within two (2) months of the beginning of the fiscal year, then the authority shall not issue a debt or financing obligation until the comptroller of the treasury, or the comptroller's designee, has approved the budget, or as otherwise provided for in a manner approved by the comptroller of the treasury, or the comptroller's designee.

(5) In the case of an emergency, the comptroller of the treasury, or the comptroller's designee, may waive the requirement of budget approval in order to allow the authority to enter into emergency financial transactions.

SECTION 35. Tennessee Code Annotated, Section 68-221-1003, is amended by deleting subdivision (2) and substituting:

(2) "Board" means the Tennessee board of utility regulation established under § 7-82-701;

SECTION 36. Tennessee Code Annotated, Section 68-221-1007, is amended by deleting the section.

SECTION 37. Tennessee Code Annotated, Section 68-221-1008, is amended by deleting the section.

SECTION 38. Tennessee Code Annotated, Section 68-221-1009, is amended by deleting the section.

SECTION 39. Tennessee Code Annotated, Section 68-221-1010, is amended by deleting the section.

SECTION 40. Tennessee Code Annotated, Section 68-221-1011, is amended by deleting the section.

SECTION 41. Tennessee Code Annotated, Section 68-221-1012, is amended by deleting the section.

SECTION 42. Tennessee Code Annotated, Section 68-221-1013, is amended by deleting the section.

SECTION 43. Tennessee Code Annotated, Section 68-221-1015, is amended by deleting subsection (d).

SECTION 44. Tennessee Code Annotated, Section 68-221-1016, is amended by deleting the section.

SECTION 45. Tennessee Code Annotated, Section 68-221-1017, is amended by deleting "water and wastewater financing board" wherever it appears and substituting "Tennessee board of utility regulation".

SECTION 46. Tennessee Code Annotated, Section 68-221-1206(a)(3), is amended by deleting "water and wastewater financing board" and substituting "Tennessee board of utility regulation".

SECTION 47. Tennessee Code Annotated, Section 68-221-1304, is amended by deleting "water and wastewater financing board" wherever it appears and substituting "Tennessee board of utility regulation".

SECTION 48. Tennessee Code Annotated, Section 68-221-1305, is amended by deleting "water and wastewater financing board" wherever it appears and substituting "Tennessee board of utility regulation".

SECTION 49. Tennessee Code Annotated, Section 68-221-1306, is amended by deleting subdivision (c)(3) and substituting:

(3)

(A) Prior to the beginning of the fiscal year, an authority, whether created pursuant to this chapter or a public or private act, shall adopt a balanced annual operating budget that identifies the authority's anticipated revenues by source and anticipated expenses by type of expense. The budget must be:

(i) Based upon historical operating results and reasonably anticipated future operations; and

(ii) Created in conformity with generally accepted accounting principles and prepared in a form consistent with accepted governmental

standards and as approved by the comptroller of the treasury, or the comptroller's designee.

(B) A budget as adopted must be submitted to the comptroller of the treasury, or the comptroller's designee, for approval.

(C) The comptroller of the treasury, or the comptroller's designee, shall provide guidance to the form of a budget, including supplemental schedules, as necessary, to demonstrate that an authority has adequate cash to meet current obligations, including principal and interest, as applicable.

(D) If a proper budget is not approved by or submitted to the comptroller of the treasury, or the comptroller's designee, within two (2) months of the beginning of the fiscal year, then the authority shall not issue a debt or financing obligation until the comptroller of the treasury, or the comptroller's designee, has approved the budget, or as otherwise provided for in a manner approved by the comptroller of the treasury, or the comptroller's designee.

(E) In the case of an emergency, the comptroller of the treasury, or the comptroller's designee, may waive the requirement of budget approval in order to allow the authority to enter into emergency financial transactions.

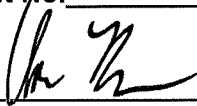
SECTION 50. Notwithstanding Tennessee Code Annotated, Section 4-29-112, the utility management review board, created by Tennessee Code Annotated, Section 7-82-701, terminates and ceases to exist.

SECTION 51. All administrative rules filed by the utility management review board or the water and wastewater financing board in the office of the secretary of state and in effect on July 1, 2023, shall remain in effect as rules of the comptroller of the treasury, and all rulemaking authority, procedures, records, reports, functions, and duties of the utility management review board or the water and wastewater financing board shall be transferred to the comptroller of the treasury.

SECTION 52. All ongoing business of the utility management review board and the water and wastewater financing board, and the supervision of all entities under the utility management review board and the water and wastewater financing board are transferred to the Tennessee board of utility regulation.

SECTION 53. 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. 1201

House Bill No. 1276*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 66-34-104(c), is amended by deleting "three hundred dollars (\$300)" and substituting "five hundred dollars (\$500)".

SECTION 2. Tennessee Code Annotated, Section 66-34-204, is amended by deleting the section and substituting:

(a) A party shall, after an event described in subdivisions (a)(1)-(3) and pursuant to the terms of the written contract, pay to the prime contractor all retained funds the party may have withheld pursuant to the written contract, except any sum that the party may reasonably withhold in accordance with the written contract between the party and the prime contractor; provided, however, the retainage must be paid within ninety (90) days after the date of the occurrence of an event described in subdivisions (a)(1)-(3).

The party shall pay the prime contractor within the timeframes described in this subsection (a) when the party:

(1) Has received a use or occupancy permit for an improvement from a governmental agency lawfully issuing the permit;

(2) Has received a certificate of substantial completion from an architect, engineer, or other party charged with supervision, observation, or management of the construction of an improvement; or

(3) Begins to use or could have begun to use the improvement.

(b) If the party withholding the retained funds fails to pay or otherwise release the retainage as provided in subsection (a), then the party shall pay the owner of the



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retained funds an additional five hundred dollars (\$500) per day as damages, not as a penalty, for each day that the retained funds are not paid or otherwise released.

Damages accrue from the first day after the ninetieth day of the first occurrence of an event described in subdivisions (a)(1)-(3).

(c) In addition to the damages set forth in subsection (b), a prime contractor or remote contractor that fails to pay or otherwise release retained funds as required by § 66-34-103(b) shall pay the owner of the retained funds an additional five hundred dollars (\$500) per day as damages, not as a penalty, for each day that the retained funds are not paid or otherwise released. Damages accrue from the first day after the tenth day the prime contractor or remote contractor received the retainage from the owner or higher-tier contractor.

SECTION 3. Tennessee Code Annotated, Title 66, Chapter 34, is amended by adding the following as a new section:

66-34-206.

(a) Notwithstanding this chapter to the contrary, a remote contractor is entitled to an early release of the retainage belonging to the remote contractor upon the remote contractor establishing that the improvement or work furnished under the written agreement to which the remote contractor is a party is substantially complete. As used in this section, "substantially complete" means the following circumstances:

(1) The remote contractor obtained a permit from a building codes department or other authority having jurisdiction over the remote contractor's work and received an approval from the department or authority allowing the use of the remote contractor's work for its intended purpose;

(2) The use of, or ability to use, the remote contractor's work; or

(3) Ten (10) days after the date the party withholding retainage receives a certificate of substantial completion substantially similar to the form in subsection (c), signed by the remote contractor certifying that its work is

substantially complete and seeking release or payment of the retainage belonging to the remote contractor. However, a party withholding retainage is not required to release or pay retainage under this subdivision (a)(3) if it provides a written response setting forth adequate legal reasons for its refusal to release retainage, including, but not limited to, the failure of the remote contractor to substantially complete its work within ten (10) days of its receipt of the remote contractor certificate of substantial completion.

(b) Upon substantial completion of the remote contractor's work, a remote contractor may issue a written request to the party withholding retainage to release the retainage belonging to the remote contractor. A party that receives a request pursuant to this subsection (b) and that is withholding retainage shall release the retainage within ten (10) days of the party's receipt of the request.

(c) A remote contractor may certify the substantial completion of the remote contractor's work by sending a certificate of substantial completion to the party withholding retainage. The certificate of substantial completion must be in substantially the following form:

DATE: [date]

TO: [Owner or other party withholding retainage]

[Prime contractor and any other contractor with whom remote contractor may contract]

FROM: [Remote contractor]

[Remote contractor] certifies as of this the [day] of [month], [year], that [remote contractor] entered into a written agreement with [prime or remote contractor] under which [remote contractor] furnished the following labor and materials: _____.

[Remote contractor] furnished the labor and materials in furtherance of improvements to [identify improved property]. [Remote contractor] first furnished labor and materials [day] of [month], [year], and last furnished materials on [day]

of [month], [year]. As of the date of this certificate, the work required of [remote contractor] under its subcontract is substantially complete to the best of [remote contractor's] knowledge, information, and belief and can be utilized for its intended use. [Remote contractor] requests its retainage be released within ten (10) days of receipt of this certificate.

[signed, Remote contractor]

(d) A party that fails to release the retainage for which a remote contractor provides certification pursuant to this section is subject to the damages provided in § 66-34-204.

(e) The party withholding retainage may assert as a defense in an action for payment of retainage or the damages provided by this section that the remote contractor's work was not substantially complete.

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it, and applies to contracts entered into, amended, or renewed on or after such date.

Amendment No. _____

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, is amended by deleting the section and substituting instead:

(a) For purposes of this section:

(1) "Broadband service" means broadband internet access service;

(2) "Department" means the department of economic and community development;

(3) "Fund" means the Tennessee broadband accessibility fund; and

(4) "Unserved location" means a location without any broadband service or with broadband service offering only minimum download speeds of one hundred megabits per second (100 Mbps) and minimum upload speeds of twenty megabits per second (20 Mbps).

(b) The commissioner of economic and community development is authorized to establish and administer the broadband accessibility grant program and all other broadband grant programs in which state or federal funds are designated for the purpose of promoting the deployment and adoption of broadband internet access services.

(c) The broadband accessibility grant program is funded through the Tennessee broadband accessibility fund established as a separate account in the general fund. Subject to the availability of revenue at the end of each fiscal year, the commissioner of finance and administration is authorized to carry forward any amounts remaining in the



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fund or transfer any part of the fund to the revenue fluctuation reserve. 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. The fund is subject to appropriations by the general assembly and gifts, grants, and other donations received by the department of economic and community development for broadband grant programs and funds.

(d)

(1) The department shall administer all broadband grant programs pursuant to this section and any policies developed by the department to implement this section that are not in conflict with this section. However, if any requirement of this section conflicts with a provision of federal law, then the requirement may be waived by the department if:

(A) The federal government would deny federal broadband grant funds to the state if the conflicting requirement of this section was enforced, as evidenced by direct communication from the federal government; and

(B) The waiver of any requirement of this section is made known to broadband service providers.

(2) Policies developed by the department pursuant to this subsection (d) 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 last mile 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 last mile broadband services.

(3) Notwithstanding any law to the contrary, this section, and any policies developed by the department to administer the broadband accessibility grant

program pursuant to this section, apply to the broadband accessibility grant 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.

(e) Grants must be awarded to promote the deployment and adoption of broadband services with minimum download speeds of one hundred megabits per second (100 Mbps) and minimum upload speeds of twenty megabits per second (20 Mbps) to unserved locations. Grants may be awarded pursuant to additional criteria developed by the department that are not in conflict with this section, with priority given to projects that:

(1) Propose to acquire and install infrastructure that supports broadband services scalable to download and upload speeds higher than the minimum speeds required pursuant to this subsection (e); however, this priority does not take precedence over serving a greater number of locations that are unserved locations for the lowest grant amount per location if the department also gives due consideration to high cost or difficult to serve areas as part of its review of the number of locations to be served;

(2) Serve locations with demonstrated community support, including, but not limited to, documented support from the political subdivision or the political subdivision receiving designation as a broadband-ready community pursuant to § 4-3-709; and

(3) Have the ability to commit to providing at least twenty percent (20%) of the cost to deploy the broadband, unless the location to be served is a high-cost area, as determined by a federal grant program.

(f)

(1) 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 notwithstanding subdivision (e)(3).

(2) Notwithstanding subsection (e), the department may award a portion of grant funds to local libraries in this state for the purpose of assisting the libraries in offering digital literacy training pursuant to state library and archives guidelines.

(g) Moneys in the fund may be used by the department for the purpose of administering broadband grant programs. However, the expenses incurred to administer the program must not exceed five percent (5%) of the total amount appropriated for the programs in any fiscal year.

(h) For any year in which grants are distributed under a broadband grant program, the department shall produce a report on the status of grants under those programs, including progress toward increased access to and adoption of broadband services. The report must be provided to the governor, speaker of the house of representatives, and speaker of the senate and published on the department's website.

(i) The department shall not award a grant under this section to any project that:

(1) Proposes to serve a location that is already being served by at least one (1) provider offering minimum download speeds of one hundred megabits per second (100 Mbps) and minimum upload speeds of twenty megabits per second (20 Mbps); or

(2) Would serve a location that has received funds, or is designated to receive funds, through another state or federally funded grant program designed specifically to encourage broadband deployment to the location with the minimum download speeds of one hundred megabits per second (100 Mbps) and minimum upload speeds of twenty megabits per second (20 Mbps).

(j) The department shall maintain a list of eligible locations on its website that would qualify for grants pursuant to this section. The list of eligible locations must be updated at least biannually.

(k) The department shall allow broadband service providers a reasonable opportunity to comment on a grant application 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 2. 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. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 97*

House Bill No. 396

by deleting all language after the enacting clause and substituting:

SECTION 1. This act is known and may be cited as the "Garrison-Jordan Survivor Benefits Act."

SECTION 2. Tennessee Code Annotated, Section 50-6-210(e)(4), is amended by deleting the subdivision and substituting:

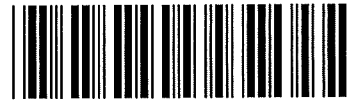
(4) **Remarriage of Surviving Spouse.** Upon the remarriage of a surviving spouse, if there is no child of the deceased employee, the periodic compensation benefits shall terminate and the surviving spouse is entitled to one (1) lump sum payment equal to one hundred (100) weeks based on twenty-five percent (25%) of the average weekly wages of the deceased employee, subject to the maximum total benefit; but if there is a child or children under eighteen (18) years of age, or over eighteen (18) years of age if physically or mentally incapacitated from earning, from the time of the remarriage, the child or children have status of orphan or orphans and draw compensation accordingly, except the compensation shall not exceed sixty-six and two-thirds percent (66 2/3%) of the average weekly wages of the deceased.

SECTION 3. Tennessee Code Annotated, Section 50-6-210(e), is amended by deleting "fifty percent (50%)" wherever it appears and substituting "sixty-six and two-thirds percent (66 2/3%)".

SECTION 4. Tennessee Code Annotated, Section 50-6-210(e)(11), is amended by deleting the last sentence and substituting:



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If the dependent is attending a recognized educational institution or completing secondary education or a program leading to an equivalent credential, or enrolled in a recognized institution that provides postsecondary or career or technical education, then benefits shall be paid until twenty-two (22) years of age;

SECTION 5. Tennessee Code Annotated, Section 50-6-210, is amended by adding the following as a new subsection:

(g)

(1) If a dependent, as established by order, judgment, or decree, is determined to be entitled to benefits under this chapter, then the employer or insurer may periodically require the dependent to provide information relevant to whether the dependent continues to qualify for benefits. After receipt of the request for information, the dependent shall provide the requested information relevant to dependency within fifteen (15) days of the date of the request.

(2)

(A) If the dependent fails to provide the requested information relevant to dependency, then the employer or insurer may suspend benefits. If benefits are suspended, then the employer or insurer shall notify the department by filing a notice of change or termination of benefits within fifteen (15) days of the first omitted payment of compensation.

(B) If the dependent provides the requested information relevant to dependency within any period of suspension of benefits and the employer or insurer does not dispute the dependent's eligibility for benefits, then within fifteen (15) days of the receipt of such information, the employer or insurer shall restore periodic benefits and shall remit to the dependent any periodic benefits that were withheld during any period of suspension of benefits.

(3) If the dependent provides information indicating the dependent no longer qualifies for benefits under this chapter based on changes in the dependent's circumstances that have occurred since the time of the initial order, judgment, or decree, then the employer or insurer may terminate benefits. If benefits are terminated, then the employer or insurer shall notify the department by filing a notice of change or termination of benefits within fifteen (15) days of the first omitted payment of compensation.

(4) If benefits are suspended as provided in subdivision (g)(2), or terminated as provided in subdivision (g)(3), then the dependent may file a petition for benefit determination.

(5) A person who provides false or misleading information in response to a request for information relevant to dependency commits a fraudulent insurance act as provided in § 56-47-103, which is punishable as theft under § 39-14-105.

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. 717*

House Bill No. 988

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 66-7-109, is amended by adding the following as a new subsection:

()

(1) As used in this subsection ():

(A) "Facility" means a facility that:

(i) Provides housing for older persons, as defined in 42 U.S.C. § 3607(b)(2)(C); and

(ii) Receives federal financial assistance that subjects it to Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794); and

(B) "Residential tenant" means a residential tenant who has a lease or other agreement to live in a facility and who is fifty-five (55) years of age or older.

(2) A landlord shall provide ninety (90) days' notice of termination of tenancy for the purpose of eviction of a residential tenant of a facility if:

(A) The tenant has paid the tenant's rent due and is not in arrears on rent payments; and

(B) The termination and eviction are to allow for new property development.



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(3) This subsection () does not abrogate a landlord's right to terminate a tenancy for a violation of another law or of the lease or tenancy agreement.

SECTION 2. Tennessee Code Annotated, Title 66, Chapter 28, Part 5, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Facility" means a facility that:

(A) Provides housing for older persons, as defined in 42 U.S.C. § 3607(b)(2)(C); and

(B) Receives federal financial assistance that subjects it to Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794); and

(2) "Residential tenant" means a residential tenant who has a lease or other agreement to live in a facility and who is fifty-five (55) years of age or older.

(b) A landlord shall provide ninety (90) days' notice of termination of tenancy for the purpose of eviction of a residential tenant of a facility if:

(1) The tenant has paid the tenant's rent due and is not in arrears on rent payments; and

(2) The termination and eviction are to allow for new property development.

(c) This section does not abrogate a landlord's right to terminate a tenancy for a violation of another law or of the lease or tenancy agreement.

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it, and applies to agreements entered into, amended, or renewed on or after that date.

Amendment No. _____


Signature of Sponsor

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

AMEND Senate Bill No. 717*

House Bill No. 988

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 66-7-109, is amended by adding the following as a new subsection:

(i)

(1) As used in this subsection (i):

(A) "Facility" means a facility that:

- (i) Provides housing for older persons, as defined in 42 U.S.C. § 3607(b)(2)(C); and
- (ii) Receives federal financial assistance that subjects it to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. § 794);

(B) "New property development" means:

(i) Razing a facility to use the real property on which the facility is located for purposes other than to provide housing for older persons, as defined in 42 U.S.C. § 3607(b)(2)(C); or

(ii) Renovating a facility in a manner that requires the tenants of the facility to vacate the facility in order to turn the facility into residential housing offered at a market rate; and

(C) "Residential tenant" means a residential tenant who has a lease or other agreement to live in a facility and who is fifty-five (55) years of age or older.



(2) A landlord shall provide ninety (90) days' notice of termination of tenancy for the purpose of eviction of a residential tenant of a facility if:

(A) The tenant has paid the tenant's rent due and is not in arrears on rent payments; and

(B) The termination and eviction are to allow for new property development.

(3) This subsection (i) does not abrogate a landlord's right to terminate a tenancy for a violation of another law or of the lease or tenancy agreement.

SECTION 2. Tennessee Code Annotated, Title 66, Chapter 28, Part 5, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Facility" means a facility that:

(A) Provides housing for older persons, as defined in 42 U.S.C. § 3607(b)(2)(C); and

(B) Receives federal financial assistance that subjects it to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. § 794);

(2) "New property development" means:

(i) Razing a facility to use the real property on which the facility is located for purposes other than to provide housing for older persons, as defined in 42 U.S.C. § 3607(b)(2)(C); or

(ii) Renovating a facility in a manner that requires the tenants of the facility to vacate the facility in order to turn the facility into residential housing offered at a market rate; and

(3) "Residential tenant" means a residential tenant who has a lease or other agreement to live in a facility and who is fifty-five (55) years of age or older.

(b) A landlord shall provide ninety (90) days' notice of termination of tenancy for the purpose of eviction of a residential tenant of a facility if:

(1) The tenant has paid the tenant's rent due and is not in arrears on rent payments; and

(2) The termination and eviction are to allow for new property development.

(c) This section does not abrogate a landlord's right to terminate a tenancy for a violation of another law or of the lease or tenancy agreement.

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it, and applies to agreements entered into, amended, or renewed on or after that date.

Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 870*

House Bill No. 1275

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 62-35-118(d), is amended by adding the following new subdivision:

(5)

(A) The requirements of subdivisions (a)(1), (a)(2)(A), and (a)(3), and subsection (b) do not apply to an applicant for registration who:

(i) Is a retired certified law enforcement officer with twenty (20) or more years of service who has retired in good standing as certified by the chief law enforcement officer of the organization from which the officer retired; and

(ii) Holds:

(a) A valid Law Enforcement Officers Safety Act of 2004 certification; and

(b) A current annual state firearms test certification.

(B) The commissioner may issue a temporary registration card to an officer upon the commissioner's verification of the officer's credentials.

SECTION 2. Tennessee Code Annotated, Section 62-35-118(d)(3), is amended by deleting "police officer standards and training commission" and substituting "peace officer standards and training commission".

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. 504*

House Bill No. 633

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 18, is amended by adding the following as a new part:

47-18-5601.

As used in this part:

(1) "Air ambulance membership agreement":

(A) Means an agreement in exchange for consideration to pay for, indemnify, or provide an amount to a person for the cost of air ambulance services; and

(B) Does not include a health insurance plan or policy regulated under title 56;

(2) "Air ambulance membership organization" means an individual or entity that provides an air ambulance membership agreement; and

(3) "Consumer protection division" or "division" means the consumer protection division of the office of the attorney general and reporter.

47-18-5602.

(a) An air ambulance membership organization shall not knowingly sell, offer for sale, or provide an air ambulance membership agreement to an individual who is enrolled in TennCare Medicaid.

(b) If an individual who has purchased an air ambulance membership agreement subsequently enrolls in TennCare Medicaid during the duration of the membership



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agreement, the enrollee shall notify the air ambulance membership organization of such enrollment within thirty (30) days following the effective date of the enrollment. If the enrollee timely notifies the air ambulance membership organization of such enrollment, the air ambulance membership organization shall provide the enrollee a pro-rated refund of any consideration paid for the period from the effective date of the TennCare Medicaid enrollment through the expiration date of the air ambulance membership agreement. If the enrollee does not timely notify the air ambulance membership organization of such enrollment, the enrollee is not entitled to a pro-rated refund, but the air ambulance membership organization shall still disenroll the enrollee within thirty (30) days of receipt of the notice of the enrollee's enrollment in TennCare Medicaid.

47-18-5603.

(a) All air ambulance membership agreement websites, brochures, and marketing material must include the following disclosures in at least twelve-point Times New Roman font, or, alternatively, a clear and conspicuous hyperlink that leads to the following disclosures:

(1) The air ambulance membership agreement is a membership plan and is not insurance coverage;

(2) TennCare Medicaid covers air ambulance transport services and requires no out-of-pocket expense by the enrollee for air ambulance transport services; and

(3) Some state laws prohibit Medicaid beneficiaries from being offered air ambulance memberships or being accepted into air ambulance membership programs. If an individual submits an air ambulance membership agreement application, the applicant must attest to the fact that the applicant is not currently, nor plans to be, enrolled in Medicaid.

(b) An air ambulance membership agreement application must include the following disclosures in at least twelve-point Times New Roman font:

(1) The air ambulance membership agreement is a membership plan and is not insurance coverage;

(2) TennCare Medicaid covers air ambulance transport services and requires no out-of-pocket expense by the enrollee for air ambulance transport services; and

(3) Some state laws prohibit Medicaid beneficiaries from being offered air ambulance memberships or being accepted into air ambulance membership programs. By submitting this application, the applicant attests to the fact that the applicant is not currently, nor plans to be, enrolled in Medicaid. If the applicant is not currently enrolled in Medicaid, but becomes enrolled at any time during the duration of the membership agreement, then the applicant must notify the air ambulance membership organization within thirty (30) days. If the applicant timely notifies the air ambulance membership organization of such enrollment, then the air ambulance membership organization must provide the applicant a pro-rated refund of any consideration paid for the air ambulance membership agreement.

47-18-5604.

(a) If an enrollee believes that an individual or entity has violated this part, then the enrollee may submit a complaint to the consumer protection division.

(b) If the consumer protection division finds that an individual or entity has violated this part, then the division may seek any remedies available pursuant to the Tennessee Consumer Protection Act of 1977, compiled in part 1 of this chapter.

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

Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 451

House Bill No. 165*

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

by adding the following new subsections after subsection (e) in SECTION 1:

(f) A place of public accommodation, amusement, or recreation may ask a person to remove a dog guide or dog guide in training from the premises if:

(1) The dog guide or dog guide in training is out of control and its handler does not take effective action to control it; or

(2) The dog guide or dog guide in training is not housebroken.

(g) A violation of this section is a Class C misdemeanor.



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Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1377

House Bill No. 799*

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

SECTION 1. Tennessee Code Annotated, Section 13-19-106, is amended by deleting the section.

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

SECTION 3. Tennessee Code Annotated, Section 13-19-103, is amended by deleting subdivision (3); adding the word "and" at the end of subdivision (2) immediately after the semicolon; and renumbering the remaining subdivision accordingly.

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

SECTION 5. Tennessee Code Annotated, Section 68-120-101(b)(2)(A), is amended by adding the following as a new subdivision:

(iii) For one-family and two-family construction, it has adopted the International Energy Conservation Code, published by the International Code Council, and is not more stringent than the state minimum standard adopted pursuant to subsection (a); and

SECTION 6. This act takes effect July 1, 2023, the public welfare requiring it.



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House Finance, Ways, and Means Committee

Amendment Packet

March 13, 2023

Full 3/7

Amendment No. _____


Signature of Sponsor

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

AMEND Senate Bill No. 148

House Bill No. 130*

by deleting the language "The review is confined to the record" in Section 5(c) and substituting instead the language "Unless the board shall otherwise direct, the review is confined to the record".

AND FURTHER AMEND by deleting Section 10 and substituting instead the following:

SECTION 10. Tennessee Code Annotated, Section 67-5-1511(b), is amended by deleting the language "judicial review provided in subsection (a) shall consist of a new hearing in the chancery court based upon the administrative record and any additional or supplemental evidence which either party wishes to adduce relevant to any issue" and substituting instead the language "judicial review provided in subsection (a) is a de novo appeal, with no presumption of correctness, and must consist of a new hearing in the chancery court based upon the administrative record and any additional or supplemental evidence that either party wishes to adduce relevant to any issues".



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Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 79*

House Bill No. 142

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 55-50-302(h), is amended by adding the following as a new subdivision:

(3) Notwithstanding § 55-50-337, a commercial driver license issued with a hazardous materials endorsement expires on the date the hazardous materials endorsement authorization expires.

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

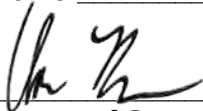


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Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 589

House Bill No. 485*

by deleting SECTION 2 and substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 55-8-199(c), is amended by adding the following as a new subdivision (4):

(4) A second or subsequent violation of this section by a person who is younger than eighteen (18) years of age results in seven (7) points being charged to the person's driving record.



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House Transportation Subcommittee Am. #1

Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 589

House Bill No. 485*

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

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____



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Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 407*

House Bill No. 523

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 69-3-108, is amended by adding the following as a new subsection:

(x)

(1) The department may issue an aquatic resource alteration permit to a person in connection with the removal of sand, gravel, and similar sediments or deposits from streams or wetlands.

(2) A person who is issued a permit under this section associated with the commercial recovery of sand, gravel, and similar sediments or deposits, from a stream or wetland that is the property of this state is deemed to have received ownership of these materials from this state upon removal by the permittee from the stream or wetland and payment to this state as provided in subdivision (x)(3), notwithstanding the provisions of title 12 or another law to the contrary.

(3) If the permittee removes sand, gravel, or similar sediments from property of this state, it shall compensate the state for two and one-half percent (2.5%) of the market value of the finished product.

(4) The department shall not grant a permit associated with the removal of sand, gravel, or similar sediments from streams or wetlands located on private property unless the permit applicant owns the property, owns the mineral estate, or has received written consent from the private property owner, and has submitted documentation of such ownership or consent to the department.



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

Amendment No. _____



Signature of Sponsor

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Date _____

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Comm. Amdt. _____

AMEND Senate Bill No. 685*

House Bill No. 980

by deleting SECTION 2 and substituting the following:

SECTION 2. Tennessee Code Annotated, Section 68-211-902, is amended by inserting the following as a new subdivision (3) and renumbering the existing subdivision (3) and remaining subdivisions accordingly:

(3) "Collecting municipality" means a municipality that:

(A) Collects residential municipal waste within its boundary;

(B) Is located within a county that meets one (1) or more of the growth criteria in § 67-4-2907; and

(C) Is located within one (1) mile of a Class I landfill;



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Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 685*

House Bill No. 980

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting SECTION 2 and substituting the following:

SECTION 2. Tennessee Code Annotated, Section 68-211-902, is amended by inserting the following as a new subdivision (3) and renumbering the existing subdivision (3) and remaining subdivisions accordingly:

(3) "Collecting municipality" means a municipality that collects residential municipal waste within its boundary and is located within a county having a population of not less than three hundred forty-one thousand four hundred (341,400) nor more than three hundred forty-one thousand five hundred (341,500), according to the 2020 federal census or a subsequent federal census;



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Amendment No. _____

Signature of Sponsor

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Comm. Amdt. _____

AMEND Senate Bill No. 815*

House Bill No. 1144

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

SECTION 1. Tennessee Code Annotated, Section 55-4-112, is amended by adding the following as a new subsection:

(d) Notwithstanding subsection (a), the registration fee for one (1) school bus owned by a person under contract with a local education agency (LEA), as defined in § 49-1-103, for the provision of transportation services pursuant to § 49-6-2101, is three dollars (\$3.00). This subsection (d) does not prohibit a person under contract with an LEA for the provision of transportation services from registering more than one (1) school bus. The registration fee for each additional school bus owned by a person under contract with an LEA for the provision of transportation services pursuant to § 49-6-2101, is the respective fee specified in subsection (a).

SECTION 2. Tennessee Code Annotated, Section 55-4-219(a)(1), is amended by adding the following as a new subdivision:

(E) Notwithstanding subdivision (a)(1)(A), upon the sworn statement from the director of schools for a local education agency (LEA), as defined in § 49-1-103, that a school bus for which application is being made for registration is owned or leased by the LEA and operated exclusively for school purposes, the department, through the county clerk or as otherwise provided in this section, shall register the school bus and issue a registration plate upon the payment of three dollars (\$3.00).

SECTION 3. 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 _____

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Comm. Amdt. _____

AMEND Senate Bill No. 1434

House Bill No. 1321*

by deleting the following language in subdivision (3) in the amendatory language of Section 1:

The use of a portable electronic device for navigation of the school bus through use of
the device's global positioning system if:

and substituting instead:

The use of a portable electronic device for navigation of the school bus and for
accurately accounting for students at bus pick-up and drop-off locations through use of
the device's global positioning system if:

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

(C) The driver views only data related to the navigation of the school bus and
student information related to bus pick-up and drop-off locations.



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Amendment No. _____



Signature of Sponsor

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Comm. Amdt. _____

AMEND Senate Bill No. 669*

House Bill No. 981

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 68-140-303, is amended by deleting the section and substituting the following:

(a) There is created and established the Tennessee emergency medical services board by transfer and expansion of the duties and responsibilities of the EMS advisory council. The board consists of thirteen (13) members.

(b) Effective July 1, 2023, the existing membership of the Tennessee emergency medical services board is vacated and reconstituted, with the members of the board to be appointed by the governor as follows:

(1) One (1) physician licensed in this state who acts as the medical director of an ambulance service in this state;

(2) One (1) air-medical registered nurse with an EMS license (emergency medical technician (EMT) or paramedic) in this state;

(3) One (1) representative who is an administrator from a hospital that operates an ambulance service and is licensed to practice in this state under title 63 or this title;

(4) One (1) paramedic who is the director of a private ambulance service in this state;

(5) One (1) paramedic who is the director of a government-based ambulance service in this state;



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(6) One (1) paramedic with medical first response or transport responsibilities who is employed by an ambulance service in this state;

(7) One (1) administrator with a paramedic license who is employed by a fire service in this state that operates a medical first response service or ambulance service;

(8) One (1) paramedic with medical first responder or transport responsibilities that is employed by a fire service in this state;

(9) One (1) official of a county in this state that operates an ambulance service or medical first response service;

(10) One (1) rescue squad member who maintains licensure as emergency medical services personnel;

(11) One (1) program director of an accredited paramedic program taught at an institution of higher education in this state;

(12) One (1) paramedic that is an instructor, coordinator, or program director for an EMT or paramedic program that is taught at an EMS agency in this state; and

(13) A paramedic that holds a community paramedicine endorsement in this state, or a paramedic employed by an agency providing mobile integrated healthcare (MIH) services in this state.

(c) In order to stagger the terms of the newly appointed board members, the governor shall make initial appointments as follows:

(1) The persons appointed under subdivisions (b)(1)-(4) are appointed for terms of one (1) year, which expire on June 30, 2024;

(2) The persons appointed under subdivisions (b)(5)-(7) are appointed for terms of two (2) years, which expire on June 30, 2025;

(3) The persons appointed under subdivisions (b)(8)-(10) are appointed for terms of three (3) years, which expire on June 30, 2026; and

(4) The persons appointed under subdivisions (b)(11)-(13) are appointed for terms of four (4) years, which expire on June 30, 2027.

(d) Members serving on the board as of June 30, 2023, may be reappointed to serve as members after such date.

(e)

(1) Members, except as provided in subsection (c) and those appointed to complete the term of a former member, are appointed to full four-year terms, or until their successors are appointed. In making appointments to the board, the governor shall strive to ensure that at least one (1) member serving on the board is sixty (60) years of age or older, that at least one (1) person serving on the board is a member of a racial minority, and the membership on the board reflects the geographic diversity of the state.

(2) Following the expiration of the members' initial terms as prescribed in subsection (c), all four-year terms begin on July 1, and terminate on June 30, four (4) years thereafter. Vacancies must be filled by appointment of the governor.

(f) The chair must be a member who is elected by the board. The chair may certify the actions of the board.

(g)

(1) The board shall meet at the call of the chair. The chair shall convene at least two (2) meetings per year, and shall convene such other meetings as are necessary to transact the business of the board, or upon receipt of a written request signed by three (3) or more members of the board. Seven (7) members of the board constitute a quorum for the transaction of business at meetings.

(2)

(A) A member who misses more than fifty percent (50%) of the scheduled meetings in a calendar year must be removed as a member of the board.

(B) The emergency medical services director shall promptly notify, or cause to be notified, the appointing authority of a member who fails to satisfy the attendance requirement as prescribed in subdivision (g)(2)(A).

(h) The members of the board must be paid a per diem of fifty dollars (\$50.00) for attending board meetings and must be reimbursed for their travel expenses incurred in attending board meetings, ad hoc committee activities, or other travel incurred in the performance of their official duties, in accordance with the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

(i) The department shall provide administrative services to the board.

(j) The board shall keep accurate minutes of the proceedings of all its meetings, a copy of which must be kept on file in the office of the director and open to public inspection. Rules adopted by the board must be promulgated pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(k) The commissioner shall appoint the director of the division of emergency medical services within the department.

SECTION 2. Tennessee Code Annotated, Section 4-29-243(a), is amended by deleting subdivision (40).

SECTION 3. Tennessee Code Annotated, Section 4-29-246(a), is amended by inserting the following as a new subdivision:

() Tennessee emergency medical services board, created by § 68-140-303;

SECTION 4. For purposes of promulgating rules and carrying out administrative duties necessary to effectuate this act, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect on June 30, 2023, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 799

House Bill No. 859*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 68-140-319, is amended by designating the existing language as subsection (a) and adding the following as subsection (b):

(b) The department of health may disclose de-identified data that is collected pursuant to subsection (a), including for the purpose of providing opioid overdose response and resources throughout this state.

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

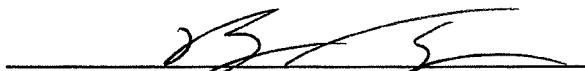


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Amendment No. _____


Signature of Sponsor

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Date _____

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Comm. Amdt. _____

AMEND Senate Bill No. 329*

House Bill No. 514

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

SECTION 1. Tennessee Code Annotated, Section 68-7-103(a)(3), is amended by adding the language "and with at least one (1) member being a patient who has been diagnosed with a qualifying medical disease or condition and who can establish the diagnosis for purposes of appointment to and service on the commission with a valid letter of attestation" immediately after the language "grand division".

SECTION 2. For purposes of appointing a patient to the commission for a term that begins on July 1, 2023, 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. _____

Ron M. Dant

Signature of Sponsor

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Date _____

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Clerk _____

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AMEND Senate Bill No. 560*

House Bill No. 584

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 63-6-204, is amended by adding the following as a new subsection:

(l)

(1) This section does not prohibit a hospital or an affiliated entity from employing an emergency physician to treat patients at a satellite emergency department, or a physician to treat patients at a primary care clinic or urgent care clinic, which are located in this state and owned or controlled by the hospital or affiliated entity, if:

(A) The hospital:

(i) Is located in a neighboring state in a county contiguous to this state;

(ii) Is licensed by the appropriate healthcare facility licensing authority in that state; and

(iii) Holds a valid certificate of need for a satellite emergency department in this state;

(B) The satellite emergency department, primary care clinic, or urgent care clinic is located:

(i) In a county that:

(a) Borders the neighboring state and contiguous county in which the hospital is located;



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(b) Is designated as an economically distressed or at-risk county by the department of economic and community development, as updated annually;

(c) Has a population of less than twenty-seven thousand (27,000), according to the 2020 federal census or a subsequent federal census; and

(d) Had a hospital in the county close within eight (8) years before the date healthcare services are initiated at the satellite emergency department, primary care clinic, or urgent care clinic; and

(ii) Less than twenty (20) miles from a hospital designated as a Level I, II, or III trauma center in the neighboring state, but more than fifty (50) miles from a hospital designated as a Level I, II, or III trauma center in this state;

(C) The physician is licensed to practice medicine in this state;

and

(D) The employment relationship with the physician is evidenced by a written contract, job description, or other documentation containing language that does not restrict the physician from exercising independent medical judgment in diagnosing and treating patients.

(2) A hospital or affiliated entity that employs a physician pursuant to subdivision (1)(1) is not deemed to be engaged in the practice of medicine.

(3) As used in this subsection (1), "affiliated entity" means an entity that is directly or indirectly controlled by, or is under common control with, the hospital.

SECTION 2. Tennessee Code Annotated, Section 68-11-205, is amended by adding the following as a new subsection:

(g)

(1) Notwithstanding this section or another law, a hospital or an affiliated entity may employ an emergency physician to treat patients at a satellite emergency department, or a physician to treat patients at a primary care clinic or urgent care clinic, which are located in this state and owned or controlled by the hospital or affiliated entity, if:

(A) The hospital:

(i) Is located in a neighboring state in a county contiguous to this state;

(ii) Is licensed by the appropriate healthcare facility licensing authority in that state; and

(iii) Holds a valid certificate of need for a satellite emergency department in this state;

(B) The satellite emergency department, primary care clinic, or urgent care clinic is located:

(i) In a county that:

(a) Borders the neighboring state and contiguous county in which the hospital is located;

(b) Is designated as an economically distressed or at-risk county by the department of economic and community development, as updated annually;

(c) Has a population of less than twenty-seven thousand (27,000), according to the 2020 federal census or a subsequent federal census; and

(d) Had a hospital in the county close within eight (8) years before the date healthcare services are initiated at the satellite emergency department, primary care clinic, or urgent care clinic; and

(ii) Less than twenty (20) miles from a hospital designated as a Level I, II, or III trauma center in the neighboring state, but more than fifty (50) miles from a hospital designated as a Level I, II, or III trauma center in this state;

(C) The physician is licensed to practice medicine in this state;

and

(D) The employment relationship with the physician is evidenced by a written contract, job description, or other documentation containing language that does not restrict the physician from exercising independent medical judgment in diagnosing and treating patients.

(2) A hospital or affiliated entity that employs a physician pursuant to subdivision (g)(1) is not deemed to be engaged in the practice of medicine.

(3) As used in this subsection (g), "affiliated entity" means an entity that is directly or indirectly controlled by, or is under common control with, the hospital.

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. 734

House Bill No. 628*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 33-2-422, is amended by adding the following as a new subsection:

() A facility shall not require the disclosure of information or of records, as defined in § 63-1-173, of a person licensed pursuant to title 63 to obtain privileges or credentialing at the facility.

SECTION 2. Tennessee Code Annotated, Title 50, Chapter 1, Part 1, is amended by adding the following as new sections:

50-1-109.

An employer, as defined in § 50-1-304, shall not require an employee, as defined in § 50-1-304, or a prospective employee, licensed pursuant to title 63 to disclose information or records, as defined in § 63-1-173, as a condition of employment or continued employment.

50-1-110.

An employer, as defined in § 50-1-304, shall not require an independent contractor, or a prospective independent contractor, licensed pursuant to title 63 to disclose information or records, as defined in § 63-1-173, for the purpose of providing healthcare services.

SECTION 3. Tennessee Code Annotated, Section 56-7-1001, is amended by adding the following as a new subsection:



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(g) A health insurance entity shall not require the disclosure of information or records, as defined in § 63-1-173, of a person licensed pursuant to title 63 as a condition of credentialing, contracting, or network participation with the health insurance entity.

SECTION 4. Tennessee Code Annotated, Title 63, Chapter 1, Part 1, is amended by adding the following as a new section:

() A licensing board established pursuant to this title shall not require the disclosure of information or records, as defined in § 63-1-173, of a person licensed pursuant to this title as part of a requirement for licensure.

SECTION 5. Tennessee Code Annotated, Section 68-11-242, is amended by adding the following as a new subsection:

(f) A facility shall not require the disclosure of information or records, as defined in § 63-1-173, of a person licensed pursuant to title 63 to obtain privileges or credentialing at the facility, unless otherwise required by a federal condition of participation.

SECTION 6. Tennessee Code Annotated, Title 63, Chapter 1, Part 1, is amended by adding the following as a new section:

63-1-173.

(a) This section is known and may be cited as the "Healthcare Provider Wellness Law."

(b) As used in this section, unless the context otherwise requires:

(1) "Healthcare provider" means a practitioner licensed by a licensing board established pursuant to this title;

(2) "Impairment" means the current inability of a healthcare provider to provide health care with reasonable skill and safety due to an illness, injury, or

other medical condition, or a reasonable belief that a healthcare provider is practicing while impaired;

(3) "Information":

(A) Means whether a healthcare provider has undergone assessment or treatment for a mental health condition, workplace burnout, or substance abuse disorder; and

(B) Does not include disclosure related to a criminal conviction, or an impairment;

(4) "Records":

(A) Means documents or files, including a health history, report, treatment note, summary, diagnosis, prognosis, medication order, lab report, billing and diagnosis code, or receipt of treatment by a healthcare provider which is created or maintained in connection with the healthcare provider's mental health assessment or treatment, workplace burnout, or substance abuse disorder; and

(B) Does not include a document related to:

(i) A conviction for a criminal offense; or

(ii) An impairment; and

(5) "Workplace burnout" means specific emotional or physical employment-related chronic stress that leads to job dissatisfaction, reduced personal accomplishment in the individual's employment, loss of personal happiness, or depression.

(c) A statewide advocacy organization that has its principal place of business in this state and that serves healthcare providers may receive grants to fund healthcare provider wellness programs.

(d) A person or entity that provides, discloses, or receives records or information consistent with this section is immune from the following, in relation to the record or information:

- (1) Civil liability or a civil cause of action; and
- (2) An administrative proceeding.

(e) A person or entity that seeks a record or information from a healthcare provider is encouraged to request the record or information using the following form request language, or substantially similar language:

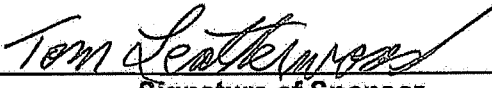
Do you currently have a condition that is causing impairment that affects your ability to practice your healthcare profession within the scope of your license with reasonable skill and safety in a competent, ethical, and professional manner?

You may answer no if you are being appropriately treated and are not impaired.

SECTION 7. The department of mental health and substance abuse services, the department of health, and each agency, board, council, or committee that is attached to the department of health and has regulatory authority for healthcare facilities or healthcare providers in this state are 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 8. 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. 734

House Bill No. 628*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 33-2-422, is amended by adding the following as a new subsection.

(f) A facility shall not require the disclosure of disorder information or a disorder record, as those terms are defined in § 63-1-173, of a person licensed pursuant to title 63 to obtain privileges or credentialing at the facility, unless otherwise required by a federal condition of participation.

SECTION 2. Tennessee Code Annotated, Title 50, Chapter 1, Part 1, is amended by adding the following as new sections:

50-1-109.

An employer, as defined in § 50-1-304, shall not require an employee, as defined in § 50-1-304, or a prospective employee, licensed pursuant to title 63, to disclose disorder information or a disorder record, as those terms are defined in § 63-1-173, as a condition of employment or continued employment.

50-1-110.

An employer, as defined in § 50-1-304, shall not require an independent contractor, or a prospective independent contractor, licensed pursuant to title 63, to disclose disorder information or a disorder record, as those terms are defined in § 63-1-173, for the purpose of providing healthcare services

SECTION 3. Tennessee Code Annotated, Section 56-7-1001, is amended by adding the following as a new subsection.



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(g) A health insurance entity shall not require the disclosure of disorder information or a disorder record, as those terms are defined in § 63-1-173, of a person licensed pursuant to title 63 as a condition of credentialing, contracting, or network participation with the health insurance entity

SECTION 4 Tennessee Code Annotated, Title 63, Chapter 1, Part 1, is amended by adding the following as a new section.

(a) As used in this section, "executive session" means a meeting of the licensing board members that is not open to the public.

(b) A licensing board established pursuant to this title or title 68 shall not require the disclosure of information or a record on workplace burnout, as defined in § 63-1-173, of an applicant for licensure pursuant to this title as part of a requirement for initial licensure.

(c)

(1) Notwithstanding any law to the contrary, a licensing board established pursuant to this title or title 68 shall enter executive session for the discussion and deliberation of any disorder information or a disorder record, as defined in § 63-1-173, revealed during the application process.

(2) The discussion and deliberation of disorder information or a disorder record of any application during the executive session is not a public meeting open to the public as described in § 8-44-102

(3) Minutes of the discussion and deliberation or portions of the application itself that constitute a disorder record or that contain disorder information, as those terms are defined in § 63-1-173, are confidential and privileged and are not a public record subject to inspection by the public, as described in § 8-44-104(a) and § 10-7-503

(4) A vote of the licensing board shall not take place during the executive session described in this subsection (c)

(d) This section does not apply to healthcare providers as defined in § 63-1-173

SECTION 5. Tennessee Code Annotated, Section 68-11-242, is amended by adding the following as a new subsection:

(f) A facility shall not require the disclosure of disorder information or a disorder record, as those terms are defined in § 63-1-173, of a person licensed pursuant to title 63 to obtain privileges or credentialing at the facility, unless otherwise required by a federal condition of participation.

SECTION 6. Tennessee Code Annotated, Title 63, Chapter 1, Part 1, is amended by adding the following as a new section:

63-1-173.

(a) This section is known and may be cited as the "Healthcare Provider Wellness Law "

(b) As used in this section, unless the context otherwise requires:

(1) "Disorder information":

(A) Means whether a healthcare provider has undergone assessment or treatment for a mental health condition, workplace burnout, or substance abuse disorder; and

(B) Does not include disclosure related to a criminal conviction or an impairment;

(2) "Disorder record".

(A) Means a document or file, including a health history, report, treatment note, summary, diagnosis, prognosis, medication order, lab report, billing and diagnosis code, or receipt of treatment; and

(B) Does not include a document or file related to

(i) A conviction for a criminal offense,

(ii) An impairment;

(iii) A prior investigation or disciplinary action related to a professional license;

(iv) A disclosure or report from a statewide advocacy organization, impaired provider organization, or entity that assesses providers' fitness to practice;

(v) A determination on eligibility for state or federal benefits or accommodations, or

(vi) An immunization record, drug screening, or related health record for purposes of maintaining the health and safety of facility personnel, patients, or other persons;

(3) "Health insurance entity" means a carrier that provides health insurance coverage for covered individuals,

(4) "Healthcare provider" means a practitioner licensed by a licensing board established pursuant to this title or title 68;

(5) "Impaired provider organization" includes, but is not limited to, the Tennessee Medical Foundation, the Tennessee Professional Assistance Program, the Tennessee Colleague Assistance Foundation, and the Tennessee Dental Wellness Foundation,

(6) "Impairment" means the current inability of a healthcare provider to provide health care with reasonable skill and safety due to an illness, injury, or other medical condition, or a reasonable belief that a healthcare provider is practicing while impaired; and

(7) "Workplace burnout" means specific emotional or physical employment-related chronic stress that leads to job dissatisfaction, reduced personal accomplishment in the individual's employment, loss of personal happiness, or depression.

(c) A statewide advocacy organization that has its principal place of business in this state and that serves healthcare providers may receive grants to fund healthcare provider wellness programs.

(d)

(1) A person or entity that provides, discloses, or receives disorder information or a disorder record consistent with this section is immune from the following, in relation to the disorder information or a disorder record.

(A) Civil liability or a civil cause of action; and

(B) An administrative proceeding.

(2) A health insurance entity that is unable to assess a healthcare provider's risk of future impairment is immune from civil liability or a cause of action related to harm caused by the provider and substance abuse or mental health condition of an individual who subsequently became impaired.

(e) A person or entity that seeks disorder information or a disorder record from a healthcare provider is encouraged to request the disorder information or a disorder record using the following form request language, or substantially similar language:

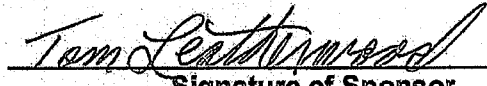
Do you currently have a condition that is causing impairment that affects your ability to practice your healthcare profession within the scope of your license with reasonable skill and safety in a competent, ethical, and professional manner?

You may answer no if you are being appropriately treated and are not impaired.

SECTION 7 The department of mental health and substance abuse services and the department of health are authorized to promulgate rules to effectuate this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 8. 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. 734

House Bill No. 628*

by deleting SECTION 7 and substituting:

SECTION 7 The department of mental health and substance abuse services, the department of health, and the health facilities commission are authorized to promulgate rules to effectuate this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5



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Amendment No. _____


Signature of Sponsor

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

AMEND Senate Bill No. 675

House Bill No. 667*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 10, Part 5, is amended by deleting the part and substituting:

63-10-501. Short title.

This part is known and may be cited as the "Kevin Clauson Drug Donation Act."

63-10-502. Part definitions.

As used in this part:

- (1) "Anti-rejection drug" means a prescription drug that suppresses the immune system to prevent or reverse rejection of a transplanted organ;
- (2) "Board" means the board of pharmacy;
- (3) "Cancer drug" means a prescription drug that is used to treat:
 - (A) Cancer or the side effects of cancer; or
 - (B) The side effects of a prescription drug that is used to treat cancer or the side effects of cancer;
- (4) "Controlled substance" has the same meaning as defined in § 39-17-402;
- (5) "Department" means the department of health;
- (6) "Donor" means any of the following with a license or permit in good standing in the state in which the person or entity is located and that donates prescription drugs to a repository program approved pursuant to this part:
 - (A) A person;



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- (B) A pharmacy;
- (C) A medical facility;
- (D) A drug manufacturer or wholesaler licensed by the board; or
- (E) A prison or government entity federally authorized to possess prescription drugs;

(7) "Eligible individual" means an indigent, an uninsured person, or an underinsured person who meets the criteria for eligibility pursuant to this part;

(8) "Indigent" means a person with an income that is below six hundred percent (600%) of the federal poverty level as defined by the most recently revised poverty income guidelines published by the United States department of health and human services;

(9) "Medical facility" means:

- (A) A physician's office;
- (B) A hospital;
- (C) A health clinic;
- (D) A nonprofit health clinic, including a federally qualified health center as defined in 42 U.S.C. § 1396d(l)(2)(B); a rural health clinic, as defined in 42 U.S.C. § 1396d(l)(1); and a nonprofit health clinic that provides medical care to patients who are indigent, uninsured, or underinsured;

- (E) A free clinic as defined in § 63-6-703;

- (F) A charitable organization as defined in § 48-101-501; or

- (G) A nursing home as defined in § 68-11-201;

(10) "Pharmacy" means a pharmacy as defined in § 63-10-204;

(11) "Prescription drug":

- (A) Has the same meaning as defined in § 63-10-204;

(B) Includes, but is not limited to, cancer drugs and anti-rejection drugs; and

(C) Does not include:

(i) Controlled substances; or

(ii) Drugs covered by the risk evaluation and mitigation strategy program of the United States food and drug administration;

(12) "Repository" means a pharmacy that:

(A) Has a license or permit in good standing with the board; and

(B) Meets the requirements established by § 63-10-503;

(13) "Supplies" means the supplies necessary to administer the prescription drugs donated pursuant to this part; and

(14) "Unopened tamper-evident packaging" has the same meaning as defined in United States Pharmacopeia (USP) General Chapter 659, Packaging and Storage Requirements.

63-10-503. Prescription drug donation repository program.

(a) A pharmacy may elect to participate in the prescription drug donation repository program by providing written notification to the department of the following:

(1) The name, street address, and telephone number of the pharmacy and the license or registration number issued by the board;

(2) The name, telephone number, and pharmacy license number of the responsible pharmacist who is employed, or under contract, with the repository; and

(3) A statement signed and dated by the responsible pharmacist indicating that the repository meets the eligibility requirements and will comply with the program.

(b) The repository shall develop and implement standards and procedures to determine, based on basic visual inspection, that the prescription drugs appear to be unadulterated, safe, and suitable for dispensing.

(c) Donated prescription drugs must be in unopened tamper-evident packaging. However, drugs packaged in single use doses may be accepted and dispensed when the outside packaging is opened if the single unit dose packaging is undisturbed.

(d) Donations of prescription drugs and supplies may be made on the premises of, or mailed to, a repository that participates in the program.

(e) A repository may receive, accept, replenish, repackage, and store donated prescription drugs and supplies in accordance with this part.

(f) Donation and facilitation of a donation are not considered wholesale distribution, and a person donating or facilitating a donation does not require licensure as a wholesaler.

(g) Repositories shall prioritize dispensing of donated prescription drugs and supplies as follows:

(1) First, to an indigent person;

(2) Second, to a person who has no prescription insurance or cannot afford the out-of-pocket expenses for the prescription drug or supplies prescribed; and

(3) Lastly, to another individual if an indigent, uninsured, or underinsured person is unavailable.

(h) A repository shall not charge or collect fees from an eligible individual for prescription drugs or supplies dispensed pursuant to the program. However, a repository may charge a handling fee for each donated prescription drug or supply that is dispensed.

(i) A repository may charge fees, including, but not limited to, a usual and customary charge, to donors, eligible individuals, health plans, pharmacy benefit managers, drug manufacturers, veterans' affairs hospitals, and government agencies.

(j) A repository that receives donated prescription drugs or supplies may distribute the donated prescription drugs or supplies to another repository for use pursuant to the program or to similar repository programs in other states.

(k) Participation in the program is voluntary.

63-10-504. Acceptance and dispensing of donated prescription drugs and supplies.

Prescription drugs or supplies may be accepted and dispensed under the prescription drug donation repository program in accordance with the following:

(1) Prior to the first donation from a new donor, a repository shall verify and record the following:

(A) The person or entity qualifies as a donor as defined in § 63-10-502;

(B) The donor's name, address, phone number, and license number, if applicable; and

(C) That the donor will only make donations in accordance with this part;

(2) A licensed pharmacist employed, or under contract, with the program shall inspect donated prescription drugs and supplies prior to dispensing to determine if the donated prescription drugs and supplies are suitable for dispensing pursuant to this section;

(3) Repositories shall store donated prescription drugs and supplies in a secure area in compliance with all United States food and drug administration and United States Pharmacopeia packaging and storage requirements;

(4) Donated prescription drugs and supplies must be physically or electronically separated from non-donated prescription drugs and supplies;

(5) Repositories shall redact donor information from the packaging of donated prescription drugs and supplies prior to dispensing;

(6) Donated prescription drugs and supplies may be repackaged. Repackaged donated prescription drugs must be relabeled with the drug name, dose, and expiration date;

(7) Repositories shall maintain an electronic inventory of accepted donated prescription drugs and supplies that includes the drug name, national drug code number, quantity, and date of donation;

(8) Repositories shall return or destroy donated prescription drugs or supplies that are not suitable for dispensing;

(9) Repositories shall dispose of donated prescription drugs and supplies by returning to the donor, transferring to a reverse distributor, or incinerating in an incinerator that is approved by the federal environmental protection agency;

(10) The record of transaction history for donated prescription drugs and supplies must be maintained, beginning with the donor, including all prior donations, but not including information that is not required by law to be placed on the prescription drug's label;

(11) An identifier or bar code may be used in place of information required by law for a record or label if the identifier or bar code allows for that information to be readily retrievable;

(12) Repositories shall dispense in compliance with all applicable federal and state laws and regulations for dispensing, labeling, packaging, and record keeping;

(13) An expiration date is required on all dispensed prescription drugs and supplies. If multiple packaged donated drugs are used to fill a single

prescription, then the shortest expiration date must be used for the dispensed prescription;

(14) A donated prescription drug or supply must not be dispensed after its expiration date;

(15) Donated prescription drugs must not expire before the end-use date by the patient based on the prescriber's directions;

(16) Controlled substances are not acceptable for donation and must be disposed of pursuant to regulations promulgated by the federal drug enforcement administration (DEA);

(17) Prescription drugs that are part of a risk evaluation and mitigation strategy (REMS) program of the federal food and drug administration must not be accepted for donation;

(18) Records required pursuant to this section must be retained in physical or electronic format for a period of three (3) years. A donor or repository may contract with one another or a third party to create or maintain records on each other's behalf; and

(19) Donated prescription drugs and supplies may be used to replenish inventory in compliance with applicable provisions of 42 U.S.C. § 256b and regulations promulgated pursuant to that statute.

63-10-505. Immunity and exemption.

(a) Except for acts of gross negligence, willful misconduct, or bad faith, a drug manufacturer is not civilly liable or subject to criminal prosecution for injury, death, or loss to a person or property for matters related to the donation, acceptance, or dispensing of a prescription drug manufactured by the drug manufacturer that is donated under this part, including liability for failure to transfer or communicate product or consumer information or the expiration date of the donated prescription drug.

(b) Except as provided in subsection (d), a medical facility or another person who is not a drug manufacturer subject to subsection (a) is not civilly liable or subject to criminal prosecution for injury to or the death of an individual to whom a donated prescription drug is dispensed under this part except due to its own acts of gross negligence, willful misconduct, or bad faith.

(c) Except for acts of gross negligence, willful misconduct, or bad faith, the department of health or the board of pharmacy are not civilly liable or subject to criminal prosecution for injury, death, or loss to a person or property resulting from matters related to the donation, acceptance, distribution, or dispensing of a prescription drug donated pursuant to this part.

(d) The immunity and exemption provided in subsections (b) and (c) do not apply to the following:

(1) The donation, acceptance, distribution, or dispensing of a donated prescription drug under this part by a person if the person's acts or omissions are not performed reasonably and in good faith; or

(2) Acts or omissions outside the scope of the program.

63-10-506. No restriction on use of samples.

This part does not restrict the use of samples by a physician or other person legally authorized to prescribe drugs pursuant to this title during the course of the physician's or other person's duties at a medical facility or pharmacy.

63-10-507. Resale of prescription drugs not authorized.

This part does not authorize the resale of prescription drugs by any person.

63-10-508. Dispensing after expiration date prohibited.

A repository shall not dispense a prescription drug after the expiration date of the drug.

63-10-509. Donation by long-term care facility.

Notwithstanding this title, title 68, or any rule, a long-term care facility licensed under title 68 may donate prescription drugs to the repository program established by this part.

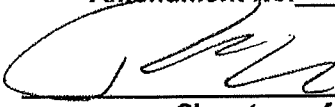
63-10-510. Authority.

The prescription drug donation repository program is governed by this part. This part supersedes a law or rule inconsistent with this part.

SECTION 2. If a 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 3. The headings in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 4. 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. 675

House Bill No. 667*

by deleting subdivision (6) from § 63-10-502 in SECTION 1 and substituting:

(6) "Donor" means any of the following that donates prescription drugs to a repository program approved pursuant to this part:

- (A) A person;
- (B) A pharmacy;
- (C) A medical facility;
- (D) A drug manufacturer or wholesaler licensed by the board; or
- (E) A prison or government entity federally authorized to possess prescription drugs with a license or permit in good standing in the state in which the entity is located;



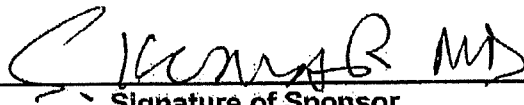
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Amendment No. _____


Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 937*

House Bill No. 1311

by deleting all language after the caption and substituting:

WHEREAS, it is the intent of the General Assembly to ensure healthcare availability for the general population; and

WHEREAS, there is a well-known physician shortage; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Title 63, is amended by adding the following as a new chapter:

63-15-101.

This chapter is known and may be cited as the "Graduate Physicians Act."

63-15-102.

As used in this chapter:

(1) "Graduate physician" means a medical school graduate who:

(A) Is a resident and citizen of the United States or a legal resident alien in the United States;

(B) Has successfully completed Step 1 and Step 2 of the United States Medical Licensing Examination (USMLE), or the equivalent of Step 1 and Step 2 of any other medical licensing examination or combination of examinations that is approved by the board of medical examiners or board of osteopathic examination, within the two-year period immediately preceding the date of the person's application for licensure as a graduate



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physician, but not more than three (3) years after graduation from a medical school or school of osteopathic medicine; and

(C) Has not completed an approved postgraduate residency unless, within two (2) years from the date of the graduate's successful completion of Step 2 or its equivalent, the graduate was serving as a resident physician in an accredited residency in the United States and was serving in that capacity for the thirty-day period immediately preceding the date of the graduate's application for licensure as a graduate physician;

(2) "Graduate physician collaborative practice arrangement" means an agreement between a licensed physician and a graduate physician that meets the requirements of this chapter;

(3) "Medical school graduate" means any person who has graduated from a medical school as described in § 63-6-207 or a school of osteopathic medicine as described in § 63-9-104; and

(4) "Primary care services" means medical services in pediatrics, internal medicine, and family medicine.

63-15-103.

A graduate physician collaborative practice arrangement must limit the graduate physician to providing primary care services in a:

- (1) Medically underserved rural area of this state;
- (2) Pilot project area established for graduate physicians to practice; or
- (3) Rural health clinic as defined under §§ 1861(aa) and 1905 of the federal Social Security Act (42 U.S.C. §§ 1395x and 1396d, respectively).

63-15-104.

(a) A graduate physician is considered a physician assistant for purposes of the regulations of the centers for medicare and medicaid services.

(b) Graduate physicians are subject to the supervision requirements established in any controlling federal law, any supervision requirements provided in this chapter, and any supervision requirements established by the board of medical examiners. Graduate physicians are not subject to any additional supervision requirements, other than the supervision requirements outlined in this subsection (b).

63-15-105.

(a) The board of medical examiners, in consultation with the board of osteopathic examination, is authorized to promulgate rules:

(1) To establish the process for licensure of graduate physicians, supervision requirements, additional requirements for graduate physician collaborative practice arrangements, and fees; and

(2) To address any other matters necessary to protect the public and discipline the profession.

(b) A graduate physician's license issued pursuant to this chapter and the rules promulgated by the board of medical examiners is only valid for two (2) years from the date of issuance and is not subject to renewal. The board of medical examiners or board of osteopathic examination may deny an application for licensure or suspend or revoke the license of a graduate physician for violation of the standards provided in §§ 63-6-214 and 63-9-111, as applicable, or for a violation of the standards of conduct established by the board of medical examiners by rule.

(c) Any rule promulgated under the authority delegated to the board of medical examiners in this chapter becomes effective only if it complies with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

63-15-106.

A graduate physician shall clearly identify as a graduate physician and is permitted to use the identifiers "doctor" or "Dr." A graduate physician shall not practice,

or attempt to practice, without a graduate physician collaborative practice arrangement, except as otherwise provided in this chapter.

63-15-107.

The licensed physician collaborating with a graduate physician is responsible for supervising the activities of the graduate physician and must accept full responsibility for the primary care services provided by the graduate physician.

63-15-108.

(a) This chapter applies to all graduate physician collaborative practice arrangements. To be eligible to practice as a graduate physician, a licensed graduate physician must enter into a graduate physician collaborative practice arrangement with a licensed physician no later than six (6) months after the date on which the graduate physician obtains initial licensure.

(b) Only a physician licensed pursuant to title 63, chapter 6 or chapter 9 may enter into a graduate physician collaborative practice arrangement with a graduate physician. Graduate physician collaborative practice arrangements must take the form of a written agreement that includes mutually agreed upon protocols and any standing orders for the delivery of primary care services. Graduate physician collaborative practice arrangements may delegate to a graduate physician the authority to administer or dispense drugs and provide treatment, as long as the delivery of the primary care services is within the scope of the graduate physician's practice and is consistent with the graduate physician's skill, training, and competence and the skill, training, and competence of the collaborating physician. The collaborating physician must be board-certified in the specialty that the graduate physician is practicing, which must only include pediatrics, internal medicine, or family medicine.

(c) The graduate physician collaborative practice arrangement must contain the following provisions:

(1) Complete names, home and business addresses, and telephone numbers of the collaborating physician and the graduate physician;

(2) A requirement that the graduate physician practice at the same location as the collaborating physician;

(3) A requirement that a prominently displayed disclosure statement informing patients that they may be seen by a graduate physician, and advising patients that the patient has the right to see the collaborating physician, be posted in every office where the graduate physician is authorized to prescribe;

(4) All specialty or board certifications of the collaborating physician and all certifications of the graduate physician;

(5) The manner of collaboration between the collaborating physician and the graduate physician, including how the collaborating physician and the graduate physician will:

(A) Engage in collaborative practice consistent with each professional's skill, training, education, and competence; and

(B) Maintain geographic proximity. However, the graduate physician collaborative practice arrangement may only allow for geographic proximity to be waived for no more than twenty-eight (28) days per calendar year for rural health clinics, as long as the graduate physician collaborative practice arrangement includes alternative plans as required in subdivision (c)(5)(C). The exception to the geographic proximity requirement applies only to independent rural health clinics, provider-based rural health clinics if the provider is a critical access hospital as provided in 42 U.S.C. § 1395i-4, and provider-based rural health clinics if the primary location of the hospital sponsor is more than twenty-five (25) miles from the clinic. The collaborating physician must maintain documentation related to the geographic proximity requirement

and present the documentation to the board of medical examiners upon request;

(6) A requirement that the graduate physician shall not provide patient care during an absence of the collaborating physician for any reason;

(7) A list of all other graduate physician collaborative practice arrangements of the collaborating physician and the graduate physician;

(8) The duration of the graduate physician collaborative practice arrangement between the collaborating physician and the graduate physician;

(9) A provision describing the time and manner of the collaborating physician's review of the graduate physician's delivery of primary care services. The provision must require the graduate physician to submit to the collaborating physician a minimum of twenty-five percent (25%) of the charts documenting the graduate physician's delivery of primary care services for review by the collaborating physician or by any other physician designated in the graduate physician collaborative practice arrangement every fourteen (14) days after the initial observation year. For the first three (3) months of the initial observation year, the collaborating physician shall review one hundred percent (100%) of the charts documenting the graduate physician's delivery of primary care services. For months four (4) through twelve (12), the collaborating physician shall review seventy-five percent (75%) of the charts documenting the graduate physician's delivery of primary care services; and

(10) A requirement that a collaborating physician be on premises if the graduate physician performs services in a hospital or emergency department.

63-15-109.

(a) The board of medical examiners, in consultation with the board of osteopathic examination, shall promulgate rules regulating the use of graduate physician collaborative practice arrangements for graduate physicians. The rules must specify:

- (1) The geographic areas to be covered;
- (2) The methods of treatment that may be covered by the graduate physician collaborative practice arrangement;
- (3) The educational methods and programs to be performed during the collaborative practice service, developed in consultation with deans of medical schools and primary care residency program directors in this state, which must facilitate the advancement of the graduate physician's medical knowledge and capabilities, the successful completion of which may lead to credit toward a future residency program that deems the documented educational achievements of the graduate physician through the methods and programs acceptable; and
- (4) Require review of the services provided under a graduate physician collaborative practice arrangement.

(b) A collaborating physician shall not enter into a graduate physician collaborative practice arrangement with more than three (3) graduate physicians at the same time.

63-15-110.

(a) Any rules related to the dispensing or distribution of medications or devices by prescription or prescription drug orders under this chapter require approval of the state board of pharmacy. The board of medical examiners, in consultation with the board of osteopathic examination, shall promulgate rules applicable to graduate physicians that are consistent with the guidelines established for federally funded clinics. The rulemaking authority granted to the board of medical examiners in this subsection (a) does not extend to graduate physician collaborative practice arrangements of hospital employees providing inpatient care within hospitals.

(b) The state board of medical examiners or board of osteopathic examination shall not deny, revoke, suspend, or otherwise take disciplinary action against a collaborating physician for primary care services delegated to a graduate physician as

long as the provisions of this section and any applicable rules promulgated by the board of medical examiners are satisfied.

(c) Within thirty (30) days of any licensure change, the state board of medical examiners or board of osteopathic examination must require every physician to identify whether the physician is engaged in a graduate physician collaborative practice arrangement, and to report to the board the name of each graduate physician with whom the physician has entered into an arrangement. The board may make the information available to the public. The board shall track the reported information and may routinely conduct reviews or inspections to ensure that the arrangements are being carried out in compliance with this chapter.

(d) A contract or other agreement cannot require a physician to act as a collaborating physician for a graduate physician against the physician's will. A physician has the right to refuse to act as a collaborating physician, without penalty, for a particular graduate physician. A contract or other agreement cannot limit the collaborating physician's authority over any protocols or standing orders, or delegate the physician's authority to a graduate physician. However, this subsection (d) does not authorize a physician in implementing protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by a hospital's medical staff.

(e) A contract or other agreement cannot require a graduate physician to serve as a graduate physician for any collaborating physician against the graduate physician's will. A graduate physician has the right to refuse to collaborate, without penalty, with a particular physician.

(f) All collaborating physicians and graduate physicians under a graduate physician collaborative practice arrangement must wear identification badges while acting within the scope of the arrangement. The identification badges must prominently display the licensure status of the collaborating physician and the graduate physician.

63-15-111.

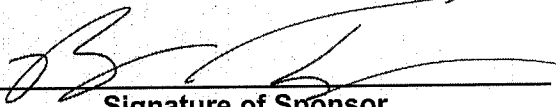
(a) The collaborating physician must complete a certification course, which may include material on the laws pertaining to the professional relationship. The certification course must be approved by the board of medical examiners or board of osteopathic examination.

(b) A graduate physician collaborative practice arrangement supersedes current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in § 68-11-201, if the protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

SECTION 2. Tennessee Code Annotated, Section 63-9-113, is amended by deleting the language "or a pharmacist" and substituting instead the language "a graduate physician, or a pharmacist".

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 January 1, 2025, 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. _____

Willie L. Miller

Signature of Sponsor

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Date _____

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Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 277*

House Bill No. 325

by deleting all language after the enacting clause and substituting:

SECTION 1. Chapter 1030 of the Public Acts of 2018, is amended by deleting

SECTION 9.

SECTION 2. Tennessee Code Annotated, Section 63-1-164(a), is amended by adding the following as a new subdivision:

() "Recent cancer treatment" means treatment for which a patient has concluded active cancer treatment within the immediately preceding six (6) months;

SECTION 3. 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. Notwithstanding this subdivision (d)(1)(C), the standard of care requires that informed consent be updated periodically during a course of treatment.

SECTION 4. Tennessee Code Annotated, Section 63-1-164(d)(1)(A)(iv), is amended by deleting the language "Obtains informed consent" and substituting "Obtains informed consent, except as provided in subdivision (d)(1)(C),".

SECTION 5. Tennessee Code Annotated, Section 63-1-164(e)(1), is amended by deleting the subdivision and substituting:



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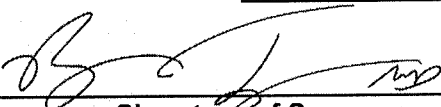
(1) The treatment of patients who are undergoing active cancer treatment, have undergone recent cancer treatment, are undergoing palliative care treatment, or are receiving hospice care;

SECTION 6. Tennessee Code Annotated, Section 63-1-164(f), is amended by deleting the subsection and substituting instead:

(f) By November 1, 2024, and by each November 1 of each even-numbered year thereafter, the commissioner of health, in consultation with the regulatory boards created pursuant to this title that license healthcare practitioners, shall provide a written update to the governor, the health and welfare committee of the senate, and the health committee of the house of representatives. The written update must include information on the impact and effects of the restrictions set forth in this section and may include recommendations for revisions to the restrictions on the prescription of opioids.

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. 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(a), is amended by adding the following as a new subdivision:

() "Recent cancer treatment" means six (6) months following the end of an active cancer treatment;

SECTION 3. 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. Notwithstanding this subdivision (d)(1)(C), informed consent must be updated periodically during any course of treatment.

SECTION 4. Tennessee Code Annotated, Section 63-1-164(d)(1)(A)(iv), is amended by deleting the language "Obtains informed consent" and substituting "Obtains informed consent, except as provided in subdivision (d)(1)(C),".

SECTION 5. Tennessee Code Annotated, Section 63-1-164(e)(1), is amended by deleting the subdivision and substituting:



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(1) The treatment of patients who are undergoing active cancer treatment or recent cancer treatment, undergoing palliative care treatment, or are receiving hospice care;

SECTION 6. Tennessee Code Annotated, Section 63-1-164(f), is amended by deleting the subsection and substituting the following:

(f) The commissioner of health, in consultation with the regulatory boards created pursuant to this title that license healthcare practitioners, shall provide a letter no later than November 1 of each even-numbered year to the governor, the speaker of the senate, the speaker of the house of representatives, the health and welfare committee of the senate, and the health committee of the house of representatives that includes updated information on the impact and effects of the restrictions set forth in this section. The letter may include recommendations for revisions to the restrictions on the prescription of opioids.

Amendment No. _____

Ernest McHenry Haynes
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 296*

House Bill No. 779

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 63-6-211(a), is amended by designating the existing language as subdivision (a)(1) and adding the following as subdivision (a)(2):

(2)

(A) When the board receives a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, then the board shall, within forty-five (45) days from the date the board receives the completed application:

(i) Render a decision on the application; and

(ii) Inform the applicant of the need to appear before the board.

(B) As used in this subdivision (a)(2), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 2. Tennessee Code Annotated, Section 63-9-105(b), is amended by designating the existing language as subdivision (b)(1) and adding the following as subdivision (b)(2):

(2)

(A) When the board receives a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in



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the District of Columbia, then the board shall, within forty-five (45) days from the date the board receives the completed application:

(i) Render a decision on the application; and

(ii) Inform the applicant of the need to appear before the board.

(B) As used in this subdivision (b)(2), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 3. Tennessee Code Annotated, Section 63-7-105(b), is amended by designating the existing language as subdivision (b)(1) and adding the following as subdivision (b)(2):

(2)

(A) When the board receives a completed application for licensure from an applicant who is licensed in another state or territory, then the board shall, within forty-five (45) days from the date the board receives the completed application:

(i) Render a decision on the application; and

(ii) Inform the applicant of the need to appear before the board.

(B) As used in this subdivision (b)(2), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 4. Tennessee Code Annotated, Section 63-7-110(b), is amended by designating the existing language as subdivision (b)(1) and adding the following as subdivision (b)(2):

(2)

(A) When the board receives a completed application for licensure from an applicant who is licensed in another state or territory, then the board shall, within forty-five (45) days from the date the board receives the completed application:

(i) Render a decision on the application; and

(ii) Inform the applicant of the need to appear before the board.

(B) As used in this subdivision (b)(2), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 5. Tennessee Code Annotated, Section 63-19-105(b), is amended by designating the existing language as subdivision (b)(1) and adding the following as subdivision (b)(2):

(2)

(A) When the board receives a completed application for licensure from an applicant who is licensed in another jurisdiction, then the board shall, within forty-five (45) days from the date the board receives the completed application:

(i) Render a decision on the application; and

(ii) Inform the applicant of the need to appear before the board.

(B) As used in this subdivision (b)(2), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 6. This act takes effect upon becoming a law, the public welfare requiring it, and applies to applications submitted on or after the effective date of this act.

Amendment No. _____

Robert H. H. - Hughes
Signature of Sponsor

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Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 296*

House Bill No. 779

by deleting the following amendatory language wherever it appears in SECTIONS 1 through 5:

- (i) Render a decision on the application; and
- (ii) Inform the applicant of the need to appear before the board.

and substituting instead the following:

- (i) Render a decision on the application; or
- (ii) Inform the applicant of the need to appear before the board.



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Amendment No. _____

Robert R. H. - Hays

Signature of Sponsor

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Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 296*

House Bill No. 779

by deleting SECTION 6 and substituting instead:

SECTION 6. Tennessee Code Annotated, Section 63-3-114, is amended by designating the existing language as subsection (a) and adding the following as a new subsection (b):

(1) When the board receives a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, then the board shall, within sixty (60) days from the date the board receives the completed application:

(A) Render a decision on the application; or

(B) Inform the applicant of the need to appear before the board.

(2) As used in this subsection (b), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 7. Tennessee Code Annotated, Section 63-3-113, is amended by designating the existing language as subsection (a) and adding the following as a new subsection (b):

(1) When the board receives a completed application for initial licensure from an applicant, then the board shall, within sixty (60) days from the date the board receives the completed application:

(A) Render a decision on the application; or

(B) Inform the applicant of the need to appear before the board.

(2) As used in this subsection (b), "completed application" means an application



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that satisfies all statutory and board rule requirements.

SECTION 8. Tennessee Code Annotated, Section 63-4-111, is amended by designating the existing language as subsection (a) and adding the following as a new subsection (b):

(1) When the board receives a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, then the board shall, within sixty (60) days from the date the board receives the completed application:

(A) Render a decision on the application; or

(B) Inform the applicant of the need to appear before the board.

(2) As used in this subsection (b), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 9. Tennessee Code Annotated, Section 63-4-109, is amended by adding the following as a new subsection:

(d)

(1) When the board receives a completed application for initial licensure from an applicant, then the board shall, within sixty (60) days from the date the board receives the completed application:

(A) Render a decision on the application; or

(B) Inform the applicant of the need to appear before the board.

(2) As used in this subsection (d), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 10. Tennessee Code Annotated, Section 63-8-115(b), is amended by designating the existing language as subdivision (b)(1) and adding the following as a new subdivision (b)(2):

(2)

(A) When the board receives a completed application for initial licensure

or a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, then the board shall, within sixty (60) days from the date the board receives the completed application:

(i) Render a decision on the application; or

(ii) Inform the applicant of the need to appear before the board.

(B) As used in this subdivision (b)(2), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 11. Tennessee Code Annotated, Section 63-11-311(a), is amended by designating the existing language as subdivisions (a)(1), (a)(1)(A), and (a)(1)(B) and adding the following as a new subdivision (a)(2):

(2)

(A) When the board receives a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, then the board shall, within sixty (60) days from the date the board receives the completed application:

(i) Render a decision on the application; or

(ii) Inform the applicant of the need to appear before the board.

(B) As used in this subdivision (a)(2), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 12. Tennessee Code Annotated, Section 63-11-304, is amended by designating the existing language as subsection (a) and adding the following as a new subsection (b):

(b)

(1) When the board receives a completed application for initial licensure from an applicant, then the board shall, within sixty (60) days from the date the board receives the completed application:

(A) Render a decision on the application; or

(B) Inform the applicant of the need to appear before the board.

(2) As used in this subsection (b), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 13. Tennessee Code Annotated, Section 63-12-117, is amended by designating the existing language as subsection (a) and adding the following as new subsection (b):

(1) When the board receives a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, then the board shall, within sixty (60) days from the date the board receives the completed application:

(A) Render a decision on the application; or

(B) Inform the applicant of the need to appear before the board.

(2) As used in this subsection (b), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 14. Tennessee Code Annotated, Section 63-12-112(a), is amended by designating the existing language as subdivision (a)(1) and adding the following as a new subdivision (a)(2):

(2)

(A) When the board receives a completed application for initial licensure from an applicant, then the board shall, within sixty (60) days from the date the board receives the completed application:

(i) Render a decision on the application; or

(ii) Inform the applicant of the need to appear before the board.

(B) As used in this subdivision (a)(2), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 15. Tennessee Code Annotated, Section 63-13-213, is amended by

designating the existing language as subsection (a) and adding the following as a new subsection (b):

(1) When the board receives a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, then the board shall, within sixty (60) days from the date the board receives the completed application:

(A) Render a decision on the application; or

(B) Inform the applicant of the need to appear before the board.

(2) As used in this subsection (b), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 16. Tennessee Code Annotated, Section 63-13-202, is amended by designating the existing language as subsection (a) and adding the following as a new subsection (b):

(1) When the board receives a completed application for initial licensure from an applicant, then the board shall, within sixty (60) days from the date the board receives the completed application:

(A) Render a decision on the application; or

(B) Inform the applicant of the need to appear before the board.

(2) As used in this subsection (b), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 17. Tennessee Code Annotated, Section 63-13-307(c), is amended by designating the existing language as subdivision (c)(1) and adding the following as a new subdivision (c)(2):

(2)

(A) When the board receives a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, then the board shall, within sixty (60) days from the

date the board receives the completed application:

(i) Render a decision on the application; or

(ii) Inform the applicant of the need to appear before the board.

(B) As used in this subdivision (c)(2), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 18. Tennessee Code Annotated, Section 63-13-306(a), is amended by designating the existing language as subdivision (a)(1) and adding the following as a new subdivision (a)(2):

(2)

(A) When the board receives a completed application for initial licensure from an applicant, then the board shall, within sixty (60) days from the date the board receives the completed application:

(i) Render a decision on the application; or

(ii) Inform the applicant of the need to appear before the board.

(B) As used in this subdivision (a)(2), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 19. Tennessee Code Annotated, Section 63-17-113, is amended by designating the existing language as subsection (a) and adding the following as a new subsection (b):

(1) When the board receives a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, then the board shall, within sixty (60) days from the date the board receives the completed application:

(A) Render a decision on the application; or

(B) Inform the applicant of the need to appear before the board.

(2) As used in this subsection (b), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 20. Tennessee Code Annotated, Section 63-17-110(a), is amended by designating the existing language as subdivision (a)(1) and adding the following as a new subdivision (a)(2):

(2)

(A) When the board receives a completed application for initial licensure from an applicant, then the board shall, within sixty (60) days from the date the board receives the completed application:

(i) Render a decision on the application; or

(ii) Inform the applicant of the need to appear before the board.

(B) As used in this subdivision (a)(2), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 21. Tennessee Code Annotated, Title 63, Chapter 22, Part 1, is amended by adding the following as a new section:

(a) When the board receives a completed application for initial licensure or a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, then the board shall, within sixty (60) days from the date the board receives the completed application:

(1) Render a decision on the application; or

(2) Inform the applicant of the need to appear before the board.

(b) As used in this section, "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 22. Tennessee Code Annotated, Section 63-22-205(a), is amended by designating the existing language as subdivision (a)(1) and adding the following as a new subdivision (a)(2):

(2)

(A) When the board receives a completed application for licensure from an applicant who is licensed in another state or territory of the United States or

in the District of Columbia, then the board shall, within sixty (60) days from the date the board receives the completed application:

(i) Render a decision on the application; or

(ii) Inform the applicant of the need to appear before the board.

(B) As used in this subdivision (a)(2), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 23. Tennessee Code Annotated, Section 63-22-203, is amended by designating the existing language as subsection (a) and adding the following as a new subsection (b):

(1) When the board receives a completed application for initial licensure from an applicant, then the board shall, within sixty (60) days from the date the board receives the completed application:

(A) Render a decision on the application; or

(B) Inform the applicant of the need to appear before the board.

(2) As used in this subsection (b), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 24. Tennessee Code Annotated, Section 63-23-111, is amended by designating the existing language as subsection (a) and adding the following as a new subsection (b):

(1) When the board receives a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, then the board shall, within sixty (60) days from the date the board receives the completed application:

(A) Render a decision on the application; or

(B) Inform the applicant of the need to appear before the board.

(2) As used in this subsection (b), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 25. Tennessee Code Annotated, Title 63, Chapter 23, is amended by adding the following as a new section:

(a) When the board receives a completed application for initial licensure from an applicant, then the board shall, within sixty (60) days from the date the board receives the completed application:

(1) Render a decision on the application; or

(2) Inform the applicant of the need to appear before the board.

(b) As used in this section, "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 26. Tennessee Code Annotated, Section 68-24-602, is amended by adding the following as a new subsection (c):

(c)

(1) When the board receives a completed application for initial licensure or a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, then the board shall, within sixty (60) days from the date the board receives the completed application:

(A) Render a decision on the application; or

(B) Inform the applicant of the need to appear before the board.

(2) As used in this subsection (c), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 27. This act takes effect upon becoming a law, the public welfare requiring it, and applies to applications submitted on or after the effective date of this act.

Amendment No. _____

Esther Helton-Haynes

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 296*

House Bill No. 779

by deleting SECTION 6 and substituting instead:

SECTION 6. Tennessee Code Annotated, Section 68-24-602, is amended by adding the following as a new subsection (c):

(c)

(1) When the board receives a completed application for initial licensure or a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, then the board shall, within sixty (60) days from the date the board receives the completed application:

(A) Render a decision on the application; or

(B) Inform the applicant of the need to appear before the board.

(2) As used in this subsection (c), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 7. This act takes effect upon becoming a law, the public welfare requiring it, and applies to applications submitted on or after the effective date of this act.

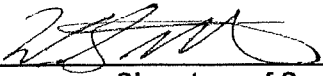


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Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 458*

House Bill No. 496

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 63-3-114, is amended by designating the existing language as subsection (a) and adding the following as a new subsection (b):

(1) When the board receives a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, then the board shall, within sixty (60) days from the date the board receives the completed application:

(A) Render a decision on the application; or

(B) Inform the applicant of the need to appear before the board.

(2) As used in this subsection (b), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 2. Tennessee Code Annotated, Section 63-3-113, is amended by designating the existing language as subsection (a) and adding the following as a new subsection (b):

(1) When the board receives a completed application for initial licensure from an applicant, then the board shall, within sixty (60) days from the date the board receives the completed application:

(A) Render a decision on the application; or

(B) Inform the applicant of the need to appear before the board.

(2) As used in this subsection (b), "completed application" means an application



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that satisfies all statutory and board rule requirements.

SECTION 3. Tennessee Code Annotated, Section 63-4-111, is amended by designating the existing language as subsection (a) and adding the following as a new subsection (b):

(1) When the board receives a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, then the board shall, within sixty (60) days from the date the board receives the completed application:

(A) Render a decision on the application; or

(B) Inform the applicant of the need to appear before the board.

(2) As used in this subsection (b), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 4. Tennessee Code Annotated, Section 63-4-109, is amended by adding the following as a new subsection:

(d)

(1) When the board receives a completed application for initial licensure from an applicant, then the board shall, within sixty (60) days from the date the board receives the completed application:

(A) Render a decision on the application; or

(B) Inform the applicant of the need to appear before the board.

(2) As used in this subsection (d), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 5. Tennessee Code Annotated, Section 63-8-115(b), is amended by designating the existing language as subdivision (b)(1) and adding the following as a new subdivision (b)(2):

(2)

(A) When the board receives a completed application for initial licensure

or a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, then the board shall, within sixty (60) days from the date the board receives the completed application:

(i) Render a decision on the application; or

(ii) Inform the applicant of the need to appear before the board.

(B) As used in this subdivision (b)(2), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 6. Tennessee Code Annotated, Section 63-11-311(a), is amended by designating the existing language as subdivisions (a)(1), (a)(1)(A), and (a)(1)(B) and adding the following as a new subdivision (a)(2):

(2)

(A) When the board receives a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, then the board shall, within sixty (60) days from the date the board receives the completed application:

(i) Render a decision on the application; or

(ii) Inform the applicant of the need to appear before the board.

(B) As used in this subdivision (a)(2), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 7. Tennessee Code Annotated, Section 63-11-304, is amended by designating the existing language as subsection (a) and adding the following as a new subsection (b):

(b)

(1) When the board receives a completed application for initial licensure from an applicant, then the board shall, within sixty (60) days from the date the board receives the completed application:

(A) Render a decision on the application; or

(B) Inform the applicant of the need to appear before the board.

(2) As used in this subsection (b), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 8. Tennessee Code Annotated, Section 63-12-117, is amended by designating the existing language as subsection (a) and adding the following as new subsection (b):

(1) When the board receives a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, then the board shall, within sixty (60) days from the date the board receives the completed application:

(A) Render a decision on the application; or

(B) Inform the applicant of the need to appear before the board.

(2) As used in this subsection (b), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 9. Tennessee Code Annotated, Section 63-12-112(a), is amended by designating the existing language as subdivision (a)(1) and adding the following as a new subdivision (a)(2):

(2)

(A) When the board receives a completed application for initial licensure from an applicant, then the board shall, within sixty (60) days from the date the board receives the completed application:

(i) Render a decision on the application; or

(ii) Inform the applicant of the need to appear before the board.

(B) As used in this subdivision (a)(2), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 10. Tennessee Code Annotated, Section 63-13-213, is amended by

designating the existing language as subsection (a) and adding the following as a new subsection (b):

(1) When the board receives a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, then the board shall, within sixty (60) days from the date the board receives the completed application:

(A) Render a decision on the application; or

(B) Inform the applicant of the need to appear before the board.

(2) As used in this subsection (b), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 11. Tennessee Code Annotated, Section 63-13-202, is amended by designating the existing language as subsection (a) and adding the following as a new subsection (b):

(1) When the board receives a completed application for initial licensure from an applicant, then the board shall, within sixty (60) days from the date the board receives the completed application:

(A) Render a decision on the application; or

(B) Inform the applicant of the need to appear before the board.

(2) As used in this subsection (b), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 12. Tennessee Code Annotated, Section 63-13-307(c), is amended by designating the existing language as subdivision (c)(1) and adding the following as a new subdivision (c)(2):

(2)

(A) When the board receives a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, then the board shall, within sixty (60) days from the

date the board receives the completed application:

(i) Render a decision on the application; or

(ii) Inform the applicant of the need to appear before the board.

(B) As used in this subdivision (c)(2), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 13. Tennessee Code Annotated, Section 63-13-306(a), is amended by designating the existing language as subdivision (a)(1) and adding the following as a new subdivision (a)(2):

(2)

(A) When the board receives a completed application for initial licensure from an applicant, then the board shall, within sixty (60) days from the date the board receives the completed application:

(i) Render a decision on the application; or

(ii) Inform the applicant of the need to appear before the board.

(B) As used in this subdivision (a)(2), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 14. Tennessee Code Annotated, Section 63-17-113, is amended by designating the existing language as subsection (a) and adding the following as a new subsection (b):

(1) When the board receives a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, then the board shall, within sixty (60) days from the date the board receives the completed application:

(A) Render a decision on the application; or

(B) Inform the applicant of the need to appear before the board.

(2) As used in this subsection (b), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 15. Tennessee Code Annotated, Section 63-17-110(a), is amended by designating the existing language as subdivision (a)(1) and adding the following as a new subdivision (a)(2):

(2)

(A) When the board receives a completed application for initial licensure from an applicant, then the board shall, within sixty (60) days from the date the board receives the completed application:

(i) Render a decision on the application; or

(ii) Inform the applicant of the need to appear before the board.

(B) As used in this subdivision (a)(2), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 16. Tennessee Code Annotated, Title 63, Chapter 22, Part 1, is amended by adding the following as a new section:

(a) When the board receives a completed application for initial licensure or a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, then the board shall, within sixty (60) days from the date the board receives the completed application:

(1) Render a decision on the application; or

(2) Inform the applicant of the need to appear before the board.

(b) As used in this section, "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 17. Tennessee Code Annotated, Section 63-22-205(a), is amended by designating the existing language as subdivision (a)(1) and adding the following as a new subdivision (a)(2):

(2)

(A) When the board receives a completed application for licensure from an applicant who is licensed in another state or territory of the United States or

in the District of Columbia, then the board shall, within sixty (60) days from the date the board receives the completed application:

- (i) Render a decision on the application; or
- (ii) Inform the applicant of the need to appear before the board.

(B) As used in this subdivision (a)(2), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 18. Tennessee Code Annotated, Section 63-22-203, is amended by designating the existing language as subsection (a) and adding the following as a new subsection (b):

(1) When the board receives a completed application for initial licensure from an applicant, then the board shall, within sixty (60) days from the date the board receives the completed application:

- (A) Render a decision on the application; or
- (B) Inform the applicant of the need to appear before the board.

(2) As used in this subsection (b), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 19. Tennessee Code Annotated, Section 63-23-111, is amended by designating the existing language as subsection (a) and adding the following as a new subsection (b):

(1) When the board receives a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, then the board shall, within sixty (60) days from the date the board receives the completed application:

- (A) Render a decision on the application; or
- (B) Inform the applicant of the need to appear before the board.

(2) As used in this subsection (b), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 20. Tennessee Code Annotated, Title 63, Chapter 23, is amended by adding the following as a new section:

(a) When the board receives a completed application for initial licensure from an applicant, then the board shall, within sixty (60) days from the date the board receives the completed application:

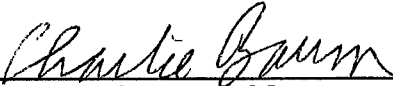
(1) Render a decision on the application; or

(2) Inform the applicant of the need to appear before the board.

(b) As used in this section, "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 21. This act takes effect upon becoming a law, the public welfare requiring it, and applies to applications submitted on or after the effective date of this act.

Amendment No. _____


Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1313

House Bill No. 647*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 63-2-102, is amended by deleting subsection (a) and substituting:

(a)

(1) The party requesting the patient's records is responsible to the provider for the reasonable costs of copying and mailing the patient's records.

(2)

(A) For records other than those involving workers' compensation cases, the reasonable costs must not exceed the cost of the following, as described in 45 CFR § 164.524(c)(4):

(i) Labor for copying the protected health information requested by the individual;

(ii) Supplies for creating the paper copy, or electronic media, if the individual requests that the electronic copy be provided on portable media; and

(iii) Postage, when the individual has requested the copy, or the summary or explanation, be mailed.

(B)

(i) Except as provided in subdivision (a)(2)(B)(ii), the total charges must not exceed:



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(a) Twenty-five dollars (\$25.00) for electronic medical records provided via portable media; and

(b) No charge for electronic records provided via an online patient portal.

(ii) There is no limit on the charge when copying paper records as long as the healthcare provider complies with subdivision (a)(2)(A).

(3) A third-party provider of record copying and related services is subject to the reasonable cost limits contained in this section and shall not impose a charge or fee for such services in excess of the cost limits. The costs charged for reproducing records of patients involved in a workers' compensation claim must be as defined in § 50-6-204. A healthcare provider shall not charge a fee for copying or notarizing a medical record when requested by the department pursuant to a complaint, inspection, or survey as set forth in § 63-1-117.

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

Amendment No. _____

Dwayne Champion

Signature of Sponsor

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Date _____

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Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1049

House Bill No. 1077*

by deleting subdivision (b)(4) from § 68-14-728 in SECTION 2 and substituting:

(4) The time period for correction of violations in § 68-14-716(b)(4) does not apply to a farmers market food unit; however, § 68-14-716(b)(1), (3), and (5) do apply to a farmers market food unit; and

AND FURTHER AMEND by deleting SECTION 4 and SECTION 5 and substituting:

SECTION 4. Tennessee Code Annotated, Section 68-14-716(b), is amended by adding the following as a new subdivision:

(5) In the case of farmers market food units, all violations of priority items must be corrected immediately whenever possible, and in any event within twenty-four (24) hours.

SECTION 5. The commissioner of health is authorized to promulgate rules to effectuate this act, which may be promulgated as emergency rules pursuant to Tennessee Code Annotated, Section 4-5-208(a)(5). The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 6. 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.



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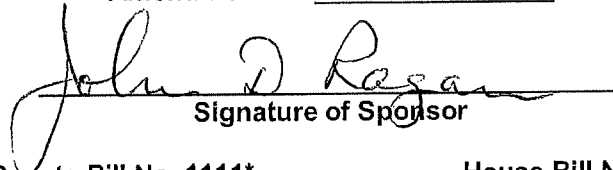
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Comm. Amdt. _____

Amendment No. _____


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".

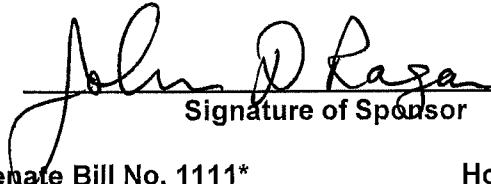
SECTION 4. Tennessee Code Annotated, Section 14-4-103, is amended by deleting subsection (b).

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

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Date _____

Time _____

Clerk _____

Comm. Amdt. _____

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.";

(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"; and

(7) Section 49-6-5001(c)(3) states that no child or youth determined to be homeless shall be denied admission to any school or school facility if the child or youth has not yet been immunized or is unable to produce immunization records due to being homeless. The enrolling school shall comply with any and all federal laws pertaining to the educational rights of homeless children and youth, including the McKinney-Vento Homeless Assistance Act (42 U.S.C. § 11431 et seq.).

(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) 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.

(2) 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.

(3) A minor in state custody must not be denied admission to any school or school facility based on the minor not having been immunized or not being able to produce immunization records because an employee or agent did not provide, request, or facilitate a vaccination pursuant to subdivision (c)(2).

(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, is amended by deleting the section and substituting:

A healthcare provider shall not provide a patient who is a minor with a COVID-

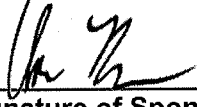
19 vaccine without first obtaining written consent from the minor patient's parent or legal guardian.

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

Amendment No. _____



Signature of Sponsor

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Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 858

House Bill No. 952*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 68-11-202, is amended by deleting subdivision (a)(1) and substituting:

(1) The commission is empowered to license and regulate hospitals, recuperation centers, nursing homes, homes for the aged, residential HIV supportive living facilities, assisted-care living facilities, assisted-care living facility administrators, home care organizations, residential hospices, birthing centers, prescribed child care centers, renal dialysis clinics, ambulatory surgical treatment centers, outpatient diagnostic centers, adult care homes, and traumatic brain injury residential homes.

SECTION 2. Tennessee Code Annotated, Section 68-11-203, is amended by deleting subdivision (b)(4) and substituting:

(4) A majority of members, not including vacant positions on the board, constitutes a quorum for the transaction of all business. For purposes of contested case hearings and disciplinary matters, three (3) or more members constitute a quorum, and the board chairperson is authorized, when it is deemed necessary, to split the board into panels of three (3) or more members each to conduct contested case hearings or disciplinary matters. A majority vote of the members present on a duly constituted panel is required to authorize board action in disciplinary matters and contested case hearings. The board chairperson has the authority to appoint board members to serve, as necessary, on the panels regardless of the professional category from which the appointed member was chosen or the member's status as a physician, administrator, or



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citizen member. The existence of a non-physician or non-administrator board member creates no rights in any individual concerning the composition of a panel in any disciplinary matter or contested case hearing. Notwithstanding § 4-5-314(e) to the contrary, the unavailability of a member of a panel before rendition of a final order shall not require the substitution of another member unless the unavailability results in there being less than the quorum required by this subdivision (b)(4) for contested case hearings or disciplinary matters. A substitute shall use any existing record and may conduct further proceedings as is necessary in the interest of justice.

SECTION 3. Tennessee Code Annotated, Section 68-11-206, is amended by adding the following as a new subsection:

(d)

(1) This subsection (d) controls the recovery and collection of civil monetary penalties for which a facility or individual is liable under this part.

(2) An action to recover or collect a civil monetary penalty owed pursuant to this part shall not be taken until:

(A) The facility or individual has waived the right to a contested case hearing pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, part 3;

(B) The time allowed for the facility or individual to demand a contested case hearing has expired without a demand being made or a denial filed; or

(C) A final administrative order has been entered pursuant to § 4-5-314.

(3) If the full amount of the civil monetary penalty owed pursuant to this part has not been received in full within sixty (60) days from the occurrence of an event described in subdivision (d)(2), or received by the due date specified by order, then the executive director of the health facilities commission shall

immediately proceed to recover such amount, plus interest computed at the applicable formula rate as defined in § 47-14-102, retroactive to the earliest date of occurrence of an event described in subdivision (d)(2), by one (1) or more of the following means:

(A) Directing the reduction of the amount owed from any balance otherwise due from the state to the facility and directing a remittance of the amount to the health facilities commission;

(B) Adding such amounts to the licensing fee, with renewal of the license pursuant to subdivision (a)(8) and § 68-11-216 contingent upon the prior payment of such costs; or

(C) Bringing an action in circuit or chancery court to recover such amounts.

SECTION 4. Tennessee Code Annotated, Section 68-11-207, is amended by deleting subdivision (f)(8) and substituting:

(8) A single period of probation for a facility shall not extend beyond twelve (12) months. If the board determines during or at the end of the probation period that the facility is not taking steps to correct noncompliance or otherwise not responding in good faith pursuant to the plan of correction, then the board may take additional action as authorized by law. The executive director may, by written order, extend the probationary period.

SECTION 5. Tennessee Code Annotated, Section 68-11-208, is amended by deleting subsection (a) and substituting:

(a)

(1) The commission and each board, committee, or council established in this title that does not already have authority to utilize screening panels may utilize one (1) or more screening panels in its investigative and disciplinary

process to assure that complaints filed and investigations conducted are meritorious and appropriate.

(2) The activities of a screening panel and any mediation or arbitration sessions shall not be construed as an open meeting of an agency for purposes of title 8, chapter 44, and remain confidential. The members of a screening panel, mediators, and arbitrators have a deliberative privilege and the same immunity as provided by law for the boards and are not subject to deposition or subpoena to testify regarding any matter or issue raised in any contested case, criminal prosecution, or civil lawsuit that may result from or that is incident to cases processed before the panel.

(3) A screening panel has the authority to administer an oath to witnesses. Any documents or records produced at the screening panel are exempt from disclosure as a public record pursuant to title 10, chapter 7, until there is a filing of a notice of charges and such documents or records form the basis for the filing of a notice of charges.

(4) Members of a screening panel may be drawn from among the membership of the relevant board, and members may be appointed by the relevant board. Non-board members must meet the requirements of membership for the relevant board and may include a consumer member. A board member serving on a panel shall not participate in a contested case involving any matter heard by the panel.

(5) Each screening panel must be instructed as to the statutes, rules, and philosophies of the relevant board as it pertains to disciplinary action and procedures that must be followed by the panel. Each screening panel must be provided a copy of Tennessee Supreme Court Rule 31 for review by members of the screening panel for general guidance as to the principles of mediation and alternative dispute resolution.

(6) A board shall not compel any party to participate in a screening panel, and no prejudice is incurred if a party chooses not to participate in a screening panel or to accept the offer of a screening panel.

SECTION 6. Tennessee Code Annotated, Section 68-11-213, is amended by deleting subsection (b) and substituting:

(b)

(1) Within five (5) working days after concluding an inspection or investigation, the executive director may initiate type A civil penalty proceedings by mailing a notice to the facility, stating the executive director's decision to suspend the admissions of new patients.

(2) Within ten (10) working days after concluding an inspection or investigation, the health facilities commission shall mail to the nursing home the executive director's order, which must detail the alleged facts and pertinent law with particularity, and must also inform the nursing home of its right to contest the action.

SECTION 7. Tennessee Code Annotated, Section 68-11-814, is amended by deleting the section and substituting:

(a) Within five (5) working days after concluding an inspection or investigation, the health facilities commission may initiate type B or type C civil penalty proceedings by mailing to the nursing home a written statement citing the provisions of §§ 68-11-801 — 68-11-805 that the health facilities commission alleges to have been violated, stating the amount of the penalty being assessed, and informing the facility of its right to contest the penalty.

(b) Within ten (10) working days after concluding an inspection or investigation, the health facilities commission shall mail to the nursing home a more detailed statement describing the findings with particularity and citing the law with specificity.

SECTION 8. Tennessee Code Annotated, Section 68-11-1618, is amended by deleting subdivision (b)(2) and substituting:

(2) Subdivision (b)(1) does not prohibit change of control as described in subdivision (b)(1), if the commission determines, upon petition of the prospective owner or owners of the entity, that the prospective owner or owners demonstrate that the owner or owners will provide health care that meets appropriate quality standards, and that the transfer would not reduce access to consumers, particularly those in underserved communities; those who are uninsured or underinsured; women and racial and ethnic minorities; TennCare or medicaid recipients; and low-income groups.

SECTION 9. Tennessee Code Annotated, Section 68-1-120, is amended by deleting the section.

SECTION 10. Tennessee Code Annotated, Title 68, Chapter 11, Part 8, is amended by adding the following as a new section:

The executive director of the health facilities commission shall submit a report no later than February 1 of each year to the governor, the chief clerk of the house of representatives, and the chief clerk of the senate, regarding the commission's nursing home inspection and enforcement activities during the previous year. The report must analyze trends in compliance with nursing home standards and residents' rights by nursing homes in this state, and must be limited to identifying those trends through aggregate and quantitative data only. In preparing the report, the executive director may utilize quantitative data compiled by nursing homes pursuant to federal or state regulations. The executive director shall ensure that the report is promptly made available to the public by dissemination via the internet and that the report is available for members of the public to copy.

SECTION 11. Tennessee Code Annotated, Section 68-11-236, is amended by deleting "department of health" wherever it appears and substituting "health facilities commission"; and

by deleting "department" and substituting "commission" in subdivision (c)(3), subsection (d), subsection (e), and subdivision (f)(3).

SECTION 12. Tennessee Code Annotated, Section 68-11-237, is amended by deleting "department of health" wherever it appears and substituting "health facilities commission"; and by deleting "department" and substituting "commission" in subdivision (c)(3), subsection (d), subsection (e), and subdivision (f)(3).

SECTION 13. Tennessee Code Annotated, Section 68-11-203(a)(1), is amended by deleting the language "ex officio members, namely".

SECTION 14. Tennessee Code Annotated, Section 68-140-319, is amended by deleting subdivisions (1)(C) and (1)(D) and substituting:

(C) Notwithstanding another law to the contrary, an ambulance service provider shall furnish to a patient or a patient's authorized representative a copy of the patient's run record or records within five (5) business days upon request in writing by the patient or the representative, and shall furnish a copy of a patient's run record or records to a surveyor employed by the health facilities commission within five (5) business days upon request in writing by the surveyor or health facilities commission staff; and

(D) Except as otherwise provided by law, such patient's run record or records are not a public record, and this part does not impair any privilege of confidentiality conferred by law on patients, their personal representatives, or heirs. This subdivision (1)(D) does not impair or abridge the right of the patient or the patient's authorized representative to obtain copies of the patient's hospital records in the manner provided in § 68-11-304. This subdivision (1)(D) does not prohibit a health facilities commission surveyor investigating an incident in a certified or licensed healthcare facility from obtaining a copy of this record without a subpoena incident to a health facility investigation. This subdivision (1)(D) does not prohibit a patient's run record or records from being subpoenaed by a court of competent jurisdiction. As used in this subdivision

(1), "run record" includes any list of patients that is compiled or maintained by or for such patient's ambulance service provider, but does not include the dispatch log; and

SECTION 15. Tennessee Code Annotated, Section 71-2-116, is amended by deleting subsection (d) and substituting:

The executive director shall appoint the council membership after consulting with the Tennessee Hospice Association, Tennessee Hospital Association, Tennessee Medical Association, Tennessee Nursing Association, Tennessee Health Care Association, Tennessee Association of Home Care, and the Tennessee Chapter of the American Cancer Society and shall include interdisciplinary palliative care medical, nursing, social work, pharmacy, and spiritual professional expertise; patient and family caregiver advocate representation; and any other relevant appointees the executive director determines appropriate. The council consists of no more than twelve (12) members. The executive director shall consider the racial, geographic, urban/rural, and economic diversity of the state when appointing members. Membership must specifically include health professionals having palliative care work experience or expertise in palliative care delivery models in a variety of inpatient, outpatient, and community settings such as acute care, long-term care, and hospice, and with a variety of populations, including pediatric, youth, and adult. At least one (1) council member must be a board-certified hospice and palliative medicine physician; at least one (1) council member must be a licensed certified registered nurse practitioner with expertise in palliative care; one (1) council member must be the executive director of the health facilities commission, or the executive director's designated representative; and one (1) council member must be from the department of health. Council members are appointed for a term of three (3) years. The members shall elect a chair and vice chair, whose duties are established by the council. The council shall fix a time and place for regular meetings and shall meet no less than twice yearly.

SECTION 16. Tennessee Code Annotated, Section 71-2-117, is amended by deleting from subdivision (c)(1) the language "sixteen (16) members" and substituting "seventeen (17) members"; and by inserting the following as a new subdivision immediately preceding subdivision (c)(1)(N) and redesignating the remaining subdivisions accordingly:

() The executive director of the Tennessee health facilities commission;

SECTION 17. Tennessee Code Annotated, Section 68-11-201(1), is amended by deleting "by the board" and substituting "by the commission".

SECTION 18. Tennessee Code Annotated, Section 68-11-201(2), is amended by deleting "by the board" and substituting "by the commission".

SECTION 19. Tennessee Code Annotated, Section 68-11-201(4)(C)(iii), is amended by deleting "board for licensing health care facilities" and substituting "health facilities commission".

SECTION 20. Tennessee Code Annotated, Section 68-11-201(4)(C)(v), is amended by deleting "the board" wherever it appears and substituting "the commission".

SECTION 21. Tennessee Code Annotated, Section 68-11-201(4)(C)(vi), is amended by deleting "The board shall" and substituting "The commission shall".

SECTION 22. Tennessee Code Annotated, Section 68-11-201(5)(A), is amended by deleting "authority of the board or the commission" and substituting "authority of the commission".

SECTION 23. Tennessee Code Annotated, Section 68-11-201(5)(D), is amended by deleting "board for licensing health care facilities" and substituting "health facilities commission".

SECTION 24. Tennessee Code Annotated, Section 68-11-201(5)(F), is amended by deleting "board for licensing health care facilities" and substituting "health facilities commission".

SECTION 25. Tennessee Code Annotated, Section 68-11-201(17), is amended by deleting "created by § 68-11-1604" and substituting "created by this part".

SECTION 26. Tennessee Code Annotated, Section 68-11-201(19)(D), is amended by deleting "The board shall" and substituting "The commission shall"; and by deleting "authorized by the board" and substituting "authorized by the commission".

SECTION 27. Tennessee Code Annotated, Section 68-11-201(20)(B), is amended by deleting "the board" wherever it appears and substituting "the commission"; by deleting "The board" wherever it appears and substituting "The commission"; and by deleting "the board's" and substituting "the commission's".

SECTION 28. Tennessee Code Annotated, Section 68-11-201(28)(D), is amended by deleting "The board has" and substituting "The commission has".

SECTION 29. Tennessee Code Annotated, Section 68-11-201(40)(C), is amended by deleting "purview of the board" and substituting "purview of the commission".

SECTION 30. Tennessee Code Annotated, Section 68-11-201(42), is amended by deleting "in regulations promulgated by the board" and substituting "in rules promulgated by the commission".

SECTION 31. Tennessee Code Annotated, Section 68-11-201(44), is amended by deleting "The board shall establish, by rules and regulations" and substituting "The commission shall establish by rule".

SECTION 32. Tennessee Code Annotated, Section 68-11-201(45), is amended by deleting "in regulations promulgated by the board" and substituting "in rules promulgated by the commission".

SECTION 33. Tennessee Code Annotated, Section 68-11-201, is amended by deleting subdivisions (9) and (13).

SECTION 34. Tennessee Code Annotated, Section 68-11-201, is amended by inserting the following as new subdivisions:

() "Conflict of interest" means a matter before the commission in which the member or employee of the commission has a direct interest or indirect interest that is in conflict or gives the appearance of conflict with the discharge of the member's or employee's duties;

() "Direct interest" means a pecuniary interest in the persons involved in a matter before the commission, and applies to the commission member or employee, the

commission member's or employee's relatives, or an individual with whom or business in which the member or employee has a pecuniary interest. As used in this subdivision (), "relative" means a spouse, parent, child, stepparent, stepchild, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, or nephew by blood, marriage, or adoption;

() "Ex parte communications" means communications in violation of § 4-5-304 or § 68-11-1607(d);

() "Indirect interest" means a personal interest in the persons involved in a matter before the commission that is in conflict with the discharge of the commission member's or employee's duties;

() "Needs assessment" means an annual report that measures access to health care in this state, particularly as to emergency and primary care; identifies access gaps; and serves to inform the criteria and standards for the issuance of certificates of need;

() "Nonresidential substitution-based treatment center for opiate addiction" includes, but is not limited to, stand-alone clinics that offer:

(A) Methadone;

(B) Products containing buprenorphine, such as Subutex and Suboxone;

or

(C) Products containing another formulation designed to treat opiate addiction by preventing symptoms of withdrawal;

() "Nursing home bed" means:

(A) A licensed bed within a nursing home, regardless of whether the bed is certified for medicare or medicaid services; and

(B) A bed at a healthcare institution that is used as a swing bed under 42 C.F.R. § 485.645;

() "Rehabilitation facility" means an inpatient or residential facility that is operated for the primary purpose of assisting in the rehabilitation of physically disabled

persons through an integrated program of medical and other services that are provided under professional supervision;

SECTION 35. Tennessee Code Annotated, Section 68-11-202, is amended by deleting subdivision (a)(2).

SECTION 36. Tennessee Code Annotated, Section 68-11-202, is amended by deleting "the board" wherever it appears and substituting "the commission"; by deleting "The board" wherever it appears and substituting "The commission"; by deleting "the board's" wherever it appears and substituting "the commission's"; and by deleting "board-regulated facility" wherever it appears and substituting "commission-regulated facility".

SECTION 37. Tennessee Code Annotated, Section 68-11-203, is amended by deleting the section and substituting:

(a) There is created a health facilities commission that has jurisdiction and powers relating to the licensing and regulation of healthcare facilities, as described in § 68-11-202; the certificate of need program described in part 16 of this chapter; the development of the criteria and standards to guide the commission when issuing certificates of need; conducting of studies related to health care, which must include a needs assessment; and related reporting of healthcare institutions subject to this chapter.

(b)

(1) The commission consists of fifteen (15) members, including:

(A) The comptroller of the treasury, or an employee of the office of the comptroller of the treasury, designated by the comptroller;

(B) The executive director of the commission on aging and disability, or an employee of the commission on aging and disability, designated by the director;

(C) The director of TennCare, or an employee of the division of TennCare, designated by the director;

(D) Four (4) members appointed by the speaker of the senate, to include:

(i) One (1) consumer member;

(ii) One (1) individual who has recent experience as an executive officer of a hospital or hospital system who may be appointed from lists of qualified persons submitted by interested hospital groups, including, but not limited to, the Tennessee Hospital Association;

(iii) One (1) representative of the nursing home industry who may be appointed from lists of qualified persons submitted by interested healthcare groups, including, but not limited to, the Tennessee Health Care Association; and

(iv) One (1) duly licensed physician who may be appointed from lists of qualified persons submitted by interested medical groups, including, but not limited to, the Tennessee Medical Association;

(E) Four (4) members appointed by the speaker of the house of representatives, to include:

(i) One (1) consumer member;

(ii) One (1) individual who has recent experience as an executive officer of a hospital or hospital system who may be appointed from lists of qualified persons submitted by interested hospital groups, including, but not limited to, the Tennessee Hospital Association;

(iii) One (1) representative of the nursing home industry who may be appointed from lists of qualified persons submitted by

interested healthcare groups, including, but not limited to, the Tennessee Health Care Association; and

(iv) One (1) duly licensed physician who may be appointed from lists of qualified persons submitted by interested medical groups, including, but not limited to, the Tennessee Medical Association; and

(F) Four (4) members appointed by the governor, to include:

(i) One (1) registered nurse, who may be appointed from lists of qualified persons submitted by interested groups, including, but not limited to, the Tennessee Nurses Association;

(ii) One (1) representative of the home care industry who may be appointed from lists of qualified persons submitted by interested home care groups, including, but not limited to, the Tennessee Association for Home Care. The initial term for the home care industry representative is two (2) years. Upon the expiration of that term, the home care industry representative is appointed for a three-year term pursuant to subsection (c);

(iii) One (1) representative of the assisted-care living facility industry; and

(iv) One (1) representative of the ambulatory surgical treatment center industry.

(2) The governor and each speaker shall consult with interested groups, including, but not limited to, the organizations listed in subdivision (b)(1) to determine qualified persons to fill positions with the commission.

(3) In making appointments to the health facilities commission, the governor and the speakers shall strive to ensure that racial minorities, females,

persons sixty (60) years of age and older, and the three (3) grand divisions are represented.

(4) The consumer members must be persons who are knowledgeable of health needs and services and who are further knowledgeable by training or experience in healthcare facility design or construction, financing of healthcare services or construction, reimbursement of healthcare services, or general healthcare economics. The consumer members shall not be a direct provider of healthcare goods or services.

(c)

(1) A member of the commission shall not serve beyond the expiration of the member's term, whether or not a successor has been appointed by the governor or the speakers of the senate and the house of representatives.

(2)

(A) Except as otherwise provided in subdivisions (c)(2)(B) and (C), commission members are appointed for three-year terms. A commission member may serve consecutive terms, and there is no limit upon the number of consecutive or non-consecutive terms that a member may serve.

(B) The comptroller of the treasury, the executive director of the commission on aging and disability, and the director of TennCare, or their respective designees, are not limited to a term of years.

(C) In order to stagger the initial terms of the consumer members of the commission, the following initial terms apply:

(i) The initial term for the consumer member appointed pursuant to subdivision (b)(1)(D)(i) is three (3) years; and

(ii) The initial term for the consumer member appointed pursuant to subdivision (b)(1)(E)(i) is two (2) years.

(3) If a member is absent from three (3) consecutive, regularly scheduled public meetings of the commission, then the individual's membership is automatically terminated, and the position is considered vacant.

(d)

(1) Each member of the commission shall be reimbursed for all travel and other necessary expenses.

(2) Expenditures must be claimed and paid in accordance with the comprehensive travel regulations as promulgated by the department of finance and administration, and approved by the attorney general and reporter.

(e)

(1) At the first meeting in each even-numbered year, the commission shall elect officers. The chair of the commission must be a consumer member to serve a term as chair for two (2) years. A member shall not serve more than two (2) consecutive terms as chair. A member of the commission may serve as vice chair, which is a term of two (2) years. A member shall not serve more than two (2) consecutive terms as vice chair.

(2) Meetings of the commission must be held as frequently as its duties may require, and no less frequently than eight (8) times each fiscal year.

(3) A majority of appointed members, not including vacant positions, constitutes a quorum.

(4) An action of the commission is not effective unless the action is concurred in by a majority of commission members present and voting.

(5) The chair may only vote if there is a tie among the other members present and voting.

(6) The commission shall record by name the votes taken on all actions of the commission.

(7)

(A) All commission members shall annually review and sign a statement acknowledging the statute, rules, and policies concerning conflicts of interest.

(B)

(i) A member, upon determining that a matter scheduled for consideration by the commission results in a conflict with a direct interest, shall immediately notify the executive director and is recused from any deliberation of the matter, from making any recommendation, from testifying concerning the matter, or from voting on the matter. The member shall join the public during the proceedings.

(ii) A member with an indirect interest shall publicly acknowledge such interest, unless the member is recused from deliberation on, making a recommendation regarding, testifying concerning, or voting on the matter.

(iii) All members shall make every reasonable effort to avoid even the appearance of a conflict of interest. If a member is uncertain whether the relationship justifies recusal, then the member shall follow the determination by the legal counsel for the commission.

(iv) A determination by the commission or a court that a member of the commission with a direct interest failed to provide notice and be recused from deliberations of the matter, from making any recommendation, from testifying concerning the matter, or from voting on the matter, results in the member's automatic termination from the commission and the position is considered vacant. The member is not eligible for appointment to

any commission, board, or commission of this state for a period of two (2) years.

(v) The executive director, upon determining that a conflict exists for the executive director or a member of the staff, shall notify the chair of the commission and take such action as the chair prescribes and pursuant to this part.

(f) In addition to the powers granted elsewhere in this part, the commission has the duty and responsibility to:

(1) Promulgate rules and policies deemed necessary by the commission for the fulfillment of its duties and responsibilities under this part;

(2) Promulgate rules and policies deemed necessary by the commission for the fulfillment of its duties and responsibilities under part 16 of this chapter, including, but not limited to, criteria to guide the commission in the issuance of certificates of need;

(3) Conduct studies related to health care, including a needs assessment that must be updated at least annually; and

(4) Contract when necessary for the development of criteria and standards to guide the commission when issuing certificates of need and for the implementation of the certificate of need program described in this part.

SECTION 38. Tennessee Code Annotated, Section 68-11-204, is amended by deleting subsection (c) and substituting:

(c) The commission, in its discretion, is authorized to issue licenses to several licensees in such form as it may deem necessary to distinguish between and identify any of the facilities required to be licensed by the commission.

SECTION 39. Tennessee Code Annotated, Section 68-11-206, is amended by deleting "the board" wherever it appears and substituting "the commission"; and by deleting "The board" wherever it appears and substituting "The commission".

SECTION 40. Tennessee Code Annotated, Section 68-11-207, is amended by deleting subdivision (j)(7) and substituting:

(7) Commission administrative staff shall maintain a file of reported complaints.

The file must include the name of the facility against whom the complaint is filed, the date the complaint is filed, the action taken by the commission, if any, on the complaint, and the date of the action taken.

SECTION 41. Tennessee Code Annotated, Section 68-11-207, is amended by deleting "The board" wherever it appears and substituting "The commission"; by deleting "the board" wherever it appears and substituting "the commission"; and by deleting "the board's" in subsection (g) and substituting "the commission's".

SECTION 42. Tennessee Code Annotated, Section 68-11-208, is amended by deleting the section and substituting:

(a) Any licensee, or applicant for a license, aggrieved by a decision or action of the commission pursuant to this part may request a hearing before the commission.

(b) These proceedings and judicial review of the commission's decision must be conducted in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(c) The chair of the health facilities commission may appoint a five-member ad hoc litigation committee composed of members of the commission when deemed necessary by the chair or the commission.

SECTION 43. Tennessee Code Annotated, Section 68-11-210, is amended by deleting subdivision (c)(4) and substituting:

(4) The commission, under part 1 of this chapter, the board of examiners for nursing home administrators, under title 63, chapter 16, and any hospital authority, under title 7, chapter 57, shall conduct one (1) joint inspection for each licensing period or shall accept the investigation of one (1) of such entities, under subdivision (c)(3), unless otherwise required by federal law or regulation.

SECTION 44. Tennessee Code Annotated, Section 68-11-210, is amended by deleting "The board" wherever it appears in subsections (a) and (b) and substituting "The commission"; and by deleting "the board" wherever it appears in subsections (a) and (b) and subdivision (c)(3)(E) and substituting "the commission".

SECTION 45. Tennessee Code Annotated, Section 68-11-211, is amended by deleting subdivision (a)(2) and substituting:

(2) "Commission" means the health facilities commission;

SECTION 46. Tennessee Code Annotated, Section 68-11-213, is amended by deleting "board for licensing health care facilities" from subdivision (i)(2) and substituting "health facilities commission"; by deleting "The board" wherever it appears in subsection (j) and substituting "The commission"; by deleting "the board" wherever it appears in subsections (k) and (l) and substituting "the commission"; and by deleting "the board's" from subdivision (k)(2) and substituting "the commission's".

SECTION 47. Tennessee Code Annotated, Section 68-11-214, is amended by deleting "the board" from subdivision (a)(1) and substituting "the commission".

SECTION 48. Tennessee Code Annotated, Section 68-11-215, is amended by deleting "the board" from subsection (b) and substituting "the commission".

SECTION 49. Tennessee Code Annotated, Section 68-11-216, is amended by deleting "The board" from subdivision (a)(1) and substituting "The commission"; and by deleting "the board" wherever it appears and substituting "the commission".

SECTION 50. Tennessee Code Annotated, Section 68-11-222, is amended by deleting subdivision (b)(1).

SECTION 51. Tennessee Code Annotated, Section 68-11-223, is amended by deleting "The board" from subdivision (b)(2) and substituting "The commission"; and by deleting "the board" wherever it appears in subsection (b) and substituting "the commission".

SECTION 52. Tennessee Code Annotated, Section 68-11-224, is amended by deleting "the board" from subdivision (e)(2) and substituting "the commission"; and by deleting "board for

licensing health care facilities" wherever it appears and substituting "health facilities commission".

SECTION 53. Tennessee Code Annotated, Section 68-11-225, is amended by deleting "the board's" from subsection (e) and substituting "the commission's"; and by deleting "the board" wherever it appears and substituting "the commission".

SECTION 54. Tennessee Code Annotated, Section 68-11-226(a), is amended by deleting "the board's staff" and substituting "the commission's staff"; by deleting "requirements of the board" and substituting "requirements of the commission"; and by deleting "The board" wherever it appears and substituting "The commission".

SECTION 55. Tennessee Code Annotated, Section 68-11-235, is amended by deleting "the board" wherever it appears and substituting "the commission".

SECTION 56. Tennessee Code Annotated, Section 68-11-236(i), is amended by deleting "the board" and substituting "the commission".

SECTION 57. Tennessee Code Annotated, Section 68-11-237(i), is amended by deleting "the board" and substituting "the commission".

SECTION 58. Tennessee Code Annotated, Section 68-11-244(f), is amended by deleting "board for licensing healthcare facilities" and substituting "health facilities commission".

SECTION 59. Tennessee Code Annotated, Section 68-11-251, is amended by deleting the section and substituting:

(a) The health facilities commission shall promulgate rules pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, to provide optimal emergency medical and surgical services for pediatric patients in facilities it licenses and has the authority, when funding is available, to obtain assistance with development and implementation of its standards and to support delivery of educational services and equipment to providers of emergency pediatric medical services in facilities it licenses. In developing, updating, and implementing rules and providing services and equipment, the commission shall use national standards as a guide and shall collaborate with the

emergency medical services division and its board and the committee on pediatric emergency care created pursuant to subsection (e).

(b) It is the intent of this section that the entire spectrum of emergency pediatric medical and critical care services, including primary prevention of illness and injury, a statewide pediatric trauma system, disaster planning and management, acute care, data analysis, evaluation of potential standards of care, and rehabilitation be incorporated into the rules and into any services and equipment provided or required to be furnished pursuant to this section or any grant or contract awarded under this section.

(c) The rules authorized by this section must require adequate emergency medical care for children relative to the following, must take into account the size and location of facilities, and must require appropriate triage, stabilization, and referral of patients:

- (1) Facility equipment standards;
- (2) Qualifications of facility personnel; and
- (3) Continuing professional education of facility personnel.

(d) To assist in the implementation of the purposes of this section, the health facilities commission has the authority to solicit and receive grants, donations, and public and private funding. The funding may be used for grants or contracts with 501(c)(3) organizations, as defined in 26 U.S.C. § 501(c)(3), that are capable of providing the advice, services, and equipment necessary to assist in the provision of state-of-the-art emergency medical and critical care for ill or injured pediatric patients.

(e)

(1) The committee on pediatric emergency care consists of those members who were originally jointly appointed by the board of licensing health care facilities and the emergency medical services board, and those who are chosen by the health facilities commission and the emergency medical services board to replace them, to include representatives of the following organizations:

(A) Tennessee Hospital Association;

(B) Tennessee chapter of the American Academy of Pediatrics;

(C) Tennessee chapter of the American College of Surgeons;

(D) Tennessee chapter of the American College of Emergency Physicians;

(E) Tennessee chapter of the American Academy of Family Physicians;

(F) Tennessee chapter of the Emergency Nurses Association;

(G) Tennessee Ambulance Service Association;

(H) Rural Health Association of Tennessee;

(I) Tennessee School Nurses Association;

(J) Tennessee Congress of Parents and Teachers (PTA);

(K) Tennessee Emergency Services Education Association;

(L) Comprehensive regional pediatric centers (CRPCs); and

(M) Other persons or representatives of such other organizations, groups, or entities that the chairs of the health facilities commission and the emergency medical services board agree are necessary to accomplish the purposes of this section.

(2) In forming its recommendations to the commission, the committee shall have access to the department of health's existing raw and analyzed data regarding pediatric emergency care issues.

(f) On or before July 1 of every year, the health facilities commission and the emergency medical services board, in collaboration with the committee on pediatric emergency care, shall jointly prepare a report on the current status of emergency medical services for children and on continuing efforts to improve such services. The health facilities commission and emergency medical services board shall submit the joint

report to the health and welfare committee of the senate, the health committee of the house of representatives, and the judiciary committee of the senate.

SECTION 60. Tennessee Code Annotated, Section 68-11-252, is amended by deleting "the board" wherever it appears and substituting "the commission"; and by deleting "The board" wherever it appears and substituting "The commission".

SECTION 61. Tennessee Code Annotated, Section 68-11-258, is amended by deleting "The board shall" and substituting "The health facilities commission shall".

SECTION 62. Tennessee Code Annotated, Section 68-11-259, is amended by deleting "The board" wherever it appears and substituting "The commission"; and by deleting "the board" wherever it appears and substituting "the commission".

SECTION 63. Tennessee Code Annotated, Section 68-11-270, is amended by deleting "the board" wherever it appears and substituting "the commission"; and by deleting "The board" from subsection (n) and substituting "The commission".

SECTION 64. Tennessee Code Annotated, Section 68-11-271, is amended by deleting "board for licensing health care facilities" from subsection (f) and substituting "health facilities commission".

SECTION 65. Tennessee Code Annotated, Section 68-11-273(a), is amended by deleting "the board" and substituting "the commission".

SECTION 66. Tennessee Code Annotated, Section 68-11-1604, is amended by deleting the section.

SECTION 67. Tennessee Code Annotated, Section 68-11-1606, is amended by deleting the section.

SECTION 68. Tennessee Code Annotated, Section 68-140-102(1), is amended by deleting "board for licensing health care facilities" and substituting "health facilities commission".

SECTION 69. Tennessee Code Annotated, Section 68-140-201, is amended by deleting "board for licensing health care facilities" and substituting "health facilities commission".

SECTION 70. Tennessee Code Annotated, Section 68-140-321(a), is amended by deleting "and health care facilities board".

SECTION 71. Tennessee Code Annotated, Section 68-140-321(e), is amended by deleting "board for licensing health care facilities" and substituting "health facilities commission".

SECTION 72. Tennessee Code Annotated, Title 68, Chapter 11, Part 2, is amended by adding the following as a new section:

68-11-277.

(a) The commission shall appoint an executive director qualified by education and experience. The executive director must demonstrate knowledge and experience in the areas of public administration and health policy development. The executive director of the commission on June 30, 2026, will remain executive director on July 1, 2026, without the need for reappointment by the commission.

(b) The executive director is the chief administrative officer of the commission, exercising general supervision over all persons employed by the commission. The commission's staff is subject to personnel rules and policies that are applicable to state employees in general, including leave, compensation, classification, and travel rules and policies. The commission shall fix the salary of the executive director; any adjustments to the executive director's salary due to administration changes to multiple employees in the executive director's job classification do not require commission approval. The commission has the sole authority to appoint, terminate, and control the work of the executive director. The executive director has the exclusive authority to appoint, terminate, and control staff employees. The commission's employees are executive service and serve at the pleasure of the executive director.

(c) The executive director has the following duties:

(1) Administering the licensure and regulation program under this part;

(2) Administering the certificate of need program under part 16 of this

chapter;

(3) Administering the development of criteria and standards to guide the commission when issuing certificates of need;

(4) Conducting studies related to health care;

(5) Representing the commission before the general assembly;

(6) Overseeing the issuance of responses to requests for determination regarding the applicability of this part;

(7) Issuing exemptions from the requirement that a certificate of need be obtained for the relocation of existing or certified facilities providing healthcare services and healthcare institutions under § 68-11-1607(a)(4);

(8) Keeping a written record of proceedings and transactions of the commission, which must be open to public inspection during regular office hours;

(9) Preparing the agenda, including consent and emergency calendars, and notice to the general public of all meetings and public hearings of the commission;

(10) Employing personnel, within the commission's budget, to assist in carrying out this part;

(11) Carrying out policies and rules that are promulgated by the commission and supervising the expenditure of funds; and

(12) Submitting an annual report, no later than January 15 of each year, to the chairs of the health and welfare committee of the senate and the health committee of the house of representatives that includes, but is not limited to, a comparison of the actual payer mix and uncompensated care provided by special health services licensees with the projections the licensees submitted in the licensee's special health services license application.

(d) In addition to the duties provided in subsection (c), the commission has the authority to delegate, and it is the intent of the general assembly that the commission

exercise the authority to delegate the following responsibilities and duties to the executive director:

(1) Granting deferral of applications for certificates of need in accordance with § 68-11-1609; and

(2) Granting approval or denial of modifications, changes of conditions or ownership, and extensions of certificates of need in accordance with part 16 of this chapter.

(e) A delegation of authority pursuant to subsection (d) continues until specifically revoked by the commission as a result of a determination that revocation is necessary to ensure the proper and orderly operation of the commission.

(f) The executive director shall notify the commission of an action taken pursuant to a delegation of authority under subsection (d) at the commission's next regularly scheduled meeting.

(g)

(1) The commission shall review an action by the executive director, if:

(A) The executive director receives a written request for commission review; or

(B) A commission member requests commission review.

(2)

(A) If a request for commission review pursuant to subdivision (g)(1) is received within fifteen (15) days of the date the executive director provides notice of the action pursuant to subsection (f), then the action does not become final until the commission has rendered its final decision.

(B) If a request for commission review is not received pursuant to subdivision (g)(1), then the executive director's action becomes final as if the action was taken by the commission.

(h)

(1) A commission review of an action taken by the executive director must be conducted at the next regularly scheduled commission meeting that is scheduled for a date no less than two (2) weeks after the date the request for review is received pursuant to subsection (g).

(2) Commission review of an action by the executive director is de novo.

(3) The commission shall use the then-current edition of Robert's Rules of Order as the rules of parliamentary procedure applicable to a commission review of an action taken by the executive director.

SECTION 73. Tennessee Code Annotated, Section 68-11-1624, is amended by deleting "the board for licensing health care facilities in its discretion may delegate to the commission the authority to issue a new license to the successor owner. The delegation of this authority is limited to" and substituting "the health facilities commission may issue a new license to the successor owner. The use of this authority is limited to".

SECTION 74. Tennessee Code Annotated, Section 68-11-1602(9), is amended by deleting "created by this part" and substituting "created by part 2 of this chapter".

SECTION 75. Tennessee Code Annotated, Title 33, Chapter 2, Part 4, is amended by adding the following as a new section:

Mental health facilities and substance abuse facilities that are licensed under this part may additionally be licensed by other departments or agencies of this state.

SECTION 76. For the purpose of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes:

(1) Sections 1-16 take effect July 1, 2023, the public welfare requiring it; and

(2) Sections 17-76 take effect July 1, 2024, the public welfare requiring it.

Amendment No. _____

S. Leonard MD

Signature of Sponsor

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Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1451

House Bill No. 1312*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 63-6-207(g), is amended by deleting the subsection and substituting:

(g)

(1) The board may issue a temporary license of limited duration to an international medical school graduate upon finding sufficient evidence that the international medical school graduate:

(A) Demonstrated competency as determined by the board;

(B) Completed a three-year post-graduate training program in the graduate's licensing country; or

(C) Has otherwise practiced as a medical professional performing the duties of a physician for at least three (3) of the last five (5) years outside the United States.

(2) An applicant under subdivision (g)(1)(B) or (g)(1)(C) must submit sufficient evidence that the applicant is an international medical school graduate and has an offer for employment as a physician at a healthcare provider that operates in this state and has a post-graduate training program accredited by the accreditation council for graduate medical education in place.

(3) An international medical school graduate who is granted a temporary license under subdivision (g)(1)(B) or (g)(1)(C) must only provide medical



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services at a healthcare provider that has in place a post-graduate training program accredited by the accreditation council for graduate medical education.

(4) The board shall grant a full and unrestricted license to practice medicine to a temporary licensee under subdivision (g)(1)(B) or (g)(1)(C) who is in good standing two (2) years after the date of temporary licensure. A temporary licensee who obtains a full and unrestricted license is not subject to the limitation of practicing at a healthcare facility with a post-graduate training program.

(5) As used in this subsection (g), "healthcare provider" means an individual, entity, corporation, person, or organization, whether for profit or nonprofit, that furnishes, bills, or is paid for a healthcare procedure or service delivery in the normal course of business, and includes, but is not limited to, a health system, hospital, hospital-based facility, freestanding emergency facility, and urgent care clinic.

SECTION 2. 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 July 1, 2024, the public welfare requiring it.

Amendment No. _____


_____ of Sponsor

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Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 219

House Bill No. 271*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 63-11-104(h), is amended by deleting the language "and certified psychological assistants" and substituting ", certified psychological assistants, and certified psychological testing technicians".

SECTION 2. Tennessee Code Annotated, Section 63-11-201(a), is amended by deleting the language "Four (4) levels" and substituting "Five (5) levels", and by adding the following as a new subdivision:

(5) Certified psychological testing technician;

SECTION 3. Tennessee Code Annotated, Section 63-11-201(c), is amended by deleting the language "certified psychological assistant must" and substituting "certified psychological assistant or certified psychological testing technician must".

SECTION 4. Tennessee Code Annotated, Section 63-11-204(b), is amended by deleting the language "psychologist, or psychological examiner or senior psychological examiner or certified psychological assistant" and substituting "psychologist, psychological examiner, senior psychological examiner, certified psychological assistant, or certified psychological testing technician".

SECTION 5. Tennessee Code Annotated, Section 63-11-204(c), is amended by deleting the language "psychologist or, psychological examiner or senior psychological examiner or certified psychological assistant" and substituting "psychologist, psychological examiner, senior psychological examiner, certified psychological assistant, or certified psychological testing technician".



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SECTION 6. Tennessee Code Annotated, Section 63-11-205(a)(1), is amended by deleting the language "psychologists or, psychological examiners or, senior psychological examiners or certified psychological assistants" and substituting "psychologists, psychological examiners, senior psychological examiners, certified psychological assistants, or certified psychological testing technicians".

SECTION 7. Tennessee Code Annotated, Section 63-11-205(d), is amended by deleting the language "psychological examiner or, senior psychological examiner or, certified psychological assistant or psychologist" and substituting "psychological examiner, senior psychological examiner, certified psychological assistant, certified psychological testing technician, or psychologist".

SECTION 8. Tennessee Code Annotated, Section 63-11-206(a), is amended by deleting the language "license to practice as psychological examiner or, psychologist or senior psychological examiner or a certificate to practice as a psychological assistant" and substituting "license to practice as a psychological examiner, psychologist, or senior psychological examiner, or a valid certificate to practice as a psychological assistant or psychological testing technician,".

SECTION 9. Tennessee Code Annotated, Section 63-11-206(b), is amended by deleting the subsection and substituting:

(b) This chapter does not prevent members of other recognized professions that are licensed, certified, or regulated under the laws of this state from rendering services consistent with their professional training and code of ethics as long as they do not represent themselves to be psychologists, psychological examiners, senior psychological examiners, certified psychological assistants, or certified psychological testing technicians. Duly recognized members of the clergy are not restricted from functioning in their ministerial capacity as long as they do not represent themselves to be psychologists, psychological examiners, senior psychological examiners, certified psychological assistants, or certified psychological testing technicians.

SECTION 10. Tennessee Code Annotated, Section 63-11-206(c)(1), is amended by deleting the language "psychological examiner or, psychologist or, senior psychological examiner or certified psychological assistant" and substituting "psychological examiner, psychologist, senior psychological examiner, certified psychological assistant, or certified psychological testing technician".

SECTION 11. Tennessee Code Annotated, Section 63-11-206(c), is amended by adding the following as a new subdivision:

(3) A person practices as a "certified psychological testing technician" within the meaning of this chapter when the person claims to be a certified psychological testing technician or renders to individuals or the public for remuneration any service involving the application of recognized principles, methods, and procedures of the science and profession of psychology and only under the direct employment and supervision of either the psychologist or senior psychological examiner employing the certified psychological testing technician or the employing community mental health center or state governmental agency. Any and all work performed by a certified psychological testing technician is supervised by a psychologist or senior psychological examiner as determined by the board.

SECTION 12. Tennessee Code Annotated, Section 63-11-206(g), is amended by deleting the language "psychological examiner or as a psychologist, or as a senior psychological examiner or certified psychological assistant" and substituting "psychological examiner, psychologist, senior psychological examiner, certified psychological assistant, or certified psychological testing technician".

SECTION 13. Tennessee Code Annotated, Section 63-11-207, is amended by adding the following as a new subsection:

(c)

(1) A person seeking to practice as a certified psychological testing technician in this state shall, before it is lawful for the person to practice as a

certified psychological testing technician, make application to the board through the chair, upon such form and in such manner as is adopted and prescribed by the board, including, but not limited to, the proper registration with the board of the supervisor of record for the certified psychological testing technician. Unless the person obtains a proper certificate as issued by the board, it is unlawful for the person to practice. The person violates this chapter if the person practices as a certified psychological testing technician without first having obtained a proper certificate.

(2) As used in subdivision (c)(1), "practice as a certified psychological testing technician" means the individual is duly authorized by the board to administer and score standardized psychological and neuropsychological tests and to observe and describe a client's test behavior and test responses. A certified psychological testing technician shall not select psychological or neuropsychological tests or versions of tests to be given, interpret test results, write test results, or give test feedback to clients.

(3) The services provided by a certified psychological testing technician must be provided under the direct supervision of a psychologist who is registered with the board as the supervisor of record to provide such supervision for the certified psychological testing technician. The certified psychological testing technician must be employed by, or contracted with, the same work setting as the supervising psychologist who is registered with the board.

(4) A candidate for certification shall furnish the board with satisfactory evidence that the candidate:

- (A) Is of good moral character;
- (B) Is a citizen of the United States;
- (C) Is not considered by the board to be engaged in unethical practice;

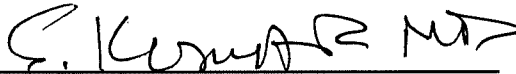
(D) Proof of completion of a bachelor's degree or graduate degree, or proof of current enrollment in a graduate degree program, from a regionally accredited university, college, or professional school, in either psychology or education with a specialization in educational psychology, counseling psychology, or school psychology. The candidate's educational training must consist of a minimum of seventy-two (72) hours of total education and training relating to psychological or neuropsychological test administration and scoring that includes the following:

(i) At least twenty (20) hours of direct observation, including at least ten (10) hours of direct observation of a licensed psychologist administering and scoring tests, and at least ten (10) hours of direct observation of either a licensed psychologist or certified psychological testing technician duly registered by the board administering and scoring tests;

(ii) At least forty (40) hours of administering and scoring tests in the presence of a licensed psychologist; and

(iii) At least twelve (12) hours of additional education on topics related to best practices for the functions identified in subdivision (c)(2). Of those twelve (12) hours, at least three (3) hours must be specifically dedicated to law and ethics, and at least three (3) hours must be dedicated to multicultural competency. Additional topics must relate to growth, knowledge, and skill-based training that would enhance the candidate's professional skill in providing care for persons with medical, psychiatric, neurocognitive, and developmental conditions commonly assessed by psychologists and neuropsychologists.

Amendment No. _____



Signature of Sponsor

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Date _____

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Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 482*

House Bill No. 1318

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 2, is amended by adding the following as a new part:

56-2-1101.

As used in this part:

(1) "Commissioner" means the commissioner of commerce and insurance; and

(2) "Insurance company":

(A) Means a legal entity or natural person engaged as a principal in the business of insurance and licensed pursuant to this title; and

(B) Includes a representative of, or attorney for, the insurance company.

56-2-1102.

(a) An insurance company shall provide written notice to a claimant at the same time payment of a settlement of a third-party liability claim is made by the insurance company by draft, check, or otherwise to the claimant's attorney or representative.

(b) Notice is not required under subsection (a) if the underlying litigation involves a class action of claimants.

56-2-1103.

This part does not:



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(1) Create a cause of action for a natural person or entity, other than the commissioner, against the insurance company based upon:

(A) A failure to serve notice as described in § 56-2-1102; or

(B) Defective service of notice as described in § 56-2-1102;

(2) Establish a defense for a party to a cause of action based upon:

(A) A failure to serve notice as described in § 56-2-1102; or

(B) Defective service of notice as described in § 56-2-1102; or

(3) Invalidate or otherwise affect the settlement for which the payment was made by the insurance company.

SECTION 2. 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 3. This act takes effect upon becoming a law, the public welfare requiring it.

House Property & Planning Subcommittee Am. #1

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 384*

House Bill No. 804

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 67-5-903(b), is amended by deleting the subsection and substituting instead:

(b) The taxpayer shall list fully the tangible personal property used, or held for use, in the taxpayer's business or profession on the schedule, including such other information relating to the property as may be required by the assessor, place its correct value on the schedule, sign the schedule, and return it to the assessor on or before March 1 of each year. In lieu of detailing acquisition cost on the reporting schedule, the taxpayer may certify that the depreciated value of tangible personal property otherwise reportable on the form is either two thousand dollars (\$2,000) or less, or ten thousand dollars (\$10,000) or less but greater than two thousand dollars (\$2,000). If the taxpayer certifies that the depreciated value of tangible personal property otherwise reportable on the form is two thousand dollars (\$2,000) or less, then the assessor shall accept the certification, subject to audit, and fix the value of tangible personal property assessable to the taxpayer at two thousand dollars (\$2,000). If the taxpayer certifies that the depreciated value of tangible personal property otherwise reportable on the form is ten thousand dollars (\$10,000) or less but greater than two thousand dollars (\$2,000), then the assessor shall accept the certification, subject to audit, and fix the value of tangible personal property assessable to the taxpayer at ten thousand dollars (\$10,000). This value is subject to equalization pursuant to § 67-5-1509. The certification stated on the schedule must warn the taxpayer that it is made subject to penalties for perjury, and



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subject to statutory penalty and costs, if proven false. The taxpayer shall designate on the schedule one (1) or more individuals as owner or owners of the business, or a responsible person or persons in the event of dissolution of a corporate or limited liability entity, for the purposes of § 67-5-513(a).

SECTION 2. The Tennessee Advisory Commission on Intergovernmental Relations (TACIR) shall monitor implementation of this act and shall periodically report its findings on the impact of this act on collections and administration of the business personal property tax to the General Assembly. Each agency of the executive branch, municipal and county official, and local government organization and the Office of the Comptroller of the Treasury shall cooperate with the Commission and provide necessary information and assistance for the Commission's reports.

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

House Property & Planning Subcommittee Am. #1

Amendment No. _____

Signature of Sponsor

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Date _____

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Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 75

House Bill No. 28*

by inserting the following new sections immediately before the last section and redesignating the last section accordingly:

SECTION __. Tennessee Code Annotated, Section 13-3-303, is amended by designating the existing language as subsection (a) and adding the following subsection (b):

A plan adopted under this section must not vest a municipality with the power to exercise any planning or zoning authority over unincorporated areas of a county outside of its jurisdictional boundaries unless the municipality and the county execute an interlocal agreement to such effect with specificity as to the extent of the municipality's authority.

SECTION __. Tennessee Code Annotated, Section 13-4-201, is amended by deleting the first sentence and substituting:

The commission shall make and adopt an official general plan for the physical development of the municipality, excluding areas outside of its boundaries; provided, that a plan may authorize a municipality to plan for the physical development of areas outside of its boundaries if, in the commission's judgment, the development bears a rational relationship to the planning of the municipality, and the municipality and county execute an interlocal agreement to such effect with specificity as to the extent of the municipality's authority.

SECTION __. Tennessee Code Annotated, Section 13-4-202, is amended by adding the following new subsection:



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(d) A plan adopted under this section must not vest a municipality with the power to exercise any planning or zoning authority over unincorporated areas of a county outside of its jurisdictional boundaries unless the municipality and the county execute an interlocal agreement to such effect with specificity as to the extent of the municipality's authority.

SECTION __. Tennessee Code Annotated, Section 13-7-301, is amended by deleting the language ", whose proposed subdivision is outside the corporate limits of any municipality located within the regional planning district,".

SECTION __. Tennessee Code Annotated, Section 13-7-302, is amended by deleting the section.

SECTION __. Tennessee Code Annotated, Section 13-7-303, is amended by deleting the section and substituting:

Before the adoption of a municipal or regional plan authorizing a municipality to adopt planning or zoning ordinances outside of its jurisdictional boundaries, the county in which the property subject to such municipal regulation is located shall execute an interlocal agreement with the municipality specifying the extent of the municipality's authority outside of its jurisdictional boundaries to regulate the location, height, bulk, number of stories and size of buildings and other structures, the percentage of lot occupancy, the required open spaces, the density of population, the uses of land, buildings, and structures, and similar regulations in furtherance of the economic development of the property. The interlocal agreement must be ratified by a majority of the legislative body of the municipality and the county.

Amendment No. _____

Signature of Sponsor

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Date _____

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Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1335

House Bill No. 1197*

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

SECTION 1. Tennessee Code Annotated, Section 7-67-108(a)(4), is amended by adding the following as a new subdivision:

(C) Notwithstanding this section to the contrary:

(i) Effective July 1, 2023, the membership of a board of directors 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 any subsequent federal census, is vacated and reconstituted to consist of thirteen (13) directors as follows:

(a) The seven (7) longest standing board members as of June 30, 2023, shall be reappointed as members of the board and are to serve for the remainder of their existing terms. Such members may be reappointed for subsequent terms by the mayor of the county; provided, that the members meet the qualifications for membership and no more than one (1) appointee is appointed from the same metropolitan school district in the county;

(b) The governor appoints two (2) directors, with no more than one (1) appointee being a resident of the same grand division of this state;



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(c) The speaker of the house of representatives appoints two (2) directors, with no more than one (1) appointee being a resident of the same house district; and

(d) The speaker of the senate appoints two (2) directors, with no more than one (1) appointee being a resident of the same senatorial district;

(ii) In order to stagger the terms of the newly appointed directors, initial appointments are made as follows:

(a) The directors who are reappointed as members in accordance with subdivision (a)(4)(C)(i)(a) shall serve for the remainder of their terms that existed as of June 30, 2023;

(b) The directors appointed under subdivision (a)(4)(C)(i)(b) serve initial terms that expire on June 30, 2025;

(c) The directors appointed under subdivision (a)(4)(C)(i)(c) serve initial terms that expire on June 30, 2027; and

(d) The directors appointed under subdivision (a)(4)(C)(i)(d) serve initial terms that expire on June 30, 2029; and

(iii) Following the expiration of directors' initial terms as prescribed in subdivision (a)(4)(C)(ii), all terms are for six (6) years, to begin on July 1 and terminate on June 30, six (6) years thereafter; and

(iv) The appointing authorities shall strive to ensure that at least one (1) director is a female and at least one (1) director is of a racial minority.

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

Amendment No. _____

Tom Leatherwood

Signature of Sponsor

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Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 928

House Bill No. 853*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 66-6-102, is amended by deleting the section and substituting:

The plane coordinate values for a point on the earth's surface, used to express the geographic position or location of such point, must consist of two (2) distances expressed in United States survey feet and decimals of a foot when using the Tennessee Coordinate System of 1927, expressed in either United States survey feet and decimals of a foot or meters and decimals of a meter when using the Tennessee Coordinate System of 1983, and expressed in either International feet and decimals of a foot or meters and decimals of a meter when using the Tennessee State Plane Coordinate System. One (1) of these distances, to be known as the "East X-coordinate," must give the distance east of the Y axis; the other, to be known as the "North Y-coordinate," must give the distance north of the X axis. The Y axis of any zone must be parallel with the central meridian of that zone. The X axis of any zone must be at right angles to the central meridian of that zone.

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

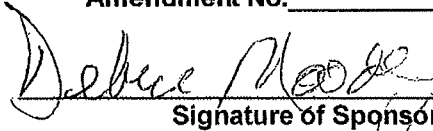


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Amendment No. _____


Signature of Sponsor

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AMEND Senate Bill No. 600

House Bill No. 90*

by deleting "orfor" in Section 3 and substituting instead "or for".



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Amendment No. _____

Signature of Sponsor

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AMEND Senate Bill No. 1493

House Bill No. 1012*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 8-21-901, is amended by adding the following new subsection:

(d) Notwithstanding this part to the contrary, a county legislative body may adopt a resolution to increase the fees to which a constable is entitled under this section, or to generally supplement the pay of a constable who is an officer of the county. A fee increase or pay supplement must be commensurate with the nature of the work, services provided, and experience of the constable.

SECTION 2. Tennessee Code Annotated, Section 8-21-901, is amended by deleting the language "\$40.00" in subdivisions (a)(1) and (2) and substituting "\$50.00", and by deleting the language "20.00" in subdivision (a)(2)(B)(i) and substituting "\$40.00".

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it.

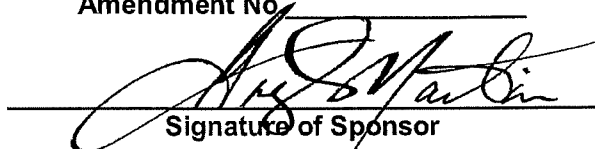


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Amendment No. _____


Signature of Sponsor

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AMEND Senate Bill No. 854

House Bill No. 882*

by deleting Section 1 and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 2-8-116, is amended by deleting the section and substituting instead:

Each candidate has the right to have delivered to the candidate by the state election commission or the county election commission certified copies of all poll lists and tally sheets used in the election in which the candidate ran, and a list of all voters who changed their residential address to vote under § 2-7-140, upon demand and payment of the regular legal fees. Copies of the fail-safe affidavits or change of address forms completed by the voters may be used to comply with the request for the list of all voters who changed their residential address to vote in the election.



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Amendment No. _____

Esther Helton Haynes

Signature of Sponsor

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Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 983

House Bill No. 778*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-15-213(a)(1), is amended by adding the language "to terminate an ectopic or molar pregnancy," before the language "or to remove a dead fetus".

SECTION 2. Tennessee Code Annotated, Section 39-15-213, is amended by deleting subsection (c) and substituting the following:

(c) Notwithstanding subsection (b), a person who performs or attempts to perform an abortion does not commit the offense of criminal abortion if the abortion is performed or attempted by a licensed physician in a licensed hospital or ambulatory surgical treatment center and the following conditions are met:

(1) The physician determined, using reasonable medical judgment, based upon the facts known to the physician at the time, that the abortion was necessary to prevent the death of the pregnant woman or to prevent serious risk of substantial and irreversible impairment of a major bodily function of the pregnant woman; and

(2) The physician performs or attempts to perform the abortion in the manner which, using reasonable medical judgment, based upon the facts known to the physician at the time, provides the best opportunity for the unborn child to survive, unless using reasonable medical judgment, termination of the pregnancy in that manner would pose a greater risk of death to the pregnant woman or substantial and irreversible impairment of a major bodily function.



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(3) An abortion is not authorized under subdivision (c)(1) and a greater risk to the pregnant woman does not exist under subdivision (c)(2) if either determination is based upon a claim or a diagnosis that the pregnant woman will engage in conduct that would result in her death or the substantial and irreversible impairment of a major bodily function or for any reason relating to the pregnant woman's mental health.

SECTION 3. Tennessee Code Annotated, Section 39-15-213, is amended by adding the following as a new subsection:

() While this section is in effect, this section supersedes §§ 39-15-211, 39-15-212, 39-15-214, 39-15-215, 39-15-216, 39-15-217, and 39-15-218.

SECTION 4. Tennessee Code Annotated, Section 39-15-201, is amended by deleting the section.

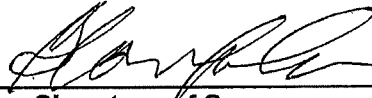
SECTION 5. Tennessee Code Annotated, Section 39-15-219(a)(6), is amended by deleting the subdivision.

SECTION 6. Tennessee Code Annotated, Section 56-26-134, is amended by deleting the language "abortion services. For purposes of this section, "abortion" has the same meaning as defined in § 39-15-201." and substituting instead "prohibited abortion services as described in § 39-15-213."

SECTION 7. The attorney general and reporter shall notify the Tennessee Code Commission in writing if § 39-15-213 is no longer in effect.

SECTION 8. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. _____



Signature of Sponsor

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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

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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

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Date _____
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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 hybrid public charter school authorized by the Tennessee public charter school commission pursuant to § 49-13-106(k) that are supervised by the hybrid 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) A parent who associates with a hybrid public charter school authorized by the commission to provide home school instruction to the parent's student 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 49-13-104, is amended by deleting subdivision (12) and substituting instead the following:

(12) "Public charter school" means a public school in this state that is established and operating under the terms of a charter agreement and in accordance with this chapter and includes, unless the context otherwise requires, a hybrid public charter school authorized by the commission pursuant to § 49-13-106(k);



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SECTION 4. Tennessee Code Annotated, Section 49-13-104, is amended by adding the following as a new, appropriately designated subdivision:

() "Hybrid public charter school" means a public charter school authorized by the commission pursuant to § 49-13-106(k) to provide students the opportunity to enroll in, and the students' parents the opportunity to associate with, the public charter school to provide high-quality instruction to the parents' students in a traditional classroom setting and in a home school setting;

SECTION 5. 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 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 6. Tennessee Code Annotated, Section 49-13-106, is amended by adding the language ", including a hybrid public charter school," after the language "A public charter school" in subsection (e), by designating subsection (e) as subdivision (e)(1), and by adding the following as a new subdivision:

(2) Notwithstanding subdivision (e)(1), a public charter school authorized pursuant to subsection (l) to provide a residential or boarding program for at-risk students in grades six through twelve (6-12) shall not charge registration fees,

enrollment fees, or tuition to at-risk students who are enrolled in the public charter school and participating in the public charter school's residential or boarding program.

SECTION 7. Tennessee Code Annotated, Section 49-13-106(f), is amended by adding the following as a new subdivision:

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

(A) Hybrid public charter schools may be formed to provide quality educational options for students residing within this state; and

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

SECTION 8. 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 hybrid public charter school, 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 9. Tennessee Code Annotated, Section 49-13-106, is amended by adding the following as new subsections:

(k)

(1) A sponsor may apply directly to the commission to establish a hybrid public charter school. The application process must be conducted in accordance with § 49-13-107 and with the following:

(A) The commission shall rule by resolution, at a regular or specially called meeting, to approve or deny a hybrid public charter school application no later than ninety (90) days after the commission receives the completed application;

(B) The grounds upon which the commission based a decision to deny a hybrid public charter school application must be stated in writing and must specify objective reasons for the denial. The sponsor has thirty (30) days from the date on which the sponsor received the grounds for denial to submit an amended application to the commission to correct the deficiencies. The commission has sixty (60) days from its receipt of an amended application to approve or deny the amended application;

(C) The commission's decision is final and is not subject to appeal; and

(D) If the commission approves the application, then the commission is the authorizer and LEA for the hybrid public charter school.

(2)

(A) A hybrid public charter school shall provide in-person classroom instruction to enrolled students for no less than three (3), but no more than four (4), days per school week, as determined by the hybrid public charter school in consultation with the student's parent. Except as provided in subdivision (k)(2)(C), a parent of a student enrolled in a hybrid public charter school shall provide home school instruction to the parent's student for the remainder of the school week.

(B) A parent who associates with a hybrid public charter school authorized by the commission pursuant to this subsection (k) to provide home school instruction to the parent's student:

(i) Must possess at least a high school diploma or a high school equivalency credential approved by the state board of education if the parent is providing instruction to the parent's student in grades nine through twelve (9-12);

(ii) Is not required to hold a valid educator license; and

(iii) Is exempt from any background check requirements.

(C) Notwithstanding another law to the contrary, a parent of a student enrolled in a hybrid public charter school may elect for the hybrid public charter school to provide remote instruction to the parent's student each day of the week for which the parent's student is not receiving in-person classroom instruction. A hybrid public charter school that provides remote instruction to students pursuant to this subdivision (k)(2)(C) must track student attendance each day remote instruction is provided, and shall implement policies and procedures for the hybrid public charter school to request and receive daily visual, verbal, or written confirmation of student participation in such instruction.

(D) Notwithstanding another law to the contrary, a hybrid 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; provided, that the public charter home school provides, at a minimum, the one hundred eighty (180) days of instruction required in § 49-6-3004.

(E) Funding for a hybrid public charter school authorized pursuant to this subsection (k) must comply with § 49-13-112.

(3)

(A) A hybrid public charter school authorized by the commission may enroll students residing in this state, regardless of whether the LEA

in which the hybrid public charter school is located has an out-of-district enrollment policy or a policy prohibiting out-of-district enrollment.

(B) State school funds must follow a student into the LEA in which the hybrid public charter school is located and to which the student transfers pursuant to §§ 49-6-3003 and 49-6-3104.

(C) Tuition may be charged by the LEA in which the hybrid public charter school is located and to which a student transfers, as provided in § 49-6-3003.

(D) If the number of enrollment applications exceeds the capacity of a program, class, grade level, or building, then the hybrid public charter school shall not conduct an enrollment lottery, but shall maintain a waitlist to notify parents and students if space becomes available.

(4) Home school instruction provided by the parent of a student enrolled in a hybrid 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 sponsor may apply to a local board of education or directly to the commission to establish a public charter school to provide a residential or boarding program for at-risk students in grades six through twelve (6-12). If the sponsor applies to a local board of education, then the application process must be conducted in accordance with §§ 49-13-

107 and 49-13-108. If the sponsor applies directly to the commission, then the application process must be conducted in accordance with § 49-13-107 and with the following:

(i) The commission shall rule by resolution, at a regular or specially called meeting, to approve or deny the public charter school application no later than ninety (90) days after the commission receives the completed application;

(ii) The grounds upon which the commission based a decision to deny the public charter school application must be stated in writing and must specify objective reasons for the denial. The sponsor has thirty (30) days from the date on which the sponsor received the grounds for denial to submit an amended application to the commission to correct the deficiencies. The commission has sixty (60) days from its receipt of an amended application to approve or deny the amended application;

(iii) The commission's decision is final and is not subject to appeal; and

(iv) If the commission approves the application, then the commission is the authorizer and LEA for the public charter school.

(B) 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) 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.

(3)

(A) 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.

(B) If the number of applications to participate in the public charter school's residential or boarding program 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 becomes available.

(C) The state and local funds generated and required through the TISA, as defined in § 49-3-104, for an at-risk student must follow the student into the LEA in which a public charter school authorized pursuant to this subsection (l) is located, and to which the student transfers, if the at-risk student resides outside the geographic boundaries of the LEA in which the public charter school is located, enrolls in the public charter school, and participates in the residential or boarding program.

(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; provided, that the public charter school provides, at a minimum, the one hundred eighty (180) days of instruction required in § 49-6-3004.

(5) Funding for a public charter school authorized pursuant to this subsection (l) must comply with § 49-13-112.

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

(A) "Economically disadvantaged," as defined in § 49-3-104;

(B) 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;

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

(D) At risk of state custody due to family dysfunction;

(E) Chronically absent, 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.);

(F) Truant after having accumulated five (5) or more unexcused absences, or who have previously dropped out of school; or

(G) Expelled or who have been placed on probation or parole.

(7) 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 10. 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 11. Tennessee Code Annotated, Section 49-13-113, is amended by designating subsection (b) as subdivision (b)(1) and adding the following as a new subdivision:

(2) Notwithstanding subdivision (b)(1):

(A) A hybrid public charter school is open to all students residing within this state and may enroll students residing outside the geographic boundaries of the LEA in which the hybrid 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; and

(B) A public charter school authorized by the commission to provide a residential or boarding program for at-risk students in grades six through twelve (6-12) pursuant to § 49-13-106(l):

(i) Is open to all at-risk students in grades six through twelve (6-12) residing within this state; and

(ii) May enroll at-risk students in grades six through twelve (6-12) 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.

SECTION 12. Tennessee Code Annotated, Section 49-13-113, is amended by designating subsection (c) as subdivision (c)(1) and adding the following as a new subdivision:

(2) Notwithstanding subdivision (c)(1), a public charter school authorized by a local board of education to provide a residential or boarding program for at-risk students in grade six through twelve (6-12) pursuant to § 49-13-106(l):

(A) May enroll at-risk students in grades six through twelve (6-12) 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; and

(B) Shall not charge registration fees, enrollment fees, or tuition to at-risk students who are enrolled in the public charter school and who are participating in the public charter school's residential or boarding program.

SECTION 13. Tennessee Code Annotated, Section 49-13-113(d), is amended by deleting subdivision (3) as subdivision (3)(A) and adding the following as a new subdivision:

(B) Notwithstanding subdivision (d)(3)(A):

(i) If the number of applications for a hybrid public charter school exceeds the capacity of a program, class, grade level, or building, then the hybrid public charter school shall not conduct an enrollment lottery, but shall maintain a waitlist to notify parents and students if space becomes available; and

(ii) If the number of applications to participate in a residential or boarding program provided by a public charter school pursuant to § 49-13-106(l) 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 becomes available.

SECTION 14. 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):

(i) A hybrid public charter school shall not give an enrollment preference to children of a teacher employed by the hybrid public charter school or to the children of a member of the hybrid public charter school's governing body; and

(ii) A public charter school that provides a residential or boarding program pursuant to § 49-13-106(l) shall not give an enrollment or participation

preference for the public charter school's residential or boarding program to children of a teacher employed by the public charter school or to the children of a member of the public charter school's governing body.

SECTION 15. 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 a hybrid public charter school or if the commission is the authorizer for a public charter school providing a residential or boarding program pursuant to § 49-13-106(l); or

(3) The commission or the local board of education, if the commission is the authorizer and the public charter school is not a hybrid public charter school or a public charter school authorized by the commission to provide a residential or boarding program pursuant to § 49-13-106(l).

SECTION 16. Tennessee Code Annotated, Section 49-13-108(b), is amended by deleting subdivision (3) and substituting instead the following:

(3)

(A) The grounds upon which the local board of education based a decision to deny a public charter school application must be stated in writing and must specify objective reasons for the denial.

(B) Upon the sponsor's receipt of the grounds for denial, the sponsor may submit an amended application to the local board of education to correct any deficiencies. An amended application to correct deficiencies must be submitted to the local board of education no later than thirty (30) days from the date on which the sponsor received the grounds for denial. The local board of

education has sixty (60) days from its receipt of an amended application to approve or deny the amended application. If the local board of education fails to approve or deny the amended application within sixty (60) days, then the amended application shall be deemed approved.

(C) A sponsor is not required to submit an amended application to the local board of education before appealing the local board's decision to deny the sponsor's charter application to the commission. The sponsor may immediately appeal the local board of education's initial decision to deny the sponsor's charter application to the commission in accordance with subdivision (b)(5).

SECTION 17. For purposes of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, Section 16 of this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, all other sections of this act take effect January 1, 2024, the public welfare requiring it.

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 hybrid public charter school authorized by the Tennessee public charter school commission pursuant to § 49-13-106(k) that are supervised by the hybrid 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:

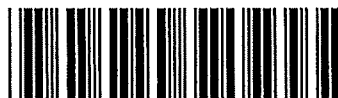
(ii) A parent who associates with a hybrid public charter school authorized by the commission to provide home school instruction to the parent's student in grades nine through twelve (9-12) must possess at least a high school diploma or a high school equivalency credential approved by the state board of education.

SECTION 3. Tennessee Code Annotated, Section 49-13-104, is amended by deleting subdivision (12) and substituting instead the following:

(12) "Public charter school" means a public school in this state that is established and operating under the terms of a charter agreement and in accordance with this chapter and includes, unless the context otherwise requires, a hybrid public charter school authorized by the commission pursuant to § 49-13-106(k);



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SECTION 4. Tennessee Code Annotated, Section 49-13-104, is amended by adding the following as a new, appropriately designated subdivision:

() "Hybrid public charter school" means a public charter school authorized by the commission pursuant to § 49-13-106(k) to provide students the opportunity to enroll in, and the students' parents the opportunity to associate with, the public charter school to provide high-quality instruction to the parents' students in a traditional classroom setting and in a home school setting;

SECTION 5. 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 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 6. Tennessee Code Annotated, Section 49-13-106, is amended by adding the language ", including a hybrid public charter school," after the language "A public charter school" in subsection (e), by designating subsection (e) as subdivision (e)(1), and by adding the following as a new subdivision:

(2) Notwithstanding subdivision (e)(1), a public charter school authorized pursuant to subsection (l) to provide a residential or boarding program for at-risk students in grades six through twelve (6-12) shall not charge registration fees,

enrollment fees, or tuition to at-risk students who are enrolled in the public charter school and participating in the public charter school's residential or boarding program.

SECTION 7. Tennessee Code Annotated, Section 49-13-106(f), is amended by adding the following as a new subdivision:

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

(A) Hybrid public charter schools may be formed to provide quality educational options for students residing within this state; and

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

SECTION 8. 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 hybrid public charter school, 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 9. Tennessee Code Annotated, Section 49-13-106, is amended by adding the following as new subsections:

(k)

(1) A sponsor may apply directly to the commission to establish a hybrid public charter school. The application process must be conducted in accordance with § 49-13-107 and with the following:

(A) The commission shall rule by resolution, at a regular or specially called meeting, to approve or deny a hybrid public charter school application no later than ninety (90) days after the commission receives the completed application;

(B) The grounds upon which the commission based a decision to deny a hybrid public charter school application must be stated in writing and must specify objective reasons for the denial. The sponsor has thirty (30) days from the date on which the sponsor received the grounds for denial to submit an amended application to the commission to correct the deficiencies. The commission has sixty (60) days from its receipt of an amended application to approve or deny the amended application;

(C) The commission's decision is final and is not subject to appeal; and

(D) If the commission approves the application, then the commission is the authorizer and LEA for the hybrid public charter school.

(2)

(A) A hybrid public charter school shall provide in-person classroom instruction to enrolled students for no less than three (3), but no more than four (4), days per school week, as determined by the hybrid public charter school in consultation with the student's parent. Except as provided in subdivision (k)(2)(C), a parent of a student enrolled in a hybrid public charter school shall provide home school instruction to the parent's student for the remainder of the school week.

(B) A parent who associates with a hybrid public charter school authorized by the commission pursuant to this subsection (k) to provide home school instruction to the parent's student:

(i) Must possess at least a high school diploma or a high school equivalency credential approved by the state board of education if the parent is providing instruction to the parent's student in grades nine through twelve (9-12);

(ii) Is not required to hold a valid educator license; and

(iii) Is exempt from any background check requirements.

(C) Notwithstanding another law to the contrary, a parent of a student enrolled in a hybrid public charter school may elect for the hybrid public charter school to provide remote instruction to the parent's student each day of the week for which the parent's student is not receiving in-person classroom instruction. A hybrid public charter school that provides remote instruction to students pursuant to this subdivision (k)(2)(C) must track student attendance each day remote instruction is provided, and shall implement policies and procedures for the hybrid public charter school to request and receive daily visual, verbal, or written confirmation of student participation in such instruction.

(D) Notwithstanding another law to the contrary, a hybrid 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; provided, that the hybrid public charter school provides, at a minimum, the one hundred eighty (180) days of instruction required in § 49-6-3004.

(E) Funding for a hybrid public charter school authorized pursuant to this subsection (k) must comply with § 49-13-112.

(3)

(A) A hybrid public charter school authorized by the commission may enroll students residing in this state, regardless of whether the LEA

in which the hybrid public charter school is located has an out-of-district enrollment policy or a policy prohibiting out-of-district enrollment.

(B) State school funds must follow a student into the LEA in which the hybrid public charter school is located and to which the student transfers.

(C) Tuition may be charged by the LEA in which the hybrid public charter school is located and to which a student transfers, as provided in § 49-6-3003.

(D) If the number of enrollment applications exceeds the capacity of a program, class, grade level, or building, then the hybrid public charter school shall select students through a lottery pursuant to § 49-13-113.

(4) Home school instruction provided by the parent of a student enrolled in a hybrid 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 sponsor may apply to a local board of education or directly to the commission to establish a public charter school to provide a residential or boarding program for at-risk students in grades six through twelve (6-12). If the sponsor applies to a local board of education, then the application process must be conducted in accordance with §§ 49-13-107 and 49-13-108. If the sponsor applies directly to the commission,

then the application process must be conducted in accordance with § 49-13-107 and with the following:

(i) The commission shall rule by resolution, at a regular or specially called meeting, to approve or deny the public charter school application no later than ninety (90) days after the commission receives the completed application;

(ii) The grounds upon which the commission based a decision to deny the public charter school application must be stated in writing and must specify objective reasons for the denial. The sponsor has thirty (30) days from the date on which the sponsor received the grounds for denial to submit an amended application to the commission to correct the deficiencies. The commission has sixty (60) days from its receipt of an amended application to approve or deny the amended application;

(iii) The commission's decision is final and is not subject to appeal; and

(iv) If the commission approves the application, then the commission is the authorizer and LEA for the public charter school.

(B) 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) 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.

(3)

(A) 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.

(B) If the number of applications to participate in the public charter school's residential or boarding program exceeds the public charter school's residential or boarding capacity, then the public charter school shall select students through a lottery pursuant to § 49-13-113; provided, that students selected through the lottery must be at-risk.

(C) The state and local funds generated and required through the TISA, as defined in § 49-3-104, for an at-risk student must follow the student into the LEA in which a public charter school authorized pursuant to this subsection (l) is located, and to which the student transfers, if the at-risk student resides outside the geographic boundaries of the LEA in which the public charter school is located, enrolls in the public charter school, and participates in the residential or boarding program.

(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; provided, that the public charter school provides, at a minimum, the one hundred eighty (180) days of instruction required in § 49-6-3004.

(5) Funding for a public charter school authorized pursuant to this subsection (l) must comply with § 49-13-112.

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

(A) "Economically disadvantaged," as defined in § 49-3-104;

(B) 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;

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

(D) At risk of state custody due to family dysfunction;

(E) Chronically absent, 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.);

(F) Truant after having accumulated five (5) or more unexcused absences, or who have previously dropped out of school; or

(G) Expelled or who have been placed on probation or parole.

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

(22) 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 11. Tennessee Code Annotated, Section 49-13-109, is amended by designating subsection (a) as subdivision (a)(1) and adding the following as a new subdivision:

(2) Notwithstanding subdivision (a)(1):

(A) The membership of a governing body for a public charter school authorized to provide a residential or boarding program for at-risk students in grades six through twelve (6-12) pursuant to § 49-13-106(l) is not required to include a parent representative; and

(B) A charter management organization for a public charter school authorized to provide a residential or boarding program for at-risk students in grades six through twelve (6-12) pursuant to § 49-13-106(l) that establishes an advisory school council is not required to include a parent member.

SECTION 12. Tennessee Code Annotated, Section 49-13-113, is amended by designating subsection (b) as subdivision (b)(1) and adding the following as a new subdivision:

(2) Notwithstanding subdivision (b)(1):

(A) A hybrid public charter school is open to all students residing within this state and may enroll students residing outside the geographic boundaries of the LEA in which the hybrid 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; and

(B) A public charter school authorized by the commission to provide a residential or boarding program for at-risk students in grades six through twelve (6-12) pursuant to § 49-13-106(l):

(i) Is open to all at-risk students in grades six through twelve (6-12) residing within this state; and

(ii) May enroll at-risk students in grades six through twelve (6-12) 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.

SECTION 13. Tennessee Code Annotated, Section 49-13-113, is amended by designating subsection (c) as subdivision (c)(1) and adding the following as a new subdivision:

(2) Notwithstanding subdivision (c)(1), a public charter school authorized by a local board of education to provide a residential or boarding program for at-risk students in grade six through twelve (6-12) pursuant to § 49-13-106(l):

(A) May enroll at-risk students in grades six through twelve (6-12) 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; and

(B) Shall not charge registration fees, enrollment fees, or tuition to at-risk students who are enrolled in the public charter school and who are participating in the public charter school's residential or boarding program.

SECTION 14. Tennessee Code Annotated, Section 49-13-113(d), is amended by designating subdivision (3) as subdivision (3)(A) and adding the following as a new subdivision:

(B) Notwithstanding subdivision (d)(3)(A):

(i) If the number of applications for a hybrid public charter school exceeds the capacity of a program, class, grade level, or building, then the hybrid public charter school shall not conduct an enrollment lottery, but shall maintain a waitlist to notify parents and students if space becomes available; and

(ii) If the number of applications to participate in a residential or boarding program provided by a public charter school pursuant to § 49-13-106(l) 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 becomes available.

SECTION 15. 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):

(i) A hybrid public charter school shall not give an enrollment preference to children of a teacher employed by the hybrid public charter school or to the children of a member of the hybrid public charter school's governing body; and

(ii) A public charter school that provides a residential or boarding program pursuant to § 49-13-106(l) shall not give an enrollment or participation preference for the public charter school's residential or boarding program to children of a teacher employed by the public charter school or to the children of a member of the public charter school's governing body.

SECTION 16. 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 a hybrid public charter school or if the commission is the authorizer for a public charter school providing a residential or boarding program pursuant to § 49-13-106(l); or

(3) The commission or the local board of education, if the commission is the authorizer and the public charter school is not a hybrid public charter school or a public charter school authorized by the commission to provide a residential or boarding program pursuant to § 49-13-106(l).

SECTION 17. Tennessee Code Annotated, Title 49, Chapter 13, is amended by adding the following as a new section:

(a) Notwithstanding another law to the contrary, the state board of education may, in consultation with the department of education, develop for public charter schools authorized to provide a residential or boarding program for at-risk students in grades six through twelve (6-12) pursuant to § 49-13-106(l), an accountability framework and a performance framework for residential or boarding programs.

(b) An accountability framework or a performance framework developed by the state board pursuant to subsection (a) must be adopted and implemented by each public charter school authorized to provide a residential or boarding program for at-risk students in grades six through twelve (6-12) pursuant to § 49-13-106(l).

SECTION 18. Tennessee Code Annotated, Section 49-13-108(b), is amended by deleting subdivision (3) and substituting instead the following:

(3)

(A) The grounds upon which the local board of education based a decision to deny a public charter school application must be stated in writing and must specify objective reasons for the denial.

(B) Upon the sponsor's receipt of the grounds for denial, the sponsor may submit an amended application to the local board of education to correct any deficiencies. An amended application to correct deficiencies must be submitted to the local board of education no later than thirty (30) days from the date on which the sponsor received the grounds for denial. The local board of education has sixty (60) days from its receipt of an amended application to approve or deny the amended application. If the local board of education fails to approve or deny the amended application within sixty (60) days, then the amended application shall be deemed approved.

(C) A sponsor is not required to submit an amended application to the local board of education before appealing the local board's decision to deny the sponsor's charter application to the commission. The sponsor may immediately appeal the local board of education's initial decision to deny the sponsor's charter application to the commission in accordance with subdivision (b)(5).

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 December 1, 2023, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 980

House Bill No. 1086*

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

SECTION 1. Tennessee Code Annotated, Section 49-13-107, is amended by deleting subsection (e) and substituting instead the following:

(e) In reviewing and evaluating a charter application, an authorizer shall, if applicable, consider the performance, including student growth and achievement, of any charter school operated by the sponsor, governing body, or charter management organization.

SECTION 2. Tennessee Code Annotated, Section 49-13-110, is amended by designating subsection (e) as subsection (f) and adding the following as a new subsection (e):

(e) If an LEA's local board of education changes the grade bands for the LEA's elementary schools, middle schools, elementary and secondary schools, or elementary or secondary schools, as those terms are defined in § 49-6-301, then the local board of education shall notify each public charter school authorized by the LEA at least one hundred twenty (120) days before the grade band changes are implemented to allow the public charter school to seek an amendment to the school's charter agreement.

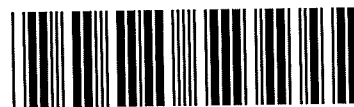
SECTION 3. Tennessee Code Annotated, Section 49-13-113, is amended by deleting subsections (b) and (c) and substituting instead the following:

(b) A charter school authorized by the commission is open to students residing within the geographic boundaries of the LEA in which the charter school is located.

(c)



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(1) A public charter school may enroll students residing outside the geographic boundaries of the LEA in which the public charter school is located if capacity is available after all eligible in-district students have been enrolled. A public charter school's total enrollment of out-of-district students shall not exceed twenty-five percent (25%) of the public charter school's total enrollment.

(2) State school funds must follow a student into the LEA in which the public charter school is located and to which the student transfers.

(3) Tuition may be charged by the LEA in which the public charter school is located and to which a student transfers, as provided in § 49-6-3003.

SECTION 4. Tennessee Code Annotated, Section 49-13-113(d), is amended by designating subdivisions (6) and (7) as subdivisions (7) and (8), by deleting subdivision (5), and by adding the following as new subdivisions (5) and (6):

(5)

(A) A public charter school may give enrollment preference to:

(i) "Economically disadvantaged" students, 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.);

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

(iii) Students eligible for free or reduced-price school meals or milk through the direct certification eligibility guidelines established pursuant to 42 U.S.C. §§ 1751-1769;

(B) A public charter school may request information to verify that a student is "economically disadvantaged" on the application submitted pursuant to subdivision (d)(1) for purposes of the enrollment lottery, but shall not require it.

(6) A public charter school may give enrollment preference to children of the public charter school's employees or to the children of a member of the public charter

school's governing body, not to exceed ten percent (10%) of the public charter school's total enrollment or twenty-five (25) students, whichever is less.

SECTION 5. Tennessee Code Annotated, Section 49-13-113(d)(4), is amended by designating subdivisions (B)-(E) as subdivisions (C)-(F) and adding the following as a new subdivision (B):

(B) Students who meet the criteria outlined in subdivision (d)(5), if the enrollment preference is used by the public charter school;

SECTION 6. Tennessee Code Annotated, Section 49-13-122, is amended by deleting subsections (b)-(h) and substituting instead the following:

(b) A public charter school agreement may be revoked by the authorizer if the authorizer determines that the school:

- (1) Committed a material violation of the conditions, standards, or procedures set forth in the charter agreement;
- (2) Failed to meet or make sufficient progress toward the performance expectations set forth in the charter agreement; or
- (3) Failed to meet generally accepted standards of fiscal management.

(c)

(1) Each authorizer shall, by August 1, 2023, adopt a progressive intervention policy that outlines the process for charter school intervention if the authorizer determines that a public charter school meets the criteria for revocation under subsection (b), or if the authorizer determines that a public charter school is not complying with this chapter or with the charter agreement.

(2) If an authorizer determines that a public charter school meets the criteria for revocation under subsection (b) or that a public charter school is not complying with this chapter or with the charter agreement, then the authorizer shall promptly notify the public charter school and provide the public charter

school the opportunity to remedy the issue within the timeframe established by the authorizer according to the authorizer's progressive intervention policy.

(3) If the public charter school fails to remedy the issue within the timeframe established by the authorizer according to the authorizer's progressive intervention policy, then the authorizer may issue corrective actions short of revocation; provided, that a corrective action shall not include a financial sanction. Corrective actions short of revocation that may be issued by the authorizer must be outlined in the authorizer's progressive intervention policy.

(4) If the corrective actions fail to remedy the issue, then the authorizer may seek revocation of the charter agreement pursuant to this section.

(5) Each progressive intervention policy must align with the state board of education's quality public charter school authorizing standards adopted pursuant to § 49-13-108(f), and must be reviewed by the state board of education as part of the authorizer quality evaluation required under § 49-13-145.

(d) A charter agreement may be revoked at any time by the authorizer in an emergency situation without the authorizer first having to implement the progressive intervention policy. An emergency situation includes, but is not limited to, instances of fraud; misappropriation of funds; flagrant violation of health and safety laws, rules, and regulations; flagrant disregard of the charter agreement; or similar misconduct.

(e) Thirty (30) days prior to a decision by an authorizer to revoke a charter agreement, the authorizer shall notify the public charter school in writing of the possibility of revocation and the reasons for the possible revocation.

(f) If the authorizer revokes a charter agreement, then the authorizer shall clearly state in writing the reasons for the revocation.

(g) No later than ten (10) days after an authorizer adopts a resolution to revoke a charter agreement, the authorizer shall report the authorizer's decision to the department

of education and shall provide a copy of the resolution that sets forth the authorizer's decision and the reasons for the decision.

(h)

(1) A decision to revoke a charter agreement may be appealed to the commission no later than ten (10) days after the date of the decision, except for revocations based on the violations specified in subsection (a). No later than sixty (60) days after the commission receives a notice of appeal and after the commission provides reasonable public notice, the commission shall hold an open meeting in the LEA in which the public charter school has been operating to conduct a de novo on the record review of the local board of education's decision. In order to overturn a local board of education's decision to revoke a charter agreement, the commission must find that the decision was contrary to this section. If the commission overturns the local board of education's decision to revoke a charter agreement, then the commission shall remand the decision to the local board of education and the local board of education shall remain the authorizer. The commission's decision is final and is not subject to appeal.

(2) This subsection (h) only applies to decisions to revoke a charter agreement for which the local board of education is the authorizer.

(i) Except in an emergency situation, as described in subsection (d), a decision to revoke a charter agreement becomes effective at the close of the school year.

SECTION 7. Tennessee Code Annotated, Section 49-13-132, is amended by deleting the language "ages, addresses, dates of attendance," and substituting instead the language "ages, addresses, electronic mail addresses, telephone listings, the most recent school attended, dates of attendance,".

SECTION 8. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. _____

Charlie Baum

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 980

House Bill No. 1086*

by deleting the semicolon ";" at the end of subdivision (5)(A)(iii) in the amendatory language of Section 4 and substituting instead a period ".".

AND FURTHER AMEND by deleting the language "the enrollment lottery" in subdivision (5)(B) in the amendatory language of Section 4 and substituting instead "an enrollment lottery".

AND FURTHER AMEND by deleting the language "students, defined in" in subdivision (5)(A)(i) in the amendatory language of Section 4 and substituting instead "students, as defined in".

AND FURTHER AMEND by deleting Section 3 and substituting instead:

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

(b) A public charter school authorized by the commission is open to students residing within the geographic boundaries of the LEA in which the charter school is located.

(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 if capacity is available after all eligible in-district students have been enrolled. The public charter school's total enrollment of out-of-district students must not exceed twenty-five percent (25%) of the public charter school's total enrollment.



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(2) State school funds must follow a student into the LEA in which the public charter school is located and to which the student transfers.

(3) Tuition may be charged by the LEA in which the public charter school is located and to which a student transfers, as provided in § 49-6-3003.

Amendment No. _____

Charlie Brown

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 980

House Bill No. 1086*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-13-107, is amended by deleting subsection (e) and substituting instead the following:

(e) In reviewing and evaluating a charter application, an authorizer shall, if applicable, consider the performance, including student growth and achievement, of any charter school operated by the sponsor, governing body, or charter management organization.

SECTION 2. Tennessee Code Annotated, Section 49-13-110, is amended by designating subsection (e) as subsection (f) and adding the following as a new subsection (e):

(e) If an LEA's local board of education changes the grade bands for the LEA's elementary schools, middle schools, elementary and secondary schools, or elementary or secondary schools, as those terms are defined in § 49-6-301, then the local board of education shall notify each public charter school authorized by the LEA at least one hundred twenty (120) days before the grade band changes are implemented to allow the public charter school to seek an amendment to the school's charter agreement.

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

(b) A charter school authorized by the commission is open to students residing within the geographic boundaries of the LEA in which the charter school is located.

(c)



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(1) If a public charter school's authorizer has a policy allowing out-of-district enrollment, then the public charter school may enroll students residing outside the geographic boundaries of the LEA in which the public charter school is located if capacity is available after all eligible in-district students have been enrolled. A public charter school's total enrollment of out-of-district students shall not exceed twenty-five percent (25%) of the public charter school's total enrollment.

(2) State school funds must follow a student into the LEA in which the public charter school is located and to which the student transfers.

(3) Tuition may be charged by the LEA in which the public charter school is located and to which a student transfers, as provided in § 49-6-3003.

(4) If a public charter school's authorizer has a policy that prohibits out-of-district enrollment, then the public charter school may request to adopt an out-of-district enrollment policy through the waiver process outlined in § 49-13-111; provided, however, that the waiver request may only be submitted to the public charter school's authorizer for approval.

SECTION 4. Tennessee Code Annotated, Section 49-13-113(d), is amended by deleting subdivision (5), designating subdivisions (6)-(7) as subdivisions (7)-(8), and adding the following as new subdivisions (5) and (6):

(5)

(A) A public charter school may give enrollment preference to:

(i) "Economically disadvantaged" students, 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.);

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

(iii) Students eligible for free or reduced-price school meals or milk through the direct certification eligibility guidelines established pursuant to 42 U.S.C. §§ 1751-1769.

(B) A public charter school may request information to verify that a student is "economically disadvantaged" on the application submitted pursuant to subdivision (d)(1) for purposes of an enrollment lottery, but shall not require it.

(6) A public charter school may give enrollment preference to children of the public charter school's employees or to the children of a member of the public charter school's governing body, not to exceed ten percent (10%) of the public charter school's total enrollment or twenty-five (25) students, whichever is less.

SECTION 5. Tennessee Code Annotated, Section 49-13-113(d)(4), is amended by designating subdivisions (B)-(E) as subdivisions (C)-(F) and adding the following as a new subdivision (B):

(B) Students who meet the criteria outlined in subdivision (d)(5), if the enrollment preference is used by the public charter school;

SECTION 6. Tennessee Code Annotated, Section 49-13-122, is amended by deleting subsections (b)-(h) and substituting instead the following:

(b) A public charter school agreement may be revoked by the authorizer if the authorizer determines that the school:

(1) Committed a material violation of the conditions, standards, or procedures set forth in the charter agreement;

(2) Failed to meet or make sufficient progress toward the performance expectations set forth in the charter agreement; or

(3) Failed to meet generally accepted standards of fiscal management.

(c)

(1) Each authorizer shall, by August 1, 2023, adopt a progressive intervention policy that outlines the process for charter school intervention if the

authorizer determines that a public charter school meets the criteria for revocation under subsection (b), or if the authorizer determines that a public charter school is not complying with this chapter or with the charter agreement.

(2) If an authorizer determines that a public charter school meets the criteria for revocation under subsection (b), or that a public charter school is not complying with this chapter or with the charter agreement, then the authorizer shall promptly notify the public charter school and provide the public charter school the opportunity to remedy the issue within the timeframe established by the authorizer according to the authorizer's progressive intervention policy.

(3) If the public charter school fails to remedy the issue within the timeframe established by the authorizer according to the authorizer's progressive intervention policy, then the authorizer may issue corrective actions short of revocation; provided, that a corrective action shall not include a financial sanction. Corrective actions short of revocation that may be issued by the authorizer must be outlined in the authorizer's progressive intervention policy.

(4) If the corrective actions fail to remedy the issue, then the authorizer may seek revocation of the charter agreement pursuant to this section.

(5) Each progressive intervention policy must align with the state board of education's quality public charter school authorizing standards adopted pursuant to § 49-13-108(f), and must be reviewed by the state board of education as part of the authorizer quality evaluation required under § 49-13-145.

(d) A charter agreement may be revoked at any time by the authorizer in an emergency situation without the authorizer first having to implement the progressive intervention policy. An emergency situation includes, but is not limited to, instances of fraud; misappropriation of funds; flagrant violation of health and safety laws, rules, and regulations; flagrant disregard of the charter agreement; or similar misconduct.

(e) Thirty (30) days prior to a decision by an authorizer to revoke a charter agreement, the authorizer shall notify the public charter school in writing of the possibility of revocation and the reasons for the possible revocation.

(f) If the authorizer revokes a charter agreement, then the authorizer shall clearly state in writing the reasons for the revocation.

(g) No later than ten (10) days after an authorizer adopts a resolution to revoke a charter agreement, the authorizer shall report the authorizer's decision to the department of education and shall provide a copy of the resolution that sets forth the authorizer's decision and the reasons for the decision.

(h)

(1) A decision to revoke a charter agreement may be appealed to the commission no later than ten (10) days after the date of the decision, except for revocations based on the violations specified in subsection (a). No later than sixty (60) days after the commission receives a notice of appeal and after the commission provides reasonable public notice, the commission shall hold an open meeting in the LEA in which the public charter school has been operating to conduct a de novo on the record review of the local board of education's decision. In order to overturn a local board of education's decision to revoke a charter agreement, the commission must find that the decision was contrary to this section. If the commission overturns the local board of education's decision to revoke a charter agreement, then the commission shall remand the decision to the local board of education and the local board of education shall remain the authorizer. The commission's decision is final and is not subject to appeal.

(2) This subsection (h) only applies to decisions to revoke a charter agreement for which the local board of education is the authorizer.

(i) Except in an emergency situation, as described in subsection (d), a decision to revoke a charter agreement becomes effective at the close of the school year.

SECTION 7. Tennessee Code Annotated, Section 49-13-132, is amended by deleting the language "ages, addresses, dates of attendance," and substituting "ages, addresses, electronic mail addresses, telephone listings, the most recent school attended, dates of attendance,".

SECTION 8. This act takes effect upon becoming a law, the public welfare requiring it.

House K-12 Subcommittee Am. #1

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1237

House Bill No. 306*

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 50, Part 8, is amended by adding the following as a new section:

In connection with an interscholastic athletic activity or event where membership in the Tennessee Secondary School Athletic Association is required, a student enrolled in a private school in this state is eligible to participate in such athletic activity or event only in accordance with the student's sex, as defined in § 49-2-802.

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



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Amendment No. 2

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Signature of Sponsor

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Date _____

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Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1237

House Bill No. 306*

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 50, Part 8, is amended by adding the following as a new section:

In connection with an interscholastic athletic activity or event where membership in the Tennessee secondary school athletic association is required, a student enrolled in a private school in this state is eligible to participate in such athletic activity or event only in accordance with the student's sex, as defined in § 49-2-802.

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



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House K-12 Subcommittee Am. #1

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 744

House Bill No. 529*

by deleting Section 5 and substituting:

SECTION 5. Tennessee Code Annotated, Section 49-5-417(a), is amended by adding the following as a new subdivision:

(4) Receiving verification of the identity of the educator together with a certified copy of a court order, settlement agreement, or plea agreement in a criminal, civil, or administrative action requiring the educator to surrender the educator's Tennessee license. Unless otherwise stated in the court order, settlement agreement, or plea agreement, the educator's license must be revoked for a period of no less than five (5) years after which the educator may apply for restoration of the educator's license in accordance with state law and state board rules.



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House K-12 Subcommittee Am. #1

Amendment No. _____

Signature of Sponsor

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Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 508

House Bill No. 426*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-1-211, is amended by adding the following as a new subsection:

(c) The commissioner shall report the percentage of students scoring at each performance level at each school within an LEA and at each public charter school in each subject tested on the most recently administered TCAP test along with the median household income of each zip code within the geographic boundaries of the respective school zone to the education committee of the senate and the education administration committee of the house of representatives no later than December 1 of each year. The department of economic and community development shall provide the department of education with the median household income of each zip code in this state. The information reported pursuant to this subsection (c) 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.

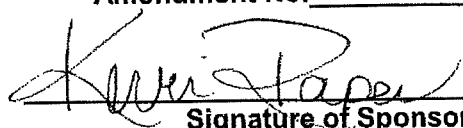
SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.



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Amendment No. _____

Signature of Sponsor

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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. _____

Yusef Hakeem
Signature of Sponsor

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Date _____

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Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 773

House Bill No. 457*

by deleting Section 3 and substituting:

SECTION 3. Tennessee Code Annotated, Section 49-6-3601(b), is amended by adding the following as a new subdivision:

(3) Each LEA and public charter school shall encourage all coaches, whether employed by the LEA or public charter school or a volunteer, to annually complete training in physical conditioning and in the use of training equipment to the extent such training is readily available.



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House Higher Education Subcommittee Am. #1

Amendment No. _____

Signature of Sponsor

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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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House K-12 Subcommittee Am. #1

Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 897

House Bill No. 520*

by deleting Section 2 and renumbering the subsequent section accordingly.

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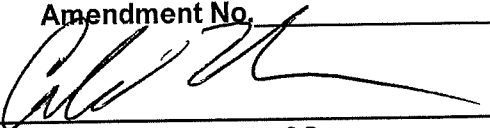
Comm. Amdt. _____



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Amendment No. _____

Signature of Sponsor

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 1231

House Bill No. 1232*

by deleting all language after the enacting clause and substituting:

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

(a) A local board of education may contract with a private college or university accredited by the Southern Association of Colleges and Schools Commission on Colleges that has its primary campus domiciled in this state for the college or university to maintain a training school for grades pre-kindergarten through twelve (pre-K-12), or any combination of grades pre-kindergarten through twelve (pre-K-12), to provide practice teaching experience for teachers in training. The students enrolled in the training school must be taught the same course of study as prescribed by the state board of education for the LEA in grades pre-kindergarten through twelve (pre-K-12), or the grades appropriate for the particular school. Training schools must meet the same requirements established by law and the state board's rules for public schools.

(b) A college or university that has entered into a contract with a local board of education pursuant to subsection (a) may receive all state and federal funds received by the local board of education as a result of this contract for the operation of the training school, including TISA allocations and any other funds that may be allocated for the operation of public schools of this state. Training schools are eligible to receive grants and other funds in the same manner as the public schools in this state. The control of the school is wholly under the direction of the respective college or university.



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(c) In the event the training school does not maintain a school for grades pre-kindergarten through twelve (pre-K-12), the contract between the college or university and the local board of education must direct the allocation of funds between the local board of education and the training school, as the parties determine necessary to best achieve the objective of providing practice teaching for teachers in training.

SECTION 2. Tennessee Code Annotated, Section 49-8-105, is amended by deleting subsection (b) and substituting:

(b) Each institution, acting through its governing board, may contract with a local board of education to provide the teaching of the children of public school age in the training school, whereby the training school shall receive all state and federal funds received by the local board of education as a result of this contract for the operation of the training school, including TISA allocations and any other funds that may be allocated for the operation of public schools of this state. Training schools are eligible to receive grants and other funds in the same manner as the public schools in this state. The control of the school is wholly under the direction of the respective institution.

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. 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

AMEND Senate Bill No. 1117*

House Bill No. 1411

by deleting Section 1 and renumbering the subsequent sections accordingly.

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Date _____

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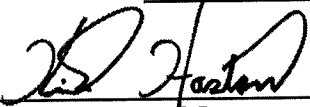


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Amendment No. _____


Signature of Sponsor

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Comm. Amdt. _____

AMEND Senate Bill No. 1117*

House Bill No. 1411

by deleting Section 4 and substituting:

SECTION 4. Tennessee Code Annotated, Section 49-1-1002, is amended by deleting subdivision (b)(2) and substituting:

(2) A parent or legal guardian who wishes to excuse the parent's or legal guardian's student from participating in a health screening provided as part of a coordinated school health program must submit a request in writing to the student's instructor, school counselor, or principal. As used in this subdivision (b)(2), "health screening" includes, but is not limited to, vision, dental, dermatology, blood pressure, cholesterol, and body mass index screenings; and



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Amendment No. _____

Signature of Sponsor

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Comm. Amdt. _____

AMEND Senate Bill No. 999

House Bill No. 849*

by deleting all language after the enacting clause and substituting:

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

(a) This section is known and may be cited as the "Rural Schools Innovation Act."

(b) As used in this section:

(1) "Department" means the department of education;

(2) "Rural area" means a geographic area that is not an urban area;

(3) "Rural district" means an LEA in a rural area that serves students in any of the grades nine through twelve (9-12);

(4) "Rural pathway partnership" or "partnership" means a cooperative between at least two (2) rural districts, at least one (1) institution of higher education partner; and at least one (1) workforce-focused entity; and

(5) "Urban area" means a geographic area delineated as an urban area by the United States census bureau following the 2020 decennial census.

(c) The department shall create and implement a two-year pilot program that awards grants to rural pathway partnerships to expand access to high-quality college and career pathways for students in grades nine through twelve (9-12). The department shall begin accepting grant applications for the pilot program no later than September 1, 2023, and shall distribute grants to partnerships no later than December 1, 2023.

(d) To be eligible to receive a grant pursuant to this section, a partnership must:



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(1) Be evidenced by a memorandum of understanding that must, at a minimum:

(A) Be an agreement between:

(i) At least two (2) rural districts, but not more than three

(3) rural districts;

(ii) At least one (1) institution of higher education partner;

and

(iii) At least one (1) workforce-focused entity;

(B) Specify the roles and responsibilities of each signatory;

(C) Include the rural pathway partnership's goals that include, at a

minimum:

(i) Ambitious and measurable performance goals for students enrolled in the partnership's rural districts in grades nine through twelve (9-12) that are aligned with college and career readiness measures and longitudinal postsecondary participation and employment outcomes; and

(ii) Expanding access for the students enrolled in the partnership's rural districts in grades nine through twelve (9-12) to high-quality, robust college and career pathways that are aligned with regional labor market projections for high-wage, high-demand careers, and that are supported by partnerships with regional higher education and workforce organizations to align systems, smooth transitions, and facilitate early college credit and work-based learning opportunities for students; and

(D) Include the resources each signatory agrees to contribute in the interest of achieving the goals identified in the rural pathway partnership's agreement;

(2) Explain how grant funds will be used to achieve the goals specified in the memorandum of understanding;

(3) Identify the nonprofit organization that will provide technical assistance to the partnership for the design and launch of the partnership;

(4) Explain how the college and career pathways the partnership plans to implement are aligned with the regional labor market projections for high-wage, high-demand careers; and

(5) Identify the LEA that will serve as the fiscal agent for the partnership for purposes of the grant.

(e) Subject to appropriations, the total amount of grants provided to partnerships pursuant to this section is three million dollars (\$3,000,000). The department shall award a grant pursuant to this section to one (1) partnership from each grand division that meets the requirements of subsection (d). If multiple partnerships from one (1) grand division apply and qualify for a grant pursuant to this section, then the department shall award the grant to the partnership that has submitted the strongest partnership agreement, as determined by the department, that is best aligned with regional workforce needs, and has presented evidence of the partnership's preparedness to meet the needs of the students enrolled in the partnership's rural districts. For purposes of this subsection (e), a partnership's location is determined by the domicile of the partnership's fiscal agent identified pursuant to subdivision (d)(5).

(f) If a partnership receives a grant pursuant to this section, then the partnership shall:

(1) Be governed by a coordinating intermediary organization that:

(A) Is constituted as a legal entity authorized to contract and employ staff in this state;

(B) Establishes a governing body that is made up of members representing kindergarten through grade twelve (K-12) education, higher

education, and workforce leaders in this state to encourage collaboration across systems;

(C) Employs at least one (1) person with knowledge and skills necessary to lead the development and implementation of a rural pathway partnership;

(D) Operationalizes the partnership;

(E) Creates college and career pathways for the students enrolled in grades nine through twelve (9-12) in a rural district of the partnership; and

(F) Establishes the budget for the partnership;

(2) Not use more than seventy percent (70%) of the grant funds it receives to implement its partnership agreement;

(3) Ensure that the partnership's coordinating intermediary organization receives a sufficient portion of the seventy percent (70%) allocation to enable it to effectively fulfill its responsibilities, as provided in subdivision (f)(1); and

(4) Use at least thirty percent (30%) of the grant funds it receives to contract with a nonprofit organization with the ability to provide the technical assistance necessary to enable the design and launch of an effective partnership that includes, but that is not limited to, project management, support in convening stakeholders, planning and facilitating key meetings, analyzing local labor market conditions, and increasing capacity to ensure teams are aligned and focused on a vision for the partnership. Technical assistance must be provided by a nonprofit experienced with similar programs in other states.

(g) The department shall:

(1) Study and evaluate the effectiveness of the pilot program; and

(2) Submit a report, by December 1, 2025, to the chairs of the education committee of the senate, the education administration committee of the house of

representatives, and the education instruction committee of the house of representatives on the department's evaluation of the pilot program.

(h) This section is repealed on December 1, 2025.

SECTION 2. 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 3. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. _____

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Signature of Sponsor

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Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 12*

House Bill No. 433

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-6-2602(3)(C), is amended by deleting subdivision (i) and substituting:

(i) Is zoned to attend a school in an LEA, excluding the achievement school district (ASD), that had three (3) or more schools identified as priority schools in 2015, as defined by the state's accountability system pursuant to § 49-1-602, and that had three (3) or more schools among the bottom ten percent (10%) of schools, as identified by the department in 2017 in accordance with § 49-1-602(b)(3); or

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



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Amendment No. _____

Ben C. R. J.

Signature of Sponsor

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Date _____

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Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 12*

House Bill No. 433

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-6-2602, is amended by deleting subdivision (3)(C).

SECTION 2. Tennessee Code Annotated, Section 49-6-2611, is amended by deleting subdivision (a)(1) and subdivisions (a)(2)(A)(iv) and (v).

SECTION 3. 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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AMEND Senate Bill No. 274*

House Bill No. 322

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

SECTION 1. Tennessee Code Annotated, Section 49-6-802(a), is amended by deleting the word "education" and substituting instead the word "safety".

SECTION 2. Tennessee Code Annotated, Section 49-6-802(b)(1), is amended by deleting the word "safety" and substituting instead the word "education".

SECTION 3. Tennessee Code Annotated, Section 49-6-802(b), is amended by adding the following subdivisions:

() A representative of the Tennessee Sheriffs' Association;

() A representative of the Tennessee Association of Chiefs of Police;

SECTION 4. Tennessee Code Annotated, Section 49-6-803, is amended by deleting the language "the director of the Tennessee school safety center established in § 49-6-4302" and substituting instead the language "the commissioner of safety".

SECTION 5. Tennessee Code Annotated, Section 49-6-804, is amended by deleting the section and substituting:

49-6-804. Safety plans and security systems.

(a) Each LEA, and to the extent applicable, each public charter school, shall adopt a comprehensive district-wide school safety plan and building-level school safety plans regarding crisis intervention, emergency response, and emergency management. The plans must be developed by a district-wide school safety team and a building-level school safety team established pursuant to this part and must follow the template developed by the state-level safety team. An LEA or public charter school having only



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one (1) school building shall develop a single building-level school safety plan, which must also fulfill all requirements for the development of a district-wide plan. Each LEA and public charter school shall review each of the plans it adopts pursuant to this subsection (a) annually.

(b) A meeting concerning school security, the district-wide school safety plans, or the building-level school safety plans shall not be subject to the open meetings laws compiled in title 8, chapter 44. Though closed to the general public, reasonable notice must be provided to the general public prior to such a meeting. The local board of education or public charter school governing body shall not discuss or deliberate on any issues or subjects other than school security or the school safety plans adopted pursuant to this section during such a meeting.

(c) By July 1, 2023, and by each July 1 thereafter, each LEA and public charter school shall provide the following to each local law enforcement agency with jurisdiction, the department of education, and the department of safety:

(1) The LEA's, and to the extent applicable, the public charter school's, district-wide school safety plan;

(2) The building-level school safety plan for each school in the LEA or each public charter school; and

(3) The floor plans for all school buildings within the LEA or used by the public charter school.

(d) Each LEA and public charter school shall also provide the school safety plans described in subsection (c) to a law enforcement agency or other emergency response organization participating in an armed intruder drill under § 49-6-807.

(e) Upon the request of a local law enforcement agency with jurisdiction, the department of education, or the department of safety, the LEA or public charter school shall provide any other plans, information, or records regarding school security.

(f)

(1) During a drill or in an emergency situation, each LEA or public charter school shall, to the greatest extent practicable, provide a responding law enforcement agency with access to security systems that may be required for the law enforcement agency's response.

(2) For purposes of this subsection (f), "security systems" includes, but is not limited to, audio recording systems, visual recording systems, and any other cameras, alarm systems, fire systems, communication systems, or other security measures in a school building.

(g) This section does not diminish the jurisdiction of local law enforcement agencies.

SECTION 6. Tennessee Code Annotated, Section 49-6-805, is amended by adding the following as a new subdivision:

(10) Policies and procedures to ensure that all individuals providing direct services to students or school staff in response to a school crisis have received the appropriate background checks in compliance with state law, including § 49-5-413.

SECTION 7. Tennessee Code Annotated, Section 49-6-807, is amended by deleting the section and substituting instead the following:

49-6-807. Annual drills.

(a) Each school safety team shall annually conduct at least one (1):

- (1) Armed intruder drill;
- (2) Incident command drill; and
- (3) Emergency safety bus drill.

(b)

(1) Each armed intruder drill must be conducted in coordination with the appropriate local law enforcement agency.

(2) Each incident command drill must:

(A) Be conducted without students present; and

(B) Prepare school staff and law enforcement agencies on what to expect in the event of an emergency situation in the school.

(3) Each emergency safety bus drill must:

(A) Be conducted without students present; and

(B) Prepare school staff and law enforcement agencies on what to expect in the event of an emergency situation on a school bus.

(c) The results of a drill conducted pursuant to subsection (a) must be:

(1) Maintained by the school for a minimum of five (5) years; and

(2) Made available to a local law enforcement agency with jurisdiction, the department of education, or the department of safety upon request.

(d) The drills required in subsection (a) are in addition to the drills required in § 68-102-137.

SECTION 8. Tennessee Code Annotated, Section 49-6-808(b), is amended by adding the language "and each building-level school safety plan" after the language "its district-wide comprehensive safety plan".

SECTION 9. Tennessee Code Annotated, Section 49-6-808(c), is amended by adding the language "and school building floor plans provided pursuant to this section and § 49-6-804" after the language "Building-level emergency response plans".

SECTION 10. Tennessee Code Annotated, Title 49, Chapter 6, Part 8, is amended by adding the following as a new section:

49-6-817. School building entrances required to be locked.

(a) Each LEA and public charter school shall ensure that all exterior doors leading into a school building are locked at all times and access to school buildings is limited to the school's primary entrance, unless otherwise determined by school policy, to prevent unauthorized entry into the school building while students are present during the school day as well as when students are present outside of regular school hours for school-related purposes or activities.

(b) Notwithstanding subsection (a), outside of regular school hours, an LEA or public charter school may allow a school to unlock the door to the school building's primary entrance during a school-related event or activity if the door is continuously monitored by a school or LEA employee who is physically present at the door to ensure access is limited to only authorized persons and to alert others if an unauthorized person enters, or attempts to enter, the school building.

(c) State and local law enforcement personnel are authorized to inspect a door serving as an entrance to, or exit from, a school building to determine whether the door is locked as required by subsection (a). There is no limit on the number of inspections law enforcement personnel may conduct under this subsection (c). Except as provided in subsection (b), if law enforcement personnel find that the door to an entrance or exit from a school building is unlocked in violation of subsection (a), then the school must immediately lock the door and the law enforcement agency that found the unlocked door shall, within twenty-four (24) hours, send written notification to:

- (1) The LEA's director of schools or the leader of the public charter school, as applicable;
- (2) The chair of the local board of education or public charter school governing body, as applicable;
- (3) The head of the parent-teacher organization for the LEA or public charter school, if there is such an organization for the public charter school;
- (4) The school principal;
- (5) The department of safety; and
- (6) The department of education.

(d) The LEA's director of schools, the leader of the public charter school, or their respective designees, shall, within forty-eight (48) hours of receiving notification from the law enforcement agency under subsection (c), send written confirmation to the notifying law enforcement agency that the door was immediately locked as required by subsection

(a) and that processes are in place to ensure that the door remains locked as required by subsection (a), except as authorized in subsection (b). The director, leader, or their respective designee shall send a copy of the director's, leader's, or their respective designee's written confirmation to the recipients identified in subdivisions (c)(2)-(6). The director's, leader's, or their respective designee's written confirmation must state whether the LEA or public charter school employs a full-time school resource officer whose primary location is the school found to be in violation of subsection (a).

(e)

(1) If a school is found to have violated subsection (a) on two (2) or more occasions in one (1) school year, then:

(A) If the LEA or public charter school does not currently have a school resource officer whose primary location is the school found to have violated subsection (a) on two (2) or more occasions in one (1) school year, the LEA or public charter school shall cause a full-time school resource officer or armed school security officer to be posted at the school. The LEA or public charter school shall bear the cost of posting the school resource officer or armed school security officer. The school resource officer or armed school security officer must be posted at the school within thirty (30) days from the date on which the LEA or public charter school received notification under subsection (d) of the school's second violation of subsection (a). The LEA or public charter school shall notify the commissioner of education that the required school resource officer or armed school security officer is posted. If the LEA or public charter school fails to post a school resource officer or armed school security officer within thirty (30) days as required in this subdivision (e)(1), then the commissioner shall withhold state funds from the LEA or public charter school, in either the current or upcoming school year, in the

amount of two percent (2%) of the annual state funds generated by the school in the TISA, as defined in § 49-3-104. If the LEA or public charter school fails to post a school resource officer or armed school security officer within thirty (30) days as required in this subdivision (e)(1)(A), then the LEA or public charter school must submit a letter to the commissioner every thirty (30) days that an officer is not posted explaining why the LEA or public charter school, as applicable, has not posted an officer.

(B) If the department of education receives notice of a subsequent violation of subsection (a) by the school in one (1) school year, the commissioner shall withhold state funds from the LEA or public charter school, in either the current or upcoming school year, in the following amounts:

(i) For a third violation of subsection (a) committed by a school in one (1) school year, two percent (2%) of the annual state funds generated by the school in the TISA;

(ii) For a fourth violation of subsection (a) committed by a school in one (1) school year, four percent (4%) of the annual state funds generated by the school in the TISA;

(iii) For a fifth violation of subsection (a) committed by a school in one (1) school year, six percent (6%) of the annual state funds generated by the school in the TISA;

(iv) For a sixth violation of subsection (a) committed by a school in one (1) school year, eight percent (8%) of the annual state funds generated by the school in the TISA; and

(v) For a seventh violation of subsection (a) committed by a school in one (1) school year, ten percent (10%) of the annual state funds generated by the school in the TISA; or

(C) If the LEA or public charter school currently posts a full-time school resource officer or armed school security officer whose primary location is the school found to have violated subsection (a) on two (2) or more occasions, the commissioner shall withhold state funds from the LEA or public charter school, in either the current or upcoming school year, in the following amounts:

(i) For the second violation of subsection (a) committed by the school in one (1) school year, two percent (2%) of the annual state funds generated by the school in the TISA;

(ii) For a third violation of subsection (a) committed by the school in one (1) school year, four percent (4%) of the annual state funds generated by the school in the TISA;

(iii) For a fourth violation of subsection (a) committed by the school in one (1) school year, six percent (6%) of the annual state funds generated by the school in the TISA;

(iv) For a fifth violation of subsection (a) committed by the school in one (1) school year, eight percent (8%) of the annual state funds generated by the school in the TISA; and

(v) For a sixth violation of subsection (a) committed by the school in one (1) school year, ten percent (10%) of the annual state funds generated by the school in the TISA.

(2) If funds are withheld pursuant to subdivision (e)(1)(A) or (B), then the funds must be withheld until:

(A) The LEA or public charter school posts the required school resource officer or armed school security officer; and

(B) The LEA or public charter school submits to the department of education, and receives the department's approval of, a corrective action plan. The corrective action plan must include:

(i) A statement or other evidence demonstrating that the violation of subsection (a) has been remedied;

(ii) Actions to be taken by the LEA or public charter school to resolve the behavior or issue that contributed to, or caused, the violation, including any new written procedures or training;

(iii) Deadlines for the LEA or public charter school to successfully complete the actions identified in the corrective action plan pursuant to subdivision (e)(2)(B)(ii); and

(iv) Dates for the LEA or public charter school to submit reports and documentation to the department to verify the LEA's or public charter school's implementation of the actions identified in the corrective action plan pursuant to subdivision (e)(2)(B)(ii).

(3) The percentage of any funds withheld pursuant to subdivision (e)(1)(A) or (B) must be calculated by the department of education based on the amount of state funds generated by the school in the TISA for the previous school year. If a public charter school did not generate state funds in the previous school year, then the percentage of any funds withheld pursuant to subdivision (e)(1)(A) or (B) must be based on the average amount of state funds generated by the schools in the LEA in which the public charter school is located.

(f) As used in this section, "armed school security officer" means an off-duty law enforcement officer providing school security services pursuant to § 49-6-809.

SECTION 11. Tennessee Code Annotated, Section 49-6-810, is amended by deleting the language "shall report" and substituting instead the language "and the commissioner of safety shall jointly report".

SECTION 12. Tennessee Code Annotated, Title 49, Chapter 6, Part 8, is amended by adding the following as a new section:

49-6-818. School buildings constructed or remodeled after July 1, 2023.

(a) A public school building, including a public charter school building, constructed or remodeled after July 1, 2023, must:

(1) Include a door-locking mechanism on each classroom door that allows the classroom door to be locked from the inside; and

(2) At least one (1) secure vestibule that serves as the primary entrance to the school building and that contains two (2) separate sets of doors that are each capable of being locked separately to prevent a person from entering the school building until an LEA or school employee authorizes a person to enter.

(b) The date on which a public school building, including a public charter school building, is constructed for purposes of this section is the date on which the plans for the school building were approved by the agency having jurisdiction to approve construction of the school building or the date on which the construction permit was issued for the school building, whichever occurs first.

(c) If a public school building, including a public charter school building, is remodeled, then the requirements specified in subsection (a) only apply to the portions of the building that are remodeled.

(d) As used in this section, "remodeled":

(1) Means a change to an existing building or facility, including, but not limited to, renovation, rehabilitation, reconstruction, historic restoration, changes or rearrangement in structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions; and

(2) Does not include routine maintenance, reroofing, painting or wallpapering, asbestos removal, or changes to mechanical or electrical systems so long as the changes do not affect the usability of the building or facility.

SECTION 13. Tennessee Code Annotated, Section 49-6-2701(a), is amended by deleting the language "may adopt" and substituting instead the language "shall adopt".

SECTION 14. Tennessee Code Annotated, Section 49-6-2701(c), is amended by adding the following as a new subdivision:

(10) Coordinate with state agencies providing support services and technical assistance to local threat assessment teams.

SECTION 15. Tennessee Code Annotated, Section 49-6-2701(e), is amended by deleting the language "the local board of education and the director of schools" and substituting instead the language "the local board of education, the director of schools, the department of safety, the Tennessee school safety center, and the members of the state-level safety team established pursuant to § 49-6-802(a)".

SECTION 16. Tennessee Code Annotated, Section 49-6-4302(a), is amended by adding the language ", in collaboration with the department of safety," after the language "The department of education".

SECTION 17. Tennessee Code Annotated, Section 49-6-4302, is amended by deleting subsection (f) and substituting:

(f) The department of safety, in collaboration with the department of education, shall develop a school security assessment for use in Tennessee public schools. The departments shall provide training to local law enforcement agencies and school administrators on the use of the school security assessment to identify school security vulnerabilities. Each LEA and public charter school shall submit to the department of safety an annual school security self-assessment for each school that uses the school security assessment pursuant to this subsection (f). The department of safety may conduct periodic reviews of public schools, as it deems necessary, to verify the effective implementation and use of school security assessments to enhance school security.

SECTION 18. Tennessee Code Annotated, Section 10-7-504(p), is amended by designating the existing language as subdivision (1) and adding the following as a new subdivision (2):

(2)

(A) All school security reports, memoranda, plans, notes, threats, and procedures, including drafts that are incorporated in reports created or received by the department of safety, must be treated as confidential and shall not be open for inspection by members of the public.

(B) This subdivision (p)(2) shall not be construed to limit access to those records by law enforcement agencies, courts, or other governmental agencies performing official functions.

SECTION 19. Tennessee Code Annotated, Section 62-35-102, is amended by adding the following as a new, appropriately designated subdivision:

() "Public school" means an elementary or secondary school operated by a local education agency, as defined in § 49-1-103, or by the state with public funds;

SECTION 20. Tennessee Code Annotated, Section 62-35-103(a), is amended by deleting subdivision (1) and substituting instead the following:

(1) A government officer or employee performing official duties; provided, that this exemption shall not apply to a security guard or security officer who is providing security or patrol services at or in a public school;

SECTION 21. Tennessee Code Annotated, Section 62-35-118(a), is amended by deleting subdivision (1) and substituting instead the following:

(1)

(A) Within fifteen (15) days of employment:

(i) An unarmed security guard or security officer applicant must complete general training and pass an examination; and

(ii) An armed security guard or security officer applicant must complete general training, pass an examination, and complete the training in subsection (b) within sixty (60) days of employment.

(B) Notwithstanding subdivision (a)(1)(A):

(i) An individual shall not be posted as an unarmed security guard at or in a public school or act as an unarmed security guard at or in a public school, unless the individual has completed the requirements of subdivision (a)(2)(A) before being posted; and

(ii) An individual shall not be posted as an armed security guard at or in a public school or act as an armed security guard at or in a public school, unless the individual has completed the requirements of subdivision (a)(2)(A) and subsections (b) and (e) before being posted.

SECTION 22. Tennessee Code Annotated, Section 62-35-118, is amended by adding the following as a new subsection:

(e) Before providing security or patrol services at or in a public school, an armed security guard or security officer applicant must complete an active-shooter training. The training required under this subsection (e) must be no less than eight (8) hours in duration and must be completed by each armed security guard or officer providing security or patrol services at or in a public school, regardless of whether the armed security guard or officer is employed by a public school or a contract security company.

SECTION 23. Tennessee Code Annotated, Section 62-35-122, is amended by adding the following as a new subsection:

(g) An armed security guard or officer providing security or patrol services at or in a public school must complete an active shooter refresher training approved by the commissioner before the individual's registration card may be renewed.

SECTION 24. Tennessee Code Annotated, Section 62-35-134, is amended by adding the following as a new subsection:

(d) It is unlawful for any person, contract security company, or proprietary security organization to post a security guard or officer at or in a public school if the security guard or officer is not properly registered, working on a pending application, or otherwise appropriately trained as required in § 62-35-118.

SECTION 25. 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 26. 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 on July 1, 2023, the public welfare requiring it.

Amendment No. _____

Willie L. L. L.

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 274*

House Bill No. 322

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

SECTION 1. Tennessee Code Annotated, Section 49-6-802(a), is amended by deleting the word "education" and substituting instead the word "safety".

SECTION 2. Tennessee Code Annotated, Section 49-6-802(b)(1), is amended by deleting the word "safety" and substituting instead the word "education".

SECTION 3. Tennessee Code Annotated, Section 49-6-802(b), is amended by adding the following subdivisions:

() A representative of the Tennessee Sheriffs' Association;

() A representative of the Tennessee Association of Chiefs of Police;

SECTION 4. Tennessee Code Annotated, Section 49-6-803, is amended by deleting the language "the director of the Tennessee school safety center established in § 49-6-4302" and substituting instead the language "the commissioner of safety".

SECTION 5. Tennessee Code Annotated, Section 49-6-804, is amended by deleting the section and substituting:

49-6-804. Safety plans and security systems.

(a) Each LEA, and to the extent applicable, each public charter school, shall adopt a comprehensive district-wide school safety plan and building-level school safety plans regarding crisis intervention, emergency response, and emergency management. The plans must be developed by a district-wide school safety team and a building-level school safety team established pursuant to this part and must follow the template developed by the state-level safety team. An LEA or public charter school having only



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one (1) school building shall develop a single building-level school safety plan, which must also fulfill all requirements for the development of a district-wide plan. Each LEA and public charter school shall review each of the plans it adopts pursuant to this subsection (a) annually.

(b) A meeting concerning school security, the district-wide school safety plans, or the building-level school safety plans shall not be subject to the open meetings laws compiled in title 8, chapter 44. Though closed to the general public, reasonable notice must be provided to the general public prior to such a meeting. The local board of education or public charter school governing body shall not discuss or deliberate on any issues or subjects other than school security or the school safety plans adopted pursuant to this section during such a meeting.

(c) By July 1, 2023, and by each July 1 thereafter, each LEA and public charter school shall provide the following to each local law enforcement agency with jurisdiction, the department of education, and the department of safety:

(1) The LEA's, and to the extent applicable, the public charter school's, district-wide school safety plan;

(2) The building-level school safety plan for each school in the LEA or each public charter school; and

(3) The floor plans for all school buildings within the LEA or used by the public charter school.

(d) Each LEA and public charter school shall also provide the school safety plans described in subsection (c) to a law enforcement agency or other emergency response organization participating in an armed intruder drill under § 49-6-807.

(e) Upon the request of a local law enforcement agency with jurisdiction, the department of education, or the department of safety, the LEA or public charter school shall provide any other plans, information, or records regarding school security.

(f)

(1) During a drill or in an emergency situation, each LEA or public charter school shall, to the greatest extent practicable, provide a responding law enforcement agency with access to security systems that may be required for the law enforcement agency's response.

(2) For purposes of this subsection (f), "security systems" includes, but is not limited to, audio recording systems, visual recording systems, and any other cameras, alarm systems, fire systems, communication systems, or other security measures in a school building.

(g) This section does not diminish the jurisdiction of local law enforcement agencies.

SECTION 6. Tennessee Code Annotated, Section 49-6-805, is amended by adding the following as a new subdivision:

(10) Policies and procedures to ensure that all individuals providing direct services to students or school staff in response to a school crisis have received the appropriate background checks in compliance with state law, including § 49-5-413.

SECTION 7. Tennessee Code Annotated, Section 49-6-807, is amended by deleting the section and substituting instead the following:

49-6-807. Annual drills.

(a) Each school safety team shall annually conduct at least one (1):

- (1) Armed intruder drill;
- (2) Incident command drill; and
- (3) Emergency safety bus drill.

(b)

(1) Each armed intruder drill must be conducted in coordination with the appropriate local law enforcement agency.

(2) Each incident command drill must:

- (A) Be conducted without students present; and

(B) Prepare school staff and law enforcement agencies on what to expect in the event of an emergency situation in the school.

(3) Each emergency safety bus drill must:

(A) Be conducted without students present; and

(B) Prepare school staff and law enforcement agencies on what to expect in the event of an emergency situation on a school bus.

(c) The results of a drill conducted pursuant to subsection (a) must be:

(1) Maintained by the school for a minimum of five (5) years; and

(2) Made available to a local law enforcement agency with jurisdiction, the department of education, or the department of safety upon request.

(d) The drills required in subsection (a) are in addition to the drills required in § 68-102-137.

SECTION 8. Tennessee Code Annotated, Section 49-6-808(b), is amended by adding the language "and each building-level school safety plan" after the language "its district-wide comprehensive safety plan".

SECTION 9. Tennessee Code Annotated, Section 49-6-808(c), is amended by adding the language "and school building floor plans provided pursuant to this section and § 49-6-804" after the language "Building-level emergency response plans".

SECTION 10. Tennessee Code Annotated, Title 49, Chapter 6, Part 8, is amended by adding the following as a new section:

49-6-817. School building entrances required to be locked.

(a) Each LEA and public charter school shall ensure that all exterior doors leading into a school building are locked at all times and access to school buildings is limited to the school's primary entrance, unless otherwise determined by school policy, to prevent unauthorized entry into the school building while students are present during the school day as well as when students are present outside of regular school hours for school-related purposes or activities.

(b) Notwithstanding subsection (a), outside of regular school hours, an LEA or public charter school may allow a school to unlock the door to the school building's primary entrance during a school-related event or activity if the door is continuously monitored by a school or LEA employee who is physically present at the door to ensure access is limited to only authorized persons and to alert others if an unauthorized person enters, or attempts to enter, the school building.

(c) State and local law enforcement personnel are authorized to inspect a door serving as an entrance to, or exit from, a school building to determine whether the door is locked as required by subsection (a). There is no limit on the number of inspections law enforcement personnel may conduct under this subsection (c). Except as provided in subsection (b), if law enforcement personnel find that the door to an entrance or exit from a school building is unlocked in violation of subsection (a), then the school must immediately lock the door and the law enforcement agency that found the unlocked door shall, within twenty-four (24) hours, send written notification to:

- (1) The LEA's director of schools or the leader of the public charter school, as applicable;
- (2) The chair of the local board of education or public charter school governing body, as applicable;
- (3) The head of the parent-teacher organization for the LEA or public charter school, if there is such an organization for the public charter school;
- (4) The school principal;
- (5) The department of safety;
- (6) The department of education; and
- (7) Each local law enforcement agency with jurisdiction.

(d) The LEA's director of schools, the leader of the public charter school, or their respective designees, shall, within forty-eight (48) hours of receiving notification from the law enforcement agency under subsection (c), send written confirmation to the notifying

law enforcement agency that the door was immediately locked as required by subsection (a) and that processes are in place to ensure that the door remains locked as required by subsection (a), except as authorized in subsection (b). The director, leader, or their respective designee shall send a copy of the director's, leader's, or their respective designee's written confirmation to the recipients identified in subdivisions (c)(2)-(7). The director's, leader's, or their respective designee's written confirmation must state whether the LEA or public charter school has a full-time school resource officer whose primary location is the school found to be in violation of subsection (a).

(e)

(1) If a school is found to have violated subsection (a) on two (2) or more occasions in one (1) school year, then:

(A)

(i) If the LEA or public charter school does not currently have a school resource officer whose primary location is the school found to have violated subsection (a) on two (2) or more occasions in one (1) school year, the LEA or public charter school shall cause a full-time school resource officer or armed school security officer to be posted at the school. The LEA or public charter school shall bear the cost of posting the school resource officer or armed school security officer. The school resource officer or armed school security officer must be posted at the school within thirty (30) days from the date on which the LEA or public charter school received notification under subsection (d) of the school's second violation of subsection (a). The LEA or public charter school shall notify the commissioner of education that the required school resource officer or armed school security officer is posted. If the LEA or public charter school fails to have a school

resource officer or armed school security officer posted within thirty (30) days as required in this subdivision (e)(1)(A), then the LEA or public charter school must submit a letter to the commissioner of education every thirty (30) days that an officer is not posted explaining why the LEA or public charter school, as applicable, has not had an officer posted; and

(ii) If the department of education receives notice of a subsequent violation of subsection (a) by the school in one (1) school year, the commissioner shall withhold state funds from the LEA or public charter school, in either the current or upcoming school year, in the following amounts:

(a) For a third violation of subsection (a) committed by a school in one (1) school year, two percent (2%) of the annual state funds generated by the school in the TISA;

(b) For a fourth violation of subsection (a) committed by a school in one (1) school year, four percent (4%) of the annual state funds generated by the school in the TISA;

(c) For a fifth violation of subsection (a) committed by a school in one (1) school year, six percent (6%) of the annual state funds generated by the school in the TISA;

(d) For a sixth violation of subsection (a) committed by a school in one (1) school year, eight percent (8%) of the annual state funds generated by the school in the TISA; and

(e) For a seventh violation of subsection (a) committed by a school in one (1) school year, ten percent

(10%) of the annual state funds generated by the school in the TISA; or

(B) If the LEA or public charter school currently has a full-time school resource officer or armed school security officer whose primary location is the school found to have violated subsection (a) on two (2) or more occasions, the commissioner shall withhold state funds from the LEA or public charter school, in either the current or upcoming school year, in the following amounts:

(i) For the second violation of subsection (a) committed by the school in one (1) school year, two percent (2%) of the annual state funds generated by the school in the TISA;

(ii) For a third violation of subsection (a) committed by the school in one (1) school year, four percent (4%) of the annual state funds generated by the school in the TISA;

(iii) For a fourth violation of subsection (a) committed by the school in one (1) school year, six percent (6%) of the annual state funds generated by the school in the TISA;

(iv) For a fifth violation of subsection (a) committed by the school in one (1) school year, eight percent (8%) of the annual state funds generated by the school in the TISA; and

(v) For a sixth violation of subsection (a) committed by the school in one (1) school year, ten percent (10%) of the annual state funds generated by the school in the TISA.

(2) If funds are withheld pursuant to subdivision (e)(1)(A) or (B), then the funds must be withheld until:

(A) The LEA or public charter school has the required school resource officer or armed school security officer posted at the school; and

(B) The LEA or public charter school submits to the department of education, and receives the department's approval of, a corrective action plan. The corrective action plan must include:

(i) A statement or other evidence demonstrating that the violation of subsection (a) has been remedied;

(ii) Actions to be taken by the LEA or public charter school to resolve the behavior or issue that contributed to, or caused, the violation, including any new written procedures or training;

(iii) Deadlines for the LEA or public charter school to successfully complete the actions identified in the corrective action plan pursuant to subdivision (e)(2)(B)(ii); and

(iv) Dates for the LEA or public charter school to submit reports and documentation to the department to verify the LEA's or public charter school's implementation of the actions identified in the corrective action plan pursuant to subdivision (e)(2)(B)(ii).

(3) The percentage of any funds withheld pursuant to subdivision (e)(1)(A) or (B) must be calculated by the department of education based on the amount of state funds generated by the school in the TISA for the previous school year. If a public charter school did not generate state funds in the previous school year, then the percentage of any funds withheld pursuant to subdivision (e)(1)(A) or (B) must be based on the average amount of state funds generated by the schools in the LEA in which the public charter school is located.

(f) As used in this section, "armed school security officer" means an off-duty law enforcement officer providing school security services pursuant to § 49-6-809.

SECTION 11. Tennessee Code Annotated, Section 49-6-810, is amended by deleting the language "shall report" and substituting instead the language "and the commissioner of safety shall jointly report".

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49-6-818. School buildings constructed or remodeled after July 1, 2023.

(a) A public school building, including a public charter school building, constructed or remodeled after July 1, 2023, must:

(1) Include a door-locking mechanism on each classroom door that allows the classroom door to be locked from the inside; and

(2) At least one (1) secure vestibule that serves as the primary entrance to the school building and that contains two (2) separate sets of doors that are each capable of being locked separately to prevent a person from entering the school building until an LEA or school employee authorizes a person to enter.

(b) The date on which a public school building, including a public charter school building, is constructed for purposes of this section is the date on which the plans for the school building were approved by the agency having jurisdiction to approve construction of the school building or the date on which the construction permit was issued for the school building, whichever occurs first.

(c) If a public school building, including a public charter school building, is remodeled, then the requirements specified in subsection (a) only apply to the portions of the building that are remodeled.

(d) As used in this section, "remodeled":

(1) Means a change to an existing building or facility, including, but not limited to, renovation, rehabilitation, reconstruction, historic restoration, changes or rearrangement in structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions; and

(2) Does not include routine maintenance, reroofing, painting or wallpapering, asbestos removal, or changes to mechanical or electrical systems so long as the changes do not affect the usability of the building or facility.

SECTION 13. Tennessee Code Annotated, Section 49-6-2701(a), is amended by deleting the language "may adopt" and substituting instead the language "shall adopt".

SECTION 14. Tennessee Code Annotated, Section 49-6-2701(c), is amended by adding the following as a new subdivision:

(10) Coordinate with state agencies providing support services and technical assistance to local threat assessment teams.

SECTION 15. Tennessee Code Annotated, Section 49-6-2701(e), is amended by deleting the language "the local board of education and the director of schools" and substituting instead the language "the local board of education, the director of schools, the department of safety, the Tennessee school safety center, and the members of the state-level safety team established pursuant to § 49-6-802(a)".

SECTION 16. Tennessee Code Annotated, Section 49-6-4302(a), is amended by adding the language ", in collaboration with the department of safety," after the language "The department of education".

SECTION 17. Tennessee Code Annotated, Section 49-6-4302, is amended by deleting subsection (f) and substituting:

(f) The department of safety, in collaboration with the department of education, shall develop a school security assessment for use in Tennessee public schools. The departments shall provide training to local law enforcement agencies and school administrators on the use of the school security assessment to identify school security vulnerabilities. Each LEA and public charter school shall submit to the department of safety an annual school security self-assessment for each school that uses the school security assessment pursuant to this subsection (f). The department of safety may conduct periodic reviews of public schools, as it deems necessary, to verify the effective implementation and use of school security assessments to enhance school security.

SECTION 18. Tennessee Code Annotated, Section 10-7-504(p), is amended by designating the existing language as subdivision (1) and adding the following as a new subdivision (2):

(2)

(A) All school security reports, memoranda, plans, notes, threats, and procedures, including drafts that are incorporated in reports created or received by the department of safety, must be treated as confidential and shall not be open for inspection by members of the public.

(B) This subdivision (p)(2) shall not be construed to limit access to those records by law enforcement agencies, courts, or other governmental agencies performing official functions.

SECTION 19. Tennessee Code Annotated, Section 62-35-102, is amended by adding the following as a new, appropriately designated subdivision:

() "Public school" means an elementary or secondary school operated by a local education agency, as defined in § 49-1-103, or by the state with public funds;

SECTION 20. Tennessee Code Annotated, Section 62-35-103(a), is amended by deleting subdivision (1) and substituting instead the following:

(1) A government officer or employee performing official duties; provided, that this exemption shall not apply to a security guard or security officer who is providing security or patrol services at or in a public school;

SECTION 21. Tennessee Code Annotated, Section 62-35-118(a), is amended by deleting subdivision (1) and substituting instead the following:

(1)

(A) Within fifteen (15) days of employment:

(i) An unarmed security guard or security officer applicant must complete general training and pass an examination; and

(ii) An armed security guard or security officer applicant must complete general training, pass an examination, and complete the training in subsection (b) within sixty (60) days of employment.

(B) Notwithstanding subdivision (a)(1)(A):

(i) An individual shall not be posted as an unarmed security guard at or in a public school or act as an unarmed security guard at or in a public school, unless the individual has completed the requirements of subdivision (a)(2)(A) before being posted; and

(ii) An individual shall not be posted as an armed security guard at or in a public school or act as an armed security guard at or in a public school, unless the individual has completed the requirements of subdivision (a)(2)(A) and subsections (b) and (e) before being posted.

SECTION 22. Tennessee Code Annotated, Section 62-35-118, is amended by adding the following as a new subsection:

(e) Before providing security or patrol services at or in a public school, an armed security guard or security officer applicant must complete an active-shooter training. The training required under this subsection (e) must be no less than eight (8) hours in duration and must be completed by each armed security guard or officer providing security or patrol services at or in a public school, regardless of whether the armed security guard or officer is employed by a public school or a contract security company.

SECTION 23. Tennessee Code Annotated, Section 62-35-122, is amended by adding the following as a new subsection:

(g) An armed security guard or officer providing security or patrol services at or in a public school must complete an active shooter refresher training approved by the commissioner before the individual's registration card may be renewed.

SECTION 24. Tennessee Code Annotated, Section 62-35-134, is amended by adding the following as a new subsection:

(d) It is unlawful for any person, contract security company, or proprietary security organization to post a security guard or officer at or in a public school if the security guard or officer is not properly registered, working on a pending application, or otherwise appropriately trained as required in § 62-35-118.

SECTION 25. 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 26. 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 on July 1, 2023, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 281*

House Bill No. 329

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

SECTION 1. Tennessee Code Annotated, Section 49-3-306(a), is amended by adding the following as a new subdivision:

(3) The state salary schedule for teachers formulated by the commissioner pursuant to subdivision (a)(1) must establish a base salary that is no less than:

(A) Forty-two thousand dollars (\$42,000) for the 2023-2024 school year;

(B) Forty-four thousand five hundred dollars (\$44,500) for the 2024-2025 school year;

(C) Forty-seven thousand dollars (\$47,000) for the 2025-2026 school year; and

(D) Fifty thousand dollars (\$50,000) for the 2026-2027 school year.

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

(a) As used in this section:

(1) "Dues" means the fees imposed on individuals as a condition of their participation or membership in a professional employees' organization; and

(2) "Professional employees' organization" has the same meaning as defined in § 49-5-602.

(b) Notwithstanding chapter 5, part 6 of this title, an LEA shall not deduct dues from the payroll of the LEA's employees for a professional employees' organization,



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including, but not limited to, a professional employees' organization that is affiliated with a labor organization exempt under 26 U.S.C. § 501(c)(5).

(c) This section does not prohibit an employee of an LEA from personally and voluntarily remitting dues to a professional employees' organization.

SECTION 3. This act takes effect on July 1, 2023, the public welfare requiring it.

Amendment No. _____

Chris J. Hunt

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 281*

House Bill No. 329

by deleting Section 2 and renumbering the subsequent section accordingly.



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House Higher Education Subcommittee Am. #1

Amendment No. _____

Signature of Sponsor

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Date _____

Time _____

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Comm. Amdt. _____

AMEND Senate Bill No. 834*

House Bill No. 1445

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following as a new section:

49-7-182.

(a) A public postsecondary institution that provides internet access to students, faculty, staff, or the general public shall not allow an individual to access a social media platform using the institution's network if the platform is operated or hosted by a company based in the People's Republic of China. This section applies to internet services provided by an institution through a hard-wired or wireless network connection.

(b) This section does not apply to institutions or employees of such institutions if downloading, accessing, or using such a social media platform is necessary to perform:

- (1) Law enforcement activities;
- (2) Investigatory functions to carry out official duties for bona fide law enforcement, investigative, or public safety purposes; or
- (3) Audit, compliance, or legal functions of the institution.

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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AMEND Senate Bill No. 916*

House Bill No. 1165

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-6-4503, is amended by adding the following as new subsections:

(e) If a law enforcement officer, school resource officer, or other school security officer investigates harassment, intimidation, bullying, hazing, or cyber-bullying of a student or visitor of a school in an LEA who is under eighteen (18) years of age and the harassment, intimidation, bullying, hazing, or cyber-bullying involves an alleged criminal offense, then the law enforcement officer, school resource officer, or other school security officer shall file a report with a law enforcement agency with jurisdiction regarding the alleged offense in accordance with the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g). For purposes of this subsection (e), "law enforcement officer" does not include law enforcement officers employed by the department of safety.

(f) A person who knowingly interferes with a law enforcement officer's, school resource officer's, or other school security officer's efforts to consult with a district attorney general's office regarding an alleged criminal offense involving harassment, intimidation, bullying, hazing, or cyber-bullying of a person who is under eighteen (18) years of age commits a Class A misdemeanor.

SECTION 2. Tennessee Code Annotated, Section 49-6-4502, is amended by adding the following as a new subdivision:



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(4) "Hazing" means an intentional or a reckless act in this state, on or off LEA property, by one (1) student acting alone or with others, that is directed against any other student that endangers the mental or physical health or safety of that student, or that induces or coerces a student to endanger that student's mental or physical health or safety. "Hazing" does not include customary athletic events or similar contests or competitions.

SECTION 3. 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. 881

House Bill No. 36*

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

SECTION 1. Tennessee Code Annotated, Section 49-13-122, is amended by deleting subdivision (a)(1) and substituting:

(1) An authorizer, excluding the achievement school district, may revoke a public charter school agreement if the public charter school receives identification as a priority school, as defined by the state's accountability system pursuant to § 49-1-602; provided, however, that an authorizer shall not revoke a public charter school agreement based on the public charter school being identified as a priority school on the priority school list issued in 2022 or 2023. The revocation takes effect immediately following the close of the school year in which the public charter school is identified as a priority school.

SECTION 2. Tennessee Code Annotated, Section 49-13-122, is amended by deleting subdivision (a)(3) and substituting:

(3) An authorizer, excluding the achievement school district, shall revoke a public charter school agreement if the public charter school receives identification as a priority school for two (2) consecutive cycles. The revocation takes effect immediately following the close of the school year in which the public charter school is identified as a priority school for the second consecutive cycle. The priority school lists issued in 2022 and 2023 shall not be considered a priority school cycle for purposes of this subdivision (a)(3) and shall not subject a public charter school to automatic revocation of its charter agreement.

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



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House Higher Education Subcommittee Am. #1

Amendment No. _____

Signature of Sponsor

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Time _____

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Comm. Amdt. _____

AMEND Senate Bill No. 350

House Bill No. 294*

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following as a new section:

49-7-182. Save Tennessee Students Act.

(a) This section and § 49-6-1904 are known and may be cited as the "Save Tennessee Students Act."

(b)

(1) If a public institution of higher education issues new student identification cards to students enrolled in the institution, then the institution shall include on the cards:

(A) The telephone number for the 988 Suicide & Crisis Lifeline; or

(B) The social media handle, telephone number, or text number for at least one (1) additional crisis resource selected by the institution, which may include the crisis text line or, if available, a local suicide prevention hotline.

(2) This subsection (b):

(A) Applies to student identification cards purchased by a public institution of higher education on or after July 1, 2023; and

(B) Does not apply to:

(i) Student identification cards purchased by a public institution of higher education before July 1, 2023; or



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(ii) Digital student identification cards.

(c) Each public institution of higher education shall post the telephone number for the 988 Suicide & Crisis Lifeline and the social media handle, telephone number, or text number for at least one (1) additional crisis resource selected by the institution, which may include the crisis text line or, if available, a local suicide prevention hotline in a conspicuous place on each campus operated by the institution.

(d) Each public institution of higher education shall create and feature a webpage on the institution's website or a mobile application that contains information dedicated solely to the mental health resources available to the institution's students.

SECTION 2. Tennessee Code Annotated, Section 49-6-1904, is amended by deleting subsection (a) and substituting instead the following:

(a) This section and § 49-7-182 are known and may be cited as the "Save Tennessee Students Act."

SECTION 3. Tennessee Code Annotated, Section 49-6-1904, is amended by deleting the language "National Suicide Prevention Lifeline" in subdivision (b)(1) and in subsection (c) and substituting instead the language "988 Suicide & Crisis Lifeline".

SECTION 4. Tennessee Code Annotated, Section 49-7-172, is amended by deleting subsection (a) and substituting instead the following:

(a) Each state institution of higher education shall develop and implement a suicide prevention plan for students, faculty, and staff. The plan must:

(1) Be developed in consultation with campus mental health professionals and suicide prevention experts;

(2) Identify procedures related to suicide prevention, intervention, and postvention; and

(3) Include a strategy to raise awareness of the mental health and crisis support services and resources, such as the contact information for suicide prevention and crisis lifelines, that are available to students, faculty, and staff.

SECTION 5. 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 6. This act takes effect July 1, 2023, the public welfare requiring it.

House Higher Education Subcommittee Am. #1

Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 350

House Bill No. 294*

by deleting "contract" in subdivision (a)(3) of Section 4 and substituting "contact".

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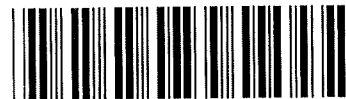
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Amendment No. _____

Signature of Sponsor

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Date _____

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Comm. Amdt. _____

AMEND Senate Bill No. 198*

House Bill No. 250

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-6-6001(b)(4), is amended by deleting subdivision (A) and substituting instead the following:

(A) As a strategy for assessing and certifying students' career readiness and providing students with more choices in identifying career pathways, LEAs and public charter schools shall provide each high school senior the opportunity to take nationally recognized assessments; provided, that the assessments:

(i) Are standardized, criterion-referenced tests designed to measure a broad range of foundational workplace skills;

(ii) Adhere to the Standards for Educational and Psychological Testing developed by the American Educational Research Association, American Psychological Association, and National Council on Measurement in Education;

(iii) Assess and confirm readiness for a variety of jobs;

(iv) Measure skills in a broad range of areas, including:

(a) Critical thinking, mathematical reasoning, and problem-solving techniques in workplace situations;

(b) Reading and comprehending graphic materials, including charts, graphs, diagrams, and floor plans to solve work-related problems; and

(c) Reading and comprehending written information in documents, including emails, letters, directions, signs, bulletins, policies,



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websites, contracts, and regulations to make decisions and solve problems;

(v) Align with research-based skill requirement profiles for specific industries and occupations;

(vi) Lead to nationally recognized work-readiness certificates or credentials for individuals who meet the minimum proficiency requirements on the component assessments;

(vii) Are available in paper and computer-based formats;

(viii) Are aligned with a self-paced, modular skills curriculum that allows for skill remediation; and

(ix) Is competitively procured by the department of education.

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

Amendment No. _____

Signature of Sponsor

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Date _____

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Comm. Amdt. _____

AMEND Senate Bill No. 1216

House Bill No. 1088*

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

SECTION 1. Tennessee Code Annotated, Section 49-3-107, is amended by deleting subsection (c) and substituting instead the following:

(c)

(1) Subject to available appropriations, an LEA that experiences ADM growth in non-virtual schools exceeding two percent (2%) for each year of a three-consecutive-year period is eligible for an infrastructure stipend.

(2) Notwithstanding subdivision (c)(1), and subject to available appropriations, an LEA that experienced ADM growth in non-virtual schools exceeding two percent (2%) in the 2019-2020, 2022-2023, and 2023-2024 school years is eligible for an infrastructure stipend for the 2023-2024 school year.

(3) The infrastructure stipend is a per-student flat dollar amount based on the number of member students in non-virtual schools in the LEA for the current school year in excess of a two percent (2%) ADM growth in non-virtual schools from the prior year. An infrastructure stipend in a given year must be uniform for all eligible LEAs.

SECTION 2. This act takes effect July 1, 2023, at 12:01 a.m., the public welfare requiring it.



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AMEND Senate Bill No. 1221

House Bill No. 424*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 5, Part 1, is amended by adding the following as a new section:

(a) The commissioner of education may grant, on behalf of the state board of education, under the conditions prescribed by the state board's rules, an individual pursuing clinical experience in an educator preparation program (EPP) who meets the requirements of subsection (b) a temporary permit to teach in a teaching position in which an LEA or public charter school is unable to secure a qualified teacher with a valid license for the type and kind of school in which a vacancy exists.

(b) To be eligible to receive a temporary permit pursuant to subsection (a):

(1) An individual must:

(A) Be enrolled in an EPP and have completed all of the coursework in the program except for the clinical experience required pursuant to § 49-5-5604; and

(B) Submit with the individual's application for a temporary permit a letter of recommendation from the EPP in which the individual is enrolled; and

(2) A director of schools or a director of a public charter school must submit a conditional offer of employment made by the respective director of schools or the director of the public charter school for the individual to fill a position for which the LEA or public charter school is unable to secure a qualified



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teacher with a valid license for the type and kind of school in which a vacancy exists. The conditional offer of employment must include a certification by the director of schools or the director of the public charter school that the director has notified the commissioner of the LEA's or public charter school's inability to fill the vacancy and its intent to employ the individual pursuant to a temporary permit issued pursuant to this section.

(c) The commissioner may grant an individual a temporary permit pursuant to this section authorizing the individual to teach a course requiring an end-of-course examination to satisfy the graduation requirements established by the state board if the individual demonstrates sufficient content knowledge in the course material by taking and passing, at the teacher's own expense, a standardized or criterion-referenced test for the content area in accordance with § 49-6-6006.

(d) Notwithstanding subsection (a), the commissioner shall not grant an individual a temporary permit to teach a physical education class required under § 49-6-1021(e) or a special education course.

(e) A temporary permit issued pursuant to this section is valid only until June 30 following the date of the permit's issuance and shall not be renewed.

(f) A director of schools or a director of a public charter school who learns of the conviction of a teacher holding a temporary permit who is employed by the LEA or public charter school, respectively, for any offense listed in § 49-5-417(a) shall report the conviction to the state board. The state board shall set the time frame within which a director of schools or a director of a public charter school must report a conviction of a teacher holding a temporary permit. The state board may specify other offenses for which a director of schools or a director of a public charter school is required to report to the state board upon learning of a conviction of a teacher holding a temporary permit for any such offense.

(g) A director of schools or a director of a public charter school shall report to the state board teachers holding a temporary permit who are employed by the LEA or public charter school, respectively, who have been suspended or dismissed, or who have resigned, following allegations of conduct, including sexual misconduct, which, if substantiated, would warrant consideration for disciplinary action under state board rules. As used in this subsection (g), "sexual misconduct" has the same meaning as defined in § 49-5-417(c)(5).

(h) An individual who teaches under a temporary permit issued pursuant to this section satisfies the clinical experience required pursuant to § 49-5-5604 if:

(1) The individual is assigned to, and receives guidance, evaluations, and instructions from, an educator for an amount of time that is at least equal to the amount of time required for candidates of the EPP in which the individual is enrolled to meet the EPP's clinical experience requirements;

(2) The educator assigned to the individual evaluates the individual as having adequately met the same requirements that candidates of the EPP in which the individual is enrolled must meet in order to satisfy the clinical experience requirements of § 49-5-5604; and

(3) The individual teaches under a temporary permit for an amount of time that is at least equal to the amount of time required for candidates of the EPP in which the individual is enrolled to complete the clinical experience requirements of § 49-5-5604.

(i) The state board of education shall promulgate rules to effectuate the purposes of this section. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. 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

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Date _____

Time _____

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Comm. Amdt. _____

AMEND Senate Bill No. 724*

House Bill No. 786

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-5-106, is amended by deleting subsection (i) and substituting:

(i)

(1) After a director of schools or a director of a public charter school notifies the director's local board of education or the governing body of the director's public charter school, as applicable, that the LEA or public charter school is unable to secure a qualified occupational educator with a valid occupational teaching license for a course of study in which a vacancy exists, the director of schools or the director of the public charter school may certify the same to the commissioner of education.

(2) Upon the commissioner's receipt of the certification described in subdivision (i)(1), the commissioner may grant, on behalf of the state board of education, under conditions prescribed in the state board's rules, a temporary permit to teach in the unfilled position to a person recommended by the director of schools or the director of the public charter school, who:

(A) Does not hold a bachelor's degree or an active industry license or credential, including those issued by another state, for the area of endorsement, as defined by the department of education, but who has a minimum of five (5) years of relevant work experience, completed within the last ten (10) years, or three (3) years of relevant work experience,



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completed within the last five (5) years, in the area of endorsement or equivalent educational attainment, as defined by the department of education; or

(B) Is an honorably discharged veteran of the armed forces, who has a minimum of five (5) years of relevant work experience, completed within the last ten (10) years, or three (3) years of relevant work experience, completed within the last five (5) years, in the area of endorsement or equivalent educational attainment, as defined by the department of education. As used in this subdivision (i)(2)(B), "work experience" includes, but is not limited to, military service, training, and experience.

(3) A temporary permit issued pursuant to this subsection (i) is valid only until June 30 immediately following the date of the permit's issuance and is not renewable. An individual may only be issued one (1) temporary permit under this subsection (i).

SECTION 2. This act takes effect July 1, 2023, at 12:01 a.m., the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

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Date _____

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Comm. Amdt. _____

AMEND Senate Bill No. 231

House Bill No. 276*

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

SECTION 1. Tennessee Code Annotated, Section 49-4-706, is amended by deleting the section and substituting the following:

(a) As used in this section:

(1) "Approved EPP" means an eligible program of study, as defined in § 49-4-902, that is an educator preparation program approved by the state board of education;

(2) "Continuous enrollment" has the same meaning as defined in § 49-4-902;

(3) "Eligible institution" means an eligible postsecondary institution, as defined in § 49-4-902, with an approved EPP;

(4) "Full-time student" has the same meaning as defined in § 49-4-902;

(5) "Gift aid" means financial aid received from the federal Pell grant, the Tennessee education lottery scholarship, or the Tennessee student assistance award;

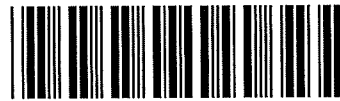
(6) "Minority" means a person who is:

(A) Black, African American, or who has origins in any of the black racial groups of Africa;

(B) Hispanic, Latino, or of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;



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(C) Asian American, or who has origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent;

(D) Native Hawaiian, Other Pacific Islander, or who has origins in the Pacific Islands; or

(E) American Indian, Alaska Native, or who has origins in any of the original peoples of North America;

(7) "MTFP" means the minority teaching fellows program; and

(8) "TSAC" means the Tennessee student assistance corporation.

(b) TSAC shall administer a minority teaching fellows program for talented Tennesseans who aspire to be teachers. Participation in the MTFP is limited to college juniors, seniors, and post-baccalaureate candidates who are admitted to approved EPPs in this state and who desire to teach in the public schools of this state.

(c) To receive an MTFP award, a student must:

(1) Be a United States citizen;

(2) Be a Tennessee resident, as defined in § 49-8-104;

(3) Be a minority;

(4) Be enrolled in an approved EPP at an eligible institution;

(5) Not be a licensed teacher, and must not be employed, or previously employed, in a teaching position;

(6) Submit an application, as required by TSAC;

(7) Submit copies of all official transcripts to TSAC;

(8) Submit one (1) letter of recommendation to TSAC attesting to the student's commitment to teaching from an official of the enrolling institution; and

(9) Not owe a refund or repayment on any grant, and must not be in default on any loan received at any postsecondary institution under the provisions of Title IV of the Higher Education Act of 1965, as amended.

(d) TSAC shall select recipients for an MTFP award as follows:

(1) Each year for which funds are available, the executive director of TSAC, or the executive director's designee, along with representatives of the state board of education and the department of education, shall form a selection committee to determine the ranking of applicants for an MTFP award in accordance with a ranking system adopted by the selection committee;

(2) Priority for an MTFP award must be given to renewal applicants;

(3) In ranking applicants, the selection committee shall consider:

(A) The applicant's:

(i) Eligibility for the Tennessee HOPE scholarship under chapter 4, part 9 of this title;

(ii) Postsecondary grade point average; and

(iii) Standardized test scores;

(B) Evidence of the applicant's commitment to teaching, including, but not limited to, the applicant's completion of the department of education's education and training career clusters, and other experiences that would indicate the applicant's interest in teaching; and

(C) Other factors identified by the selection committee; and

(4) Approved applications are subject to the availability of funds.

(e) To continue to receive an MTFP award, a student must:

(1) Maintain continuous enrollment in an approved EPP;

(2) Maintain the minimum cumulative grade point average required by the approved EPP, if any; and

(3) Attend an approved EPP as a full-time student if the student is enrolled as an undergraduate student. During periods of internship or student teaching, undergraduate recipients may be enrolled in, and attend, an approved EPP less than full time. Post-baccalaureate recipients may attend less than full time, as determined by the institution's written policies.

(f) If a student receives an MTFP award, then the student may continue to receive an MTFP award until the occurrence of the first of the following events:

(1) The student attains a degree or completes a post-baccalaureate licensure preparation program through an approved EPP;

(2) The student ceases to be eligible under subsection (e); or

(3) Four (4) years have elapsed from the date of the student's enrollment in a term for which the student received the student's first MTFP award.

(g) Subject to the amounts appropriated by the general assembly, the amount of an MTFP award is the cost of tuition and mandatory fees charged to all undergraduate students for coursework leading to completion of an approved EPP at the institution attended, less all other gift aid for which the student is eligible, which must be credited first to tuition and mandatory fees before an MTFP award is applied.

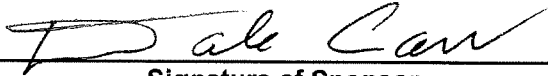
(h) Notwithstanding subsection (g), the amount of an MTFP award at a private institution must not exceed the average cost of tuition and mandatory fees charged to all undergraduate students for coursework leading to completion of an approved EPP at the state's public institutions, less all other gift aid for which the student is eligible.

(i) Any MTFP award made prior to July 1, 2023, that was not converted to a scholarship loan evidenced by a note payable to TSAC that was executed prior to July 1, 2023, must not be converted to a scholarship loan and all subsequent eligibility determinations for MTFP awards are controlled by this section.

(j) TSAC may promulgate rules and develop criteria for the selection of minority Tennessee citizens who may receive an award, the distribution of awards based on the level of enrollment, appeals, and for the general management of the program. Rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. 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. 1143*

House Bill No. 1373

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 4-58-103(a)(2), is amended by deleting the language "To be eligible for a professional or commercial license" and substituting "Except as provided in subsection (e), to be eligible for a professional or commercial license".

SECTION 2. Tennessee Code Annotated, Section 4-58-103, is amended by adding the following new subsection (e) and redesignating the existing subsection (e) and all subsequent subsections accordingly:

(e) Notwithstanding this chapter to the contrary, an applicant who is applying for a state or local public benefit in the form of a license or permit issued pursuant to title 57, shall sign an affidavit, subject to the penalty of perjury under § 39-16-702, declaring that the applicant is qualified to hold the license or permit sought by application.

SECTION 3. Tennessee Code Annotated, Section 4-58-103(g)(2), is amended by deleting the subdivision and substituting:

(2) Upon receipt of a final verification or proof satisfactory indicating that the applicant is not a United States citizen, qualified alien, or visa holder permitted to work in this state, the state or local governmental entity or local health department shall terminate any recurring benefit, and shall pursue any action applicable against the applicant pursuant to § 4-58-104, § 4-58-105, or §



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

Amendment No. _____

Chris Hurt

Signature of Sponsor

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Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1490

House Bill No. 899*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 70, Chapter 1, Part 3, is amended by adding the following as a new section:

(a) If the wildlife resources agency contracts with a farmer to farm lands owned or under the control of this state under § 70-1-302(a)(6) or another law, not less than sixty (60) days before the expiration of the contract, the agency shall offer the farmer the opportunity to renegotiate the contract with the agency prior to accepting requests for proposals for the contract.

(b) If the farmer and the agency agree to renew the contract, then the farmer may renew the contract for an additional three (3) five-year terms if the farmer and agency are able to agree to terms during each renewal period; provided, that, if the farmer has been under contract with the agency for twenty (20) or more consecutive years, upon the expiration of the next term of the contract, the farmer is not entitled to renegotiate the contract with the agency prior to the agency accepting requests for proposals for the contract.

(c) Subsection (b) does not prohibit a farmer from bidding on a contract after being under contract with the agency for twenty (20) or more consecutive years.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it, and applies to contracts executed, amended, or renewed on or after such date.

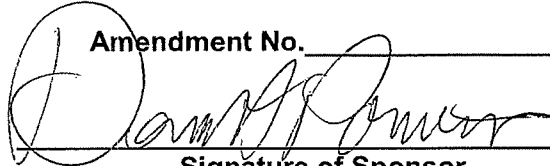


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Amendment No. _____

Signature of Sponsor

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AMEND Senate Bill No. 1151

House Bill No. 1247*

by deleting SECTION 1(b)(2) and substituting:

(2) Subdivision (b)(1) does not apply to:

(A) The housing or hospitalization of an illegal alien in a hospital or facility licensed under Title 33 or 68, or a jail, prison, or other correctional institution;

(B) An illegal alien in the legal custody or under the guardianship of the department of children's services; or

(C) An illegal alien residing at a special school operated by the department of education pursuant to title 49, chapter 50, part 10.



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Amendment No. _____



Signature of Sponsor

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Comm. Amdt. _____

AMEND Senate Bill No. 993

House Bill No. 867*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 57-4-101, is amended by deleting subdivision (a)(1) and substituting:

(1) Hotel, commercial passenger boat company, commercial passenger bus company, paddlewheel steamboat company, restaurant, commercial airlines, or passenger trains meeting the requirements hereinafter set out, within the boundaries of the political subdivisions, wherein such is authorized under § 57-4-103;

SECTION 2. Tennessee Code Annotated, Section 57-4-102, is amended by adding the following new subdivision:

()

(A) "Commercial passenger bus company" means a company that offers commercial passenger bus service in this state using a passenger bus that:

- (i) Is designed and used for regularly scheduled intercity transportation of passengers for compensation;
- (ii) Is regulated by the U.S. Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA);
- (iii) Is at least forty-five feet (45') in length;
- (iv) Has an elevated passenger deck over a baggage compartment;
- (v) Has passenger seating to accommodate at least sixteen (16) persons, but not more than thirty-six (36) persons;



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(vi) Has a separate galley area with a sink, refrigerator, and adequate counterspace to prepare food; and

(vii) While transporting passengers for compensation, also transports an attendant who:

(a) Is not the operator of the bus;

(b) Holds a valid server permit from the commission; and

(c) Sells or gives away prepared food to its customers;

(B) A commercial passenger bus company licensed under this subdivision () shall not sell alcoholic beverages or beer:

(i) While a bus is stopped for the purposes of loading or unloading passengers within the boundaries of a local government that has not approved the sale of alcoholic beverages pursuant to § 57-4-103;

(ii) While a bus is on a route that is less than one hundred (100) miles one-way to its destination;

(iii) To a passenger who has been served four (4) alcoholic beverages or beers by the attendant; and

(iv) On private, reserved trips that are not regularly scheduled and advertised intercity trips available to the general public; and

(C) Section 55-10-416(c) does not apply to a passenger of a commercial passenger bus licensed under this subdivision ();

SECTION 3. Tennessee Code Annotated, Section 57-4-301(b)(1), is amended by adding the following new subdivision (y):

(Y) Commercial passenger bus \$1,250

SECTION 4. Tennessee Code Annotated, Section 57-4-201(b)(1), is amended by deleting the language "historic mansion house site or commercial passenger boat company" and substituting "historic mansion house site, commercial passenger bus company, or commercial passenger boat company".

SECTION 5. Tennessee Code Annotated, Section 57-4-201(d)(2), is amended by deleting the language "commercial passenger boat company, or sports authority facility" and substituting "commercial passenger boat company, commercial passenger bus company, or sports authority facility".

SECTION 6. Tennessee Code Annotated, Section 57-4-201(d)(6), is amended by deleting the language "commercial passenger boat company, or sports authority facility" and substituting "commercial passenger boat company, commercial passenger bus company, or sports authority facility".

SECTION 7. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. _____

Chris Hunt

Signature of Sponsor

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Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 917*

House Bill No. 1091

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 69-9-216, is amended by adding the following new subsection (h) and redesignating the existing subsection (h) accordingly:

(h)

(1) Notwithstanding § 69-9-218(a)(3), it is a violation of this chapter, subject to the penalties in § 69-9-219, for a person to travel at a speed greater than a no-wake speed within the no-wake zones established by the agency pursuant to rules promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(2) The agency may extend a no-wake zone up to five hundred feet (500') from a commercial dock or marina, to be marked with buoys, if such no-wake zone extension would be in the best interest of boating safety.

(3) This subsection (h) does not prevent prosecution of a person for a violation of § 69-9-218(a)(3), or another applicable law.

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



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Amendment No. _____

Signature of Sponsor

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AMEND Senate Bill No. 1327

House Bill No. 594*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 7-3-303, is amended by adding the following new subsection (d):

(d)

(1) Notwithstanding another law to the contrary, the metropolitan council or beer board of a metropolitan government with a population of more than five hundred thousand (500,000), according to the 2020 federal census or a subsequent federal census, shall not, within a tourism development zone, regulate the sale of beer, as defined in § 57-5-101, or other alcoholic beverages, as defined in § 57-4-102, for on-premises consumption by a licensee who holds a license to sell alcoholic beverages for consumption on the premises within the zone issued pursuant to title 57, chapter 4. The alcoholic beverage commission has the exclusive authority to regulate the sale of beer and alcoholic beverages within the boundaries of the zone within the metropolitan government. The commission shall employ an amount of regulatory and law enforcement staff sufficient to adequately enforce this subsection (d) as determined by the commission.

(2) As used in this subsection (d), "tourism development zone" and "zone" mean the tourism development zone created pursuant to chapter 88 of this title in a metropolitan government with a population of more than five



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hundred thousand (500,000), according to the 2020 federal census or a subsequent federal census.

SECTION 2. Tennessee Code Annotated, Section 57-4-101, is amended by adding the following new subsection:

(q) Notwithstanding another law to the contrary, a person holding a license issued under this chapter within the boundaries of a metropolitan government with a population of more than five hundred thousand (500,000), according to the 2020 federal census or a subsequent federal census, may sell beer for on-premises consumption solely pursuant to such license issued under this chapter. A permit or license other than the license issued under this chapter is not required for the licensed establishment to engage in such sales of beer for on-premises consumption and the issuer of that license has the authority to enforce all laws related to such sales.

SECTION 3. 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. 1327

House Bill No. 594*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 7-3-303, is amended by adding the following new subsection (d):

(d) Notwithstanding another law to the contrary, the metropolitan council or beer board of a metropolitan government with a population of more than five hundred thousand (500,000), according to the 2020 federal census or a subsequent federal census, shall not, within a central business improvement district (CBID) established in 1999, regulate the sale of beer, as defined in § 57-5-101, or other alcoholic beverages, as defined in § 57-4-102, for on-premises consumption by a licensee who holds a license to sell alcoholic beverages for consumption on the premises within the CBID issued pursuant to title 57, chapter 4. The alcoholic beverage commission has the exclusive authority to regulate the sale of beer and alcoholic beverages within the boundaries of the CBID within the metropolitan government. The commission shall employ an amount of regulatory and law enforcement staff sufficient to adequately enforce this subsection (d) as determined by the commission.

SECTION 2. Tennessee Code Annotated, Section 57-4-101, is amended by adding the following new subsection:

(q) Notwithstanding another law to the contrary, a person holding a license issued under this chapter within the boundaries of a metropolitan government with a population of more than five hundred thousand (500,000), according to the 2020 federal census or a subsequent federal census, may, within a central business improvement



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district (CBID) established in 1999, sell beer for on-premises consumption solely pursuant to such license issued under this chapter. A permit or license other than the license issued under this chapter is not required for the licensed establishment to engage in such sales of beer for on-premises consumption within the CBID and the issuer of that license has the authority to enforce all laws related to such sales within the CBID.

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

Amendment No. _____



Signature of Sponsor

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Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 475*

House Bill No. 1362

by deleting SECTION 37 and substituting:

SECTION 37. Tennessee Code Annotated, Section 4-49-104(c), is amended by deleting the subsection and substituting instead the following:

The tax imposed under this section must be paid monthly by a licensee based on its gross handle for the immediately preceding calendar month, in accordance with rules promulgated by the council. A licensee may deduct from its gross handle the amount of federal excise tax paid each month, in accordance with rules promulgated by the council. A licensee shall not deduct from the gross handle winning payouts to bettors or promotional wagers or payouts. The council shall promulgate rules to specify the method by which a licensee must account for adjustments to the gross handle for wagers that are cancelled or voided and repeal all rules related to the privilege tax on adjusted gross income.



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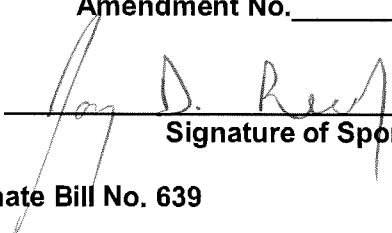
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Comm. Amdt. _____

Amendment No. _____


Signature of Sponsor**AMEND Senate Bill No. 639****House Bill No. 407***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 69-9-227(a), is amended by adding the following subdivision:

() "In the aggregate" means the number of nonmotorized vessels by type rented in each water body;

SECTION 2. Tennessee Code Annotated, Section 69-9-227(b)(1), is amended by deleting the subdivision and substituting the following:

(1) The commission is authorized to establish rules, permits, and procedures regulating commercial operations that:

(A) Lease or rent nonmotorized vessels for noncommercial use by the public on the waters of Tennessee; and

(B) Utilize vessel launches or ramps, or other property, owned or managed by the agency.

SECTION 3. Tennessee Code Annotated, Section 69-9-227(b)(2), is amended by deleting the word "or" at the end of subdivision (b)(2)(A), adding the following as a new subdivision (b)(2)(B), and redesignating the existing subdivision (b)(2)(B) accordingly:

(B) Apply to commercial operations permitted by the department of environment and conservation pursuant to a commercial use authorization under § 11-1-118, or other law; or

SECTION 4. Tennessee Code Annotated, Section 69-9-227(c)(2), is amended by deleting the subdivision and substituting:



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(2) No later than October 31, 2023, and every October 31 thereafter, an outfitter shall submit an annual report providing the agency-required records for activities that occurred since the last report. An outfitter shall supplement its report by December 30 for activity occurring subsequent to the outfitter's October 31 report. If a report is incomplete and the agency has provided notice that the outfitter has provided incomplete information, the outfitter has thirty (30) days from the date of notification to submit additional information to the agency.

SECTION 5. Tennessee Code Annotated, Section 10-7-504(a), is amended by adding the following as a new subdivision:

(34)

(A) All records provided to the wildlife resources agency pursuant to § 69-9-227(c)(2) by an outfitter who leases or rents nonmotorized vessels for noncommercial use by the public on the waters of Tennessee are confidential and are not to be open for inspection by members of the public, including, but not limited to, information on the number and type of nonmotorized vessels leased each day and daily ridership data.

(B) Subdivision (a)(34)(A) does not limit:

(i) Access to information made confidential pursuant to subdivision (a)(34)(A):

(a) By law enforcement agencies, courts, or other governmental agencies performing official functions; or

(b) When an outfitter expressly authorizes the release of the information;

(ii) The release of a record made confidential pursuant to subdivision (a)(34)(A) to persons identified within the record, unless the record is subject to a legal privilege against disclosure; or

(iii) The use of a record otherwise made confidential pursuant to subdivision (a)(34)(A) by the wildlife resources agency or fish and wildlife commission, so long as the record is only used in the aggregate in agency reports and records as defined in § 69-9-227(a), including in the administration of authority granted under § 69-9-227(b)(1).

(C) This subdivision (a)(34) is repealed effective July 1, 2028.

SECTION 6. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. _____

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Signature of Sponsor

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AMEND Senate Bill No. 276*

House Bill No. 324

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 50, Part 8, is amended by adding the following as a new section:

(a) In addition to leave granted under §§ 8-50-801, 8-50-802, and 8-50-806, an eligible employee must be granted absence from work with pay for a period of time equal to twelve (12) workweeks because of the birth of the employee's child or because of the placement of a child with the employee for adoption, and upon the employee giving thirty-days' notice to the appropriate appointing authority. If the eligible employee learns of the birth or adoption less than thirty (30) days in advance, the employee shall give the notice as soon as reasonably possible. For the purpose of calculating service anniversary dates, this absence from work is considered full-time employment.

(b) Leave used by an eligible employee pursuant to this section must not be charged to sick, annual, or other leave the employee may have accumulated.

(c) Leave granted pursuant to this section must count toward the eligible employee's use of leave required to be given by this state as an employer under the federal Family and Medical Leave Act (29 U.S.C. § 2601, et seq.) and § 4-21-408.

(d) An eligible employee must not be granted more than twelve (12) workweeks of paid leave under subsection (a) during a twelve-month period, but the workweeks do not need to be taken consecutively. An eligible employee may receive no more than twelve (12) workweeks of paid leave during a twelve-month period, even if there is more



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than one (1) qualifying birth or adoption under subsection (a). Leave granted pursuant to this section must be used within twelve (12) months of the qualifying birth or adoption.

(e) As used in this section, "eligible employee" means:

(1) An employee who has been employed full-time with the state for at least twelve (12) consecutive months with an entity described in § 8-30-102(a), § 8-30-102(b)(2), § 8-30-102(b)(6)-(7), and § 8-30-102(b)(10)-(13); or

(2) An employee who has been employed full-time with the state for at least twelve (12) consecutive months with an entity described in § 8-30-102(b)(9), except for an employee of any administrative board or commission that is attached to an entity described in § 8-30-102(b)(1) or § 8-30-102(b)(3)-(5).

(f) The department of human resources shall establish policies for implementing this section with regard to executive branch agencies. With regard to nonexecutive branch agencies, the equivalent of the agency's human resources office shall establish policies for implementing this section.

(g) Paid leave under this section must be paid at one hundred percent (100%) of the employee's salary.

(h) If an eligible employee experienced a birth or adoption under subsection (a) prior to the effective date of this act and has not used all of the federal Family and Medical Leave Act leave to which the employee was entitled as a result of the birth or adoption, then the employee is entitled to leave under this section beginning on the effective date of this act for the remainder of the federal Family and Medical Leave Act leave that the employee uses on or after the effective date of this act as a result of the event in subsection (a). The duration of paid leave must not exceed the paid leave available under subsection (d).

SECTION 2. Tennessee Code Annotated, Section 8-50-801(b)(1), is amended by deleting the language "one (1) day for each month of service or major fraction thereof" and

substituting "twelve (12) days per year on the date the employee is hired and on each service anniversary date for the employee".

SECTION 3. Tennessee Code Annotated, Section 8-50-801(b)(2), is amended by deleting the subdivision.

SECTION 4. Tennessee Code Annotated, Section 8-50-801(b)(3), is amended by deleting "one and one-half (1½) days for each month of service or major fraction thereof" and substituting instead "eighteen (18) days per year on each service anniversary date for the employee".

SECTION 5. Tennessee Code Annotated, Section 8-50-801(b)(4), is amended by deleting "one and three-quarters (1¾) days for each month of service or major fraction thereof" and substituting instead "twenty-one (21) days per year on each service anniversary date for the employee".

SECTION 6. Tennessee Code Annotated, Section 8-50-801(b)(5), is amended by deleting "two (2) days for each month of service or major fraction thereof" and substituting instead "twenty-four (24) days per year on each service anniversary date for the employee".

SECTION 7. Tennessee Code Annotated, Section 8-50-801, is amended by deleting subsections (c) and (d) and substituting:

(c)

(1) Annual leave requested by an employee is subject to supervisory approval.

(2) For purposes of subdivisions (b)(1)-(5), service anniversary dates must be adjusted to account for gaps in paid employment as a state employee.

(d) For individuals holding full-time positions in the department of education that require three (3) years' experience as a certified professional employee in the Tennessee public school system, prior teaching or administrative experience in Tennessee public schools is creditable for purposes of subdivisions (b)(1)-(5), not to exceed three (3) years.

SECTION 8. Tennessee Code Annotated, Section 8-50-802(a)(1), is amended by deleting the language "one (1) day for each month of service or major fraction thereof, at the discretion of the head of the department or agency and with the approval of the commissioner of human resources." and substituting "twelve (12) days per year on the date the employee is hired and on each service anniversary date for the employee, at the discretion of the head of the department or agency and with the approval of the commissioner of human resources. For purposes of subdivision (a)(1), service anniversary dates must be adjusted to account for gaps in paid employment as a state employee."

SECTION 9. Tennessee Code Annotated, Section 8-50-807(a), is amended by deleting the subsection and substituting:

(a)

(1) Each officer and employee entitled to annual leave by this part must be compensated upon termination for the officer's or employee's unused accrued annual leave, based upon the number of months the employee worked beyond the officer's or employee's service anniversary date.

(2) If the termination date is prior to the service anniversary date, the officer or employee's final paycheck must be reduced to account for the number of annual days used that exceed the number of months in which the employee worked.

(3) If the separated employee is rehired by the state within one (1) year of the date of separation, the state shall reinstate any accrued, unused annual leave from the previous period of employment for which the employee was not compensated at separation.

SECTION 10. Tennessee Code Annotated, Section 8-27-104, is amended by deleting the section and substituting:

For the purposes of parts 1, 2, 3, and 7 of this chapter, "voluntary benefits" means those benefits the committees deem necessary and reasonable to afford

coverage in addition to the basic health plan or plans, and any fully employer-paid benefits offered by the committees.

SECTION 11. Tennessee Code Annotated, Section 8-27-202(a)(2), is amended by deleting the language "A basic term life insurance benefit and basic accidental death and dismemberment benefit, with defined coverage amounts" and substituting "All benefits with defined coverage amounts fully".

SECTION 12. Tennessee Code Annotated, Section 8-27-202(a)(3), is amended by deleting the language "These benefits include optional life insurance coverage in excess of that offered under subdivision (a)(2). The state insurance committee may provide for voluntary benefits as part of the basic health plans or as separate plans."

SECTION 13. Tennessee Code Annotated, Section 8-27-202(c), is amended by deleting the language ", term life, and accidental death and dismemberment" and substituting "and plans fully paid by the employer".

SECTION 14. Tennessee Code Annotated, Section 8-27-203(b) is amended by deleting the language "the basic term life insurance benefit and basic accidental death and dismemberment benefit" and substituting "all fully employer-funded benefits and all partially employer funded voluntary benefits".

SECTION 15. Tennessee Code Annotated, Section 8-27-203(c), is amended by deleting the language "fully paid by the enrolled members. The additional costs for participating dependents shall be fully paid by the enrolled members" and substituting "paid in full or in part by the employee".

SECTION 16. Tennessee Code Annotated, Section 8-27-205(a), is amended by deleting the subsection and substituting:

(a) The state insurance committee may establish basic health plan benefits, and voluntary benefits, as the state insurance committee deems necessary and reasonable, for state employees, as defined in § 8-27-204(a)(1), who are retired, and may establish eligibility criteria for the benefits. The health benefit may be available to:

(1) Eligible retired state employees, eligible retired employees of the University of Tennessee, and eligible retired employees of the state university and community college system who are drawing retirement benefits through the Tennessee consolidated retirement system; and

(2) Eligible retired employees of the University of Tennessee and the state university and community college system who are participants in another retirement plan offered through their employment with the University of Tennessee or the state university and community college system, regardless of whether such retired employee is drawing a retirement benefit.

SECTION 17. Tennessee Code Annotated, Section 8-27-209(a), is amended by deleting the subsection and substituting:

(a) The state insurance committee may provide a supplemental medical insurance benefit as the state insurance committee deems necessary and reasonable for retired state employees, as defined in § 8-27-204(a)(1), who are covered by Medicare benefits, and may establish eligibility criteria for the benefit. The supplemental medical insurance benefit may be made available to:

(1) Eligible retired state employees, eligible retired employees of the University of Tennessee, and eligible retired employees of the state university and community college system who are drawing retirement benefits through the Tennessee consolidated retirement system; and

(2) Eligible retired employees of the University of Tennessee and the state university and community college system who are participants in any other retirement plan offered through their employment with the University of Tennessee or the state university and community college system, regardless of whether such retired employee is drawing a retirement benefit.

SECTION 18. Tennessee Code Annotated, Section 8-27-209(b), is amended by deleting the language "supplemental medical insurance program for retirees" and substituting "supplemental medical insurance program for retired employees".

SECTION 19. Tennessee Code Annotated, Section 8-27-209, is amended by deleting subdivisions (c)(2) and (d)(2).

SECTION 20. Tennessee Code Annotated, Section 8-27-209(e), is amended by inserting the language "benefit" after "supplemental medical insurance".

SECTION 21. Tennessee Code Annotated, Section 8-27-209, is amended by adding the following as a new subsection:

(f) As used in this section:

(1) "Retiree" means:

(A) A former state employee, or employee of the University of Tennessee, or the state university and community college system, who is drawing an allowance through the Tennessee consolidated retirement system; and

(B) A former employee of the University of Tennessee, or the state university and community college system, who participates in the optional retirement system established in § 8-25-202, regardless of whether the former employee draws a monthly retirement allowance; and

(2) "Years of service" means only those years of service rendered by the retiree as a state employee, University of Tennessee employee, or state university and community college system higher education employee, or teacher in a local education agency, and upon which the retiree's monthly retirement allowance is based.

SECTION 22. Tennessee Code Annotated, Section 8-27-305(a), is amended by deleting the subsection and substituting:

(a) The local education insurance committee may establish basic health plans and voluntary benefits, as the local education committee deems necessary and reasonable, for retired local education employees. The benefits may be made available to all eligible retired local education employees; provided, that an eligible retired local education employee who is vested in the Tennessee consolidated retirement system must be drawing retirement benefits through that system to be able to also participate in the health benefits authorized by this section.

SECTION 23. Tennessee Code Annotated, Section 8-27-305(b), is amended by deleting the language "retired teachers" and substituting "the benefits authorized in subsection (a)".

SECTION 24. Tennessee Code Annotated, Title 8, Chapter 27, Part 3, is amended by adding the following as a new section:

(a) Subject to the approval of the state insurance committee as created in § 8-27-201 and the local education insurance committee, all retired local education employees participating in the Tennessee consolidated retirement system may participate in the supplemental medical insurance program established in § 8-27-209; provided, that retired employees are covered by Medicare benefits and are also drawing a monthly retirement allowance from the Tennessee consolidated retirement system.

(b) If, pursuant to a contract for insurance coverage authorized by this section, the provider or administrator returns or refunds any amounts by which premiums or fees exceed expenses, the amounts must be used only for the supplemental medical insurance program for retired employees. The returns or refunds must not be used to reduce the amount of state funding that would otherwise be required under subsection (c).

(c)

(1) From the appropriations made in the general appropriations act each year for that purpose, the state insurance committee may pay an amount on

behalf of each participating retiree toward the cost of supplemental medical insurance provided pursuant to this section at the same level and on the same terms that are established by the state insurance committee pursuant to § 8-27-209(d).

(2) As used in this subsection (c):

(A) "Retiree" means a former teacher employed by a local education agency who is drawing a monthly retirement allowance from the Tennessee consolidated retirement system, and does not include other former local education employees; and

(B) "Years of service" means only those years of service rendered by the retiree as a state employee, University of Tennessee employee, or state university and community college system higher education employee, or teacher in a local education agency, and upon which the retiree's monthly retirement allowance is based.

(d) Except as provided in subsection (c), the state insurance committee shall not pay an amount toward the costs of supplemental medical insurance provided pursuant to this section.

(e) Former local education employees, other than those specified in subsection (c), who elect to participate in the program shall pay the total cost of such coverage. The chief governing body of a local education employer may pass a resolution to make contributions toward the expense of such coverages; provided, that the amount, terms, and conditions of contributions must be, at all times, the same as that established by the state insurance committee pursuant to § 8-27-209(d). As used in this subsection (e), for determining the employer's contribution level, "years of service" means only those years of service rendered by the retired employee to the resolving employer and upon which the retired employee's monthly retirement allowance is based. The resolution to make

contributions on behalf of retired employees must remain in effect until revoked by the chief governing body.

(f) The budget of an employer electing to make contributions must include an amount sufficient to pay contributions on behalf of its retired employees covered by the supplemental insurance program. The employer shall pay the contributions to the insurer in a manner directed by the state insurance committee.

(g) The supplemental medical insurance benefit authorized by this section is not available to a person otherwise qualified under subsection (a) whose initial employment with a participating local education agency or other qualifying employer commenced on or after July 1, 2015. The rights of election, transfer, and enrollment conferred by this section is not available to a person whose initial employment with a participating local education agency, the state, or other governmental agency qualifying the person for plan membership commenced on or after July 1, 2015.

SECTION 25. Tennessee Code Annotated, Section 8-27-705(a), is amended by deleting the subsection and substituting:

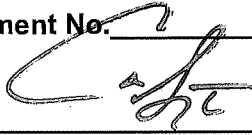
(a) The local government insurance committee may establish basic health plan benefits and voluntary benefits, as the local government insurance committee deems necessary and reasonable, for retired local government employees. The health benefits may be made available to all eligible retired local government employees; provided, that an eligible retired local government employee who is vested in the Tennessee consolidated retirement system must be drawing retirement benefits through that system to receive the health benefits authorized by this section.

SECTION 26. Tennessee Code Annotated, Section 8-27-705(b), is amended by deleting the language "retirees" and substituting "the benefits authorized by subsection (a)".

SECTION 27. Tennessee Code Annotated, Section 8-27-706(a), is amended by deleting the language "8-27-201," and substituting "8-27-201 and the local government insurance committee,".

SECTION 28. This act takes effect July 1, 2023, the public welfare requiring it. Section 1 of this act applies to each eligible employee who qualifies for leave under this act on or after July 1, 2023. Sections 2-9 of this act apply to each eligible employee who qualifies for leave under this act on or after January 1, 2024. Sections 10-16 of this act apply to health insurance plan years beginning on or after January 1, 2024.

Amendment No. _____



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, a public institution of higher education may, at the institution's discretion, approve and supervise the public institution of higher education's capital project if:

(i) The project is managed by a higher education state procurement agency;

(ii) The project involves a building or facility used primarily for non-academic purposes; and

(iii) The project is 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.

(B) If a public institution of higher education approves or supervises a project under subdivision (a)(2), then:

(i) A net increase in square footage of the building or facility is not eligible for maintenance funding from this state;

(ii) To the extent that following commission policies does not remove the authority provided by subdivision (a)(2)(A), the higher



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education state procurement agency shall follow commission policies regarding the final selection of designers and contractors, and shall be responsible for the final selection of designers and contractors for the project;

(iii) To the extent that following commission policies does not remove the authority provided by subdivision (a)(2)(A), the higher education state procurement agency shall follow commission policies regarding resolution of procurement protests, and shall be responsible for the final resolution of protests;

(iv) The higher education state procurement agency shall utilize contracts provided by the state architect and may revise the terms of such contracts only upon the approval of the state architect; and

(v) The project must be approved by the governing board of the institution of higher education, or its designee, and must be reported to the commission on a quarterly basis. Reports required pursuant to this subdivision (a)(2)(B)(v) must begin at the time a contract for the building or design of a project is executed and end upon completion of the project. However, projects reported pursuant to this subdivision (a)(2)(B)(v) are not subject to additional disclosure by a state entity beyond the inclusion of revenue bonds requested for the project in the general appropriations act.

SECTION 2. Tennessee Code Annotated, Section 4-15-102(c)(1), is amended by adding the following new subdivision (D):

(D) For capital projects that do not utilize funds appropriated for capital maintenance or capital outlay, a public institution of higher education may select and contract with designers, architects, or engineers and complete up to fifty percent (50%) of schematic design work for capital projects prior to submission to the commission for

review and approval if the following conditions are met:

(i) To the extent that following commission policies does not remove the authority provided by subdivision (a)(2)(A), the higher education state procurement agency shall follow commission policies regarding the final selection of designers and shall be responsible for the final selection of designers for the project;

(ii) To the extent that following commission policies does not remove the authority provided by subdivision (a)(2)(A), the higher education state procurement agency shall follow commission policies regarding resolution of procurement protests, and shall be responsible for the final resolution of protests;

(iii) The higher education state procurement agency shall utilize contracts provided by the state architect; and

(iv) The project must be approved by the governing board of the institution of higher education, or its designee.

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 that do not utilize bond funds or funds appropriated for capital outlay or capital maintenance and are paid with 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 by a state entity.

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, or any additional state entities, or subdivisions thereof, as determined by the commission.

SECTION 5. Tennessee Code Annotated, Section 4-15-107(3), is amended by deleting subdivisions (A) and (B) and substituting instead:

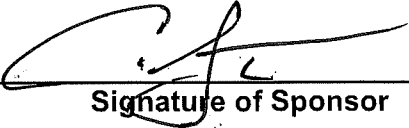
- (A) Is being funded by direct appropriations for major maintenance;
- (B) Will cost a state entity, other than a public institution of higher education, in excess of two hundred fifty thousand dollars (\$250,000); or
- (C) Will cost a public institution of higher education in excess of one million 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. This act takes effect July 1, 2023, the public welfare requiring it, and applies to projects under the approval or supervision of the state building commission prior to and after the effective date of this act.

Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1500

House Bill No. 1002*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 40-30-114, is amended by adding the following as a new subsection:

(c)

(1) In cases where a defendant has been sentenced to death and is seeking collateral review of a conviction or sentence, the attorney general and reporter has exclusive control over the state's defense of the request for collateral review and has all of the authority and discretion that the district attorney general would have in non-capital cases as well as any additional authority provided by law. The attorney general and reporter is not bound by any stipulations, concessions, or other agreements made by the district attorney general related to a request for collateral review.

(2) The trial court lacks jurisdiction to enter a final order granting relief on a request for collateral review outlined in subdivision (c)(1) until the attorney general and reporter files a response to the request.

(3) It is the duty and function of the district attorney general, and the district attorney general's staff, to lend whatever assistance may be necessary to the attorney general and reporter in the trial and disposition of requests for collateral review outlined in subdivision (c)(1), including, but not limited to, providing the attorney general and reporter with the district attorney general's case file and any other case-related material.



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(4) As used in this subsection (c), "collateral review" means any proceeding under this chapter, including a petition requesting analysis of evidence, a proceeding under § 39-13-203(g), a proceeding under § 40-26-105, a proceeding involving a challenge to a capital inmate's competency to be executed, and any other judicial reexamination of a judgment or claim in a proceeding outside of the direct review process.

SECTION 2. Tennessee Code Annotated, Section 40-30-114, is amended by deleting subsection (a) and substituting:

(a) The district attorney general or the attorney general and reporter must be reimbursed for any expenses, including travel, incurred in connection with the preparation and trial of any proceeding under this part. This expense must be paid by the state and is not included in the expense allowance now received by the various district attorneys general or the attorney general and reporter.

SECTION 3. Tennessee Code Annotated, Section 40-30-108, is amended by deleting subsection (a) and substituting:

(a) The district attorney general shall represent the state except as provided in § 40-30-114(c). The state shall file an answer or other responsive pleading within thirty (30) days, unless extended for good cause. Good cause will not be met by a routine statement that the press of other business prevents a response within the thirty-day period. Failure by the state to timely respond does not entitle the petitioner to relief under the Post-Conviction Procedure Act.

SECTION 4. Tennessee Code Annotated, Section 39-13-203, is amended by deleting subdivision (g)(1) and substituting:

(g)

(1) A defendant who has been sentenced to the death penalty prior to the effective date of this act and whose conviction is final on direct review may petition the trial court for a determination of whether the defendant is intellectually

disabled. The motion must set forth a colorable claim that the defendant is ineligible for the death penalty due to intellectual disability. A defendant filing a motion under this subsection shall serve the attorney general and reporter, who will represent the state. Either party may appeal the trial court's decision in accordance with Rule 3 of the Tennessee Rules of Appellate Procedure.

SECTION 5. Tennessee Code Annotated, Section 40-26-105, is amended by deleting subsection (a) and substituting:

(a) There is made available to convicted defendants in criminal cases a proceeding in the nature of a writ of error coram nobis, to be governed by the same rules and procedures applicable to the writ of error coram nobis in civil cases, except insofar as inconsistent herewith. Notice of the suing out of the writ shall be served on the district attorney general except in cases where a defendant has been sentenced to death, where notice shall be served on the attorney general and reporter. A judge does not have authority to order the writ to operate as a supersedeas. The court has authority to order the person having custody of the petitioner to produce the petitioner in court for the hearing of the proceeding.

SECTION 6. This act takes effect upon becoming a law, the public welfare requiring it, and applies to all currently pending, reopened, and future requests for collateral review.

Amendment No. _____



Signature of Sponsor

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Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 475*

House Bill No. 1362

by deleting from SECTION 6 the language "licensee's approved house rules" wherever it may appear and substituting "licensee's approved house rules or internal controls", and by adding the following new, appropriately designated subdivisions to SECTION 6:

() "Gross handle" means the total amount of gross wagers less cancelled or voided wagers received by the licensee over a specified period of time;

() "Gross wager":

(A) Means all cash and promotional wagers received by licensees from bettors as wagers; and

(B) Includes all wagers placed with cash, cash equivalents, promotional items, and all other media by which a bettor is allowed to place a wager;

() "Promotional payout" means a payout by a licensee to a bettor in a form that cannot be immediately withdrawn by the bettor as cash;

() "Promotional wager" means a wager placed by a licensee using a bonus or other non-cash item;

AND FURTHER AMEND by deleting subsection (d) from SECTION 31 and substituting:

(d) An applicant for registration as a vendor shall pay a registration fee:

(1) For the first three-year period of registration, if the registration is approved, of one hundred fifty thousand dollars (\$150,000); and

(2) For a second or subsequent period of registration, a registration fee in an amount prescribed by rule and adjusted as necessary to ensure that the council is fiscally self-sufficient.



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

SECTION 34. Tennessee Code Annotated, Section 4-49-102(1), is amended by deleting the subdivision.

SECTION 35. Tennessee Code Annotated, Section 4-49-104(a), is amended by deleting the second sentence of the subsection and substituting:

Notwithstanding another state law to the contrary, a licensee shall only pay a privilege tax on its gross handle in accordance with this section.

SECTION 36. Tennessee Code Annotated, Section 4-49-104(b), is amended by deleting the subsection and substituting:

There is imposed upon the gross handle of a licensee a privilege tax of one and eighty-five one hundredths percent (1.85%).

SECTION 37. Tennessee Code Annotated, Section 4-49-104(c), is amended by deleting the subsection and substituting:

The tax imposed under this section must be paid monthly by a licensee based on its gross handle for the immediately preceding calendar month, in accordance with rules promulgated by the council. A licensee shall not deduct from the gross handle winning payouts to bettors or promotional wagers or payouts. The council shall promulgate rules to specify the method by which a licensee must account for adjustments to the gross handle for wagers that are cancelled or voided and repeal all rules related to the privilege tax on adjusted gross income.

SECTION 38. Tennessee Code Annotated, Section 4-49-104(d), is amended by deleting the language "a vendor" and substituting "an outside contractor".

SECTION 39. Tennessee Code Annotated, Section 4-49-116, is amended by deleting the section.

SECTION 40. Tennessee Code Annotated, Section 4-49-102, is amended by deleting subdivision (17).

SECTION 41. Tennessee Code Annotated, Section 4-49-124(a), is amended by deleting the subsection.

SECTION 42. Tennessee Code Annotated, Section 4-49-117(b), is amended by deleting subdivisions (b)(10) and (11) and substituting:

(10) An initial license fee to process the application and for the first year of licensure, if the application is approved, of seven hundred fifty thousand dollars (\$750,000);

(11) For a second or subsequent year of licensure, a license fee in the following amounts:

(A) Seven hundred and fifty thousand dollars (\$750,000) for operators with total wagers in a calendar year equal to or exceeding five hundred million dollars (\$500,000,000);

(B) Five hundred thousand dollars (\$500,000) for operators with total wagers in a calendar year less than five hundred million dollars (\$500,000,000) and greater than one hundred million dollars (\$100,000,000); and

(C) Two hundred and fifty thousand dollars (\$250,000) for operators with total wagers in a calendar year of one hundred million dollars (\$100,000,000) or less; and

(12) Any additional information required by the council by rule.



House Finance, Ways, and Means Subcommittee

Amendment Packet

March 14, 2023

sub 3/15

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1339

House Bill No. 1215*

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

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 5, Part 1, is amended by adding the following as a new section:

(a)

(1) Notwithstanding any law to the contrary, a managed care organization (MCO) that contracts with the bureau of TennCare to provide medical assistance pursuant to this part shall not provide reimbursement or coverage for a medical procedure if the performance or administration of the procedure is for the purpose of:

(A) Enabling a person to identify with, or live as, a purported identity inconsistent with the person's sex; or

(B) Treating purported discomfort or distress from a discordance between the person's sex and asserted identity.

(2) An MCO does not violate subdivision (a)(1) if the MCO's reimbursement or coverage is for a medical procedure that is performed or administered to treat a person's congenital defect, precocious puberty, disease, or physical injury. For purposes of this subdivision (a)(2), "disease" does not include gender dysphoria, gender identity disorder, gender incongruence, or a mental condition, disorder, disability, or abnormality.

(b)



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(1) The bureau of TennCare shall not contract with an MCO to provide medical assistance pursuant to this part if the MCO provides reimbursement or coverage for a medical procedure prohibited under subsection (a) through:

- (A) A contract with the bureau of TennCare;
- (B) A private health insurance program regulated by this state;
- (C) A state or local insurance program in this state or another state; or
- (D) Any other program for insurance or medical assistance regulated or administered by another state.

(2) For purposes of subdivision (b)(1) and application of the prohibition in subsection (a), an MCO's coverage or reimbursement includes coverage or reimbursement by:

(A) An entity using the same or similar name or trademark to provide healthcare coverage via a license or other means, regardless of whether the entity is an independently owned entity from the MCO contracting with TennCare or operating in a designated service area other than this state;

(B) An entity that is a member or licensee of the same parent association or federation as the MCO contracting with TennCare, regardless of whether the entity is operating in a designated service area other than this state; or

(C) An entity that is a subsidiary of the same parent company as the MCO contracting with TennCare, regardless of whether the entity is operating in a designated service area other than this state.

(c) If necessary, the bureau of TennCare is authorized to seek a waiver under Section 1115 of the federal Social Security Act from the United States department of health and human services to comply with this section. Within thirty (30) days of

finalizing an amended waiver pursuant to this subsection (c), the bureau of TennCare shall accordingly revise or amend the contract between a managed care organization (MCO) and the bureau of TennCare to comply with this section.

(d)

(1) The department of commerce and insurance shall conduct an initial review of an MCO contracting with the bureau of TennCare, pursuant to its authority under title 56, chapter 2, part 9, to ensure compliance with this section. The department shall complete its initial review no later than ninety (90) days after the effective date of this act. After the department's initial review pursuant to this subsection (d), the department is authorized to periodically review each MCO to ensure compliance with this section. If the department finds that an MCO is operating in violation this section, then the department shall provide notice to the MCO and the bureau of TennCare of the violation.

(2) Upon receiving notice pursuant to subdivision (d)(1), the MCO shall remedy the violation within thirty (30) days. If the violation has not been remedied within thirty (30) days after the bureau provides notice to the MCO, then the bureau shall begin the process of selecting an MCO not in violation of this section to replace the MCO found to be in violation of this section. Upon selecting an MCO not in violation of this section to replace the MCO in violation of this section, the bureau shall begin to contract with the MCO not in violation of this section to provide medical assistance pursuant to this part and end the bureau's contract with the MCO found to be in violation of this section.

(e) As used in this section:

(1) "Hormone" means an androgen or estrogen;

(2) "Managed care organization" or "MCO" means a health maintenance organization, behavioral health organization, or managed health insurance issuer that participates in the TennCare program;

(3) "Medical procedure" means:

(A) Surgically removing, modifying, altering, or entering into tissues, cavities, or organs of a human being; or

(B) Prescribing, administering, or dispensing a puberty blocker or hormone to a human being;

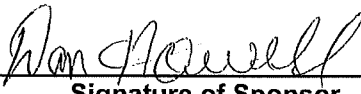
(4) "Puberty blocker" means a drug or device that suppresses the production of hormones in a person's body to stop, delay, or suppress pubertal development; and

(5) "Sex" means a person's immutable characteristics of the reproductive system that define the individual as male or female, as determined by anatomy and genetics existing at the time of birth.

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

Sub 3/15

Amendment No. _____



Signature of Sponsor

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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:

(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,



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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, and, if another design consultant or design-builder completes the final design, the other design consultant or design-builder shall assume responsibility for the final design.

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; provided, that a local government shall not use grants distributed from the sum described in this subdivision (b)(2) to supplant other state or local moneys appropriated or allotted for building, maintaining, or improving county roads or bridges;

(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) This chapter applies to the operation of user fee facilities on new facilities opened on or after July 1, 2023, and on 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 and, if applicable, by the general assembly in accordance with this subsection (c). Prior to approval of the project, the board shall provide written notice of the proposed user fee facility project to the speakers of the senate and the house of representatives, the chairs of the finance, ways and means committees 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. If any state agency proposes to assist in funding the user fee facility project with state or federal-aid funds, then the project is subject to the approval of the general assembly pursuant to the express provisions of the general appropriations act in which the funds must be specifically appropriated by reference to the project.

(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 that at least one (1) lane for use without payment of a user fee must be operational in order to assess a user fee on any user fee lane within the transportation facility; 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, 2027, two hundred dollars (\$200); and

(B) On or after January 1, 2027, and prior to January 1, 2028, two hundred seventy-four dollars (\$274);

(C) On or after January 1, 2028, and each subsequent year, two hundred seventy-four dollars (\$274), 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:

(A) On or after January 1, 2024, and prior to January 1, 2028, one hundred dollars (\$100); and

(B) On or after January 1, 2028, and each subsequent year, one hundred dollars (\$100), adjusted by an amount each year to reflect the effect of annual inflation or deflation as calculated pursuant to subsection (b).

(b)

(1) On January 1, 2028, and on January 1 of each subsequent year, for the registration fees assessed pursuant to subdivisions (a)(1)(C) and (a)(2)(B), 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, 2027, 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, 2028.

(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;

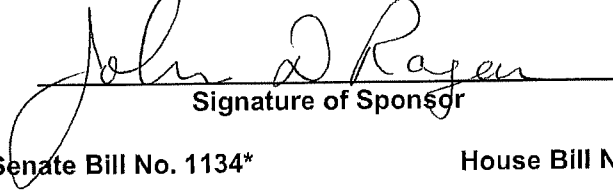
SECTION 38. The headings in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 39. 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 40. This act takes effect upon becoming a law, the public welfare requiring it.

Sub 3/15

Amendment No. _____


Signature of Sponsor

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

AMEND Senate Bill No. 1134*

House Bill No. 1382

by deleting "§ 7-85-205" in SECTION 3 and substituting instead "§ 7-86-205".



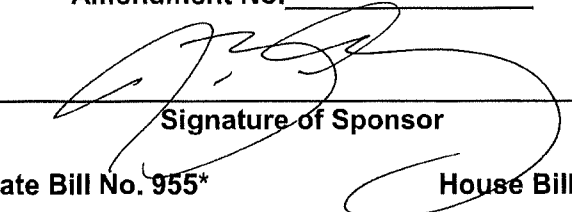
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Sub 3/15

Amendment No. _____


Signature of Sponsor

AMEND Senate Bill No. 955*

House Bill No. 1286

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting all language after the caption and substituting:

WHEREAS, through the state treasurer's investment and reinvestment of program funds, it is the state treasurer's duty to maximize investment returns for the programs under the state treasurer's responsibility and oversight; and

WHEREAS, while there is a global movement to make investment decisions based on environmental, social, and governance interests, the state treasurer shall make investment decisions based on financial factors; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Title 9, Chapter 4, is amended by adding the following as a new part:

9-4-1401.

As used in this part:

(1) "Environmental, social, and governance interests" means interests that are not financial;

(2) "Financial":

(A) Means, with regard to a factor or reason, having been prudently determined to have a material effect on the financial risk or the financial return of an investment for a program based on the appropriate investment horizon consistent with the program's articulated funding and investment objectives for the exclusive benefit of the purposes of the program;



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(B) Includes, but is not limited to, data-based economic decisions and forecasting based on financial trends or themes; and

(C) Does not include environmental, social, and governance interests that may not be material to the financial analysis of the investment; and

(3) "Program" means any of the following which are established by law and for which the state treasurer has, or has been delegated, investment authority, oversight, and responsibility:

(A) A trust fund;

(B) An endowment fund;

(C) Deferred or tax-sheltered compensation plan or plans, including profit sharing or salary reduction plans, established pursuant to title 8, chapter 25, parts 1, 2, and 3;

(D) Programs under the Tennessee College Savings Trust Act, compiled in title 49, chapter 7, part 8; and

(E) Programs under The Achieving a Better Life Experience (ABLE) Act, compiled in title 71, chapter 4, part 8.

9-4-1402.

Consistent with the prudent investor rule pursuant to § 35-14-103, the standard of care pursuant to § 35-14-104, and the exercise of reasonable care in delegation of investment and management functions pursuant to § 35-14-111 and § 8-37-112, the department of treasury investment division staff, under the supervision of the state treasurer, shall invest, reinvest, manage, and select investment options for program assets for financial reasons for the exclusive benefit of the beneficiaries of the programs while maximizing long-term shareholder value.

9-4-1403.

(a) Notwithstanding another law or policy to the contrary, the state treasurer has the sole authority to exercise, in person or by proxy, all voting rights with respect to securities held by a program and to give general or special proxies or powers of attorney with or without power of substitution.

(b) The authority conferred by subsection (a) must be exercised for financial reasons, impartially and solely in the interests of the beneficiaries of the program as determined from the purposes, terms, distribution requirements, and other circumstances of the program, and the terms of the respective program's investment and proxy voting policies or guidelines.

(c) The state treasurer may delegate the authority conferred by subsection (a), in whole or in part, to the department of treasury staff, which authority includes, but is not limited to, conducting research, providing due diligence, and casting votes.

9-4-1404.

(a) The state treasurer has final authority over an investment or proxy voting decision for a program.

(b) The state treasurer may make and enter into contracts, agreements, and other instruments with an individual or entity to effectuate this part, including, but not limited to, advisors, research providers, consultants, and other contractors, who must be compensated as the state treasurer may deem just.

(c) Notwithstanding another law to the contrary, in cases where the interest of the state treasurer requires additional legal counsel to effectuate this part and to advise on issues concerning the state treasurer's fiduciary obligations and responsibilities, the state treasurer, with the approval of the attorney general and reporter, may contract with additional counsel, who must be paid such compensation for services as the treasurer may deem just.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it, and applies to investments made on or after July 1, 2023.

Sub 3/19

Amendment No. _____

Willie L. Miller

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 279*

House Bill No. 327

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

SECTION 1. Tennessee Code Annotated, Section 4-32-103(e), is amended by deleting the subsection and substituting:

(e) A state employee shall not receive compensation from funds received by the nonprofit partner pursuant to subsection (d).

SECTION 2. Tennessee Code Annotated, Section 4-32-104(a), is amended by deleting the subsection.

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



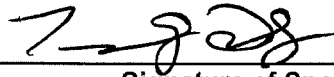
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Sub 3/15

Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND <SB>

House Joint Resolution No. 120*

by deleting the resolution in its entirety and substituting:

A RESOLUTION to honor the memories of Chance Black and Zackery Grooms.

WHEREAS, on the morning of January 25, 2021, Chance Black and Zackery Grooms were senselessly murdered at Reelfoot Lake in Obion County; and

WHEREAS, the two sportsmen were hunting during the final week of Tennessee's duck season when the tragic event occurred; and

WHEREAS, born on May 5, 1995, Zackery Paul Grooms grew up in Greenfield in the Shafter community; a graduate of Bethel University, where he played on the baseball and archery teams, he worked as a watermelon farm manager and had aspirations to become a police officer; and

WHEREAS, Chance Lee Black was born on May 2, 1994, to Mark and April Black of Greenfield; a passionate hunter and fisherman, he worked in the gun department at Final Flight Outfitters in Union City and planned to pursue a career in law enforcement as a state trooper; and

WHEREAS, dearly loved by their family and friends, Zackery Grooms and Chance Black leave behind an indelible legacy of integrity and probity in public life, compassion and loyalty in private life, and diligence and dedication in all their chosen endeavors; and

WHEREAS, the members of this General Assembly are proud to honor the brief yet well-lived lives of these two young men; now, therefore,



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BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED THIRTEENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that we honor the memories of Zackery Grooms and Chance Black, reflecting fondly upon their impeccable character and their stalwart commitment to living the examined life with courage and conviction.

BE IT FURTHER RESOLVED, that an appropriate copy of this resolution be prepared for presentation with this final clause omitted from such copy and upon proper request made to the appropriate clerk, the language appearing immediately following the State seal appear without House or Senate designation.

Sub 3/15

Amendment No. _____

Willie Luther

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 275*

House Bill No. 323

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 67-4-709(4)(A)(ii), is amended by deleting the language "fifty thousand dollars (\$50,000)" and substituting "one hundred thousand dollars (\$100,000)".

SECTION 2. Tennessee Code Annotated, Section 67-4-709(5)(A)(i), is amended by deleting the language "three-tenths of one percent (3/10 of 1%)" and substituting "one-tenth of one percent (1/10 of 1%)".

SECTION 3. Tennessee Code Annotated, Section 67-4-712(b)(2), is amended by deleting the subdivision and substituting:

(2) A person primarily engaged in the fabrication or processing of tangible personal property for resale and consumption off the premises with respect to the sales of such property made from the manufacturing location or from a storage or warehouse facility that is situated within a ten-mile radius of the manufacturing location;

SECTION 4. Tennessee Code Annotated, Section 67-4-712(d)(1), is amended by deleting the language "ten thousand dollars (\$10,000)" and substituting "one hundred thousand dollars (\$100,000)".

SECTION 5. Tennessee Code Annotated, Section 67-4-712(d)(2), is amended by deleting the language "ten thousand dollars (\$10,000)" and substituting "one hundred thousand dollars (\$100,000)".



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SECTION 6. Tennessee Code Annotated, Section 67-4-712(d)(3), is amended by deleting the language "ten thousand dollars (\$10,000)" and substituting "one hundred thousand dollars (\$100,000)".

SECTION 7. Tennessee Code Annotated, Section 67-4-717(b)(3), is amended by deleting the language "fifty thousand dollars (\$50,000)" wherever it appears and substituting "one hundred thousand dollars (\$100,000)".

SECTION 8. Tennessee Code Annotated, Section 67-4-717(c)(3), is amended by deleting the language "fifty thousand dollars (\$50,000)" wherever it appears and substituting "one hundred thousand dollars (\$100,000)".

SECTION 9. Tennessee Code Annotated, Section 67-4-723(b)(1), is amended by deleting the language "ten thousand dollars (\$10,000)" wherever it appears and substituting "one hundred thousand dollars (\$100,000)".

SECTION 10. Tennessee Code Annotated, Section 67-4-723(b)(4), is amended by deleting the language "ten thousand dollars (\$10,000)" and substituting "one hundred thousand dollars (\$100,000)".

SECTION 11. Tennessee Code Annotated, Section 67-4-724(a)(3), is amended by deleting the language "forty-three percent (43%)" and substituting "forty-two and sixty-two hundredths percent (42.62%)".

SECTION 12. Tennessee Code Annotated, Section 67-4-724(b)(3), is amended by deleting the language "forty-three percent (43%)" and substituting "forty-two and sixty-two hundredths percent (42.62%)".

SECTION 13. Tennessee Code Annotated, Section 67-4-2006(a), is amended by adding the following as a new subdivision:

() For assets purchased on or after January 1, 2023, for purposes of computing "net earnings" or "net loss" under this subsection (a), Section 168 of the Internal Revenue Code of 1986 (26 U.S.C. § 168), as amended, shall be applied as it exists and applies under the Tax Cuts and Jobs Act of 2017, Pub. L. No. 115-97.

SECTION 14. Tennessee Code Annotated, Section 67-4-2006(b)(1)(H), is amended by deleting the language "Any depreciation" and substituting instead the language "For assets purchased on or before December 31, 2022, any depreciation".

SECTION 15. Tennessee Code Annotated, Section 67-4-2006(b)(1), is amended by adding the following as a new subdivision:

() For tax years ending on or after December 31, 2023, but before December 31, 2025, any amount deducted under subdivision (b)(2)(F) relating to the federal employer tax credit in Section 45S of the Internal Revenue Code of 1986 (26 U.S.C. § 45S) and earned as a credit against the excise tax under § 67-4-2009;

SECTION 16. Tennessee Code Annotated, Section 67-4-2006(b)(2)(I), is amended by deleting the language "Any depreciation" and substituting instead the language "For assets purchased on or before December 31, 2022, any depreciation".

SECTION 17. Tennessee Code Annotated, Section 67-4-2006(b)(2), is amended by adding the following as a new subdivision:

() An amount equal to the lesser of net earnings or fifty thousand dollars (\$50,000); provided, that this amount must not create or increase a net loss;

SECTION 18. Tennessee Code Annotated, Section 67-4-2009, is amended by adding the following as a new subdivision:

()

(A) For tax years ending on or after December 31, 2023, but before December 31, 2025, there is allowed against the sum total of the taxes imposed by the Franchise Tax Law of 1999, compiled in part 21 of this chapter, and by this part, a credit equal to the federal employer tax credit in Section 45S of the Internal Revenue Code of 1986 (26 U.S.C. § 45S), as amended, as a result of compensation paid in this state during the tax period by the taxpayer as determined consistent with § 67-4-2012.

(B) The credit allowed pursuant to this subdivision () taken on a franchise and excise tax return must not exceed fifty percent (50%) of the combined franchise and excise tax liability shown by the return before the credit is taken. A credit authorized under this subdivision () that is unused may be carried forward in a tax period until the credit is taken; provided, however, that the credit may not be carried forward for more than fifteen (15) years.

SECTION 19. Tennessee Code Annotated, Section 67-4-2012(a), is amended by adding the following as new subdivisions (3) through (6):

(3) Except as otherwise provided in this part, for tax years ending on or after December 31, 2023, but before December 31, 2024, net earnings must be apportioned to this state by multiplying the earnings by a fraction, the numerator of which is the property factor plus the payroll factor plus five (5) times the receipts factor, and the denominator of the fraction is seven (7).

(4) Except as otherwise provided in this part, for tax years ending on or after December 31, 2024, but before December 31, 2025, net earnings must be apportioned to this state by multiplying the earnings by a fraction, the numerator of which is the property factor plus the payroll factor plus eleven (11) times the receipts factor, and the denominator of the fraction is thirteen (13).

(5) Except as otherwise provided in this part, for tax years ending on or after December 31, 2025, net earnings must be apportioned to this state by multiplying the earnings by the receipts factor only.

(6) If the application of subdivision (a)(3), (a)(4), or (a)(5) to a tax year results in a lower apportionment ratio than under the application of the apportionment method in subdivision (a)(2) as it applied to tax years ending before December 31, 2023, then a taxpayer may annually elect to apply the apportionment method in subdivision (a)(2) as it applied to tax years ending before December 31, 2023; provided, however, the election

must result in a higher apportionment factor for the tax year, and the taxpayer must have net earnings, rather than a net loss, for that tax year as computed under § 67-4-2006.

SECTION 20. Tennessee Code Annotated, Section 67-4-2012(l), is amended by adding the following as a new subdivision:

() This subsection (l) is repealed for tax years ending on or after December 31, 2025.

SECTION 21. Tennessee Code Annotated, Section 67-4-2012(m), is amended by adding the following as a new subdivision:

() This subsection (m) is repealed for tax years ending on or after December 31, 2025.

SECTION 22. Tennessee Code Annotated, Section 67-4-2108(a)(1), is amended by deleting the subdivision and substituting:

(1) The measure of the tax levied by this part must not be less than the actual value of the real or tangible property owned or used in this state, excluding exempt inventory and exempt required capital investments; provided, that for tax years ending on or after December 31, 2024, the measure of the tax levied in this section applies to the actual value of the taxpayer's aggregate real or tangible property in excess of five hundred thousand dollars (\$500,000).

SECTION 23. Tennessee Code Annotated, Section 67-4-2111(a), is amended by adding the following as new subdivisions (3) through (6):

(3) Except as otherwise provided in this part, for tax years ending on or after December 31, 2023, but before December 31, 2024, the net worth of a taxpayer doing business both inside and outside this state must be apportioned to this state by multiplying such values by a fraction, the numerator of which is the property factor plus the payroll factor plus five (5) times the receipts factor, and the denominator of the fraction is seven (7).

(4) Except as otherwise provided in this part, for tax years ending on or after December 31, 2024, but before December 31, 2025, the net worth of a taxpayer doing business both inside and outside this state must be apportioned to this state by multiplying such values by a fraction, the numerator of which is the property factor plus the payroll factor plus eleven (11) times the receipts factor, and the denominator of the fraction is thirteen (13).

(5) Except as otherwise provided in this part, for tax years ending on or after December 31, 2025, the net worth of a taxpayer doing business both inside and outside this state must be apportioned to this state by multiplying such values by the receipts factor only.

(6) If the application of subdivision (a)(3), (a)(4), or (a)(5) to a tax year results in a lower apportionment ratio than under the application of the apportionment method in subdivision (a)(2) as it applied to tax years ending before December 31, 2023, then a taxpayer may annually elect to apply the apportionment method in subdivision (a)(2) as it applied to tax years ending before December 31, 2023; provided, however, the election must result in a higher apportionment factor for the tax year, and the taxpayer must have net earnings, rather than a net loss, for that tax year as computed under § 67-4-2006.

SECTION 24. Tennessee Code Annotated, Section 67-4-2111(l), is amended by adding the following as a new subdivision:

() This subsection (l) is repealed for tax years ending on or after December 31, 2025.

SECTION 25. Tennessee Code Annotated, Section 67-4-2111(m), is amended by adding the following as a new subdivision:

() This subsection (m) is repealed for tax years ending on or after December 31, 2025.

SECTION 26. Tennessee Code Annotated, Section 67-6-203, is amended by adding the following as a new subsection:

() A tax is levied at the rate of the tax levied on the sale of tangible personal property at retail by § 67-6-202 on the repairing of tangible personal property or computer software, the laundering or dry cleaning of tangible personal property, the installing of tangible personal property that remains tangible personal property after installation, and the installing of computer software, when such repair, cleaning, or installation occurs at a place of business outside this state and the serviced tangible personal property or computer software is delivered by the seller to the purchaser or the purchaser's designee within the physical limits of this state or to a carrier for delivery to a place inside the physical limits of this state for use or consumption in this state.

SECTION 27. Tennessee Code Annotated, Section 67-6-329(a)(6), is amended by deleting the subdivision.

SECTION 28. Tennessee Code Annotated, Section 67-6-344, is deleted.

SECTION 29. Tennessee Code Annotated, Section 67-6-393(j), is amended by designating the existing language as subdivision (1) and adding the following as a new subdivision (2):

(2) There is exempt from the tax imposed by this chapter the retail sale of food and food ingredients, as defined in § 67-6-102, if sold between 12:01 a.m. on August 1, 2023, and 11:59 p.m. on October 31, 2023. This subdivision (j)(2) does not exempt sales from a micro market, as defined in § 67-6-102, or vending machine or device.

SECTION 30. Tennessee Code Annotated, Title 67, Chapter 6, Part 9, is amended by adding the following new sections:

67-6-901.

(a) Notwithstanding another law to the contrary, this part applies in determining whether a transaction is sourced to this state under this chapter. This part applies regardless of the characterization of a product as tangible personal property, a digital good, a service, or other taxable product and applies only to determine a seller's obligation to pay or collect and remit a sales or use tax with respect to the seller's retail

sale of a product. This part does not affect the obligation of a purchaser or lessee to remit tax on the use of the product to the taxing jurisdiction of that use.

(b) This part does not impose tax on a transaction if that tax is prohibited by the United States Constitution or the Constitution of Tennessee.

(c) Florist retail sales where orders taken by a florist are sent to a receiving florist for delivery to the purchaser's designee must be sourced in accordance with rules promulgated by the commissioner in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(d) Sales made through a marketplace facilitator's marketplace must be sourced in accordance with § 67-6-902.

(e) Telecommunications services and ancillary services, as set out in § 67-6-905, must be sourced in accordance with that section.

67-6-902.

(a)

(1) For purposes of this subsection (a):

(A) "Location" does not include a location that merely provided the digital transfer of the product sold; and

(B) "Receive" or "receipt":

(i) Means:

(a) Taking possession of tangible personal property;

(b) Making first use of services; or

(c) Taking possession or making first use of digital products, whichever comes first; and

(ii) Does not include possession by a shipping company on behalf of the purchaser.

(2) The retail sale, excluding lease or rental, of a product from out of state into this state is sourced as follows:

(A) When the product is received by the purchaser at a business location of the seller, the sale is sourced to that business location;

(B) When the product is not received by the purchaser at a business location of the seller, the sale is sourced to the location where receipt by the purchaser or the purchaser's donee as designated by the purchaser occurs, including the location indicated by instructions for delivery to the purchaser or the purchaser's donee, known to the seller;

(C) When subdivisions (a)(2)(A) and (a)(2)(B) do not apply, the sale is sourced to the location indicated by an address for the purchaser that is available from the business records of the seller that are maintained in the ordinary course of the seller's business when use of that address does not constitute bad faith;

(D) When subdivisions (a)(2)(A) – (a)(2)(C) do not apply, the sale is sourced to the location indicated by an address for the purchaser obtained during the consummation of the sale, including the address of a purchaser's payment instrument, if no other address is available, when use of that address does not constitute bad faith; and

(E) When subdivisions (a)(2)(A) – (a)(2)(D) do not apply, or in the circumstance in which the seller is without sufficient information to determine which sourcing requirement in this subdivision (a)(2) applies, then the location is determined by the address from which tangible personal property was shipped, from which the digital good or the computer software delivered electronically was first available for transmission by the seller, or from which the service was provided.

(b)

(1) For purposes of this subsection (b), "transportation equipment"

means:

(A) Locomotives and railcars that are utilized for the carriage of persons or property in interstate commerce;

(B) Trucks and truck-tractors with a gross vehicle weight rating (GVWR) of ten thousand one pounds (10,001 lbs.) or greater, trailers, semi-trailers, or passenger buses that are:

(i) Registered through the International Registration Plan;

and

(ii) Operated under authority of a carrier authorized and certificated by the United States department of transportation or another federal authority to engage in the carriage of persons or property in interstate commerce;

(C) Aircraft that are operated by air carriers authorized and certificated by the United States department of transportation or another federal or foreign authority to engage in the carriage of persons or property in interstate or foreign commerce; and

(D) Containers designed for use on and component parts attached or secured on the items set forth in subdivisions (b)(1)(A) – (b)(1)(C).

(2) The lease or rental of tangible personal property imported into this state is sourced as follows:

(A) For a lease or rental that does not require recurring periodic payments, the payment is sourced the same as a retail sale in accordance with subsection (a);

(B)

(i) Except as provided in subdivisions (b)(2)(C) and (b)(2)(D), for a lease or rental that requires recurring periodic payments, the first periodic payment is sourced the same as a retail sale in accordance with subsection (a). Periodic payments made subsequent to the first payment are sourced to the primary property location for each period covered by the payment;

(ii) The primary property location is as indicated by an address for the property provided by the lessee that is available to the lessor from its records maintained in the ordinary course of business, when use of that address does not constitute bad faith; and

(iii) The property location must not be altered by intermittent use at different locations, such as use of business property that accompanies employees on business trips and services calls;

(C) For the lease or rental of motor vehicles, trailers, semi-trailers, or aircraft that do not qualify as transportation equipment and watercraft with a displacement of under fifty (50) tons, that requires recurring periodic payments, the first and each subsequent periodic payment is sourced to the primary property location. The primary property location is determined in accordance with subdivision (b)(2)(B); and

(D) Notwithstanding the primary property location covered by a recurring periodic payment, the lease or rental of transportation equipment is sourced the same as a retail sale in accordance with subsection (a).

(3) This subsection (b) does not affect the imposition or computation of sales or use tax on leases or rentals based on a lump sum or accelerated basis, or on the acquisition of property for lease.

67-6-903.

(a) The sale, including lease or rental, of a product made from a place of business within the physical limits of this state where delivery is made by the seller or lessor to a purchaser or lessee within the physical limits of this state, or to a carrier or United States postal service location for delivery to a place within the physical limits of this state, is sourced to the seller's or lessor's place of business in this state.

(b) The location of where the purchaser may take or use the product is not determinative of where the sale is sourced.

(c) For the sale of a product made from a place of business within the physical limits of this state that is delivered by the seller to the purchaser or the purchaser's designee outside the physical limits of this state or to a carrier for delivery to a place outside the physical limits of this state, the sale is not sourced to this state.

(d) For a lease or rental of property, excluding transportation equipment as defined in § 67-6-902(b)(1), delivered to the lessee or renter in this state that requires recurring periodic payments, the periodic payments made subsequent to the first payment that cover periods where the primary property location is no longer within the physical limits of this state are not sourced to this state. The lessor is not liable for the tax imposed under this chapter on the periodic payments that cover periods where the primary property location is no longer in this state. The primary property location is determined in accordance with § 67-6-902(b)(2)(B).

(e) For the sale of repairing of tangible personal property or computer software; laundering or dry cleaning of tangible personal property; and installing of tangible personal property that remains tangible personal property after installation; and installing of computer software, made from a place of business within the physical limits of this

state where the serviced tangible personal property or computer software is delivered by the seller to the purchaser or the purchaser's designee outside the physical limits of this state or to a carrier for delivery to a place outside the physical limits of this state, the sale is not sourced to this state.

67-6-904.

(a) For purposes of this section:

(1) "Advertising and promotional direct mail" means printed material that is direct mail, for which the primary purpose is to attract public attention to a product, person, business, or organization, or to attempt to sell, popularize, or secure financial support for a product, person, business, or organization;

(2) "Direct mail" has the same meaning as defined in § 67-6-102;

(3) "Other direct mail":

(A) Means direct mail that is not advertising and promotional direct mail regardless of whether advertising and promotional direct mail is included in the same mailing; and

(B) Includes, but is not limited to:

(i) Transactional direct mail that contains personal information specific to the addressee, including, but not limited to, invoices, bills, statements of account, and payroll advices;

(ii) Any legally required mailings, including, but not limited to, privacy notices, tax reports, and stockholder reports; and

(iii) Other nonpromotional direct mail delivered to existing or former shareholders, customers, employees, or agents, including, but not limited to, newsletters and informational pieces; and

(C) Does not include the development of billing information or the provision of a data processing service that is more than incidental; and

(4) "Product" means tangible personal property, a product transferred electronically, or a service.

(b) The sale of direct mail is sourced as follows:

(1) For the sale of advertising and promotional direct mail and other direct mail made from a place of business in this state to a purchaser where delivery is made by the seller to a carrier or United States postal service location for distribution or delivery to direct mail recipients within the physical limits of this state, the sale is sourced to the seller's place of business;

(2) To the extent the seller knows based on information provided by the purchaser showing the jurisdictions to which the direct mail will be delivered to recipients in another state, the portion of the sales price that equals the percentage of direct mail delivered to recipients in another state is not sourced to this state;

(3) In lieu of providing the delivery information in accordance with subdivision (b)(2), a purchaser may provide the streamlined certificate of exemption to claim the direct mail exemption for the portion of the sales price that equals the percentage of direct mail delivered to recipients in another state; and

(4) In the absence of bad faith, where the seller sourced the sale according to the delivery information provided by the purchaser in accordance with this section, the seller is not liable for tax if it is determined the purchaser provided incorrect delivery information.

(c) This section does not impose tax on billing services or data processing services.

SECTION 31. Tennessee Code Annotated, Section 67-6-905(a), is amended by adding the following as new, appropriately designated subdivisions:

() "Ancillary services" means services that are associated with, or incidental to, the provision of telecommunications services, including, but not limited to, detailed

telecommunications billing service, directory assistance service, vertical service, and voice mail service;

() "Conference bridging service":

() Means an ancillary service that links two (2) or more participants of an audio or video conference call and may include the provision of a telephone number; and

() Does not include the telecommunications services used to reach the conference bridge;

() "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement;

() "Directory assistance service" means an ancillary service of providing telephone number information and address information;

() "Prepaid calling service" means the right to access exclusively telecommunications services, which must be paid for in advance and which enables the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines with use in a known amount;

() "Prepaid wireless calling service" means a telecommunications service that provides the right to utilize mobile wireless service, as well as other non-telecommunications services, including the download of digital products delivered electronically, content and ancillary services, which must be paid for in advance, that is sold in predetermined units or dollars, of which the number declines with use in a known amount;

() "Vertical service" means an ancillary service that is offered in connection with one (1) or more telecommunications services, and that offers advanced calling features

that allow customers to identify callers and to manage multiple calls and call connections, including conference bridging services;

() "Voice mail service":

() Means an ancillary service that enables the customer to store, send, or receive recorded messages; and

() Does not include vertical services that the customer may be required to have in order to utilize the voice mail service;

SECTION 32. Tennessee Code Annotated, Section 67-6-905, is amended by adding the following as a new subsection:

(e) A sale of a prepaid calling service, or a sale of a prepaid wireless calling service, is sourced in accordance with:

(1) Section 67-6-903 when sold from a place of business within the physical limits of this state; and

(2) Section 67-6-902(a)(2) when sold from out of state into this state; provided, however, that, in the case of a sale of prepaid wireless calling service, the rule provided in § 67-6-902(a)(2)(E) includes as an option the location associated with the mobile telephone number.

SECTION 33. Tennessee Code Annotated, Section 67-4-2023(b)(3), is amended by designating the existing language as subdivision (b)(3)(A) and adding the following as a new subdivision (b)(3)(B):

(B) "Certified distribution sales" also includes sales of alcoholic beverages, as defined in § 57-3-101, when such sales are made in this state by the taxpayer to an affiliate that continues the manufacturing process, prior to the manufactured beverage being sold for ultimate use or consumption outside this state; provided, that the affiliate has certified that such property has been sold for ultimate use or consumption outside this state. Such certification must be made in the manner prescribed by the commissioner.

SECTION 34. Tennessee Code Annotated, Section 67-4-2023(b)(1), is amended by inserting the following at the end of the subdivision immediately preceding the semicolon:

, or if a taxpayer's sales of alcoholic beverages, as defined in § 57-3-101, made in this state to an affiliate that continues the manufacturing process exceed one billion dollars (\$1,000,000,000), as determined under § 67-4-2012 without regard to this section

SECTION 35. Sections 1, 2, 4, 5, 6, 7, 8, 9, 10, 33, and 34 of this act take effect upon becoming a law, the public welfare requiring it, and apply to tax years ending on or after December 31, 2023. Sections 11 and 12 of this act take effect April 1, 2024, the public welfare requiring it, and apply to revenue received on or after that date. Section 17 of this act takes effect January 1, 2024, the public welfare requiring it, and applies to tax years ending on or after December 31, 2024. Sections 26, 27, 28, 30, 31, and 32 of this act take effect January 1, 2024, the public welfare requiring it. All other sections of this act take 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. 90

House Bill No. 6*

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

SECTION 1. Tennessee Code Annotated, Section 55-8-185(c)(1), is amended by adding the following as a new, appropriately designated subdivision:

() State Route 272 from its intersection with State Route 99 to its intersection with Double Bridge Road, which is approximately nine (9) miles in length, within the jurisdiction of Marshall County;

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. 576

House Bill No. 345*

by deleting the language "entitled under this chapter to be issued, a registration" in subdivision (1) of SECTION 1 and substituting instead "entitled under this chapter to be issued, a registration pursuant to § 55-4-103".

AND FURTHER AMEND by adding the following new section immediately preceding the last section and renumbering the remaining section accordingly:

SECTION __. Tennessee Code Annotated, Section 5-8-102(d)(2), is amended by inserting the following new sentence immediately after the first sentence:

If an owner or lessee elects for the issuance of a twenty-four-month registration under § 55-4-104, then the motor vehicle privilege tax imposed must offset revenue that would otherwise be generated by the motor vehicle privilege tax imposed for a twelve-month registration.

AND FURTHER AMEND by deleting subdivision (3) in SECTION 1 and substituting instead:

(3) If an owner or lessee elects for the issuance of a twenty-four-month registration under this section, then the twenty-four-month registration fees imposed must offset revenue that would otherwise be generated by twelve-month registration fees.



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Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 123*

House Bill No. 394

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 53-7-213(b), is amended by deleting the subsection and substituting the following:

(b)

(1) The commissioner is authorized to promulgate rules to establish standards for poultry and poultry products, and to prescribe labeling and advertising standards and requirements for poultry and poultry products.

(2) The commissioner shall promulgate rules and appoint qualified personnel as are necessary to establish a state meat inspection program within the department of agriculture to perform inspections required by this part. The rules must establish standards for meat and meat food products, and prescribe labeling and advertising standards and requirements for meat and meat food products. The commissioner shall consult with the department of health and representatives of the meat industry in this state when promulgating rules required by this subdivision (b)(2).

(3) Subdivisions (b)(1) and (2) do not limit the commissioner's authority to prescribe other rules pursuant to this part.

SECTION 2. Tennessee Code Annotated, Section 53-7-213(d), is amended by deleting the subsection and substituting the following:

(d)



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(1) Except as required by subdivision (d)(2), in promulgating rules pursuant to this part, the commissioner may consider rules and regulations that have been promulgated pursuant to the federal Meat Inspection Act (21 U.S.C. § 601 et seq.) or the federal Poultry Products Inspection Act (21 U.S.C. § 451 et seq.).

(2) The rules promulgated pursuant to subdivision (b)(2) must conform with the federal Meat Inspection Act (21 U.S.C. § 601 et seq.) and incorporate the regulations compiled at 9 CFR, chapter III, Subchapters A and E.

(e) The commissioner shall hire at least eight (8) inspectors to inspect:

(1) Livestock that are subject to inspection under this part;

(2) Livestock carcasses, parts of livestock carcasses, and meat food products; and

(3) Sanitary conditions of official establishments in which meat and meat food products are prepared.

SECTION 3. Tennessee Code Annotated, Section 53-7-214, is amended by deleting subsections (a) and (b) and substituting the following:

(a) This part does not apply to any act or transaction subject to regulation under the federal Poultry Products Inspection Act (21 U.S.C. § 451 et seq.); provided, that inspectors are not excluded from making routine inspections and from taking samples at federally inspected plants for determining compliance with related federal acts and for compliance with state law.

(b) Notwithstanding a law to the contrary, the commissioner may cooperate with the federal government in carrying out this part or the federal Meat Inspection Act for a state inspection program for interstate commerce.

SECTION 4. Tennessee Code Annotated, Section 53-7-215, is amended by deleting the following language:

The cost of inspections made to effectuate this part shall be borne by the department of agriculture

and substituting the following:

The cost of inspections made to effectuate this part, other than inspections made for the purposes described in § 53-7-216(d), shall be borne by the department of agriculture

SECTION 5. Tennessee Code Annotated, Title 53, Chapter 7, Part 2, is amended by adding the following as a new section:

(a) The commissioner is designated as the state official responsible for cooperating with the United States secretary of agriculture under the federal Meat Inspection Act (21 U.S.C. § 601 et seq.). The commissioner shall cooperate with the United States secretary of agriculture in developing and administering the meat inspection program of this state under this part to assure that its requirements will be at least equal to those imposed by the federal Meat Inspection Act (21 U.S.C. § 601 et seq.), and in developing and administering the program of this state under this part in a manner that will effectuate the purposes of this part and federal law.

(b) The commissioner may accept from the United States secretary of agriculture advisory assistance in planning and developing the state program, technical and laboratory assistance and training, and financial and other aid for administration of the program.

(c) The commissioner may spend public funds of this state, subject to appropriation in the general appropriations act, for administration of this part to pay fifty percent (50%) of this state's estimated total cost of the cooperative programs developed under this section.

(d) The commissioner may recommend to the United States secretary of agriculture such officials or employees of this state as the commissioner designates for appointment to the advisory committee provided for in 21 U.S.C. § 661(a)(4), and the commissioner shall serve as the representative of the governor of this state for

consultation with the United States secretary of agriculture under 21 U.S.C. § 661(c), unless the governor designates another representative.

(e) For the purpose of preventing and eliminating burdens on intrastate commerce with respect to meat and meat products, the jurisdiction of the commissioner within the scope of this part is exclusive, and a county or municipal board of health or other county or municipal agency does not have any power or jurisdiction to regulate the slaughtering of any livestock or the processing or transportation of the carcasses or parts thereof or the meat and meat food products of such animals, nor does any county or municipal board of health or other county or municipal agency have any power or jurisdiction with regard to the inspections provided for in this part, nor with respect to any other activity committed to the authority of the commissioner by this part.

(f)

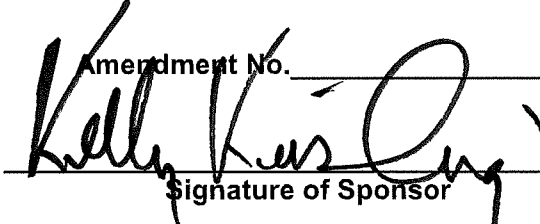
(1) In carrying out this part, the commissioner may cooperate with all other branches of government, county and municipal, and with county and municipal health departments or other agencies and may conduct such examinations, investigations, and inspections as provided for in this part and as the commissioner determines practical through any officer or employee of this state or any municipality or county in this state qualified for such purpose.

(2) The commissioner may contract with any municipal or county health departments to carry out the duties and requirements of this part. Any municipal or county health department may contract with the commissioner for the purpose of meeting the requirements of this part.

(g) This section does not preclude or restrict any municipality or county from the exercise of its police powers with regard to the establishment and maintenance of the facilities at which the activities regulated by this part are conducted.

SECTION 6. For the purposes of promulgating rules and taking all other administrative actions necessary to implement this act, 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. 439

House Bill No. 445*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 55-8-198(f), is amended by deleting the subsection and substituting instead:

(f)

(1) Surveillance cameras are not permitted on federal interstate highways except for:

(A) SmartWay cameras;

(B) Other intelligent transportation system cameras; and

(C) Surveillance cameras used to enforce or monitor traffic

violations within work zones designated by the department of transportation when employees of the department or construction workers are present; provided, that the cameras are operated only by a state entity.

(2) Notwithstanding subdivision (f)(1), in accordance with applicable state and federal laws governing the use or management of highway rights-of-way and subject to the approval of the federal highway administration as required by federal law, the department of transportation is authorized, but not required, to permit the installation of surveillance cameras operated by law enforcement agencies on federal interstate highways and state roads as a non-highway use of the highway right-of-way for the purpose of aiding in criminal investigations or searches for missing or endangered persons to the extent that such use is



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consistent with the continued use, operations, maintenance, and safety of the highway facility and does not interfere with the free and safe flow of traffic; provided, that these cameras are not used to enforce or monitor state or local traffic violations or issue citations for such violations.

(3) Prior to the installation and operation of a surveillance camera by a local law enforcement agency under this subsection (f), the local law enforcement agency shall seek approval from the department of transportation. The local law enforcement agency shall demonstrate to the department's satisfaction that:

(A) The manufacturer, surveillance camera, or any of the surveillance camera's components are not:

(i) Produced, assembled, or based in an entity appearing on a sanctions list published under the authority of the United States department of the treasury, office of foreign assets control;

(ii) Prohibited or restricted under Section 889 of the National Defense Authorization Act (48 CFR 52.204-25);

(iii) Prohibited or restricted under Title 2 of the SECURE Technology Act (Public Law 115-390 of 2018); or

(iv) Prohibited or restricted under United States department of commerce regulations on Information and Communications and Services Supply Chain (15 CFR Part 7); and

(B) The manufacturer of and custodian of any data collected by the surveillance camera shall:

(i) Comply with § 55-10-302;

(ii) Ensure that all aspects of the manufacturer's and custodian's data services, data retention, information technology,

or other internal data management processes are contained and managed within the United States; and

(iii) Ensure that all data and metadata collected by the surveillance camera are not used for commercial purposes or sold, other than sharing with other law enforcement agencies in the United States as authorized by law.

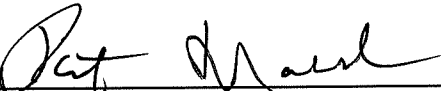
(4) At any time prior to, or following the department's approval of a surveillance camera under this subsection (f), the department may inspect the surveillance camera, components of the surveillance camera, and data collected by the surveillance camera in order to ensure compliance with this subsection (f).

(5) The department may consult with the department of safety, or any other state agency to review applications and determine compliance with this subsection (f).

(6) The department may revoke its approval and order the removal of surveillance cameras upon a determination that the manufacturer, surveillance camera, or custodian of data collected by a surveillance camera are not in compliance with this subsection (f).

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. 464

House Bill No. 447*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 11-13-104, is amended by adding the following language under the designation "Class III Developed River Areas":

Duck River – That segment of the Duck River beginning at Industrial Park Road approximately at river mile 128 extending continuously to a point downstream to the boundary of Hickman County at approximately river mile 98 downstream from the Natchez Trace River Bridge.

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



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- 1 -



005784

Amendment No. _____

Ran Travis

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1357

House Bill No. 616*

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

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

(a) Notwithstanding § 55-9-405 to the contrary, a motor vehicle or trailer transporting a load of logs or pulpwood that protrudes at least four feet (4') beyond the end of the body or bed of the motor vehicle or trailer must have at least one (1) amber strobe or blinking light, or amber LED strobe or blinking light, securely affixed to the end of the projecting load while the vehicle or trailer is loaded with the protruding logs or pulpwood. The strobe or blinking light must be operating while affixed to the load.

(b) A motor vehicle or trailer transporting a load of logs or pulpwood that extends the width of the vehicle or trailer by at least two feet (2') must have at least two (2) red or fluorescent orange flags affixed to the end of the projecting load to indicate the width of the projecting load while the vehicle or trailer is loaded with the protruding logs or pulpwood. The flags must be in good condition and visible while affixed to the load.

(c) A violation of this section is a Class C misdemeanor.

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



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- 1 -



005153

Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1125

House Bill No. 621*

by deleting all language after the enacting clause and substituting:

SECTION 1. The department of transportation shall study the feasibility and safety effects of raising the speed limit on the state system of interstate highways from seventy miles per hour (70 mph) to seventy-five miles per hour (75 mph). The department shall report its findings and recommendations, including any proposed legislation, to the transportation committee of the house of representatives and the transportation and safety committee of the senate no later than February 1, 2024.

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

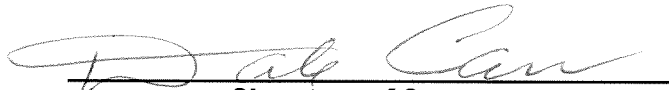


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005760

Amendment No. _____


Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1096

House Bill No. 684*

by deleting Section 1 and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 54-21-102, is amended by deleting subdivision (27) and substituting instead:

(27)

(A) "Visible" means capable of being seen and comprehended without visual aid by a person traveling the posted speed limit on the main traveled way of the highway; or

(B) "Visible" means capable of being seen, whether or not legible, without visual aid by a person of normal visual acuity, if the department has received official notification from the federal highway administration that the definition of "visible" in subdivision (27)(A) jeopardizes federal funding. The commissioner shall notify the executive secretary of the Tennessee code commission regarding such federal notification, at which point, the definition under this subdivision (27)(B) applies until any federal action or proceeding challenging the definition under subdivision (27)(A) is completed or resolved and the commissioner notifies the executive secretary of the Tennessee code commission that the definition under subdivision (27)(A) is to apply. Concurrent with any notification of the executive secretary of the Tennessee code commission, the commissioner shall cause the notification and applicable definition to be published on the department's website.



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005104

Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 728

House Bill No. 685*

by deleting all language after the enacting clause and substituting:

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

54-1-104.

(a) The department of transportation shall identify locations of state and local government roads in this state where injuries to motor vehicle occupants, bicyclists, and pedestrians are elevated in comparison to the statewide average. On or before February 15, 2024, the department of transportation, in consultation with the department of safety, local law enforcement agencies, and highway safety offices shall submit a report of its findings and recommendations regarding the development of a strategic statewide plan to increase pedestrian safety to the chairs of the transportation committee of the house of representatives and the transportation and safety committee of the senate.

(b) From pedestrian and bicycle-related traffic crash data or other data available to, or collected by, the department of transportation, the department of safety, or local law enforcement agencies and highway safety offices, the department of transportation's report must identify the areas in this state that are elevated in comparison to the statewide average and identify intersection design factors or other factors that may have an impact regarding pedestrian and bicycle-related traffic crashes.

(c) The department shall send a copy of the report to each of the five (5) local governments with the highest number of pedestrian safety problems.



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

Amendment No. _____
Kelly K. King
Signature of Sponsor

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

AMEND Senate Bill No. 1006

House Bill No. 765*

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

SECTION 1. Tennessee Code Annotated, Section 55-8-185(c)(1), is amended by adding the following as new, appropriately designated subdivisions:

() State Route 154 from its intersection with Black House Mountain Road southward to its intersection with Laurel Creek Campground Road, then continuing on Laurel Creek Campground Road and ending at the campground, within the jurisdiction of Fentress County;

() State Route 297 beginning at its intersection with State Route 154 and ending at Station 11 of the Fentress County fire department, which segment is approximately eight-tenths (0.8) of a mile in length, within the jurisdiction of Fentress County;

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



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005139

Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1382

House Bill No. 866*

by deleting all language after the caption and substituting instead:

WHEREAS, continuing to improve litter prevention and pickup efforts are critical to keeping Tennessee's roadways safe, communities vibrant, residents healthy, and waterways clean and to maintaining the natural beauty of our State; and

WHEREAS, the struggle against litter is ongoing, and it is important to continually encourage a clean and safe environment; and

WHEREAS, litter abatement and prevention should be promoted for reasons of public health and safety, economic development, aesthetics, and conservation of environmental and financial resources; and

WHEREAS, since its inception in 1983, the Tennessee Department of Transportation's (TDOT) Litter Grant Program has used dedicated funds to prevent litter through cleaning up communities and educating the public, while improving local recycling programs and water quality; and

WHEREAS, litter grants are awarded annually to all ninety-five counties and, through the efforts of collaborative county partners, remove an annual average of 11,700 tons of litter, totaling around 450,000 tons of litter over the thirty-nine-year history of the program on 96,000 miles of public roadways in Tennessee; and

WHEREAS, Keep Tennessee Beautiful is funded by the TDOT Litter Grant Program and is an adjunct service of the University of Memphis, providing expertise in litter prevention education, litter law enforcement, community enhancement through beautification, and volunteer recruitment and management; and



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WHEREAS, Keep Tennessee Beautiful serves as an educational, advisory, and coordinating agency to the Governor of the State of Tennessee and to the citizens, business and industry, public and private organizations, and state and local governments to prevent littering of the environment; and

WHEREAS, since 1989, TDOT has administered the Adopt-A-Highway Program to combat litter along State routes and to involve thousands of Tennesseans in volunteer cleanups across the State; and

WHEREAS, TDOT spends more than \$23 million annually on litter pickup and prevention education, and has reduced statewide roadside litter by fifty-three percent since 2006; and

WHEREAS, TDOT's research-based litter prevention campaign, Nobody Trashes Tennessee, maintains constant statewide litter prevention awareness and works collaboratively to support all state and county litter prevention programs and partners; and

WHEREAS, the TDOT Litter Grant program and Keep Tennessee Beautiful are known by their peers as comprehensive litter nationally award-winning programs; and

WHEREAS, the Tennessee Advisory Commission on Intergovernmental Relations (TACIR) conducted a study in 2022 entitled, "Comprehensive Litter Review: Strengthening and Coordinating Efforts to Reduce Litter and Illegal Dumping" and recommended the following: "To provide coordinated support on an ongoing basis, the Commission recommends the state create a permanent litter task force that includes diverse stakeholders to help implement strategies in communities across the state."; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Section 4-29-246(a), is amended by inserting the following as a new subdivision:

() Tennessee litter advisory task force, created by § 54-1-408;

SECTION 2. Tennessee Code Annotated, Title 54, Chapter 1, Part 4, is amended by adding the following as a new section:

54-1-408.

(a) There is created in the department of transportation the Tennessee litter advisory task force, referred to in this section as the "advisory task force," for the purpose of developing and advising coordination efforts in implementing a comprehensive litter strategy that compliments the department's strategic litter reduction plan. The advisory task force is managed by the department, in collaboration with Keep Tennessee Beautiful, a nonprofit organization that serves as the statewide affiliate for Keep America Beautiful.

(b) For administrative purposes only, the advisory task force is attached to the department. The department shall use Keep Tennessee Beautiful to convene meetings of the advisory task force and provide administrative support to the advisory task force.

(c)

(1) The advisory task force consists of twenty-three (23) voting members, as follows:

(A) The commissioner of environment and conservation, or the commissioner's designee;

(B) The commissioner of economic and community development, or the commissioner's designee;

(C) The commissioner of transportation, or the commissioner's designee;

(D) The commissioner of agriculture, or the commissioner's designee;

(E) The commissioner of tourist development, or the commissioner's designee;

(F) Nine (9) members, appointed by the speaker of the senate, who must be appointed from across the state, as follows:

(i) One (1) member who at the time of the member's appointment is an elected county mayor or executive in this state;

(ii) One (1) member representing a materials recovery facility;

(iii) One (1) member who is a resident of this state;

(iv) One (1) member representing a trade association from the malt beverage industry;

(v) One (1) member representing a trade association from a Tennessee chamber of commerce;

(vi) One (1) member representing the Tennessee municipal league;

(vii) One (1) member representing the farm bureau;

(viii) One (1) member representing a Tennessee registered scrap metal dealer; and

(ix) One (1) member representing a public higher education institution in this state; and

(G) Nine (9) members, appointed by the speaker of the house of representatives, who must be appointed from across the state, as follows:

(i) One (1) member who at the time of the member's appointment is an elected city mayor in this state;

(ii) One (1) member representing the Tennessee county services association;

(iii) One (1) member representing a trade association from the non-alcoholic beverage industry;

(iv) One (1) member representing a solid waste landfill;

(v) One (1) member representing a material supplier or producer in this state;

(vi) One (1) member representing the Tennessee district attorneys general conference or a law enforcement agency in this state;

(vii) One (1) member representing the retail or grocery industry;

(viii) One (1) member representing the land trust of Tennessee; and

(ix) One (1) member who is a resident of this state.

(2) In appointing members to the advisory task force, the appointing authority shall strive to ensure that the composition of the advisory task force represents:

(A) All geographic regions of this state, including urban and rural counties and municipalities; and

(B) The diversity of persons in this state by considering race, sex, and age.

(3)

(A) Initial appointments must be made to the advisory task force by October 31, 2024.

(B) The members of the advisory task force are appointed for terms of four (4) years. In making the initial appointments, the members appointed pursuant to subdivisions (c)(1)(F)(i)-(ix) are appointed for four-year terms, and the members appointed pursuant to subdivisions (c)(1)(G)(i)-(ix), are appointed for two-year terms. Following the expiration of members' initial terms as prescribed in this subdivision (c)(3)(B), appointments to the advisory task force are for terms of four (4) years. In the event of a vacancy, the appointing authority shall fill the

vacancy for the unexpired term in the same manner as the original appointments.

(d) Members of the advisory task force shall annually elect a chair from their membership. Robert's Rules of Order, Revised is the authority on all questions of parliamentary procedure not covered by the by-laws. The chair is the chief parliamentarian or may delegate authority.

(e) The commissioner of transportation shall call the first meeting of the advisory task force, at which time, the members must elect a chair. Thereafter, the advisory task force must meet at the call of the chair and not less than two (2) times per year.

(f) All members of the advisory task force serve without compensation, but are eligible for reimbursement for travel expenses in accordance with the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

(g)

(1) The chair and members of the advisory task force shall collaborate with the department to create an annual advisory reduction litter plan with input from Keep Tennessee Beautiful.

(2) The annual advisory reduction litter plan must include:

(A) A comprehensive review of major litter issues facing this state;

(B) A litter needs assessment to match with funding resources;

(C) An analysis of new opportunities to reduce litter, including educational initiatives for local and state law enforcement agencies and the judicial branch of government;

(D) The identification of new opportunities to reduce litter through enhanced coordination with state agencies, local government, law enforcement agencies, and litter stakeholders; and

(E) The establishment of further statewide litter networks with local government affiliates to obtain certification by Keep Tennessee Beautiful.

(3) The advisory task force shall submit a copy of the advisory reduction litter plan to the chair of the transportation and safety committee of the senate and the chair of the transportation committee of the house of representatives by no later than March 31, 2024, and on or before March 31 of each subsequent year.

(h) The chair may request reasonable assistance from appropriate state agencies in preparing the annual advisory reduction litter plan and in performing its responsibilities under this section.

(i) The advisory task force shall provide input to the department of transportation in preparing its annual litter grant report submitted to the general assembly.

(j) All expenses of the advisory task force incurred pursuant to this section must be paid out of monies made available to the department of transportation for its litter grant program.

(k) The Keep Tennessee Beautiful Advisory Council created by Tennessee Executive Order 18 dated September 10, 1998, ceases to exist upon the date on which the initial appointments to the advisory task force are made by the appointing authorities.

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

Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 628*

House Bill No. 1056

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 69-3-141(a), is amended by adding the following as a new subdivision:

() Construction stormwater permitting required pursuant to § 69-3-108 should be based on the activities described in the permit application and conditions that exist at the time the permit application is under consideration, rather than possible future conditions unrelated to the activities for which the permit is sought as identified in the application; this subdivision (a)() does not apply to or impact permitting relating to any other activities described in § 69-3-108(b), and only applies to construction stormwater permitting;

SECTION 2. Tennessee Code Annotated, Section 69-3-141(b), is amended by adding the following as a new subdivision:

() Construction stormwater permit applicants shall have the right to have their permit applications considered based on the activities described in the permit application and conditions that exist at the time the permit application is under consideration, rather than possible future conditions unrelated to the activities for which the permit is sought as identified in the application;

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



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Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 629*

House Bill No. 1057

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 69-3-141, is amended by adding the following as a new subsection:

(c) If the only factor that disqualifies an applicant for an aquatic resource alteration permit (ARAP) for wetland impacts from having the activities for which a permit is sought covered under a general permit is the size of the wetland that the permit will apply to, the department shall exempt from compensatory mitigation an amount of wetland equal in size to the area for which mitigation would not be required if the permit applicant qualified for coverage under a general permit.

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



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005016

Amendment No. _____

Mary Hulttor
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1437

House Bill No. 1101*

by deleting the amendatory language "a minor issued a motorcycle learner's permit" in SECTION 1 and substituting instead the language "a minor who has been issued a motorcycle learner's permit and who has completed a certified motorcycle education course approved by the department".

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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004755

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.

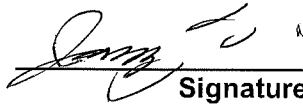


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Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 298*

House Bill No. 1454

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 8, Part 1, is amended by adding the following as a new section:

(a) Notwithstanding another law to the contrary, on interstate highways and limited access multilane divided highways where the posted speed limit is fifty miles per hour (50 mph) or more, if traffic oriented in the same direction is stopped, then the operator of a motorcycle that has two (2) wheels in contact with the ground may travel between rows of stopped vehicles in the same lane. A motorcycle may be operated pursuant to this subsection (a) at a rate no more than ten miles per hour (10 mph).

(b) A person operating a vehicle that is adjacent to or near a motorcycle traveling between rows of stopped vehicles pursuant to subsection (a), and the person operating the motorcycle, shall exercise due care and obey all traffic laws, applicable rules of the road, and laws relating to the safe operation of the vehicle or motorcycle.

(c) The operation of a vehicle between rows of stopped vehicles in the same lane on a public road, street, or highway other than a motorcycle authorized on interstate highways and limited access multilane divided highways pursuant to subsection (a) is an offense punishable as a Class C misdemeanor.

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



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005819

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1191

House Bill No. 1388*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 4-29-246(a), is amended by deleting subdivision (46).

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 6, Part 9, is amended by deleting the part.

SECTION 3. Notwithstanding Tennessee Code Annotated, Section 4-29-112, the radiologic imaging and radiation therapy board of examiners, created by Tennessee Code Annotated, Section 63-6-901, terminates and ceases to exist.

SECTION 4. Tennessee Code Annotated, Title 63, Chapter 6, Part 2, is amended by adding the following as a new section:

63-6-224.

(a) The board has, in regard to operators of X-ray equipment and machines in physician offices, the authority by rule to:

(1) Establish and issue limited X-ray certifications to qualified individuals in the areas of densitometry, chest, extremities, skull, sinus, and spine;

(2) Establish and issue full X-ray certifications to individuals who hold current and unrestricted national certification from the American Registry of Radiologic Technologists or another equivalent nationally recognized radiologic organization recognized by the board;

(3) Establish the minimum educational courses, curricula, hours, and standards that are prerequisite to the issuance of the limited certificates;



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(4) Select at least one (1) examination to be utilized as the board's limited certification examination and the prerequisites, if any, for admission to the examination. The board may enter into a contract or agreement with the chosen examination service or select an intermediary between the board and the examination service to process applicants for the examination;

(5) Establish other criteria for issuance of limited certificates that are reasonably related to the safe and competent performance of X-ray procedures;

(6) Establish a mechanism for board accreditation of educational courses that are operating for purposes of qualifying individuals for limited certification, that meet the requirements established pursuant to the rules promulgated under the authority of subdivision (a)(3), and that establish the causes and standards that are grounds for withdrawal of the course accreditation and the mechanism for such withdrawal;

(7) Establish the fees to be paid for application, certification, renewal, and late renewal of certificates and the fees required to be paid for application, renewal, and late renewal of educational course accreditation; and

(8) Establish the required number of hours, types of courses, and method of proving compliance for biennial continuing education for all certificate holders.

(b) The certificates and accreditations issued pursuant to this section must be renewed and may be retired and reactivated pursuant to procedures established by the board. A person holding a certificate issued pursuant to this section may be disciplined for the same causes and under the same procedures as contained in § 63-6-214 for the board of medical examiners and § 63-9-111 for the board of osteopathic examination.

(c) The standards established by the board pursuant to subsection (a) must be at least as stringent as any mandatory federal standards.

(d)

(1) A person shall not perform an X-ray procedure in a physician's office without being licensed as a physician or certified by the board pursuant to this section.

(2) Notwithstanding subdivision (d)(1):

(A) A person who has enrolled in a board-recognized radiologic training program is exempt from the certification requirements of this section only as to X-ray procedures performed within or under the auspices of the program in which the person is enrolled;

(B) A person who has successfully completed a board-recognized training program is exempt from the certification requirements of this section while awaiting the first opportunity to sit for the certification examination, but only for a period not to exceed six (6) months after the date of completion of the program; and

(C) A person who has taken the certification examination is exempt from the certification requirements of this section while awaiting the scores of the certification examination, but only for a period not to exceed seventy-five (75) days after the date of the examination.

(e) A person who holds a certificate issued pursuant to this section shall not perform X-ray procedures without:

(1) An order from a physician licensed pursuant to this chapter or an osteopathic physician licensed pursuant to chapter 9 of this title; and

(2) A physician licensed pursuant to this chapter or an osteopathic physician licensed pursuant to chapter 9 of this title exercising full supervision, responsibility, and control over the services being provided. The board is authorized to establish by rule the level of supervision required of physicians utilizing persons certified pursuant to this section.

(f) A person shall not operate a business in this state in which X-ray procedures contemplated by this section are performed if the business is not owned by a physician, group of physicians, medical professional corporation, limited liability medical professional company, or an entity or facility licensed by the health facilities commission.

(g) As used in this section, "physician's office" means anywhere the practice of medicine as defined in § 63-6-204, or the practice of osteopathic medicine as defined in § 63-9-106, which includes the performance of X-ray procedures contemplated by this section, is being conducted, except where that practice is conducted in or under the auspices of a facility or entity licensed by the health facilities commission.

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. 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. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 745*

House Bill No. 883

by deleting all language after the enacting clause and substituting:

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

(a) For purposes of this part:

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

(2) "Criminal abortion":

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

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

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

(a) Prevent or treat a medical emergency; and

(b)



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

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

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

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

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

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

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

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

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

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

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

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

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

(b)

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

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

(3)

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

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

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

(d)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Amendment No. _____

Edith Helton Haynes

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 745*

House Bill No. 883

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-15-213(a)(1), is amended by adding the language "to terminate an ectopic or molar pregnancy," before the language "or to remove a dead fetus".

SECTION 2. Tennessee Code Annotated, Section 39-15-213, is amended by deleting subsection (c) and substituting the following:

(c)

(1) Notwithstanding subsection (b), a person who performs or attempts to perform an abortion does not commit the offense of criminal abortion if the abortion is performed or attempted by a licensed physician in a licensed hospital or ambulatory surgical treatment center and the following conditions are met:

(A) The physician determined, using reasonable medical judgment, based upon the facts known to the physician at the time, that the abortion was necessary to prevent the death of the pregnant woman or to prevent serious risk of substantial and irreversible impairment of a major bodily function of the pregnant woman; and

(B) The physician performs or attempts to perform the abortion in the manner which, using reasonable medical judgment, based upon the facts known to the physician at the time, provides the best opportunity for the unborn child to survive, unless using reasonable medical judgment, termination of the pregnancy in that manner would pose a greater risk of



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death to the pregnant woman or substantial and irreversible impairment of a major bodily function.

(2) An abortion is not authorized under subdivision (c)(1)(A) and a greater risk to the pregnant woman does not exist under subdivision (c)(2)(B) if either determination is based upon a claim or a diagnosis that the pregnant woman will engage in conduct that would result in her death or the substantial and irreversible impairment of a major bodily function or for any reason relating to the pregnant woman's mental health.

SECTION 3. Tennessee Code Annotated, Section 39-15-213, is amended by adding the following as a new subsection:

() While this section is in effect, this section supersedes §§ 39-15-211, 39-15-212, 39-15-214, 39-15-215, 39-15-216, 39-15-217, and 39-15-218.

SECTION 4. Tennessee Code Annotated, Section 39-15-201, is amended by deleting the section.

SECTION 5. Tennessee Code Annotated, Section 39-15-219(a)(6), is amended by deleting the subdivision.

SECTION 6. Tennessee Code Annotated, Section 56-26-134, is amended by deleting the language "abortion services. For purposes of this section, "abortion" has the same meaning as defined in § 39-15-201." and substituting instead "prohibited abortion services as described in § 39-15-213."

SECTION 7. The attorney general and reporter shall notify the Tennessee Code Commission in writing if § 39-15-213 is no longer in effect.

SECTION 8. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. _____

Guthrie Helton - Haynes

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 745*

House Bill No. 883

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

SECTION 8. Tennessee Code Annotated, Section 39-15-203, is amended by adding the following new subsection:

(e) The department of health shall collect the 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. Any cost associated with implementing this subsection (e) must be provided from within existing resources of the department of health.



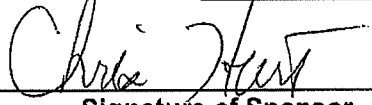
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Amendment No. _____



Signature of Sponsor

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Comm. Amdt. _____

AMEND Senate Bill No. 1409

House Bill No. 901*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 9, Chapter 1, is amended by adding the following new section:

(a) The local government matching fund portion of a grant issued by or through a state governmental entity must be based on the most recent publication of the community development block grant ability to pay index as it relates to the respective local government seeking the grant.

(b) As used in this section:

(1) "Local government" means a county, metropolitan government, or incorporated city or town; and

(2) "State governmental entity" means a state agency, department, board, or commission, or a public corporation or quasi-public instrumentality of this state that performs essential public functions entrusted to it by this state.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it, and applies to all grants with a local government matching component issued on or after such date.



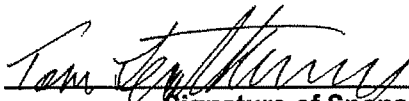
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Amendment No. _____



Signature of Sponsor

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Comm. Amdt. _____

AMEND Senate Bill No. 125*

House Bill No. 126

by deleting all language after the enacting clause and substituting:

SECTION 1. The boundary line between Shelby County and Fayette County shall be revised so that the new boundary line is established as follows:

Starting at 881979.25, 339362.988 using state plane coordinate system feet to the north ROW line of U.S. Route 64 and also being the Shelby/Fayette Census County line used during the 2020 decennial census, then continuing to follow the north ROW line of U.S. Route 64 to 882208.999, 339462.774 being the southeast corner of the city of Arlington boundary and the north ROW of Braggs Drive. 882446.823, 347518.595 to 882678.993, 347556.253 north to 882999.026, 352890.871 being the north line of Donaldson Drive, then 883069.42, 352904.659 to 883088.68, 353336.334 to 882946.247, 353335.427 north to 883405.242, 359782.405 west 883159.589, 359801.227 north 883187.697, 360769.797 to 883183.462, 361179.937 then with a line identified as "county line" in the Fayette County parcel data 883494.906, 361324.25 then with a line identified as "county line" in the Fayette County parcel data 883199.561, 361485.534 then with a line identified as "county line" in the Fayette County parcel data 884030.465, 361643.962 then with a line identified as "county line" in the Fayette County parcel data 883502.208, 362294.051 northerly 883570.648, 362509.372, to 883621.035, 362788.147 then to the south ROW line of I-40 883683.362, 363764.332 to 884088.462, 368912.876 to 884122.047, 369526.035 to south side of ROW 884183.894, 370489.372 crossing ROW 884184.303, 370519.051 to 884139.163, 371413.127 to 884117.892, 372149.138 to 884020.079, 374931.699 crossing railroad 884161.515, 378467.292 to



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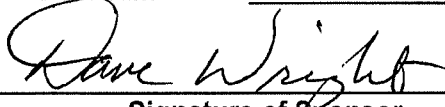
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north line of the city of Arlington boundary then southwesterly to 884078.532,
378415.714 being the Shelby/Fayette Census County line used during the 2020
decennial census.

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

Amendment No. _____


Signature of Sponsor

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Date _____
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Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 385*

House Bill No. 419

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 67-6-710(b)(2), is amended by deleting the subdivision and substituting instead the following:

(2) The department shall remit the proceeds of the tax to the county, city, or town levying the tax, less a reasonable amount to assist in defraying the expenses of administration and collection. The deduction amount is calculated as follows:

(A) For a fiscal year that begins prior to July 1, 2023, one and one hundred twenty-five thousandths percent (1.125%);

(B) For the fiscal year beginning July 1, 2023, and ending June 30, 2024, one percent (1.0%);

(C) For the fiscal year beginning July 1, 2024, and ending June 30, 2025, three-quarters of one percent (0.75%); and

(D) For a fiscal year that begins on or after July 1, 2025, one-half of one percent (0.5%).

SECTION 2. This act applies only to the local option sales tax levied pursuant to the 1963 Local Option Revenue Act, compiled in Tennessee Code Annotated, Title 67, Chapter 6, Part 7.

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



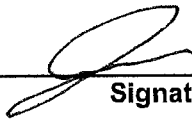
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Amendment No. _____



Signature of Sponsor

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Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1034*

House Bill No. 1134

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 5-6-109, is amended by deleting the language "prepared in accordance with the provisions of title 8, chapter 19, to be approved by the county legislative bodies" and substituting instead "prepared, executed, filed, and recorded in accordance with title 8, chapter 19".

SECTION 2. Tennessee Code Annotated, Section 5-13-103(c)(2), is amended by deleting the subdivision and substituting instead:

(2) The bond must be prepared, executed, filed, and recorded in accordance with title 8, chapter 19.

SECTION 3. Tennessee Code Annotated, Section 5-14-103(c)(2), is amended by deleting the subdivision and substituting instead:

(2) The bond must be prepared, executed, filed, and recorded in accordance with title 8, chapter 19.

SECTION 4. Tennessee Code Annotated, Section 5-21-109(d), is amended by deleting the subsection and substituting instead:

(d) The bond must be prepared, executed, filed, and recorded in accordance with title 8, chapter 19.

SECTION 5. Tennessee Code Annotated, Section 8-8-103, is amended by deleting the section and substituting instead:

Before entering into the duties of the office, the sheriff shall take an oath to support the constitutions of this state and of the United States, and an oath of office



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pursuant to § 8-8-104. The sheriff shall execute an official bond in an amount of one hundred thousand dollars (\$100,000), or such greater amount as the county legislative body by resolution may determine. The bond must be prepared, executed, filed, and recorded in accordance with title 8, chapter 19.

SECTION 6. Tennessee Code Annotated, Section 8-9-103, is amended by deleting the section and substituting instead:

Before entering into the duties of the office, the coroner shall execute an official bond in an amount of two thousand five hundred dollars (\$2,500) or such greater amount as the county legislative body by resolution may determine. The bond must be prepared, executed, filed, and recorded in accordance with title 8, chapter 19.

SECTION 7. Tennessee Code Annotated, Section 8-10-106(a), is amended by deleting the subsection and substituting instead:

(a) Before entering into the duties of the office, the constable shall take an oath to support the constitutions of this state and of the United States, and an oath of office, pursuant to § 8-10-108. Each constable shall execute an official bond in an amount of four thousand dollars (\$4,000) or such greater amount as the county legislative body by resolution may determine. The bond must be prepared, executed, filed, and recorded in accordance with title 8, chapter 19.

SECTION 8. Tennessee Code Annotated, Section 8-11-102, is amended by deleting the section and substituting instead:

Before entering into the duties of the office, the county trustee shall take an oath to support the constitutions of this state and of the United States, and an oath of office. The county trustee shall execute an official bond in at least the minimum amount required by § 8-11-103. The county legislative body may by resolution require a greater amount of bond for the county trustee than the minimum required by § 8-11-103. The bond must be prepared, executed, filed, and recorded in accordance with title 8, chapter

19. The county legislative body may by resolution require that the county trustee enter into an additional bond at any time during the term of office of the county trustee.

SECTION 9. Tennessee Code Annotated, Section 8-11-103, is amended by deleting subsections (d) and (e).

SECTION 10. Tennessee Code Annotated, Section 8-12-102, is amended by deleting the section and substituting instead:

Before entering into the duties of the office, the county surveyor shall take an oath to support the constitutions of this state and of the United States, and an oath of office. The county surveyor shall execute an official bond in an amount of two thousand dollars (\$2,000) or such greater amount as the county legislative body by resolution may determine. The bond must be prepared, executed, filed, and recorded in accordance with title 8, chapter 19.

SECTION 11. Tennessee Code Annotated, Section 8-13-102, is amended by deleting the section and substituting instead:

Before entering into the duties of the office, the county register shall take an oath to support the constitutions of this state and of the United States, and an oath of office. The county register shall execute an official bond. The bond must be prepared, executed, filed, and recorded in accordance with title 8, chapter 19.

SECTION 12. Tennessee Code Annotated, Section 18-2-201, is amended by deleting subsection (c).

SECTION 13. Tennessee Code Annotated, Section 18-6-101, is amended by adding the following new subsection:

() Before entering into the duties of the office, the county clerk shall take an oath to support the constitutions of this state and of the United States, and an oath of office. The county clerk shall execute an official bond. The bond must be prepared, executed, filed, and recorded in accordance with the provisions of title 8, chapter 19. The amount of the bond must be in the sum of fifty thousand dollars (\$50,000) in

counties with a population of less than fifteen thousand (15,000) and one hundred thousand dollars (\$100,000) in counties with a population of fifteen thousand (15,000) or more, according to the 2020 federal census or a subsequent federal census, or in such greater amount as the county legislative body by resolution may determine.

SECTION 14. Tennessee Code Annotated, Section 9-3-301(c), is amended by deleting the last sentence of the subsection and substituting instead:

The bond must be prepared, executed, filed, and recorded in accordance with title 8, chapter 19.

SECTION 15. Tennessee Code Annotated, Section 67-1-505(a), is amended by deleting the subsection and substituting instead:

(a) Before entering into the duties of the office, the county assessor shall take an oath to support the constitutions of this state and of the United States, and an oath of office pursuant to § 67-1-507. Each county assessor shall enter into an official bond, payable to this state, in the sum of fifty thousand dollars (\$50,000) and conditioned as required by § 8-19-111. The bond must be prepared, executed, filed, and recorded in accordance with title 8, chapter 19.

SECTION 16. Tennessee Code Annotated, Section 54-4-103(c), is amended by deleting the last sentence and substituting instead:

The bond must be prepared, executed, filed, and recorded in accordance with title 8, chapter 19.

SECTION 17. Tennessee Code Annotated, Section 54-7-108, is amended by deleting the section and substituting instead:

Before entering into the duties of the office, the chief administrative officer shall take an oath to support the constitutions of this state and of the United States, and an oath of office. The chief administrative officer shall execute an official bond in an amount of one hundred thousand dollars (\$100,000) or such greater amount as the

county legislative body by resolution may determine. The bond must be prepared, executed, filed, and recorded in accordance with title 8, chapter 19.

SECTION 18. Tennessee Code Annotated, Section 8-19-101(d), is amended by deleting the subsection and substituting instead:

(d) County governments shall obtain and maintain blanket surety bond coverage for all county employees not covered by individual bonds referenced elsewhere in statute. The minimum amount of such blanket bonds is one hundred fifty thousand dollars (\$150,000).

SECTION 19. Tennessee Code Annotated, Section 8-19-101(e), is amended by deleting the subsection and substituting instead:

(1) In lieu of a bond, county legislative bodies may elect to obtain and pay the premiums or other costs with respect to a policy of insurance issued by an insurance company duly authorized to do business in this state or an agreement with a pool established pursuant to § 29-20-401 or any entity established pursuant to § 29-20-401(b)(2) for administration of such agreement, that provides government crime coverage, employee dishonesty insurance coverage, or equivalent coverage that insures the lawful performance by officials and their employees of their fiduciary duties and responsibilities. Any such policy or agreement maintained must have limits of not less than four hundred thousand dollars (\$400,000) per occurrence.

(2) A policy or agreement satisfying the requirements set forth in subdivision (e)(1) is deemed to be a blanket bond for each official or office identified in the policy or agreement for all purposes under this chapter.

(3) A certificate of insurance, policy, or endorsement must be recorded in the register's office and then filed with the county clerk.

(4) If the policy of insurance maintained by the county ceases to provide coverage to the officeholder for any reason, the officeholder has thirty (30) days from the

date of termination of coverage to record and file a bond or other proof of insurance coverage.

(5) If a governmental entity obtains and pays premiums on an insurance policy or agreement pursuant to this subsection (e), then the monetary limits pursuant to the Tennessee Governmental Tort Liability Act, compiled in title 29, chapter 20, do not increase.

SECTION 20. Tennessee Code Annotated, Section 8-19-102(a), is amended by deleting the subsection and substituting instead:

(1) A county official who is required by law to give an official bond shall execute such bond when the bond becomes available after election or appointment to office, but not later than thirty (30) days from the beginning of the term of office. The effectiveness of an official bond relates back to the beginning of the term of office so long as it is executed within the time allowed by law.

(2) The county legislative body shall appropriate sufficient funds to pay the premiums on the official bonds of county officials and such employees of the county that are required by law to be bonded. Each county shall competitively bid the purchase of official bonds and other surety bonds. Blanket bonds must be used unless such bonds are unavailable or circumstances require the bonding of an individual separately from the blanket bond agreement. A county shall only purchase bonds from a surety company authorized to do business in this state as surety. If no surety company is willing to serve as surety for a particular person who is required to give bond, the county legislative body may by resolution authorize either the use of personal sureties for such person with such personal sureties to be approved by the county mayor, or the use of a cash bond approved by the county mayor with the cash to be deposited with the county trustee.

(3) Notwithstanding another law to the contrary, the county legislative body is not required to approve an official bond or surety bond of a county official or employee on or

after July 1, 2023. However, this does not remove the authority of the county legislative body to require bond amounts in excess of the statutory minimum as provided by law.

(4) The official county bond forms and other bonds required pursuant to this section must be made available for execution at the office of the county clerk.

(5) Each county official or employee required to execute an official bond or surety bond, other than bonds required by law to be approved by judges or chancellors, shall submit the bond for approval by the county mayor in accordance with § 8-19-112, and if sufficient and regular, the county mayor shall approve the bond in accordance with § 8-19-113.

(6) The bond of the county mayor must be approved by the judge of the court of general sessions in the county or the judge of the first division of such court if the county has more than one (1) general sessions court judge.

(7) If the bond of a county official or employee is disapproved, the approving authority shall inform the county clerk and the person executing the bond of the insufficiency or irregularity, and a new bond must be executed and submitted to the approving authority for approval. After approval, the approving authority shall transmit the approved bond to the county clerk who shall record the executed and approved official bond of each county official and surety bond of each county employee required to give bond with the county register of deeds, and, after recording, the county clerk shall file these bonds in the office of the county clerk.

(8) This part does not apply to notaries public.

(9) This part does not apply to a special deputy sheriff bonded pursuant to § 8-8-303.

SECTION 21. Tennessee Code Annotated, Title 8, Chapter 19, is amended by deleting Sections 8-19-104 and 8-19-118 – 8-19-120.

SECTION 22. Tennessee Code Annotated, Section 8-19-115, is amended by deleting the section and substituting instead:

Official bonds, including blanket bonds, and each rider or attachment thereto, required by law to be filed in the office of the county clerk or secretary of state, must be filed within thirty (30) days after the election or appointment of the person named in the bond, rider, or attachment.

SECTION 23. Tennessee Code Annotated, Section 8-19-117, is amended by deleting the section and substituting instead:

An officer required by law to give an official bond who fails to execute the bond when the bond is available and transmit the bond to the proper officer for approval within thirty (30) days from the time the bond becomes available for execution, forfeits the office and a vacancy in the office occurs, whether or not the officer has taken an oath of office. It is the duty of the officer who is to receive the executed official bond to certify the failure to execute and transmit the bond in the time required by this section to the official or body who has the power to elect or appoint a successor to the office.

SECTION 24. Tennessee Code Annotated, Section 8-16-104, is amended by deleting the section and substituting instead:

Every notary public, before entering upon the duties of office, shall give bond executed by a surety company authorized to do business in this state. If a notary public cannot obtain a bond executed by a surety company authorized to do business in this state, the county legislative body may approve two (2) or more good sureties in lieu of a bond from a surety company. The bond must be in the penalty amount of ten thousand dollars (\$10,000), payable to this state, conditioned upon the faithful discharge of the notary's duties. The notary public shall present the executed official bond to the county clerk in the county where elected. The county clerk shall review the bond presented by the notary public for compliance with this section, and upon the clerk's satisfaction of compliance with this section, shall file the bond in the office of the county clerk. A person elected a notary public that performs an official act as a notary public prior to filing a bond as required by this section commits a Class C misdemeanor.

SECTION 25. Tennessee Code Annotated, Section 8-15-102, is amended by deleting the section and substituting:

Such auditor must be employed by a committee of not less than three (3), appointed by the county legislative body from the members of the legislative body, which committee shall require the accountant so employed to furnish bond for the faithful performance of the accountant's duties. The bond must be prepared, executed, filed, and recorded in accordance with title 8, chapter 19.

SECTION 26. Tennessee Code Annotated, Section 54-9-119, is amended by deleting the last sentence and substituting instead:

The bond must be prepared, executed, filed, and recorded in accordance with title 8, chapter 19.

SECTION 27. If any provision of this act or the application of it to any person or circumstance is held invalid, such invalidity shall 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 declared to be severable.

SECTION 28. 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. 477*

House Bill No. 632

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

SECTION __. Tennessee Code Annotated, Section 2-3-308(a), is amended by deleting the language ", during or prior to 2020,".



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Amendment No. _____

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.

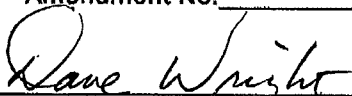


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Amendment No. _____

Signature of Sponsor

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Date	_____
Time	_____
Clerk	_____
Comm. Amdt.	_____

AMEND Senate Bill No. 100*

House Bill No. 388

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 2, Chapter 10, Part 3, is amended by adding the following as a new section:

A candidate or political campaign committee shall not accept contributions from persons who are not residents of this state at the time the contribution is made that, in the aggregate, exceed thirty percent (30%) of the total contributions received by a candidate or political campaign committee for a primary election.

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

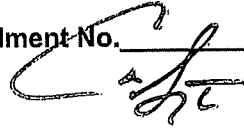


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Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1192

House Bill No. 1209*

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

SECTION 1.

(a) There is created a property tax study committee to study property tax rates; methods of valuing and appraising property for purposes of levying property taxes; and policies and methods regarding statutory limits on tax increases, including an evaluation of such policies and methods and any expected effects in the short-term and long-term.

The committee will consist of ten (10) members as follows:

(1) Five (5) members of the senate, to be appointed by the speaker of the senate; and

(2) Five (5) members of the house of representatives to be appointed by the speaker of the house of representatives.

(b) The committee must choose as chair and vice chair committee members from the general assembly.

(c) The committee must study the current method of valuing and appraising property for purposes of levying residential property taxes in this state and similarly situated states. The committee must also study examples of states that have enacted limits on property tax increases, including, but not limited to, creating a statewide property tax rate, capping rate increases at a certain percent, or locking in property values to the purchase price or the market value at time of transfer or material improvement to the property. The study must include:



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(1) A review of Article II, Section 28 of the Constitution of Tennessee, and relevant provisions of Tennessee Code Annotated, Title 67, Chapter 5, and other applicable state law, and any legal implications or obstacles regarding changes to property tax laws in this state;

(2) A comparison of the structure of property taxes in similarly situated states and states that have enacted limits on property tax increases, including, but not limited to, creating a statewide property tax rate, capping rate increases at a certain percent, or locking in property values to the purchase price or the market value at time of transfer or material improvement to the property, including, but not limited to, California's Proposition 13, which was adopted by voters in 1978;

(3) Economic and fiscal effects of the current property tax structure on taxpayers and local governments and the reasonably anticipated impacts proposed changes, or other states' structures if applied, will have on taxpayers and local governments, and those impacts in the short-term and long-term; and

(4) Ancillary or collateral effects that may be reasonably anticipated to result from a change to the current property tax structure or as seen in other states, particularly in those that have enacted limits on property tax increases in some form or another, including impacts to housing inventory or homeowner mobility.

(d) The committee shall report its findings on or before February 1, 2024, and may in that report provide any legislative recommendations the committee finds appropriate.

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. 1334

House Bill No. 1192*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 13, Chapter 23, Part 1, is amended by adding the following new section:

(a) The agency may provide for the construction, maintenance, and funding, for up to two (2) years of services, for a sanctioned camping site for individuals lacking a stable home. The campsites must allow individuals to camp and store personal property, or must provide small-unit shelters housing no more than two (2) individuals. The campsites must be secure and provide access to electricity, potable water, showers, and bathroom facilities. Such campsites must limit occupation to no more than two (2) consecutive years unless there are extenuating circumstances. A public or private operator of such a campsite is immune from liability from the acts of individuals residing on the site except in cases of gross negligence. If the agency determines that extenuating circumstances justify occupation by an individual for more than two (2) consecutive years, services must continue to be provided to the individual during the extended period.

(b) The agency may provide for pay-for-performance contracts for individuals lacking a stable home for up to two (2) years. The contracts must assist such individuals with substance use, mental health treatment, and other similar services, including short-term housing support. The agency shall provide up to twenty-five percent (25%) of the base allocation of such contracts as performance payments to the contracting individual or group of individuals that can meet pre-defined goals for reducing the amount of days



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such individual or group is unhoused, in jail or prison, or hospitalized. If a public entity other than the agency maintains data that may assist the agency with evaluating pay-for-performance contracts executed under this subsection (b), then the entity shall provide access to such data to the agency upon request.

(c) Agency funds, or federal funds received by the agency for which there are not explicit requirements for such uses under federal law or regulation, must not be used to construct permanent supportive housing for the homeless, but may be used for the programs set forth under subsections (a) and (b).

(d) The agency shall prioritize the use of awards, including awards from the housing trust fund created pursuant to § 13-23-501, for programs established under subsections (a) and (b) in those counties that have an above-average level of unsheltered homeless individuals per capita, as calculated by the most recent federal decennial census and the most recent point-in-time count of homelessness required by the United States department of housing and urban development.

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. 554*

House Bill No. 781

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 68-120-101(a)(8)(B), is amended by deleting subdivision (i) and substituting:

(i) If a local government seeks to adopt mandatory sprinkler requirements for one-family and two-family dwellings pursuant to this subdivision (a)(8), then the local government shall adopt the requirements by either ordinance or resolution, as appropriate. Mandatory sprinkler requirements may be voted on in an ordinance or resolution separate from any other ordinance or resolution addressing building construction safety standards;

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. 707*

House Bill No. 1010

by deleting all language after the caption and substituting:

WHEREAS, Tennessee currently ranks as having the 11th best economy in the nation;
and

WHEREAS, Tennessee is one the top states for company relocation and according to Tennessee's Secretary of State there have been more than 77,000 new business filings in the last year; and

WHEREAS, the largest number of new business filings in 2022 were in Shelby County, Davidson County, Knox County, and Hamilton County, and Tennessee's other 91 counties saw new business filings grow by 16.2%; and

WHEREAS, commercial real estate development in Tennessee is a powerful economic engine, contributing \$12.8 billion to the state's economy in the last year, generating \$4.7 billion in wages and salaries, and creating and supporting 83,350 jobs; and

WHEREAS, Tennessee ranks 8th nationally for inbound residents; and

WHEREAS, Tennessee is expected to grow by more than a million people over the next 20 years; and

WHEREAS, in the period between 2012-2022 permit requests increased by 309%; and

WHEREAS, local building permits are an essential and fundamental requirement for the development and improvement of commercial and residential properties; delays in obtaining permits can impact cost, financing, and contractual relationships with contractors and providers of construction equipment and materials; and



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WHEREAS, reforms to the local permitting process can bring more predictability and accountability therefore reducing uncertainty and unnecessary delays; and

WHEREAS, Tennessee continues to experience rapid economic growth, and reforms to the permitting process are needed to ensure the commercial and residential real estate industry can meet the current and future economic growth in the State; 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 "Tennessee Permitting and Inspection Streamlining Act."

SECTION 2. Tennessee Code Annotated, Title 6, Chapter 54, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Applicant" means a person submitting an application for government approval;

(2) "Application" means a written request submitted by an applicant to a local governmental entity for governmental approval;

(3) "Building" means any construction, erection, alteration, demolition, or improvement of, or addition to, any structure or site work for which permitting by a local governmental entity is required;

(4) "Building code inspection services":

(A) Means plan reviews and inspections; and

(B) Does not include a governmental approval from a utility department, division, or operation of a local government; except that "building code inspection services" does include a governmental approval from a water, wastewater, or stormwater department, division, or operation of a local government in a county with a metropolitan form of government;

(5) "Governmental approval":

(A) Means a license, certificate, registration, certification, permit, fee, or other form of permission required from a governmental entity prior to engaging in the activity of developing property, constructing a building, or making utility or infrastructure improvements or repairs to property; and

(B) Does not include any form of permission required by a utility department, division, or operation of a local government; except that "governmental approval" does include a form of permission required by a water, wastewater, or stormwater department, division, or operation of a local government in a county with a metropolitan form of government;

(6) "Inspection" means the inspections required by law, conducted either in person or virtually, of each phase of construction for which permitting by a local governmental entity is required to determine compliance with applicable codes;

(7) "Local government" means a county, municipality, incorporated city or town, metropolitan government, or other political subdivision of this state;

(8) "Local governmental entity":

(A) Means the components of a local government with the authority to issue, enforce, or collect fees for governmental approvals needed for development, construction of a building, or making utility or infrastructure improvements to property; and

(B) Does not include a utility department, division, or operation of a local government; except that "local governmental entity" does include a water, wastewater, or stormwater department, division, or operation of a local government in a county with a metropolitan form of government;

(9) "Permit":

(A) Means the approval given by a local governmental entity to proceed on a building or construction project;

(B) Includes, but is not limited to, permits for grading, foundations, utilities, water, stormwater, infrastructure, infrastructure improvements, and vertical construction; and

(C) Does not include an inspection for a one-family or two-family dwelling under the International Residential Code, unless approved by the building official who has the authority of the jurisdiction in which the dwelling is located;

(10) "Plan review" means a service involving the review of building plans as well as those services involving the review of site plans and site work engineering plans or their functional equivalent, to determine compliance with applicable codes;

(11) "Private professional provider" means a professional engineer who holds a certificate of registration issued under title 62, chapter 2, or a professional architect who holds a certificate of registration issued under title 62, chapter 2, who carries the insurance required by this act and who is not an employee of or otherwise affiliated with or financially interested in the person, firm, or corporation engaged in the construction project to be reviewed or inspected;

(12) "Property" means privately owned property, property that is zoned for the exclusive purpose of constructing affordable housing, or property in the public right-of-way; and

(13) "Regulatory requirements" means the requirements determined by a local government to be necessary for approval of plans, permits, or applications under this section; provided, however, that with respect to any application, such requirements include the Tennessee State Minimum Standard Codes and any locally adopted ordinances and amendments to such codes; applicable zoning

ordinances and conditions; design standards; and other state and local laws, regulations, and ordinances applicable to the application in question.

(b)

(1) An applicant may retain, at the applicant's expense and choosing, a private professional provider to review and process the applicant's application and provide building code inspection services, pursuant to this section.

(2) An applicant or applicant's contractor using a private professional provider to provide building code inspection services shall notify the appropriate local governmental entity in writing at the time of permit application, or by two o'clock p.m. (2:00 p.m.) local time, at least two (2) business days before the first scheduled inspection by the local governmental entity, that a private professional provider has been contracted to perform the required building code inspection services, including single-trade inspections, on a form to be adopted by the local governmental entity. The notice must include the following information:

(A) The building code inspection services to be performed by the private professional provider;

(B) The name, firm, address, telephone number, and email address of each private professional provider with whom the applicant has contracted, the provider's professional license or certification number, qualification statements or resumes, and, if required by the local governmental entity, a certificate of insurance demonstrating that professional liability insurance coverage is in place for the private professional provider's firm, the private professional provider, and any duly authorized representative in the amounts required by subsection (g); and

(C) An acknowledgment from the applicant in substantially the following form:

I have elected to use one or more private professional providers to provide building code plans review and/or inspection services on the building or structure that is the subject of the enclosed permit application, as authorized by Tennessee law. I understand that the local governmental entity may not review the plans submitted or perform the required building inspections to determine compliance with the applicable codes, except to the extent specified by law. Instead, plans review and/or required building inspections will be performed by the licensed or certified personnel identified in the application. The law requires minimum insurance requirements for such personnel, but I understand that I may require more insurance to protect my interests. By executing this form, I acknowledge that I have made inquiry regarding the competence of the licensed or certified personnel and the level of their insurance and am satisfied that my interests are adequately protected. I agree to indemnify, defend, and hold harmless the local government, the local government entity, and their building code enforcement personnel from any and all claims arising from my use of these licensed or certified personnel to perform building code inspection services with respect to the building or structure that is the subject of the enclosed permit application.

(c)

(1) An applicant shall submit a copy of the private professional provider's plan review report to the local governmental entity within five (5) days of its completion. Such plan review report must include, at a minimum, the following:

(A) The affidavit of the private professional provider required by subdivision (c)(3);

(B) The applicable fees; and

(C) Any documents required by the local governmental entity and any other documents necessary to determine that the permit applicant has secured all other governmental approvals required by law.

(2) No more than thirty (30) calendar days after receipt of both a permit application and the affidavit from the private professional provider required by subdivision (c)(3), the local governmental entity shall issue the requested permit or provide written notice to the permit applicant identifying the specific plan features that do not comply with the applicable code's regulatory requirements, as well as the specific code chapters and sections of such regulatory requirements. If the local governmental entity does not provide a written notice of the plan deficiencies within ten (10) calendar days of receipt of the application and affidavit, then the permit application is approved as a matter of law and the permit must be issued by the local government entity at the end of the thirty-day period.

(3) A private professional provider performing plan reviews under this subsection (c) shall review plans to determine compliance with all applicable regulatory requirements. Upon determining that the plans reviewed comply with the applicable regulatory requirements, the private professional provider shall prepare an affidavit or affidavits on a form adopted by the local governmental entity certifying under oath that the following is true and correct to the best of such private professional provider's knowledge and belief and in accordance with the applicable professional standard of care:

(A) The plans were reviewed by the private professional provider who is duly authorized to perform plan review pursuant to this section and who holds the appropriate license or certifications and insurance coverage stipulated in this section;

(B) The plans comply with all applicable regulatory requirements;
and

(C) The plans submitted for plan review are in conformity with plans previously submitted to obtain governmental approvals required in the submittal process and do not make a change to the project reviewed for such approvals.

(d) Upon completion of all required inspections, a private professional provider shall prepare a certificate of compliance, on a form acceptable to the local government entity, summarizing the inspections performed and including a written representation, under oath, that the stated inspections have been performed and that, to the best of the private provider's knowledge and belief, the building inspected complies with the approved plans and applicable codes. The statement required of the private provider shall be substantially in the following form and shall be signed and sealed by the private provider or may be electronically transmitted to the local governmental entity:

To the best of my knowledge and belief, the building components and site improvements outlined herein and inspected under my authority have been completed in conformance with the approved plans and the applicable codes.

(e) A plan review or inspection conducted by a private professional provider pursuant to this section must be no less extensive than plan reviews or inspections conducted by local governmental entity personnel.

(f) The applicant retaining a private professional provider to conduct a plan review or an inspection shall pay to the local government that requires the plan review or inspection the entirety of the charges that would have been required had the plan review or inspection been conducted by the local governmental entity.

(g) All private professional providers providing plan review or inspection services pursuant to this section shall secure and maintain insurance coverage for professional

liability (errors and omissions) insurance. The limits of such insurance must not be less than one million dollars (\$1,000,000) per claim and one million dollars (\$1,000,000) in aggregate coverage for any project with a construction cost of five million dollars (\$5,000,000) or less and two million dollars (\$2,000,000) per claim and two million dollars (\$2,000,000) in aggregate coverage for any project with a construction cost of more than five million dollars (\$5,000,000). Such insurance may be a practice policy or project-specific coverage. If the insurance is a practice policy, then the policy must contain prior acts coverage for the private professional provider. If the insurance is project-specific, then the policy must continue in effect for two (2) years following the issuance of the certificate of final completion for the project. The permit applicant shall verify compliance with the insurance requirements of this subsection (g).

(h) A person who is not registered pursuant to title 62 but is employed by a private professional provider and performing inspections under the authority of the private professional provider, must possess and maintain International Code Council (ICC) certification in all areas of inspection that the person performs.

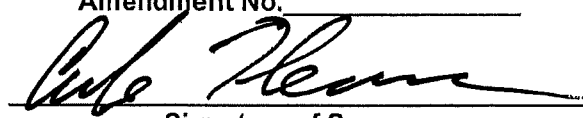
(i) A local enforcement agency, local governmental entity, or local government may establish, for private professional providers working within that jurisdiction, a system of registration listing the private professional providers within their stated areas of competency.

(j) The private professional provider may perform any plan review or inspection required by the local governmental entity, including, but not limited to, inspections for footings, foundations, concrete slabs, framing, electrical, plumbing, heating ventilation and air conditioning (HVAC), or any and all other inspections necessary or required to determine compliance with all regulatory requirements and for the issuance of a permit or certificate of occupancy by the governing authority of a county or municipality; provided, that the plan review or inspection is within the scope of the private professional provider's area of competency. This section does not authorize a private professional

provider to issue a certificate of occupancy. No entity other than a local governmental entity may issue a certificate of occupancy.

(k) The applicant retaining a private professional provider shall ensure that neither the applicant or private professional provider is placed in a position where, in the reasonable opinion of the local government entity, there is or may be an actual conflict, or a potential conflict, between the pecuniary or personal interests of the private professional provider and the duties owed to the local government entity under the provisions of the permit or inspection sought. The applicant retaining a private professional provider, as well as the private professional provider, shall disclose to the local governmental entity full particulars of any such conflict of interest which may arise.

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. 1050

House Bill No. 468*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 7-4-110, is amended by adding the following new subsection:

(h) Notwithstanding this section or another law to the contrary, the proceeds from a tax levied pursuant to this section upon the occupancy of a short-term rental unit secured through a short-term rental unit marketplace that are distributed to the metropolitan government by the department of revenue pursuant to § 67-4-1506, must be deposited into an account created by the metropolitan government pursuant to an ordinance and used exclusively for promoting affordable housing for residents of limited means within the county. The remaining proceeds must be used as otherwise provided by law.

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



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Amendment No. _____

Rebecca Alexander

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 851

House Bill No. 938*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 6-51-201, is amended by adding the following as new subsections:

(c)

(1) Owners of real property used primarily for agricultural purposes who reside in a territory previously annexed by ordinance upon the initiative of the municipality may petition the municipality to deannex such property, if:

(A) The deannexation of the property does not create an area of unincorporated territory that is completely surrounded by municipal boundaries; and

(B) The owner at the time the petition is made is the same owner as when the property was annexed.

(2) The petition must include a copy of the ordinance that includes the map of the plat seeking deannexation. The map must be the same map the municipality used to annex the territory.

(3) Upon receiving the petition for deannexation, the municipality shall determine the debt amount owed pursuant to § 6-51-204(a), if any, within thirty (30) days.

(4) The deannexation of the property becomes operative ninety (90) days after receipt of the petition by the municipality.



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(d) This section does not require a municipal utility to cease providing electrical service, sanitary sewer service, other utility services, or street lighting in the territory excluded from the municipality's corporate limits.

(e) For purposes of this section, "property used primarily for agricultural purposes" means property owned or operated by a person whose federal income tax return contains one (1) or more of the following:

(1) Business activity on IRS schedule F, profit or loss from farming, and the business activity reflected on the form is related to the property that is the subject of the petition; or

(2) Farm rental activity on IRS form 4835, farm rental income and expenses on schedule E, supplemental income and loss, and the farm rental activity reflected on the form is related to the property that is the subject of the petition.

SECTION 2. Tennessee Code Annotated, Section 6-51-204(a), is amended by deleting the subsection and substituting instead the following:

(a)

(1) Except for responsibility for any debt newly contracted after the territory was annexed and prior to the surrender of jurisdiction, all municipal jurisdiction ceases over the territory excluded from the municipality's corporate limits on:

(A) The effective date of the ordinance if the contraction is done by ordinance;

(B) The date of the certification of the results of the election if the contraction is done by election; or

(C) The operative date of a contraction accomplished through a petition by an owner of property used primarily for agricultural purposes pursuant to § 6-51-201(c).

(2) The municipality may continue to levy and collect taxes on property in the excluded territory to pay the excluded territory's proportion of any debt newly contracted after the territory was annexed and prior to the exclusion.

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. _____

Chris J. Hunt

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 711*

House Bill No. 898

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 67-5-1005(a), is amended by adding a new subdivision (4):

(4) In determining whether land is agricultural land, the assessor of property shall take into account whether the land is enrolled in a conservation program administered by the United States department of agriculture, whether the land is in a conservation easement as defined by § 66-9-303, or whether the land is restricted by § 68-212-225, if, at the time of its enrollment, the land was classified as agricultural land by the assessor of property.

SECTION 2. Tennessee Code Annotated, Section 67-5-1006(b), is amended by adding a new subdivision (3):

(3) In determining whether land is forest land, the assessor of property shall take into account whether the land is enrolled in a conservation program administered by the United States department of agriculture, whether the land is in a conservation easement as defined by § 66-9-303, or whether the land is restricted by § 68-212-225, if, at the time of its enrollment, the land was classified as forest land by the assessor of property.

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



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Amendment No. _____

John H. H. - Hays

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 316*

House Bill No. 776

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 7-40-103(5), is amended by designating the language as subdivision (A) and adding the following new subdivision (B):

(B) "Cost" does not include commission fees paid to or received from an affiliated entity that otherwise receives an incentive under this chapter. For purposes of this subdivision (5)(B), "affiliated" means that one (1) entity has a direct or indirect ownership interest in the other entity, or the two (2) entities share one (1) or more common owners;

SECTION 2. Tennessee Code Annotated, Section 7-40-103, is amended by adding the following as a new, appropriately designated subdivision:

() "Direct or indirect assistance" or "direct or indirect financial assistance" includes:

(A) Location assistance to a tenant for purposes of incentivizing a tenant to locate a project within a border region retail tourism development district; and

(B) Discounts on rent that:

(i) Are provided to a tenant pursuant to a lease agreement that was executed before the expiration of the investment period;

(ii) Accrue annually based on the amount of rent discounted during each respective year;

(iii) Equal the difference between the actual rent paid and the fair market value of rent at the time the lease was executed as certified by the



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commissioner of revenue using generally accepted valuation practices;
and

(iv) Include discounts on rent that accrue up through the thirty-five-year period established in § 7-40-104(d), or the termination of the original lease, whichever occurs first.

SECTION 3. Tennessee Code Annotated, Section 7-40-104(c), is amended by designating the language as subdivision (1) and adding the following new subdivision (2):

(2) With respect to any summary of costs that is submitted by the chief financial officer of the municipality on behalf of a developer that has incurred costs relative to an economic development project within the district in excess of three million dollars (\$3,000,000), such summary of costs shall first be certified by an individual holding a certificate of certified public accountant in Tennessee by the state board of accountancy established under § 62-1-104 prior to submittal to the commissioner.

SECTION 4. Tennessee Code Annotated, Section 7-41-103(4), is amended by deleting the language "including, but not limited to," and substituting instead the language "which is limited to"; and by deleting the language ", including funds for location assistance".

SECTION 5. Tennessee Code Annotated, Section 7-41-103(4), is amended by designating the language as subdivision (A) and adding the following new subdivision (B):

(B) "Cost" does not include:

(i) Management fees, overhead expenses, or other costs with respect to the operation or management of a property after the property has been approved for occupancy;

(ii) Commissions, fees, or other costs paid to or received from an affiliated entity that otherwise receives an incentive under this chapter. For purposes of this subdivision (4)(B)(ii), "affiliated" means that one (1) entity has a direct or indirect ownership interest in the other entity, or the two (2) entities share one (1) or more common owners; or

(iii) Fees or other costs paid to terminate an existing lease for a business located outside the district that is relocating to a new facility located in the district;

SECTION 6. Tennessee Code Annotated, Section 7-41-103(5), is amended by deleting the language "including, but not limited to," and substituting instead the language ", which is limited to"; is further amended by deleting the language ", including funds for location assistance" immediately after the language "direct or indirect financial assistance"; and is further amended by deleting the language "location assistance," immediately after the language "cost of land, buildings,".

SECTION 7. Tennessee Code Annotated, Section 7-41-103, is amended by adding the following as a new, appropriately designated subdivision:

() "Direct or indirect assistance":

(A) Means discounts on rent that:

(i) Are provided to a tenant pursuant to a lease agreement that was executed before July 1, 2022;

(ii) Accrue annually based on the amount of rent discounted during the year; and

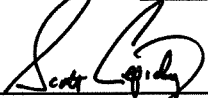
(iii) Subject to approval by the commissioner of revenue, equal the difference between the actual rent paid and the fair market value of rent at the time the lease was executed; and

(B) Does not include discounts on rent that accrue on or after July 1, 2027, or after the termination of the original lease, whichever occurs first;

SECTION 8. 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 9. This act takes effect upon becoming a law, the public welfare requiring it, and applies to all costs submitted for reimbursement on or after July 1, 2011.

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 67-4-2913, is amended by deleting the section and substituting instead:

A county shall not enact a local real estate transfer tax by private or public act.

After December 1, 2023, a county shall not enact an impact fee on development 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 municipality or county 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 December 1, 2023, or from revising the dedicated use and purpose of a tax on new development from public facilities to public school facilities. A county levying a development tax or impact fee by private act on December 1, 2023, is prohibited from using the authority provided in this part so long as the private act is in effect.

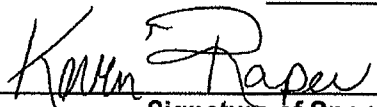
SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.



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Amendment No. _____

Signature of Sponsor

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Date _____
Time _____
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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)(3)(B), is amended by deleting the language "tax year 2018" and substituting instead the language "tax year 2025".

SECTION 3. Tennessee Code Annotated, Section 67-5-703, 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 4. 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 2025".

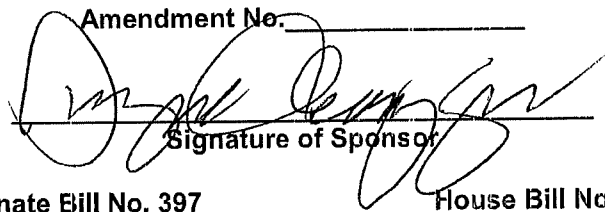
SECTION 5. This act takes effect July 1, 2023, the public welfare requiring it, and applies to tax years beginning on or after that date.



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Amendment No. _____

Signature of Sponsor

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Date _____
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AMEND Senate Bill No. 397

House Bill No. 33*

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

SECTION 1. Tennessee Code Annotated, Title 67, Chapter 5, Part 6, is amended by adding the following new section:

(a) Countywide emergency response frameworks must include assessors of property at the option of an assessor to monitor events related to disasters or emergencies that have affected or have the potential to affect the condition of real or tangible personal property within individual assessors' jurisdictions.

(b) Assessors of property and county emergency management officials shall coordinate when their respective jurisdictions conduct joint preliminary damage assessments. Final copies of joint preliminary damage assessments must be made available to assessors upon request.

(c) Assessors of property, through coordination with county emergency management officials, have unrestricted rights in the performance of official duties to enter and inspect property within disaster areas to include all property having been affected or potentially affected by disaster or other related events.

SECTION 2. Tennessee Code Annotated, Section 67-5-303(a), is amended by adding the following new subdivision:

(4) All records held, maintained, or created by county and municipal public agencies must be made available to assessors of property for the purposes of property valuation and all other official duties.

SECTION 3. Tennessee Code Annotated, Section 67-5-603, is amended by adding the



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following new subsection:

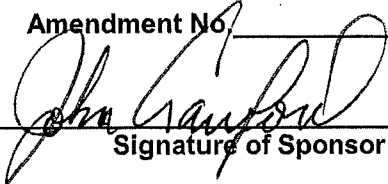
(d) In the case of damage as a result of a disaster declared by the president of the United States, the annual assessment of an affected building or improvement in a county included in the presidential declaration must be prorated as otherwise provided in subsection (a), for the actual time the building or improvement is destroyed and not replaced, or the actual time the building or improvement is substantially damaged, notwithstanding the building or improvement is restored or replaced by September 1; provided, the total time the building or improvement is destroyed or damaged and not replaced or restored, exceeds thirty (30) days. The owner must apply for this relief to the assessor of property by September 1 using a form approved by the director of the state division of property assessments. This subsection (d) shall not take effect as to any particular county or municipality unless approved by a two-thirds (2/3) vote of its governing body following the disaster being declared by the president of the United States.

SECTION 4. Tennessee Code Annotated, Section 67-5-606, is amended by adding the following new subsection:

() In the case of damage as a result of a disaster declared by the president of the United States, the annual assessment of commercial and industrial tangible personal property that is destroyed, demolished, or substantially damaged as a result of being located in a county included in the presidential declaration shall be prorated as otherwise provided in subsection (a), for the actual time the qualifying personal property is not replaced or restored notwithstanding that such personal property is replaced or restored by September 1, if the total time the qualifying personal property is not replaced or restored exceeds thirty (30) days. The owner must apply for this relief to the assessor of property by September 1 of the following year using a form approved by the director of the state division of property assessments. The owner shall provide the assessor of

property a listing of the destroyed, demolished, or substantially damaged personal property for which the proration is sought. This subsection (c) shall not take effect as to any particular county or municipality unless approved by a two-thirds (2/3) vote of its governing body following the disaster being declared by the president of the United States.

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

Amendment No. _____

Signature of Sponsor

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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:

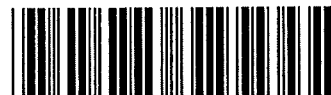
66-38-101. Findings; purpose and intent.

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:

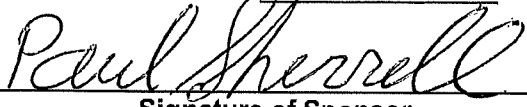
(e) In deciding whether to approve a subdivision plat within the area of a metropolitan government, the metropolitan planning commission shall base its decision solely upon compliance with the subdivision regulations and the applicable zoning ordinance. The metropolitan planning commission shall not 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.

Amendment No. 7

Signature of Sponsor

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

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION ____.

(a) Notwithstanding another law to the contrary, the bridge (Bridge No. 89S42900011) spanning the Barren Fork River on Shelbyville Road in Warren County, Tennessee, is hereby designated the "SP4 Donnie Ray McCormick Memorial Bridge" to honor the memory of Light Weapon Infantry Specialist, Donnie Ray McCormick, who served in the United States Army and who made the ultimate sacrifice on February 8, 1968, when he came under hostile fire and was tragically killed in action in the Vietnam War.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (a) as the "SP4 Donnie Ray McCormick Memorial Bridge". The cost of the signage must be funded in accordance with Tennessee Code Annotated, Section 54-1-133.

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.



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Amendment No. _____

Charlie Brown

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION ____.

(a) Notwithstanding another law to the contrary, the segment of Old Nashville Highway within Rutherford County, beginning at the intersection of such route with Enon Springs Road and ending at the intersection of such route with Interstate 840, is hereby designated the "Valor Memorial Highway" to honor Tennessee's most courageous citizens who have demonstrated valiant service to our nation and who have lost their lives in service to this country so that the people of this country may enjoy the many bounties of democracy.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Valor Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section is operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for



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the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

(e) The appellation "Valor Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(f) This section does not require the alteration of any previously named segment or segments of Old Nashville Highway described in subsection (a) as "Valor Memorial Highway".

SECTION ____.

(a) Notwithstanding another law to the contrary, the segment of Old Nashville Highway within Rutherford County, beginning at the intersection of such route with Interstate 840 and ending at the intersection of such route with North Thompson Lane, is hereby designated the "Gold Star Highway" to honor the families of the courageous men and women who have lost their lives in service to this country so that the people of this country may enjoy the many bounties of democracy.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Gold Star Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

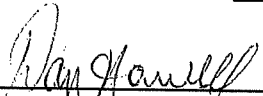
(d) This section is operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any

expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

(e) The appellation "Gold Star Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(f) This section does not require the alteration of any previously named segment or segments of Old Nashville Highway described in subsection (a) as the "Gold Star Highway".

Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION __.

(a) Notwithstanding another law to the contrary, the bridge (Bridge No. 61S43350001) on State Route 304 spanning Big Sewee Creek, in Meigs County, Tennessee, is hereby designated the "Gladys Cunningham Memorial Bridge" to honor the memory of this dedicated educator and lifelong resident of Meigs County, who served as a teacher in Meigs County for forty-seven years.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (a) as the "Gladys Cunningham Memorial Bridge".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be



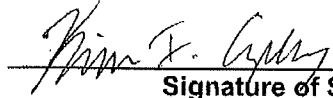
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remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

Amendment No. _____



Signature of Sponsor

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Date _____

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Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION __.

(a) Notwithstanding another law to the contrary, the segment of State Route 6 / U.S. Highway 43 (Lawrenceburg Highway) in Maury County, Tennessee, beginning from the overpass of such route spanning Mt. Joy Road and ending at the junction of such route with State Route 243, is hereby designated the "Dee Edwin Waggy Memorial Highway" to honor the memory of this courageous veteran and beloved husband, father, grandfather, and resident of Maury County, Tennessee, whose life was tragically cut short on November 2, 2020, near this location while he was selflessly assisting another driver.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Dee Edwin Waggy Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The



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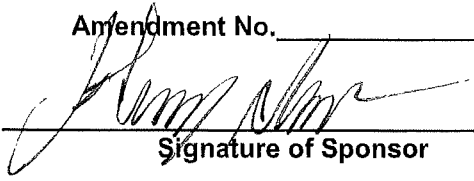
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department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

(e) The appellation "Dee Edwin Waggy Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(f) This section does not require the alteration of any previously named segment or segments of State Route 6 / U.S. Highway 43 described in subsection (a) as the "Dee Edwin Waggy Memorial Highway".

Amendment No. _____


Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION ____.

(a) Notwithstanding another law to the contrary, the segment of Interstate 40 beginning at mile marker 47 and ending at mile marker 56 in Haywood County, Tennessee is hereby designated the "Bishop William H. Graves, Sr. Memorial Highway" to honor this incredibly well-respected community and national leader, dedicated public servant, and beloved resident of Haywood County who was appointed by President George W. Bush to the Board of Directors for the Tennessee Valley Authority as its first African-American member, and who served more than 180 churches in Arkansas and Tennessee from 1982 until his retirement as Senior Bishop in 2010.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Bishop William H. Graves, Sr. Memorial Highway". The signs must be erected or affixed so as to be visible to both eastbound and westbound motorists on Interstate 40.

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) The appellation "Bishop William H. Graves, Sr. Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the



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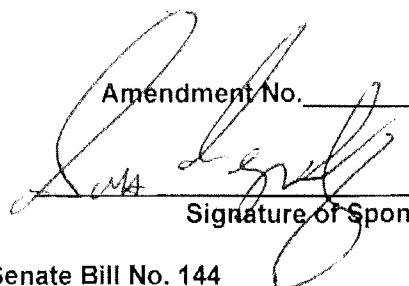


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alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(e) This section does not require the alteration of any previously named segment of Interstate 40 described in subsection (a) as the "Bishop William H. Graves, Sr. Memorial Highway".

(f) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

Amendment No. _____

Signature of Sponsor

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

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION ____.

(a) Notwithstanding another law to the contrary, the entire segment of Interstate 65 located in Maury County is hereby designated the "Valor Memorial Highway" to honor all military service members, law enforcement officers, firefighters, EMTs, and other first responders who have lost their lives in the line of duty.

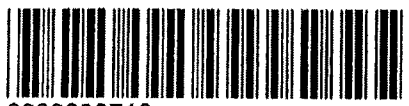
(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Valor Memorial Highway".

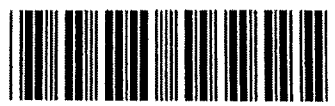
(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) The appellation "Valor Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(e) This section does not require the alteration of any previously named segment of Interstate 65 described in subsection (a) as the "Valor Memorial Highway".

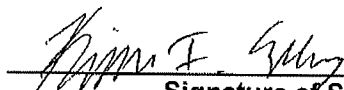
(f) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds


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within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION ____.

(a) Notwithstanding another law to the contrary, the bridge (Bridge No. 60SR0500007) on State Route 50 (Williamsport Pike) spanning Green Lick Creek in Maury County, Tennessee, is hereby designated the "Jean Corley Harlan Memorial Bridge" to honor the memory of Jean Corley Harlan, an esteemed resident of Maury County who spent a lifetime of service to the agriculture community in the county in running her family farm with her children after the death of her husband, Edward, and through her active participation in the county 4-H program, the Maury County Farm Bureau, West End Baptist Church, and Cosmopolitan Book Club.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (a) as the "Jean Corley Harlan Memorial Bridge".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The



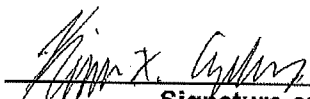
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department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION ____.

(a) Notwithstanding another law to the contrary, the bridge on Hay Hollow Road spanning Leiper's Creek in Maury County, Tennessee, is hereby designated the "Larry and Sandra Warf Adkison Bridge" to honor these well-respected residents of Maury County.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (a) as the "Larry and Sandra Warf Adkison Bridge".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be



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remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION ____.

(a) Notwithstanding another law to the contrary, the segment of State Route 12 (Ashland City Highway) in Davidson County, Tennessee, beginning at the intersection of such route with Eatons Creek Road and ending at the intersection of such route with Jordan Drive, is hereby designated the "Dollene Myles Memorial Highway" to honor the memory of this lifelong educator who was a beloved and well-respected resident of Davidson County.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Dollene Myles Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) The appellation "Dollene Myles Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(e) This section does not require the alteration of any previously named segment of State Route 12 described in subsection (a) as the "Dollene Myles Memorial Highway".



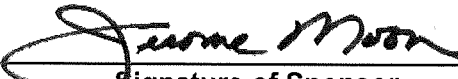
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(f) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION ____.

(a) Notwithstanding another law to the contrary, the southbound bridge on State Route 35 (Hall Road) spanning Pistol Creek in the City of Alcoa, Blount County, Tennessee, is hereby designated the "CPL James G. Dobson Memorial Bridge" to honor the memory of James Dobson, Corporal, United States Army, a native of the City of Alcoa, who, as a member of the Third Infantry Division in the Korean War, was captured and held as a prisoner of war for two and a half years, and upon his release in 1953 returned home to Blount County and developed a career as a professional photographer.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (a) as the "CPL James G. Dobson Memorial Bridge".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The



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department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

Amendment No. _____


Signature of Sponsor

FILED

Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION ____.

(a) Notwithstanding another law to the contrary, the northbound bridge on State Route 35 (Hall Road) spanning Pistol Creek in the City of Alcoa, Blount County, Tennessee, is hereby designated the "SGT Oscar R. Proffitt Memorial Bridge" to honor the memory of Oscar Rankin Proffitt, Sergeant, United States Army Air Corps, a native of Alcoa who served as a bombardier/nose gunner and navigator on a B-17 Flying Fortress with the 347th Bomber Squadron, 99th Bombardment Group (Heavy) during World War II, and who made the ultimate sacrifice on November 7, 1944, when he was killed in action after parachuting from his aircraft over Maribor, Yugoslavia.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (a) as the "SGT Oscar R. Proffitt Memorial Bridge". The cost of the signage must be funded in accordance with Tennessee Code Annotated, Section 54-1-133.

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.



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Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION ____.

(a) Notwithstanding another law to the contrary, the segment of State Route 14 (Austin Peay Highway / Jackson Avenue) within the City of Memphis, Tennessee, beginning at the intersection of such route with State Route 204 (Singleton Parkway / New Covington Pike) and ending at the intersection of such route with Interstate 40, is hereby designated "Veterans Boulevard" to honor the courageous men and women who have served in the Armed Forces of the United States so that the people of this country may enjoy the many bounties of democracy.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as "Veterans Boulevard".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) The appellation "Veterans Boulevard" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.



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(e) This section does not require the alteration of any previously named segment or segments of State Route 14 described in subsection (a) as "Veterans Boulevard".

(f) This section is operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

Amendment No. _____

Signature of Sponsor

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

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION ____.

(a) Notwithstanding another law to the contrary, the segment of State Route 294 (Willow Grove Highway) in Overton County, Tennessee, beginning at the intersection of such route with Oakley Allons Road and ending at Fellowship Baptist Church, located at 2810 Willow Grove Highway, is hereby designated the "Gene Noel Martin Memorial Highway" to honor the memory of this well-respected member of the Allons community and veteran of World War II.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Gene Noel Martin Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) The appellation "Gene Noel Martin Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.



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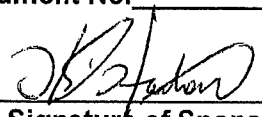


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(e) This section does not require the alteration of any previously named segment of State Route 294 described in subsection (a) as the "Gene Noel Martin Memorial Highway".

(f) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION ____.

(a) Notwithstanding another law to the contrary, the bridge on State Route 20 / U.S. Highway 412 spanning Johnson Creek in Decatur County, Tennessee, is hereby designated the "Chief Kenny Fox Memorial Bridge" to honor the memory of Kenny Fox, Fire Chief of the Decaturville Volunteer Fire Department and Chief of the Decaturville Police Department, who was killed tragically on April 7, 2012, while fighting a fire, in which he heroically and selflessly pushed two other firefighters who were with him toward the exit before the roof collapsed on Chief Fox.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (a) as the "Chief Kenny Fox Memorial Bridge". The cost of the signage must be funded in accordance with Tennessee Code Annotated, Section 54-1-133.

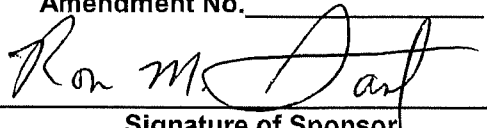
(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.



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Amendment No. _____


Signature of Sponsor

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

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION ____.

(a) Notwithstanding another law to the contrary, the segment of State Route 15 / U.S. Highway 64 (East Main Street) in the City of Adamsville, Tennessee, beginning at the intersection of such route with State Route 22 (North Maple Street) and ending at the eastern boundary of Adamsville, is hereby designated the "Matthew Locke Memorial Highway" to honor the memory of this exemplary public servant who previously served as an officer with the Adamsville Police Department and who, as a deputy sheriff with the Hardin County Sheriff's Office, made the ultimate sacrifice on September 25, 2021, when he was shot and killed while assisting other officers in responding to a domestic disturbance call.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating each of the northbound and southbound segments described in subsection (a) as the "Matthew Locke Memorial Highway". The cost of the signage must be funded in accordance with Tennessee Code Annotated, Section 54-1-133.

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.



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(d) The appellation "Matthew Locke Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(e) This section does not require the alteration of any previously named segment or segments of State Route 15 / U.S. Highway 64 described in subsection (a) as the "Matthew Locke Memorial Highway".

Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION ____.

(a) Notwithstanding another law to the contrary, the bridge on State Route 106 / U.S. Highway 431 (Hillsboro Road) spanning the Little Harpeth River in the City of Brentwood, Williamson County, Tennessee, is hereby designated the "Maj. Samuel P. Logan, Jr. Memorial Bridge" to honor the memory of Samuel Porter Logan, Jr., Major, United States Air Force, who served with honor in the Korean War while defending our freedom and our way of life so that we could continue to live in peace here at home and who made the ultimate sacrifice when he was shot down while piloting a B-29 Super Fortress over North Korea on September 9, 1950, and, while there is evidence of his capture, was never formally declared a prisoner of war and later declared missing in action and presumed dead by the Air Force on March 31, 1954.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (a) as the "Maj. Samuel P. Logan, Jr. Memorial Bridge". The cost of the signage must be funded in accordance with Tennessee Code Annotated, Section 54-1-133.

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.



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Amendment No. _____


Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION ____.

(a) Notwithstanding another law to the contrary, the bridge on State Route 335 (Hunt Road) spanning U.S. Highway 129 (Alcoa Highway) in Blount County, Tennessee, is hereby designated the "Sgt. Michael H. Ferschke, Jr. Memorial Bridge" to honor the memory of Michael H. Ferschke, Jr., Sergeant, United States Marine Corps, who served with honor as a radio operator with the 3rd Reconnaissance Battalion, 3rd Marine Division, while defending our freedom and our way of life so that we could continue to live in peace here at home and who made the ultimate sacrifice during Operation Iraqi Freedom when he was killed on August 10, 2008, while supporting combat operations in Tikrit, Iraq.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (a) as the "Sgt. Michael H. Ferschke, Jr. Memorial Bridge". The cost of the signage must be funded in accordance with Tennessee Code Annotated, Section 54-1-133.

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.



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Amendment No. _____

Signature of Sponsor

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

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION __.

(a) Notwithstanding another law to the contrary, the segment of U.S. Highway 41A (University Avenue) within the City of Clarksville, Montgomery County, Tennessee, beginning at the intersection of such route with State Route 76 (Madison Street), continuing with its junction with State Route 48 (College Street), and ending at the intersection of such route with State Route 13 (Riverside Drive), is hereby designated "Valor Memorial Highway" to honor fallen heroes.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as "Valor Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) The appellation "Valor Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.



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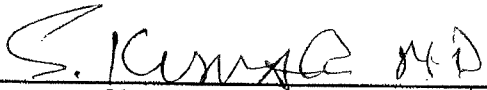


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(e) This section does not require the alteration of any previously named segment or segments of U.S. Highway 41A described in subsection (a) as "Valor Memorial Highway".

(f) This section is operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 142

House Bill No. 137*

by adding the following as a new, appropriately designated subsection to § 55-4-344 in the amendatory language of Section 1:

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(1) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, shall be issued a Crusade Against Darkness new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(2) The new specialty earmarked license plates provided for in this subsection () must be designed in consultation with a representative of Middle Tennessee Lions Sight Service, Inc.

(3)

(A) Subject to the requirements of § 55-4-202, the commissioner is authorized and shall issue a registration plate to an owner or lessee of a motorcycle who is otherwise eligible for a Crusade Against Darkness new specialty earmarked license plate; provided, however, that the owner or lessee shall comply with the state motor vehicle laws relating to registration and licensing of motorcycles and shall pay the regular fee applicable to motorcycles and the applicable fee specified in § 55-4-204 prior to the issuance of the plate.

(B) The motorcycle plates authorized by this subsection () must be substantially the same in design and configuration, allowing for variations due to



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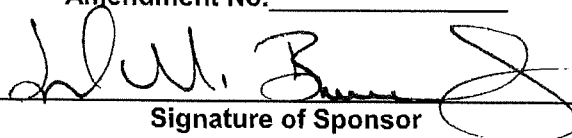
size restrictions, as the regular motor vehicle registration plates authorized by § 55-4-203(c)(7), as applicable.

(4) The funds produced from the sale of Crusade Against Darkness new specialty earmarked license plates must be allocated to Middle Tennessee Lions Sight Service, Inc., in accordance with § 55-4-301. The funds must be used exclusively in furtherance of the organization's activities in this state and its mission to help save eyesight for residents of Middle Tennessee in need.

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

SECTION __. Tennessee Code Annotated, Section 55-4-203(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Crusade Against Darkness;

Amendment No. _____

Signature of Sponsor

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

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION ____.

(a) Notwithstanding another law to the contrary, the bridge (Bridge No. 51S63160001) on U.S. Highway 412 (State Route 99) spanning the Big Swan Creek in Lewis County, which is currently designated pursuant to Chapter 439 of the Public Acts of 2017 as the "William Fred Lynch Memorial Bridge", is no longer designated as the "William Fred Lynch Memorial Bridge" on or after the effective date of this act.

(b) Notwithstanding another law to the contrary, the bridge (Bridge No. 51S63160001) on U.S. Highway 412 (State Route 99) spanning the Big Swan Creek in Lewis County, is hereby designated the "PFC William Fred Lynch Memorial Bridge" to honor the memory of William Fred Lynch, Private First Class, United States Army, who served with honor in World War II while defending our freedom and our way of life so that we could continue to live in peace here at home and who was captured and served as a prisoner of war from 1944-1945.

(c) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (b) as the "PFC William Fred Lynch Memorial Bridge". The department is further directed to remove any previously installed signs or markers from the bridge on U.S. Highway 412 (State Route 99) identified in subsection (a).



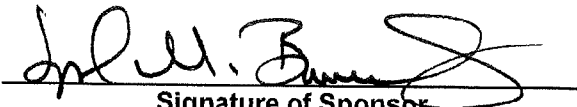
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(d) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.

(e) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

Amendment No. _____

Signature of Sponsor

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

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION ____.

(a) Notwithstanding another law to the contrary, the segment of U.S. Highway 412 / State Route 99 in Lewis County, beginning from the address 1496 Columbia Highway, Hohenwald, Tennessee 38462, and ending at mile marker 23, is hereby designated as the "Garland 'GY' Bennett Memorial Highway" to honor the memory of this beloved husband, father, grandfather, great-grandfather, and respected public servant whose service included two years as a Hohenwald Police Officer, eight years as Lewis County Sheriff, and eighteen years with the Lewis County Division of Forestry.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Garland 'GY' Bennett Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity



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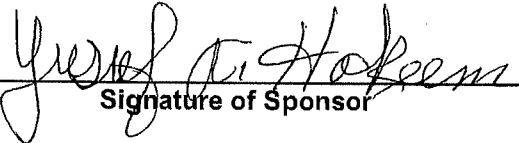
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paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

(e) The appellation "Garland 'GY' Bennett Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(f) This section does not require the alteration of any previously named segment or segments of U.S. Highway 412 / State Route 99 described in subsection (a) as the "Garland 'GY' Bennett Memorial Highway".

Amendment No. _____


Signature of Sponsor

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION ____.

(a) Notwithstanding another law to the contrary, the segment of State Route 27 / U.S. Highway 27 in the City of Chattanooga, Tennessee, beginning at Exit 1A and ending at Exit 1B, is hereby designated as the "Kane Brown Highway" to honor Kane Brown, a Chattanooga-born native and one of country music's most accomplished singers whose influence has shifted the sound of modern country.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment, both northbound and southbound, described in subsection (a) as the "Kane Brown Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be



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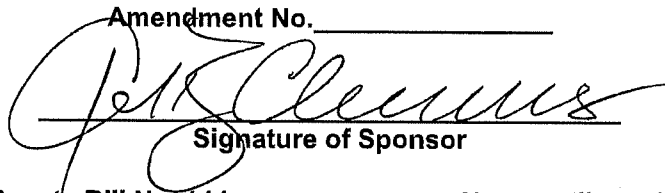


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remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

(e) The appellation "Kane Brown Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(f) This section does not require the alteration of any previously named segment or segments of a highway described in subsection (a) as the "Kane Brown Highway".

Amendment No. _____

Signature of Sponsor

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

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION ____.

(a) Notwithstanding another law to the contrary, the segment of State Route 171 (Old Hickory Boulevard / Hobson Pike) in Davidson County, Tennessee, beginning at the intersection of such route with Interstate 24 and ending at the intersection of such route with State Route 1 / U.S. Highway 41 (Murfreesboro Pike), is hereby designated the "Akilah DaSilva Memorial Highway" to honor the memory of this twenty-three-year-old musician, music producer, writer, photographer, videographer, and engineering student who was a humble, kind, and well-respected young man and a beacon of hope, love, and strength for his family and friends, and whose life was tragically cut short when he was killed during a shooting in an Antioch Waffle House on April 22, 2018.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Akilah DaSilva Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) The appellation "Akilah DaSilva Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of



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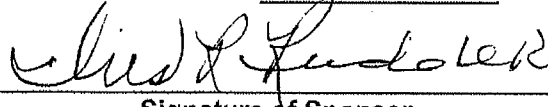
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any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(e) This section does not require the alteration of any previously named segment of State Route 171 described in subsection (a) as the "Akilah DaSilva Memorial Highway".

(f) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION ____.

(a) Notwithstanding another law to the contrary, the segment of State Route 156 in Marion County, Tennessee, beginning at the intersection of such route with Maplevue Road and ending at the intersection of such route with Macedonia Road, is hereby designated the "Det. Matthew W. Blansett Memorial Highway" to honor the memory of this exemplary public servant who, as a detective with the Marion County Sheriff's Department, made the ultimate sacrifice on August 23, 2022, when the helicopter he was in crashed while conducting an aerial mission with the Tennessee Highway Patrol Aviation Division, killing him and Tennessee Highway Patrol Sergeant Lee Russell.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating each of the northbound and southbound segments described in subsection (a) as the "Det. Matthew W. Blansett Memorial Highway". The cost of the signage must be funded in accordance with Tennessee Code Annotated, Section 54-1-133.

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) The appellation "Det. Matthew W. Blansett Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the



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alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(e) This section does not require the alteration of any previously named segment or segments of State Route 156 described in subsection (a) as the "Det. Matthew W. Blansett Memorial Highway".

Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 144

House Bill No. 138*

by adding the following new section immediately preceding the penultimate section and renumbering the subsequent sections accordingly:

SECTION ____.

(a) Notwithstanding another law to the contrary, the segment of Interstate 40 in Cocke County, Tennessee beginning from the Tennessee-North Carolina state line to the Cocke County-Jefferson County boundary, is hereby designated the "Master Sergeant Charles L. McGaha Medal of Honor Highway" to honor the memory of Charles L. McGaha, Master Sergeant, United States Army, who, during World War II, braved enemy fire to aid and carry wounded soldiers to safety, and who received the Medal of Honor, four Purple Hearts, the Asiatic-Pacific Theater Ribbon with four Bronze Battle Stars, the Philippine Liberation Ribbon with Star, American Service Ribbon with Star, Combat Infantryman Badge, Good Conduct Medal, and Master Paratrooper Wings and Star.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as "Master Sergeant Charles L. McGaha Medal of Honor Highway". The signs must be erected or affixed so as to be visible to both westbound and eastbound motorists on Interstate 40.

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.



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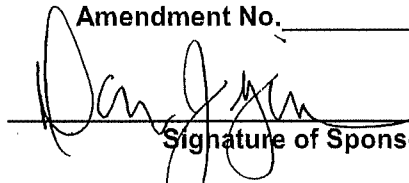


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(d) This section is operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

(e) The appellation "Master Sergeant Charles L. McGaha Medal of Honor Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(f) This section does not require the alteration of any previously named segment or segments of Interstate 40 described in subsection (a) as "Master Sergeant Charles L. McGaha Medal of Honor Highway".

Amendment No. _____

Signature of Sponsor

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

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION ____.

(a) Notwithstanding another law to the contrary, the bridge on Interstate 40 spanning Dodson Chapel Road near Exit 221A in Davidson County, Tennessee, is hereby designated as the "Representative Ben West, Jr. Memorial Flyover Bridge" in honor of this dedicated and well-informed legislator and resident of the City of Hermitage, who devoted his life to public service, diligently serving thirteen terms as State Representative for the 60th District as a House member of the 94th through the 106th General Assemblies.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (a) as the "Representative Ben West, Jr. Memorial Flyover Bridge".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section is operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for



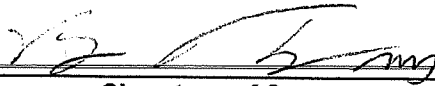
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the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION ____.

(a) Notwithstanding another law to the contrary, the bridge on State Route 268 (Compton Road) spanning Bushman Creek near the Lakebrook subdivision in Rutherford County, Tennessee, is hereby designated the "Gary Don Pitts Bridge" to honor this well-respected resident of Rutherford County.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (a) as the "Gary Don Pitts Bridge".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be



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remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION ____.

(a) Notwithstanding another law to the contrary, the segment of U.S. Highway 64 / State Route 100 in Hardeman County, Tennessee, beginning from the junction of such route with West Main Street in the Town of Whiteville, and ending at the junction of such route with East Main Street in the Town of Whiteville, is hereby designated as the "Ramsey 'Rambo' Fleet Memorial Highway" to honor the memory of this loyal public servant and dedicated resident of the Town of Whiteville, who provided distinguished service to the town as its Public Works Superintendent from 1978 until his death in 2022.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Ramsey 'Rambo' Fleet Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity



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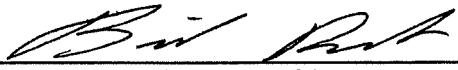
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paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

(e) The appellation "Ramsey 'Rambo' Fleet Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(f) This section does not require the alteration of any previously named segment or segments of U.S. Highway 64 / State Route 100 described in subsection (a) as the "Ramsey 'Rambo' Fleet Memorial Highway".

Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION ____.

(a) Notwithstanding another law to the contrary, the overpass on State Route 155 (Briley Parkway) at Two Rivers Parkway in Davidson County is hereby designated the "Colin Reed Bridge" in honor of this distinguished resident and influential businessman of Davidson County who, through his current role as Executive Chairman and former role as President and CEO of Ryman Hospitality Properties, Inc., has ably served his fellow citizens of the City of Nashville by working to bring the Music City brand to tourists worldwide and by overseeing the rehabilitation and reopening of the Gaylord Opryland Resort after the 2010 floods.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the overpass described in subsection (a) as the "Colin Reed Bridge".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The



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department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION ____.

(a) Notwithstanding another law to the contrary, the segment of U.S. Highway 27 (Morgan County Highway) in Morgan County, Tennessee, beginning at mile marker 12 and ending at mile marker 14, is hereby designated the "Anna Greene Jones Highway" to honor the memory of this hero of Morgan County who wrote letters to her husband, Private Lewis J. Jones, Company F, 1st Tennessee Infantry Regiment (Union), during the Civil War that provided valuable information concerning troop movements and general intelligence, risking her life in her love of family, country, and community while providing heroic contributions locally to the defeat of the Confederacy.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Anna Greene Jones Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) The appellation "Anna Greene Jones Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.



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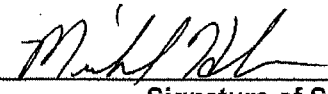


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(e) This section does not require the alteration of any previously named segment of U.S. Highway 27 described in subsection (a) as the "Anna Greene Jones Highway".

(f) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION ____.

(a) Notwithstanding another law to the contrary, the bridge (Bridge No. 08SR0010011) on State Route 1 spanning East Fork Stones River in Cannon County, Tennessee, which is currently designated pursuant to Chapter 1009 of the Public Acts of 2022 as the "Melton Memorial Bridge" is no longer designated as the "Melton Memorial Bridge" on or after the effective date of this act.

(b) Notwithstanding another law to the contrary, the bridge (Bridge No. 08SR0010011) on State Route 1 spanning East Fork Stones River in Cannon County, Tennessee, is hereby designated the "Melton Memorial Bridge – J. Barrett Melton, J. Barrett (Mose) Melton, Jr., and J. Barrett (Johnny) Melton, III", to honor the memories of these individuals who devoted their lives to serving the Woodbury community and who served for decades as respected lawyers.

(c) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (b) as the "Melton Memorial Bridge – J. Barrett Melton, J. Barrett (Mose) Melton, Jr., and J. Barrett (Johnny) Melton, III". The department is further directed to remove any previously installed signs or markers from the bridge on State Route 1 identified in subsection (a).



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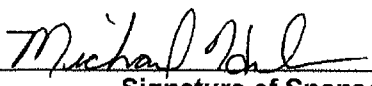


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(d) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.

(e) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION ____.

(a) Notwithstanding another law to the contrary, the bridge (Bridge No. 08SR0530011) on State Route 53 spanning East Fork Stones River at mile marker 14.54 in Cannon County, is hereby designated the "J.W. Higgins Memorial Bridge" to honor the memory of this beloved resident of Cannon County, Tennessee, who ably served his fellow residents.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (a) as the "J.W. Higgins Memorial Bridge".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be



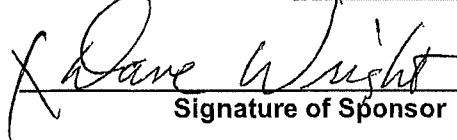
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remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

Amendment No. _____


Signature of Sponsor

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Date _____
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Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION ____.

(a) Notwithstanding another law to the contrary, the bridge (Bridge No. 47E00470003) spanning Little Turkey Creek in Knox County, Tennessee, which is currently designated pursuant to Chapter 1009 of the Public Acts of 2022 as the "1st Lt. Jackie Carroll Walker Memorial Bridge", is no longer designated as the "1st Lt. Jackie Carroll Walker Memorial Bridge" on or after the effective date of this act.

(b) Notwithstanding another law to the contrary, the bridge (Bridge No. 47SR1620009) on Bob Gray Road spanning State Route 162 in Knox County, Tennessee, is hereby designated the "1st Lt. Jackie Carroll Walker Memorial Bridge" to honor the memory of Jackie Carroll Walker, First Lieutenant, United States Army, who served with distinction and honor in the Vietnam War while defending our freedom and our way of life so that we could continue to live in peace here at home and who made the ultimate sacrifice on November 20, 1969, when he died from combat wounds received in the Bien Hoa province of Vietnam.

(c) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (b) as the "1st Lt. Jackie Carroll Walker Memorial Bridge". The department is further directed to remove any previously installed signs or markers from the bridge identified in subsection (a). The



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department may relocate previously installed signs or markers to designate the bridge identified in subsection (b).

(d) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.

(e) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION ____.

(a) Notwithstanding another law to the contrary, the northbound bridge on State Route 10 / U.S. Highway 231 (Shelbyville Pike) spanning Christmas Creek in Rutherford County, Tennessee, is hereby designated the "Allen 'Buddy' Gambill, Jr. Bridge" to honor this U.S. Air Force veteran, Assistant Chief of the Christiana Volunteer Fire Department, and community and business leader of Rutherford County.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (a) the "Allen 'Buddy' Gambill, Jr. Bridge".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be



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remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION ____.

(a) Notwithstanding another law to the contrary, the southbound bridge on State Route 10 / U.S. Highway 231 (Shelbyville Pike) spanning Christmas Creek in Rutherford County, Tennessee, is hereby designated the "Allen 'Buddy' Gambill, Sr. Bridge" to honor the memory of this well-respected business owner and resident of Rutherford County.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (a) the "Allen 'Buddy' Gambill, Sr. Bridge".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be



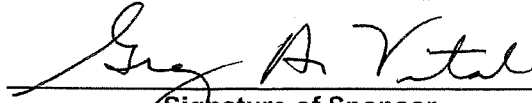
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remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION ____.

(a) Notwithstanding another law to the contrary, the new bridge being constructed on State Route 317 (Apison Pike) to span Spalding Drive in Hamilton County, Tennessee, is hereby designated the "Desmond T. Doss Medal of Honor Bridge" to honor the memory of Desmond T. Doss, Corporal, United States Army, who, because of his personal beliefs as a Seventh-day Adventist, refused to kill an enemy soldier or carry a weapon into combat but nonetheless felt compelled to serve in the military during World War II, and who served with the 77th Infantry Division in the Pacific Theater, and through his outstanding bravery and unflinching determination in the face of desperately dangerous conditions during the Battle of Okinawa, saved the lives of between fifty (50) and one hundred (100) wounded soldiers, while suffering multiple wounds himself, atop an area known as the Maeda Escarpment or Hacksaw Ridge, and which resulted in him being awarded the Medal of Honor for his actions.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (a) as the "Desmond T. Doss Medal of Honor Bridge".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.



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(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

Amendment No. _____

Rebecca Alexander

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION __.

(a) Notwithstanding another law to the contrary, the exit for Unaka and Watauga Streets (Exit 22) on Interstate 26 in Johnson City, Tennessee, is hereby designated as the "Langston Interchange" as a lasting tribute to the historic Langston High School, which was Johnson City's school for African-American students from 1893-1965, and which had a significant impact on the city's African-American community.

(b) The department of transportation is directed to erect suitable markers or to affix suitable signs at the exit for Unaka and Watauga Streets (Exit 22) on Interstate 26, both eastbound and westbound, designating the interchange described in subsection (a) as the "Langston Interchange."

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.

(d) This section is operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds



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the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

Amendment No. _____

Rebecca Alexander

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION __.

(a) Notwithstanding another law to the contrary, the parallel bridges (Bridge No. 90I00260045 and Bridge No. 90I00260046) on Interstate 26 spanning State Route 400 (Watauga Street) in Johnson City, Tennessee, are each hereby designated the "Betty Hill-Goah, Mary Alexander, John Fletcher Birchette, III, and Dr. C.H. Charlton Memorial Bridge" to honor the memory of these notable African-American leaders in Johnson City, Tennessee, who, through their public service and community activism, made positive contributions to the history of Johnson City and paved the way for where the community is today in preserving the past and looking forward to the future.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating each of the parallel bridges described in subsection (a) as the "Betty Hill-Goah, Mary Alexander, John Fletcher Birchette, III, and Dr. C.H. Charlton Memorial Bridge".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to



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any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

SECTION ____.

(a) Notwithstanding another law to the contrary, the parallel bridges (Bridge No. 90I00260043 and Bridge No. 90I00260044) on Interstate 26 spanning State Route 400 (Unaka Street) in Johnson City, Tennessee, are each hereby designated the "Betty Hill-Goah, Mary Alexander, John Fletcher Birchette, III, and Dr. C.H. Charlton Memorial Bridge" to honor the memory of these notable African-American leaders in Johnson City, Tennessee, who, through their public service and community activism, made positive contributions to the history of Johnson City and paved the way for where the community is today in preserving the past and looking forward to the future.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating each of the parallel bridges described in subsection (a) as the "Betty Hill-Goah, Mary Alexander, John Fletcher Birchette, III, and Dr. C.H. Charlton Memorial Bridge".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity

paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

SECTION ____.

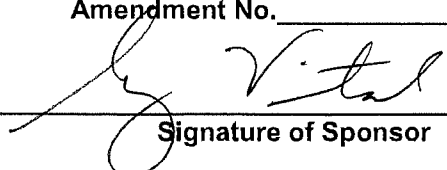
(a) Notwithstanding another law to the contrary, the parallel bridges (Bridge No. 90I00260047 and Bridge No. 90I00260048) on Interstate 26 spanning Fairview Avenue in Johnson City, Tennessee, are each hereby designated the "Betty Hill-Goah, Mary Alexander, John Fletcher Birchette, III, and Dr. C.H. Charlton Memorial Bridge" to honor the memory of these notable African-American leaders in Johnson City, Tennessee, who, through their public service and community activism, made positive contributions to the history of Johnson City and paved the way for where the community is today in preserving the past and looking forward to the future.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating each of the parallel bridges described in subsection (a) as the "Betty Hill-Goah, Mary Alexander, John Fletcher Birchette, III, and Dr. C.H. Charlton Memorial Bridge".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be

remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

Amendment No. _____


Signature of Sponsor

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

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION ____.

(a) Notwithstanding another law to the contrary, the segment of State Route 317 (Apison Pike) within Hamilton County, Tennessee, that is currently designated as "Veterans' Memorial Drive" pursuant to Chapter 351 of the Public Acts of 2021, and which currently begins at the intersection of such route with Pattentown Road and ends at the intersection of such route with U.S. Highway 321 (Ooltewah-Ringgold Road), is hereby extended in length so that the segment no longer ends at the intersection of such route with U.S. Highway 321, but instead ends at the eastern boundary of the City of Collegedale, Tennessee, near the intersection of such route with Short Cut Road.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as "Veterans' Memorial Drive". The department is further directed to remove any signs or markers that were previously installed to designate the end of the segment at the intersection of such route with U.S. Highway 321. The department may relocate previously installed signs or markers to designate the new end of the segment at the eastern boundary of the City of Collegedale, Tennessee.

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.



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(d) The appellation "Veterans' Memorial Drive" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(e) Except as provided in subsection (a), this section does not require the alteration of any previously named segment of State Route 317 described in subsection (a) as "Veterans' Memorial Drive".

(f) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

Amendment No. _____


Signature of Sponsor

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

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION ____.

(a) Notwithstanding another law to the contrary, the exit for Tinker Road (Exit 34) on Interstate 26 in the Town of Unicoi, Unicoi County, Tennessee, is hereby designated as the "Carl Jones 'Mayor of Rocky Bottom' Memorial Interchange" to honor the memory of this beloved resident and community leader of the Town of Unicoi who was fondly known as the "Mayor of Rocky Bottom," which is this area along Interstate 26.

(b) The department of transportation is directed to erect suitable markers or to affix suitable signs at the exit for Tinker Road (Exit 34) on Interstate 26, both eastbound and westbound, designating the interchange described in subsection (a) as the "Carl Jones 'Mayor of Rocky Bottom' Memorial Interchange."

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.

(d) This section is operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds

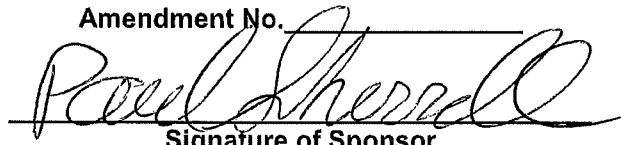


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the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

Amendment No. _____

Signature of Sponsor

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

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION ____.

(a) Notwithstanding another law to the contrary, the segment of State Route 136 (Old Kentucky Road) in White County, Tennessee, beginning at the intersection of such route with State Route 135 (Burgess Falls Road) and ending at the intersection of such route with Bunker Hill Road is hereby designated the "Sheriff William Hickey and Sheriff Annell Oliver Hickey Memorial Highway" to honor the memory of these two well-respected, married members of White County who each provided great service to their county and community as White County Sheriff, with Annell Hickey being the first female sheriff in this state's history.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Sheriff William Hickey and Sheriff Annell Oliver Hickey Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) The appellation "Sheriff William Hickey and Sheriff Annell Oliver Hickey Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for



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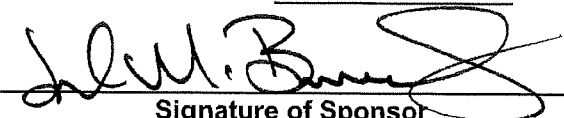


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assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(e) This section does not require the alteration of any previously named segment of State Route 136 described in subsection (a) as the "Sheriff William Hickey and Sheriff Annell Oliver Hickey Memorial Highway".

(f) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

Amendment No. _____

Signature of Sponsor

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

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION ____.

(a) Notwithstanding another law to the contrary, the segment of State Route 48 (Centerville Highway) in Lewis County, Tennessee, beginning from mile marker 15 and ending at mile marker 16, is hereby designated the "Roger 'Tank' Sealy Memorial Highway" in honor of this longtime local businessman and community leader in Lewis County and former member of the Lewis County Board of Commissioners.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as "Roger 'Tank' Sealy Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section is operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted



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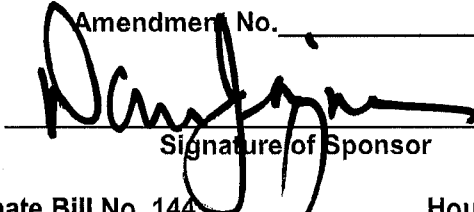


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to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

(e) The appellation "Roger 'Tank' Sealy Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(f) This section does not require the alteration of any previously named segment or segments of State Route 48 described in subsection (a) as "Roger 'Tank' Sealy Memorial Highway".

Amendment No. _____

Signature of Sponsor

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

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION ____.

(a) Notwithstanding another law to the contrary, the segment of U.S. Highway 70 (Lebanon Pike) in Davidson County, Tennessee, beginning at the intersection of such route with Stewarts Ferry Pike and ending at the intersection of such route with Downeymeade Drive, which is currently designated pursuant to Chapter 92 of the Public Acts of 2011 as the "THP Col. Elmer V. Craig Memorial Highway" is no longer designated as such on or after the effective date of this act.

(b) Notwithstanding another law to the contrary, the segment of U.S. Highway 70 (Lebanon Pike) in Davidson County, Tennessee, beginning at the intersection of such route with Stewarts Ferry Pike and ending at the intersection of such route with Downeymeade Drive, is hereby designated as the "THP Col. Elmer V. Craig and THP Sgt. Johnny W. Craig Memorial Highway" to honor the memories of two extremely dedicated and accomplished law enforcement officers and the first father and son to serve on the Tennessee Highway Patrol.

(c) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (b) as the "THP Col. Elmer V. Craig and THP Sgt. Johnny W. Craig Memorial Highway". The department is further directed to remove any previously installed signs or markers from the segment of U.S. Highway 70 identified in subsection (a).



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(d) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(e) The appellation "THP Col. Elmer V. Craig and THP Sgt. Johnny W. Craig Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(f) Except as provided in subsection (a), this section does not require the alteration of any previously named segment of U.S. Highway 70 described in subsection (b) as the "THP Col. Elmer V. Craig and THP Sgt. Johnny W. Craig Memorial Highway".

(g) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

Amendment No. _____


Signature of Sponsor

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

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION ____.

(a) Notwithstanding another law to the contrary, the segment of State Route 2 / U.S. Highway 64 (Lee Highway) in the City of Cleveland, Bradley County, Tennessee, beginning at the intersection of such route with Fairway Drive and ending at the intersection of such route with Grove Avenue, is hereby designated as "Rhyne Howard Drive" to honor this esteemed graduate of Bradley Central High School, who, in addition to being named Tennessee Miss Basketball and the 2018 Tennessee Gatorade Player of the Year during her senior year of high school, earned great acclaim in her collegiate career as a unanimous first team All-American and two-time SEC Player of the Year while starring at the University of Kentucky and has begun her professional career as the first overall pick in the 2022 WNBA draft and WNBA Rookie of the Year.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as "Rhyne Howard Drive".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) The appellation "Rhyne Howard Drive" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address,



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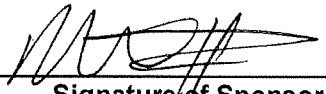
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or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(e) This section does not require the alteration of any previously named segment of State Route 2 described in subsection (a) as "Rhyne Howard Drive".

(f) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION ____.

(a) Notwithstanding another law to the contrary, the segment of State Route 52 in Sumner County, Tennessee, beginning at the intersection of such route with Searcy Lane and ending at the intersection of such route with New Deal Potts Road, is hereby designated the "William R. Lamberth, Jr. Memorial Highway" to honor the memory of this well-respected resident of Sumner County.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "William R. Lamberth, Jr. Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) The appellation "William R. Lamberth, Jr. Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(e) This section does not require the alteration of any previously named segment of State Route 52 described in subsection (a) as the "William R. Lamberth, Jr. Memorial Highway".



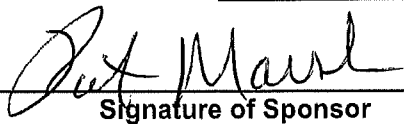
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(f) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

Amendment No. _____


Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION ____.

(a) Notwithstanding another law to the contrary, the bridge on State Route 275 (Vanntown Road) spanning the Flint River in Lincoln County, Tennessee, is hereby designated the "Charles and Jerry Delap Memorial Bridge" to honor these brothers and well-respected residents of Lincoln County who devoted their time and energy to serving their community.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (a) as the "Charles and Jerry Delap Memorial Bridge".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be



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remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

Amendment No. _____

Ernest Hinton-Haynes
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION ____.

(a) Notwithstanding another law to the contrary, the segment of U.S. Highway 41 (Ringgold Road) in the City of East Ridge, Hamilton County, Tennessee, beginning at the intersection of such route with Prater Road and ending at the intersection of such route with South Smith Road, is hereby designated the "Marc Gravitt Highway" to honor this well-respected small business owner and public servant who has ably served his community and state for many years through his previous roles as city councilman and state representative and his current role as register of deeds.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Marc Gravitt Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) The appellation "Marc Gravitt Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.



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(e) This section does not require the alteration of any previously named segment of U.S. Highway 41 described in subsection (a) as the "Marc Gravitt Highway".

(f) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

Amendment No. _____

Patsy Haglewood

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION ____.

(a) Notwithstanding another law to the contrary, the exit for Jones Gap Road on State Route 111 in the community of Flat Top Mountain in Hamilton County, Tennessee, is hereby designated as the "W.H. 'H-ie' Smith Memorial Interchange" to honor the memory of this beloved resident of Flat Top Mountain, who proudly served his country in General Patton's Third Army which liberated Europe during World War II, and who made valuable contributions to his community as a carpenter for over fifty years.

(b) The department of transportation is directed to erect suitable markers or to affix suitable signs at the exit for Jones Gap Road on State Route 111, both northbound and southbound, designating the interchange described in subsection (a) as the "W.H. 'H-ie' Smith Memorial Interchange."

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.

(d) This section is operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for



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the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION ____.

(a) Notwithstanding another law to the contrary, the segment of State Route 78 in the City of Dyersburg, Dyer County, Tennessee, beginning at mile marker 3 and ending at mile marker 5, is hereby designated the "Blake Allen Haynes Memorial Highway" to honor the memory of this Dyersburg High School Graduate and employee of the City of Dyersburg whose life ended much too soon.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Blake Allen Haynes Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) The appellation "Blake Allen Haynes Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(e) This section does not require the alteration of any previously named segment of State Route 78 described in subsection (a) as the "Blake Allen Haynes Memorial Highway".



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(f) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

Amendment No. _____


Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION ____.

(a) Notwithstanding another law to the contrary, the segment of Barksdale Street in Memphis, Tennessee, beginning at the intersection of such route with State Route 4 (Lamar Avenue) and ending at the intersection of such route with South Parkway East, is hereby designated the "Senator Reginald Tate Memorial Highway" to honor the memory of this well-respected member of the community, architect, and state senator who represented Memphis and the 33rd district for twelve years.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Senator Reginald Tate Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) The appellation "Senator Reginald Tate Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.



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(e) This section does not require the alteration of any previously named segment of Barksdale Street described in subsection (a) as the "Senator Reginald Tate Memorial Highway".

(f) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

Amendment No. _____

Rich Eldridge

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION ____.

(a) Notwithstanding another law to the contrary, the segment of State Route 1 / U.S. Highway 11W (Rutledge Pike) in Grainger County, Tennessee, beginning at mile marker 5 and ending at mile marker 6, is hereby designated the "Jessie W. 'Bottles' Nicely Memorial Highway" to honor the memory of this highly regarded resident of Grainger County, who, after a lifetime of working with asphalt and paving roads, deserves a segment of highway to be named in honor of his legacy.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Jessie W. 'Bottles' Nicely Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) The appellation "Jessie W. 'Bottles' Nicely Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.



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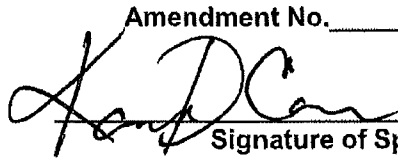
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(e) This section does not require the alteration of any previously named segment of State Route 1 described in subsection (a) as the "Jessie W. 'Bottles' Nicely Memorial Highway".

(f) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

Amendment No. _____

Signature of Sponsor

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

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION ____.

(a) Notwithstanding another law to the contrary, the segment of Peebles Road (Weaver Road) in Memphis, Tennessee, beginning at the intersection of such route with U.S. Highway 61 and ending at the intersection of such route with West Mitchell Road, is hereby designated the "Rep. Barbara W. Cooper Memorial Highway" to honor the memory of this exceptional educator, community leader, and state representative who represented Memphis and House District 86 for eleven terms.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Rep. Barbara W. Cooper Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) The appellation "Rep. Barbara W. Cooper Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.



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(e) This section does not require the alteration of any previously named segment of Peebles Road described in subsection (a) as the "Rep. Barbara W. Cooper Memorial Highway".

(f) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

Amendment No. _____

Signature of Sponsor

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

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION ____.

(a) Notwithstanding another law to the contrary, the segment of East Person Avenue in Memphis, Tennessee, beginning at the intersection of such route with U.S. Highway 51 and ending at the intersection of such route with Cincinnati Road (Silver Street), is hereby designated the "Rep. Lois M. DeBerry Memorial Highway" to honor the memory of this trusted educator, civil rights activist, and state representative, who represented Memphis and House District 91 from the 88th General Assembly to the 108th General Assembly and who was elected the second African American female to serve in the General Assembly.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Rep. Lois M. DeBerry Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) The appellation "Rep. Lois M. DeBerry Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.



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(e) This section does not require the alteration of any previously named segment of East Person Avenue described in subsection (a) as the "Rep. Lois M. DeBerry Memorial Highway".

(f) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION ____.

(a) Notwithstanding another law to the contrary, the segment of State Route 35 / U.S. Highway 411 in Jefferson County, Tennessee, beginning at the intersection of such route with State Route 92 (Chestnut Hill Road) near the Bush's Best Visitor Center and ending at the intersection of such route with Bush Brothers Way, is hereby designated the "Sallie Bush Parkway" to honor the memory of Sarah "Sallie" Ketner Bush, the wife of Andrew Jackson "A.J." Bush and mother of Fred and Claude Bush, the three founding members of Bush Brothers and Company, which manufactures the world-famous Bush's Best Baked Beans, based on the Bush family recipe.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Sallie Bush Parkway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) The appellation "Sallie Bush Parkway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.



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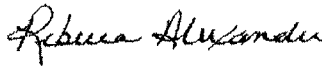


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(e) This section does not require the alteration of any previously named segment of State Route 35 / U.S. Highway 411 described in subsection (a) as the "Sallie Bush Parkway".

(f) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 144

House Bill No. 138*

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

SECTION ____.

(a) Notwithstanding another law to the contrary, the southbound bridge on U.S. Highway 11E near Clear Springs Road and the Greene - Washington county line in Washington County, Tennessee, is hereby designated "*In Memory of Arthur G. Hensley*" in recognition of the life of valor and death in combat of Arthur G. Hensley, Specialist E-4, U.S. Army, who made the ultimate sacrifice on March 31, 1967, while courageously serving his country in the Vietnam War.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the southbound bridge described in subsection (a) as "*In Memory of Arthur G. Hensley*". The cost of the signage must be funded in accordance with Tennessee Code Annotated, Section 54-1-133.

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

SECTION ____.

(a) Notwithstanding another law to the contrary, the northbound bridge on U.S. Highway 11E near Clear Springs Road and the Greene - Washington county line in Washington County, Tennessee, is hereby designated "*In Memory of Daryl C. Culver*", in recognition of the life of valor and death in combat of Daryl C. Culver, U.S. Army, who



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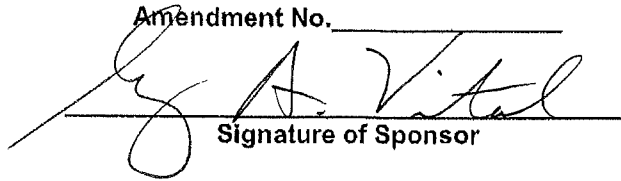


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made the ultimate sacrifice on August 7, 1968, while courageously serving his country in the Vietnam War.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the northbound bridge described in subsection (a) as "*In Memory of Daryl C. Culver*". The cost of the signage must be funded in accordance with Tennessee Code Annotated, Section 54-1-133.

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

Amendment No. _____

Signature of Sponsor

FILED	
Date	<u>2/13/23</u>
Time	<u>1:37</u>
Clerk	<u>RF</u>
Comm. Amdt.	_____

AMEND Senate Bill No. 142

House Bill No. 137*

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

SECTION ____ Tennessee Code Annotated, Section 55-4-252(b), is amended by deleting the language "shall include the appropriate emblem of the branch of service of the recipient of the plate." and substituting instead "shall have engraved or embossed on the plate, or otherwise permanently bear, the appropriate emblem of the branch of service of the recipient of the plate. A decal or sticker must not be used to represent the emblem."

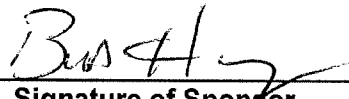


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Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 142

House Bill No. 137*

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

SECTION _____. Notwithstanding Tennessee Code Annotated, Section 55-4-202(c)(1) or another law to the contrary, a collegiate plate for King University must be administratively reissued by the Department of Revenue if the minimum order requirement of one hundred (100) plates is met prior to reissuance.

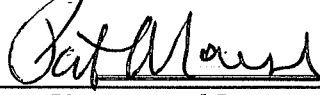


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Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 142

House Bill No. 137*

by adding the following new subdivision to amendatory § 55-4-310(c) in Section 1:

(4) Notwithstanding § 55-4-202(k)(1), the River Life new specialty earmarked license plate authorized pursuant to this subsection (c) has until July 1, 2024, to meet the applicable minimum issuance requirements of § 55-4-202(k)(1).



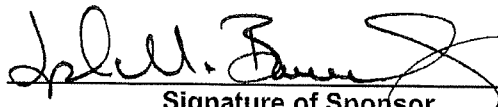
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Amendment No. _____


Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 142

House Bill No. 137*

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

SECTION _____. Tennessee Code Annotated, Section 55-4-203(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Lupus Foundation;

AND FURTHER AMEND by inserting the following new subsection in § 55-4-344 of Section 1:

()

(1) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, shall be issued a Lupus Foundation new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(2) The new specialty earmarked license plates provided for in this subsection () must be designed in consultation with a representative of Lupus Foundation of America, Inc.

(3) The funds produced from the sale of Lupus Foundation new specialty earmarked license plates must be allocated to Lupus Foundation of America, Inc., in accordance with § 55-4-301. The funds must be used exclusively in Tennessee to improve the quality of life for Tennessee residents affected by lupus through programs of research, education, support, and advocacy.



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Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 142

House Bill No. 137*

by adding the following as a new, appropriately designated subsection to § 55-4-320 in the amendatory language of Section 1:

()

(1) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, must be issued A Soldier's Child new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(2) The new specialty earmarked license plates provided for in this subsection () must be of an appropriate design representative of A Soldier's Child Foundation and be designed in consultation with a representative of A Soldier's Child Foundation.

(3) The funds produced from the sale of A Soldier's Child new specialty earmarked license plates must be allocated to A Soldier's Child Foundation, in accordance with § 55-4-301. The funds must be used exclusively to support the organization's programs and activities in this state, including serving the children of United States military personnel who have lost their lives while on active duty.

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

SECTION __. Tennessee Code Annotated, Section 55-4-203(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() A Soldier's Child;



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Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 142

House Bill No. 137*

by adding the following as a new, appropriately designated subsection to § 55-4-314 in the amendatory language of Section 1:

()

(1) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, shall be issued a Wilson County The Place to Be new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(2) The new specialty earmarked plates provided for in this section must be designed in consultation with a representative from the county government of Wilson County.

(3) The funds produced from the sale of the new specialty earmarked license plates must be allocated to Wilson Rides, Inc., in accordance with § 55-4-301, to be used exclusively in this state for ride scheduling and volunteer scheduling services.

AND FURTHER AMEND by deleting the amendatory language "**Historic cities and counties.**"

from the heading of § 55-4-314 in Section 1 and substituting instead "**Cities and counties.**"

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

SECTION _____. Tennessee Code Annotated, Section 55-4-203(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Wilson County The Place to Be;



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Amendment No. _____

Signature of Sponsor

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Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 142

House Bill No. 137*

by adding the following as a new, appropriately designated subsection to § 55-4-344 in the amendatory language of Section 1:

()

(1) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, must be issued a Wilder Reign new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(2) The new specialty earmarked license plates provided for in this subsection () must be designed in consultation with a representative of Wilder Reign.

(3) The funds produced from the sale of Wilder Reign new specialty earmarked license plates must be allocated to Wilder Reign, in accordance with § 55-4-301. The funds must be used exclusively to provide supportive resources to individuals impacted by major medical, mental health, and terminal illnesses.

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

SECTION __. Tennessee Code Annotated, Section 55-4-203(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Wilder Reign;



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Amendment No. _____


Signature of Sponsor

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

AMEND Senate Bill No. 142

House Bill No. 137*

by adding the following as a new, appropriately designated subsection to § 55-4-345 in the amendatory language of Section 1:

()

(1) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, must be issued a Stronger Than My Father new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(2) The new specialty earmarked license plates provided for in this subsection () must be designed in consultation with a representative of Stronger Than My Father, Inc.

(3) The funds produced from the sale of Stronger Than My Father new specialty earmarked license plates must be allocated to Stronger Than My Father, Inc., in accordance with § 55-4-301. The funds must be used exclusively to support the organization's mission to provide before- and after-school programs for youth and family community and mentoring programs.

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

SECTION __. Tennessee Code Annotated, Section 55-4-203(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Stronger Than My Father;

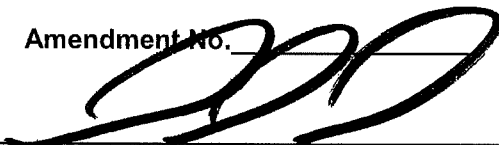


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Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 142

House Bill No. 137*

by adding the following language as a new subdivision (4) to § 55-4-342(b) in the amendatory language of Section 1:

(4) Notwithstanding § 55-4-202(k)(1), the Respiratory Therapists new specialty earmarked license plate authorized pursuant to this subsection (b) has until July 1, 2024, to meet the applicable minimum issuance requirements of § 55-4-202(k)(1).



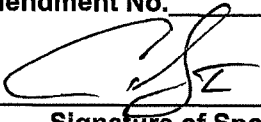
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Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 142

House Bill No. 137*

by adding the following language as a new subdivision (4) to § 55-4-321(c) in the amendatory language of Section 1:

(4) Notwithstanding § 55-4-202(k)(1), the Honoring Law Enforcement new specialty earmarked license plate authorized pursuant to this subsection (c) has until July 1, 2024, to meet the applicable minimum issuance requirements of § 55-4-202(k)(1).



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Amendment No. _____

Patsy Haylewood

Signature of Sponsor

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Comm. Amdt. _____

AMEND Senate Bill No. 142

House Bill No. 137*

by redesignating the existing language of § 55-4-335 as subsection (a) in the amendatory language of Section 1 and adding the following as a new, appropriately designated subsection:

()

(1) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, shall be issued a Robotics in Education new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(2) The new specialty earmarked license plates provided for in this subsection () must be designed in consultation with a representative of Tennessee Valley Robotics.

(3) The funds produced from the sale of Robotics in Education new specialty earmarked license plates must be allocated to Tennessee Valley Robotics, in accordance with § 55-4-301. The funds must be used exclusively to support robotics in K-12 education through the purchase of robotics equipment for schools in this state.

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

SECTION ___. Tennessee Code Annotated, Section 55-4-203(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Robotics in Education;



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- 1 -



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Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 142

House Bill No. 137*

by adding the following as a new, appropriately designated subsection to § 55-4-331 in the amendatory language of Section 1:

()

(1) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, must be issued a Nashville SC new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(2) The new specialty earmarked license plates provided for in this subsection () must contain an appropriate logo or design representative of Nashville SC and be designed in consultation with a representative of Nashville Soccer Club LLC and the Nashville SC Community Fund, a component of the Community Foundation of Middle Tennessee.

(3) The funds produced from the sale of Nashville SC new specialty earmarked license plates must be allocated to the Nashville SC Community Fund, a component of the Community Foundation of Middle Tennessee, in accordance with § 55-4-301. The funds must be used exclusively to support and enhance communities in this state served by Major League Soccer and Nashville SC.

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



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SECTION __. Tennessee Code Annotated, Section 55-4-203(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Nashville SC;

Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 142

House Bill No. 137*

by adding the following as a new subsection in § 55-4-345 of SECTION 1:

()

(1) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, must be issued a Special Olympics new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(2) The new specialty earmarked plates provided for in this subsection () must be designed in consultation with a representative of Special Olympics Tennessee.

(3) The funds produced from the sale of Special Olympics new specialty earmarked license plates must be allocated to Special Olympics Tennessee, in accordance with § 55-4-301. The funds must be used exclusively to promote young athletes programs in this state for members.

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

SECTION _____. Tennessee Code Annotated, Section 55-4-203(c)(7), is amended by adding the following as a new subdivision:

() Special Olympics;

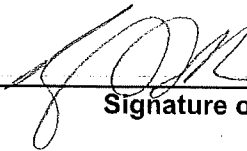


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Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 142

House Bill No. 137*

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

SECTION ____ Tennessee Code Annotated, Section 55-4-203(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Honor the Fallen;

AND FURTHER AMEND by adding the following new subsection in § 55-4-320 of SECTION 1:

()

(1) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, shall be issued an Honor the Fallen new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(2) The new specialty earmarked license plates provided for in this subsection () must be designed in consultation with a representative of Memories of Honor.

(3) The funds produced from the sale of Honor the Fallen new specialty earmarked license plates must be allocated to Memories of Honor in accordance with § 55-4-301. The funds must be used exclusively in this state to support the organization's mission to honor fallen military and the families left behind through athletics, entertainment, and special events to help provide a healthy and active outlet for depression, grief, post-traumatic stress disorder, and survivor's remorse.



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Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 142

House Bill No. 137*

by adding the following as a new, appropriately designated subsection to § 55-4-352 in the amendatory language of Section 1:

()

(1) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, shall be issued a Look Twice Save a Life new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(2) The new specialty earmarked license plates provided for in this subsection () must be designed in consultation with a representative of Bikers & Social Clubs 4 Change.

(3)

(A) Subject to the requirements of § 55-4-202, the commissioner shall issue a registration plate to an owner or lessee of a motorcycle who is otherwise eligible for a Look Twice Save a Life new specialty earmarked license plate; provided, however, that the owner or lessee shall comply with the state motor vehicle laws relating to registration and licensing of motorcycles and shall pay the regular fee applicable to motorcycles and the applicable fee specified in § 55-4-204 prior to the issuance of the plate.

(B) The motorcycle plates authorized by this subsection () must be substantially the same in design and configuration, allowing for variations due to



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size restrictions, as the regular motor vehicle registration plates authorized by § 55-4-203(c)(7), as applicable.

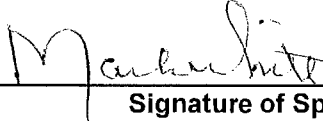
(4) The funds produced from the sale of Look Twice Save a Life new specialty earmarked license plates must be allocated to Bikers & Social Clubs 4 Change, in accordance with § 55-4-301. The funds must be used exclusively in furtherance of the organization's activities in this state and its mission for continued public safety and education on motorcycle awareness.

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

SECTION ____ Tennessee Code Annotated, Section 55-4-203(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Look Twice Save a Life;

Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 142

House Bill No. 137*

by adding the following as a new, appropriately designated subsection to § 55-4-323 in the amendatory language of Section 1:

()

(1) An owner or lessee of a motor vehicle who is a resident of this state and who is certified as a member or alumna member of Kappa Delta Sorority, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, must be issued a Kappa Delta Sorority new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c). The application for this plate must be accompanied by proof satisfactory to the commissioner, certifying the applicant to be a member or alumna member of Kappa Delta Sorority, and include the member's initiating chapter name, initiating university name, and member number.

(2) The new specialty earmarked license plates provided for in this subsection () must be designed in consultation with the executive director and director of communications of Kappa Delta Sorority and contain the colors, logos, and other emblem or design distinctive to Kappa Delta Sorority.

(3) The funds produced from the sale of Kappa Delta Sorority new specialty earmarked license plates must be allocated to Kappa Delta Sorority National Headquarters, in accordance with § 55-4-301. The funds must be used exclusively in this state to support the organization's mission and operations including professional and personal development programs, educational programming for collegiate chapters, the



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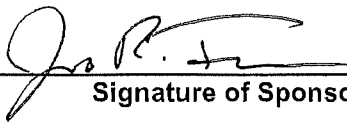
biennial national convention, recruitment and chapter extension efforts, marketing to potential new members, communications with current members, training of volunteers, technology advancements, operating fees, and the care and preservation of Kappa Delta Sorority archives.

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

SECTION __. Tennessee Code Annotated, Section 55-4-203(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Kappa Delta Sorority;

Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 142

House Bill No. 137*

by redesignating the existing amendatory language in § 55-4-333 of Section 1 as subsection (a) and adding the following as a new, appropriately designated subsection to § 55-4-333:

()

(1) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, must be issued a University of North Carolina new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(2) The new specialty earmarked license plates provided for in this subsection () must contain an appropriate logo or design representative of the University of North Carolina and be designed in consultation with a representative of the University of North Carolina and the UNC General Alumni Association.

(3) The funds produced from the sale of the University of North Carolina new specialty earmarked license plates must be allocated to the UNC General Alumni Association in accordance with § 55-4-301. The funds must be used exclusively in this state for alumni support programs and activities.

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

SECTION __. Tennessee Code Annotated, Section 55-4-203(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() University of North Carolina;



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Amendment No. _____

John H. ...

Signature of Sponsor

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Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 142

House Bill No. 137*

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

SECTION __. Tennessee Code Annotated, Section 55-4-299(b), is amended by deleting the subsection.



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Amendment No. _____

Signature of Sponsor

FILED
Date _____
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Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 142

House Bill No. 137*

by adding the following new subsection in § 55-4-345 of SECTION 1:

()

(1) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, must be issued a Tennessee Councils of the Boy Scouts of America new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(2) The new specialty earmarked plates provided for in this subsection () must contain the official logo or other design representative of the Boy Scouts of America. The plates must be designed in consultation with the Tennessee Councils of the Boy Scouts of America.

(3)

(A) The funds produced from the sale of Tennessee Councils of the Boy Scouts of America new specialty earmarked license plates must be allocated to the Middle Tennessee Council, Inc., Boy Scouts of America, in accordance with § 55-4-301.

(B) The funds allocated pursuant to subdivision () (3)(A) must be distributed to each of the six (6) Tennessee Councils of the Boy Scouts of America in proportion to the number of new specialty earmarked license plates authorized by this subsection () that are sold in the counties that comprise each Council, which are known as Cherokee Area Council, Chattanooga; Chickasaw



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Council, Memphis; Great Smoky Mountain Council, Knoxville; Middle Tennessee Council, Nashville; Sequoyah Council, Johnson City; and West Tennessee Area Council, Jackson.

(C) The funds must be used exclusively to fund and support scouting programs and activities in this state.

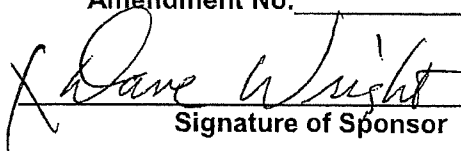
(D) Prior to initial issuance of new specialty earmarked license plates authorized by this subsection (), each Council of the Tennessee Councils of the Boy Scouts of America shall notify the department of each county comprising that Council.

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

SECTION __. Tennessee Code Annotated, Section 55-4-203(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Tennessee Councils of the Boy Scouts of America;

Amendment No. _____


Signature of Sponsor

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

AMEND Senate Bill No. 142

House Bill No. 137*

by inserting the following new subdivision in § 55-4-350(b) of SECTION 1:

(4) Notwithstanding § 55-4-202(k)(1), the I RECYCLE new specialty earmarked license plate authorized pursuant to this section has until July 1, 2024, to meet the applicable minimum issuance requirements of § 55-4-202(k)(1).

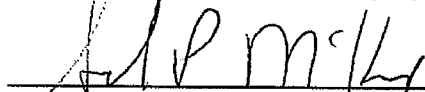


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Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 142

House Bill No. 137*

by inserting the following new subdivision in § 55-4-350(b) of SECTION 1:

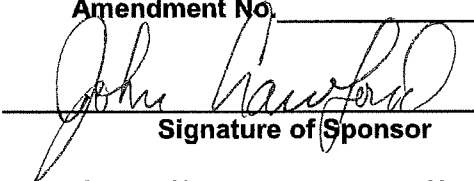
(4) Notwithstanding § 55-4-202(k)(1), the I RECYCLE new specialty earmarked license plate authorized pursuant to this section has until July 1, 2024, to meet the applicable minimum issuance requirements of § 55-4-202(k)(1).



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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. 142

House Bill No. 137*

by inserting the following new subsection in § 55-4-312 of SECTION 1:

()

(1) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, shall be issued a The Volunteer State new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(2) The new specialty earmarked license plates provided for in this subsection () must be designed in consultation with a representative of the Rocky Mount Historical Association.

(3) The funds produced from the sale of The Volunteer State new specialty earmarked license plates must be allocated to the Rocky Mount Historical Association in accordance with § 55-4-301. The funds must be used exclusively to provide educational and community outreach programs focused upon the history of the Rocky Mount State Historic site and the customs, values, and practices of the early settlers of Tennessee.

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

SECTION __. Tennessee Code Annotated, Section 55-4-203(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() The Volunteer State;



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Amendment No. _____

Elaine Davis

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 142

House Bill No. 137*

by inserting the following new subsection in § 55-4-304 of SECTION 1:

()

(1) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, shall be issued a Fighting for the Bullys new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(2) The new specialty earmarked plates provided for in this subsection () must be designed in consultation with a representative of Fighting for the Bullys Pit Bull Rescue.

(3) The funds produced from the sale of Fighting for the Bullys new specialty earmarked license plates must be allocated to Fighting for the Bullys Pit Bull Rescue in accordance with § 55-4-301. The funds must be used exclusively to support the organization's mission to rescue and save bully breeds located in animal shelters in this state and find them a loving foster family.

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

SECTION __. Tennessee Code Annotated, Section 55-4-203(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Fighting for the Bullys;



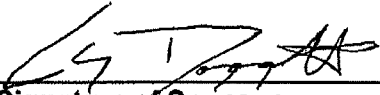
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Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 142

House Bill No. 137*

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

SECTION __. The department of revenue shall design, in consultation with a representative of the University of Tennessee Southern, a University of Tennessee Southern collegiate plate to be administratively issued in accordance with Tennessee Code Annotated, Section 55-4-210.



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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. 142

House Bill No. 137*

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

SECTION __. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new section:

55-4-232.

(a) A distinctive license plate is authorized for any person who is a retired firefighter, if the person is currently a resident of this state, is otherwise qualified to register and license a motor vehicle pursuant to this title, and submits proof of former membership in a firefighting unit from which the person is a bona fide retired member in good standing.

(b) The registration plates must bear the legend "Retired Firefighter".

(c) The registration plate must be issued upon payment of the regular registration fee pursuant to this chapter and an additional fee equal to the cost of actually designing and manufacturing the plates, and submission of information in accordance with subsection (d).

(d) For issuance of a license plate pursuant to this section, all applications must contain information that the commissioner requires proving the eligibility of the applicant as a person who retired in good standing as a firefighter pursuant to subsection (a).

SECTION __. Tennessee Code Annotated, Section 55-4-203(c)(5), is amended by adding the following as a new subdivision:

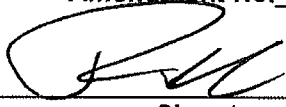
() Retired firefighter;



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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. 142

House Bill No. 137*

by redesignating subsection (a) in § 55-4-330 in Section 1 as subdivision (a)(1), redesignating subsections (b) and (c) in § 55-4-330 in Section 1 as subdivisions (a)(2) and (a)(3), and adding the following as a new subsection:

()

(1) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, shall be issued a Golfer new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(2) The Golfer new specialty earmarked license plate must be designed in consultation with a representative of 2nd Century Foundation.

(3) The funds produced from the sale of Golfer new specialty earmarked license plates must be allocated to 2nd Century Foundation, in accordance with § 55-4-301. The funds must be used exclusively to preserve the property, facilities, and tradition of the nationally recognized Johnson City Golf and Country Club in Johnson City, Tennessee.

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

SECTION __. Tennessee Code Annotated, Section 55-4-203(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Golfer;



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Amendment No. _____

Mark R. Pate

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 142

House Bill No. 137*

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

SECTION __. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new section:

55-4-281.

(a) A recipient of the Coast Guard Medal or the Coast Guard Commendation Medal who is a resident of this state and who is an owner or lessee of a motor vehicle, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and upon paying the regular registration fee for plates, as prescribed under § 55-4-111, and the fee provided for in § 55-4-204(c)(1), shall be issued a distinctive Coast Guard Medal or Coast Guard Commendation Medal motor vehicle registration plate, as appropriate, for a motor vehicle authorized by § 55-4-210(c).

(b) The plates provided for in this section must include a likeness of the Coast Guard Medal or the Coast Guard Commendation Medal and bear the legend "Coast Guard Medal" or "Coast Guard Commendation Medal", as applicable.

(c) All applications pursuant to this section must be accompanied by the following as proof of eligibility for issuance of a plate pursuant to this section:

(1)

(A) A valid military identification card or such other document as the commissioner designates as sufficient proof that the applicant is an active member of the United States armed forces; or



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(B)

(i) A certified copy of the veteran's certificate of release or discharge from active duty, department of defense form 214 (DD 214), honorable discharge certificate, department of defense form 256 (DD 256), or report of separation and record of service, NGB form 22, that indicates an honorable discharge characterization;

(ii) A valid DD form 2 (Retired) military identification card;

or

(iii) A Tennessee driver license that indicates military service in accordance with § 55-50-354; and

(2) Documentation certifying that the application for the plate is submitted by a recipient of the Coast Guard Medal or Coast Guard Commendation Medal, as applicable, to include:

(A) Military orders awarding the Coast Guard Medal or Coast Guard Commendation Medal, authorized by a branch of the United States armed forces to the member or veteran; or

(B) The veteran's certificate of release or discharge from active duty, department of defense form 214 (DD 214), or report of separation and record of service, NGB form 22, indicating the awarding of the Coast Guard Medal or Coast Guard Commendation Medal.

(d) An applicant is required to submit the documentation required by subsection (c) only when initially applying for license plates under this section. Subsequent license plates under this section must be issued to that person without the repeated presentation of documentation.

SECTION __. Tennessee Code Annotated, Section 55-4-203(c)(5)(G), is amended by adding the following as new, appropriately designated subdivisions:

() Coast Guard Medal;

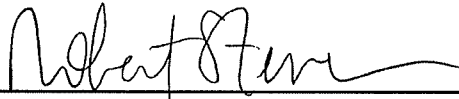
() Coast Guard Commendation Medal;

SECTION __. Tennessee Code Annotated, Section 55-4-204(c)(1), is amended by adding the following as new, appropriately designated subdivisions:

() Coast Guard Medal;

() Coast Guard Commendation Medal;

Amendment No. _____



Signature of Sponsor

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Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 142

House Bill No. 137*

by inserting the following new subsection in § 55-4-345 of SECTION 1:

()

(1) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided in § 55-4-204, shall be issued a Child Development Services of Murfreesboro new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(2) The new specialty earmarked plates provided for in this subsection () must be designed in consultation with a representative from Child Development Services of Murfreesboro, Inc.

(3) The funds produced from the sale of Child Development Services of Murfreesboro new specialty earmarked license plates must be allocated to the Child Development Services of Murfreesboro, Inc. in accordance with § 55-4-301. The funds must be used exclusively to provide educational programs and supportive services for children and young adults with disabilities.

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

SECTION __. Tennessee Code Annotated, Section 55-4-203(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Child Development Services of Murfreesboro;



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Amendment No. _____

Signature of Sponsor

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Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 142

House Bill No. 137*

by deleting the language "55-4-324 – 55-4-329. [Reserved.]" in the amendatory language of SECTION 1, substituting instead the language "55-4-325 – 55-4-329. [Reserved.]", and adding the following as a new section:

55-4-324. Service organizations.

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, shall be issued a Promote Peace new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked plates provided for in this section must contain the official Rotary Peace logo or other design representative of Rotary International. The plates must be designed in consultation with a representative of Rotary International.

(c) The funds produced from the sale of Promote Peace new specialty earmarked license plates must be allocated to Rotary Club of Madison-Goodlettsville Foundation in accordance with § 55-4-301. The funds must be used exclusively to support Rotary International's peacebuilding and conflict resolution initiatives across Tennessee through Rotary district and club outreach to their communities focusing on the importance of promoting peace and resolving conflicts, including providing funding to local schools and camps for educational materials related to peacebuilding, conflict resolution, and anti-bullying.



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

SECTION __. Tennessee Code Annotated, Section 55-4-203(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Promote Peace;

Amendment No. _____

Rebecca Alexander

Signature of Sponsor

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Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 142

House Bill No. 137*

by deleting the language "July 1, 2023" in subdivision (5) of the amendatory language in § 55-4-341(d) of SECTION 1 and substituting instead the language "July 1, 2024".

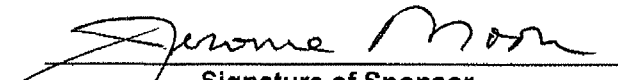


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Amendment No. _____


Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 142

House Bill No. 137*

by inserting the following new subsection in § 55-4-340 of SECTION 1:

()

(1) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, shall be issued a Remote Area Medical new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(2) The new specialty earmarked plates provided for in this subsection () must be designed in consultation with a representative of Remote Area Medical.

(3) The funds produced from the sale of Remote Area Medical new specialty earmarked license plates must be allocated to Remote Area Medical in accordance with § 55-4-301. The funds must be used exclusively to provide free medical, dental, and vision services to the uninsured and underinsured population in this state.

AND FURTHER AMEND by deleting the heading "**Medical schools and centers.**" immediately after "**55-4-340.**" in SECTION 1 and substituting instead the heading "**Medical care, schools, and centers.**".

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

SECTION __. Tennessee Code Annotated, Section 55-4-203(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Remote Area Medical;



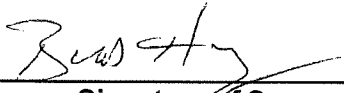
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Amendment No. _____



Signature of Sponsor

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Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 142

House Bill No. 137*

by adding the following as a new subdivision to § 55-4-312(b) in Section 1:

(4) Notwithstanding § 55-4-202(k)(1), the Bays Mountain new specialty
earmarked license plate authorized pursuant to this subsection (b) has until July 1, 2024,
to meet the applicable minimum issuance requirements of § 55-4-202(k)(1).



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Amendment No. _____

Rebecca Alexander

Signature of Sponsor

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Date _____

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Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 142

House Bill No. 137*

by adding the following new subsection in § 55-4-311 of SECTION 1:

()

(1) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, must be issued a First State Flag new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(2) The new specialty earmarked plates provided for in this subsection () must be of an appropriate design representative of the original state flag of Tennessee that was adopted in 1897 and include the language "The Volunteer State". The plates must be designed in consultation with a representative of the Tipton-Haynes Historical Association, Incorporated.

(3) The funds produced from the sale of First State Flag new specialty earmarked license plates must be allocated to the Tipton-Haynes Historical Association, Incorporated, in accordance with § 55-4-301. The funds must be used exclusively to support the organization's efforts to operate the Tipton-Haynes State Historic Site in Johnson City, Tennessee.

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

SECTION __. Tennessee Code Annotated, Section 55-4-203(c)(7), is amended by adding the following as a new, appropriately designated subdivision:



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() First State Flag;

Amendment No. _____

Signature of Sponsor

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Date _____

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Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 142

House Bill No. 137*

by inserting the following new subsection in § 55-4-344 of SECTION 1:

()

(1) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided in § 55-4-204, shall be issued a Sickle Cell Foundation new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(2) The new specialty earmarked plates provided for in this subsection () must be designed in consultation with a representative from the Sickle Cell Foundation of Tennessee.

(3) The funds produced from the sale of the Sickle Cell Foundation new specialty earmarked license plates must be allocated to the Sickle Cell Foundation of Tennessee, in accordance with § 55-4-301. The funds must be used exclusively to provide educational awareness, comprehensive social services, and collective supportive impact to all persons affected by Sickle Cell Disease within service areas in Tennessee.

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

SECTION __. Tennessee Code Annotated, Section 55-4-203(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Sickle Cell Foundation;

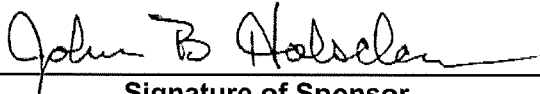


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Amendment No. _____


Signature of Sponsor

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Date _____

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Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 142

House Bill No. 137*

by redesignating the existing subsections (a)-(c) in § 55-4-335 of SECTION 1 as subdivisions (a)(1)-(3) and adding the following as a new, appropriately designated subsection:

()

(1) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided in § 55-4-204, shall be issued an Elizabethton Cyclones new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(2) The new specialty earmarked plates provided for in this subsection () must be designed in consultation with a representative from Elizabethton City Schools and the Elizabethton High School Alumni Association, Inc.

(3) The funds produced from the sale of the Elizabethton Cyclones new specialty earmarked license plates must be allocated to the Elizabethton High School Alumni Association, Inc., in accordance with § 55-4-301. The funds must be used exclusively to support educational needs of students, including the funding of scholarships.

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

SECTION __. Tennessee Code Annotated, Section 55-4-203(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Elizabethton Cyclones;



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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. 142

House Bill No. 137*

by deleting the language "**55-4-324 – 55-4-329. [Reserved.]**" in the amendatory language of SECTION 1, substituting instead the language "**55-4-325 – 55-4-329. [Reserved.]**", and adding the following as a new section:

55-4-324. Service organizations.

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, shall be issued a 100 Black Men new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked plates provided for in this section must be designed in consultation with a representative of 100 Black Men of Memphis, Inc.

(c) The funds produced from the sale of 100 Black Men new specialty earmarked license plates must be allocated to 100 Black Men of Memphis, Inc., in accordance with § 55-4-301. The funds must be used exclusively in this state to support the organization's mission to support local communities and mentor and develop young people into future leaders through programs and services focusing on the areas of mentoring, education, health and wellness, and economic empowerment.

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

SECTION ___. Tennessee Code Annotated, Section 55-4-203(c)(7), is amended by adding the following as a new, appropriately designated subdivision:



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() 100 Black Men;

Amendment No. _____

Rebecca Alexander

Signature of Sponsor

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Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 142

House Bill No. 137*

by adding the following as a new, appropriately designated subsection to § 55-4-314 in

SECTION 1:

()

(1) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, shall be issued a Historic Jonesborough new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(2) The new specialty earmarked plates provided for in this subsection () must be of an appropriate design representative of historic Jonesborough, Washington County, Tennessee. The plates must be designed in consultation with representatives of the Heritage Alliance of Northeast Tennessee and Southwest Virginia and the Jonesborough Genealogical Society.

(3) The funds produced from the sale of Historic Jonesborough new specialty earmarked license plates must be allocated to the Heritage Alliance of Northeast Tennessee and Southwest Virginia in accordance with § 55-4-301. The funds must be used exclusively to promote and assist tourism and the preservation of history in the Town of Jonesborough and surrounding community.

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



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SECTION __. Tennessee Code Annotated, Section 55-4-203(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Historic Jonesborough;

Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 643*

House Bill No. 1102

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

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

AMEND Senate Bill No. 1086

House Bill No. 1036*

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

SECTION 1. Tennessee Code Annotated, Section 8-35-111(b), is amended by adding the following new subdivision:

(4) A defined benefit pension plan established and maintained by a local government employer that is supplemental to the employer's participation in the Tennessee consolidated retirement system, and was established prior to the effective date of this act, where the total combined employer and employee contributions do not exceed seven percent (7%) of the employee's salary, and the supplemental benefits are subject to the limitations set forth in § 8-36-102. At the request of the Tennessee consolidated retirement system, the local government shall conduct a periodic audit using an auditing or accounting firm to demonstrate compliance with the limitations set forth in § 8-36-102 and any applicable limitation pursuant to federal law, regulation, or ruling, with the cost of the audit to be paid by the local government.

SECTION 2. Tennessee Code Annotated, Section 8-35-112(c), is amended by deleting the subsection and substituting instead the following:

(c) This section does not apply to retired members of the retirement system or of a superseded system who return to service in a position covered by the retirement system, as provided in chapter 36, part 8 of this title that does not allow the retired member to accrue additional retirement benefits.

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



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Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 639

House Bill No. 407*

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 69-9-227(a), is amended by adding the following subdivision:

() "In the aggregate" means the number of nonmotorized vessels by type rented in each agency region;

SECTION 2. Tennessee Code Annotated, Section 69-9-227(b)(1), is amended by deleting the subdivision and substituting the following:

(1) The commission may establish rules, regulations, permits, and procedures regulating only those commercial operations that:

(A) Lease or rent nonmotorized vessels for noncommercial use by the public on the waters of Tennessee; and

(B) In conducting the uses under permit described in subdivision (b)(1)(A), utilize vessel launches or ramps, or other property, owned or managed by the agency.

SECTION 3. Tennessee Code Annotated, Section 69-9-227(b)(2), is amended by deleting the word "or" at the end of subdivision (b)(2)(A), adding the following as a new subdivision (b)(2)(B), and redesignating the existing subdivision (b)(2)(B) accordingly:

(B) Apply to commercial operations permitted by the department of environment and conservation pursuant to a commercial use authorization under § 11-1-118, or other law; or



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SECTION 4. Tennessee Code Annotated, Section 69-9-227(c)(2), is amended by deleting the subdivision and substituting:

(2) No later than January 15, 2024, and every January 15 thereafter, an outfitter shall submit an annual report from the agency-required records for uses under permit that occurred during the immediately preceding calendar year. The agency shall accept a report that is submitted as early as December 15 of the year in which the information contained in the report occurred; provided, that the outfitter submitting the report ceased engaging in uses under permit that are required to be reported under this section for the remainder of the year prior to submitting the report. If a report is incomplete, the agency shall provide written notice requesting additional information to the outfitter that submitted the report and the outfitter has thirty (30) days to submit additional information to the agency.

SECTION 5. Tennessee Code Annotated, Section 10-7-504(a), is amended by adding the following as a new subdivision:

(34)

(A)

(i) The following are confidential and not open for inspection by members of the public:

(a) All proprietary information submitted to the wildlife resources agency as part of an application for a permit, or renewal of a permit, to engage in a commercial operation that leases or rents nonmotorized vessels for noncommercial use by the public on the waters of Tennessee, as defined in § 69-9-227; and

(b) Records, other than application materials described in subdivision (a)(34)(A)(ii)(a), containing proprietary information provided to the wildlife resources agency by an outfitter who

leases or rents nonmotorized vessels for noncommercial use by the public on the waters of Tennessee, as defined in § 69-9-227.

(ii) As used in this subdivision (a)(34), "proprietary information":

(a) Means commercial or financial information that is used either directly or indirectly in the business of a person or company submitting information to the wildlife resources agency, and that gives the person an advantage or an opportunity to obtain an advantage over competitors who do not know of or use the information; and

(b) Includes, but is not limited to, information on the number and type of nonmotorized vessels leased each day and daily ridership data.

(B) Subdivision (a)(34)(A) does not limit:

(i) Access to information made confidential pursuant to subdivision (a)(34)(A):

(a) By law enforcement agencies, courts, or other governmental agencies performing official functions; or

(b) When an outfitter expressly authorizes the release of the information; or

(ii) The release of a record made confidential pursuant to subdivision (a)(34)(A) to persons identified within the record, unless the record is subject to a legal privilege against disclosure.

(C) This subdivision (a)(34) is repealed effective July 1, 2033.

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. 606*

House Bill No. 706

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 36, Part 8, is amended by adding the following new section:

(a) Within a one-year period, a retiree who is reemployed in a position covered by the Tennessee consolidated retirement system pursuant to this part must not:

(1) Switch from one (1) reemployment provision under this part to another; or

(2) Simultaneously be reemployed under more than one (1) reemployment provision under this part.

SECTION 2. Tennessee Code Annotated, Section 8-36-809, is amended by deleting the section and substituting:

(a) As used in this section, "law enforcement officer" means a police officer as defined in § 8-34-101, state police officer as defined in § 8-34-101, sheriff, or sheriff's deputy, whose primary responsibility is the prevention and detection of crime and apprehension of offenders.

(b) Notwithstanding a law to the contrary, a retired member of the Tennessee consolidated retirement system or a superseded system, or a local retirement fund established pursuant to chapter 35, part 3 of this title may be reemployed in a position covered by the retirement system as a law enforcement officer without the loss or suspension of the retired member's Tennessee consolidated retirement system benefits, provided that the following conditions are met:



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(1) The retired member, as of the date of reemployment, must have successfully completed annual training required by title 38, chapter 8, part 1, and as required by the Tennessee peace officer standards and training commission;

(2) The retired member is not reemployed until the expiration of at least sixty (60) calendar days from the member's effective date of retirement;

(3) During the reemployment, the retirement benefit payable to the retired member must be reduced to seventy percent (70%) of the retirement allowance the member would have otherwise been entitled to receive;

(4) The retired member's reemployment must not exceed one (1) year; provided, that the retired member may be reemployed for additional one-year periods if the conditions contained in this section are met for each period of reemployment;

(5) To fund the liability created by this section, the retired member's new employer shall pay to the Tennessee consolidated retirement system during each period of reemployment the greater of:

(A) A payment equal to the amount the employer would have contributed to the retirement system had the retired member been a member of the retirement system during the period of reemployment; or

(B) An amount equal to five percent (5%) of the retired member's pay rate;

(6) The retired member is not eligible to accrue additional retirement benefits as a result of the member's reemployment;

(7) Upon the reemployment of the retired member, the retired member's new employer shall:

(A) Notify the retirement system of the member's reemployment with any documents or information required by the retirement system; and

(B) Certify in writing to the retirement system that the retired member has the requisite experience and training for the position to be filled and that no other qualified persons are available to fill the position; and

(8) The retiree is not drawing disability retirement benefits under chapter 36, part 5 of this title.

(c) This section is repealed on June 30, 2025.

SECTION 3. Tennessee Code Annotated, Section 8-36-821, is amended by deleting subsection (b).

SECTION 4. This act takes effect July 1, 2023, the public welfare requiring it, and applies to reemployments occurring on or after such date.

Amendment No. _____

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.

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 776*

House Bill No. 1070

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 4-56-101, is amended by adding the following as new subdivisions:

() "Drone" means a powered, aerial vehicle that:

(A) Does not carry a human operator and is operated without the possibility of direct human intervention from within or on the aircraft;

(B) Uses aerodynamic forces to provide vehicle lift;

(C) Can fly autonomously or be piloted remotely; and

(D) Can be expendable or recoverable;

() "Law enforcement agency" means a lawfully established state agency that is responsible for the prevention and detection of crime, local government code enforcement, and the enforcement of penal, traffic, regulatory, game, or controlled substance laws;

() "State agency" means a board, commission, committee, department, office, or another entity of this state;

SECTION 2. Tennessee Code Annotated, Title 4, Chapter 56, Part 1, is amended by adding the following as a new section:

(a) Notwithstanding § 39-13-902 or other law, a state agency shall not purchase or acquire a drone, as defined in the federal National Defense Authorization Act of 2019 (Pub. L. No. 115-232), produced by a manufacturer banned under Section 889 of the National Defense Authorization Act of 2019, as amended.



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(b) A contract or agreement for the purchase or acquisition of a drone in violation of this section is void and unenforceable.

SECTION 3. Tennessee Code Annotated, Title 12, Chapter 4, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Agency" means a local agency or law enforcement agency;

(2) "Drone" means a powered, aerial vehicle that:

(A) Does not carry a human operator and is operated without the possibility of direct human intervention from within or on the aircraft;

(B) Uses aerodynamic forces to provide vehicle lift;

(C) Can fly autonomously or be piloted remotely; and

(D) Can be expendable or recoverable;

(3) "Law enforcement agency" means a lawfully established local agency that is responsible for the prevention and detection of crime, local government code enforcement, and the enforcement of penal, traffic, regulatory, game, or controlled substance laws; and

(4) "Local agency" means a county, municipality, branch, or agency of a county or municipality, public utility, utility district, or an entity created pursuant to an interlocal agreement.

(b) Notwithstanding § 39-13-902 or another law, an agency shall not purchase or acquire a drone, as defined in the federal National Defense Authorization Act of 2019 (Pub. L. No. 115-232), produced by a manufacturer banned under Section 889 of the National Defense Authorization Act of 2019, as amended.

(c) A contract or agreement for the purchase or acquisition of a drone in violation of this section is void and unenforceable.

SECTION 4. This act takes effect July 1, 2023, the public welfare requiring it, and applies to contracts or agreements entered into, amended, or renewed, on or after that date.

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 533*

House Bill No. 1151

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 8-50-907(h), is amended by deleting the language "illness of any member of the participant's family" and substituting instead the language "illness of a member of the participant's family except as provided in subsection (n)".

SECTION 2. Tennessee Code Annotated, Section 8-50-907, is amended by adding the following as a new subsection:

(n) Sick leave may be granted to a member on account of an illness of the member's minor child.

SECTION 3. Tennessee Code Annotated, Section 8-50-925(d)(1)(D), is amended by deleting the language "illness of any member of the individual's family" and substituting instead the language "illness of a member of the individual's family except as provided in subsection (h)".

SECTION 4. Tennessee Code Annotated, Section 8-50-925, is amended by adding the following as a new subsection:

(h) Sick leave may be granted to a member on account of an illness of the member's minor child.

SECTION 5. Tennessee Code Annotated, Section 49-5-808(g), is amended by deleting the language "illness of any member of the participant's family" and substituting instead the language "illness of a member of the participant's family except as provided in subsection (m)".

SECTION 6. Tennessee Code Annotated, Section 49-5-808, is amended by adding the following as a new subsection:



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(m) Sick leave may be granted to a member on account of an illness of the member's minor child.

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. 1309

House Bill No. 1453*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 70-4-134, is amended by adding the following new subsection:

(e)

(1) Notwithstanding this section to the contrary, and unless otherwise prohibited by federal law, a person who resides on property that adjoins the Great Smoky Mountains National Park may take, attempt to take, or harm a bear that enters onto the person's property if the bear acted in a manner that caused:

(A) The person to have a reasonable belief that the bear's action placed the person in imminent danger of death or serious bodily injury;

(B) The person to believe the danger creating the threat of imminent death or serious bodily injury is real, or is honestly believed to be real at the time; and

(C) The belief of danger to be founded upon reasonable grounds.

(2)

(A) A person shall notify the agency within twenty-four (24) hours after killing or seriously injuring a bear pursuant to this section if the person is reasonably able to notify the agency.

(B) A bear must not be removed from the site, repositioned, retained, sold, or transferred without authorization from the agency.

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



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Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 276*

House Bill No. 324

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 50, Part 8, is amended by adding the following as a new section:

(a) In addition to leave granted under §§ 8-50-801, 8-50-802, and 8-50-806, an eligible employee must be granted absence from work with pay for a period of time equal to twelve (12) workweeks because of the birth of the employee's child or because of the placement of a child with the employee for adoption, and upon the employee giving thirty-days' notice to the appropriate appointing authority. If the eligible employee learns of the birth or adoption less than thirty (30) days in advance, the employee shall give the notice as soon as reasonably possible. For the purpose of calculating service anniversary dates, this absence from work is considered full-time employment.

(b) Leave used by an eligible employee pursuant to this section must not be charged to sick, annual, or other leave the employee may have accumulated.

(c) Leave granted pursuant to this section must count toward the eligible employee's use of leave required to be given by this state as an employer under the federal Family and Medical Leave Act (29 U.S.C. § 2601, et seq.) and § 4-21-408.

(d) An eligible employee must not be granted more than twelve (12) workweeks of paid leave under subsection (a) during a twelve-month period, but the workweeks do not need to be taken consecutively. An eligible employee may receive no more than twelve (12) workweeks of paid leave during a twelve-month period, even if there is more



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than one (1) qualifying birth or adoption under subsection (a). Leave granted pursuant to this section must be used within twelve (12) months of the qualifying birth or adoption.

(e) As used in this section, "eligible employee" means an employee who has been employed full-time with the state for at least twelve (12) consecutive months with an entity described in § 8-30-102(a), § 8-30-102(b)(2), § 8-30-102(b)(6)-(7), § 8-30-102(b)(9), and § 8-30-102(b)(10)-(13).

(f) The department of human resources shall establish policies for implementing this section with regard to executive branch agencies. With regard to nonexecutive branch agencies, the equivalent of the agency's human resources office shall establish policies for implementing this section.

(g) Paid leave under this section must be paid at one hundred percent (100%) of the employee's salary.

(h) If an eligible employee experienced a birth or adoption under subsection (a) prior to the effective date of this act and has not used all of the federal Family and Medical Leave Act leave to which the employee was entitled as a result of the birth or adoption, then the employee is entitled to leave under this section beginning on the effective date of this act for the remainder of the federal Family and Medical Leave Act leave that the employee uses on or after the effective date of this act as a result of the event in subsection (a). The duration of paid leave must not exceed the paid leave available under subsection (d).

SECTION 2. Tennessee Code Annotated, Section 8-50-801(b)(1), is amended by deleting the language "one (1) day for each month of service or major fraction thereof" and substituting "twelve (12) days per year on the date the employee is hired and on each service anniversary date for the employee".

SECTION 3. Tennessee Code Annotated, Section 8-50-801(b)(2), is amended by deleting the subdivision.

SECTION 4. Tennessee Code Annotated, Section 8-50-801(b)(3), is amended by deleting "one and one-half ($1\frac{1}{2}$) days for each month of service or major fraction thereof" and substituting instead "eighteen (18) days per year on each service anniversary date for the employee".

SECTION 5. Tennessee Code Annotated, Section 8-50-801(b)(4), is amended by deleting "one and three-quarters ($1\frac{3}{4}$) days for each month of service or major fraction thereof" and substituting instead "twenty-one (21) days per year on each service anniversary date for the employee".

SECTION 6. Tennessee Code Annotated, Section 8-50-801(b)(5), is amended by deleting "two (2) days for each month of service or major fraction thereof" and substituting instead "twenty-four (24) days per year on each service anniversary date for the employee".

SECTION 7. Tennessee Code Annotated, Section 8-50-801, is amended by deleting subsections (c) and (d) and substituting:

(c)

(1) Annual leave requested by an employee is subject to supervisory approval.

(2) For purposes of subdivisions (b)(1)-(5), service anniversary dates must be adjusted to account for gaps in paid employment as a state employee.

(d) For individuals holding full-time positions in the department of education that require three (3) years' experience as a certified professional employee in the Tennessee public school system, prior teaching or administrative experience in Tennessee public schools is creditable for purposes of subdivisions (b)(1)-(5), not to exceed three (3) years.

SECTION 8. Tennessee Code Annotated, Section 8-50-802(a)(1), is amended by deleting the language "one (1) day for each month of service or major fraction thereof, at the discretion of the head of the department or agency and with the approval of the commissioner of human resources." and substituting "twelve (12) days per year on the date the employee is

hired and on each service anniversary date for the employee, at the discretion of the head of the department or agency and with the approval of the commissioner of human resources. For purposes of subdivision (a)(1), service anniversary dates must be adjusted to account for gaps in paid employment as a state employee."

SECTION 9. Tennessee Code Annotated, Section 8-50-807(a), is amended by deleting the subsection and substituting:

(a)

(1) Each officer and employee entitled to annual leave by this part must be compensated upon termination for the officer's or employee's unused accrued annual leave, based upon the number of months the employee worked beyond the officer's or employee's service anniversary date.

(2) If the termination date is prior to the service anniversary date, the officer or employee's final paycheck must be reduced to account for the number of annual days used that exceed the number of months in which the employee worked.

(3) If the separated employee is rehired by the state within one (1) year of the date of separation, the state shall reinstate any accrued, unused annual leave from the previous period of employment for which the employee was not compensated at separation.

SECTION 10. Tennessee Code Annotated, Section 8-27-104, is amended by deleting the section and substituting:

For the purposes of parts 1, 2, 3, and 7 of this chapter, "voluntary benefits" means those benefits the committees deem necessary and reasonable to afford coverage in addition to the basic health plan or plans, and any fully employer-paid benefits offered by the committees.

SECTION 11. Tennessee Code Annotated, Section 8-27-202(a)(2), is amended by deleting the language "A basic term life insurance benefit and basic accidental death and

dismemberment benefit, with defined coverage amounts" and substituting "All benefits with defined coverage amounts fully".

SECTION 12. Tennessee Code Annotated, Section 8-27-202(a)(3), is amended by deleting the language "These benefits include optional life insurance coverage in excess of that offered under subdivision (a)(2). The state insurance committee may provide for voluntary benefits as part of the basic health plans or as separate plans."

SECTION 13. Tennessee Code Annotated, Section 8-27-202(c), is amended by deleting the language ", term life, and accidental death and dismemberment" and substituting "and plans fully paid by the employer".

SECTION 14. Tennessee Code Annotated, Section 8-27-203(b) is amended by deleting the language "the basic term life insurance benefit and basic accidental death and dismemberment benefit" and substituting "all fully employer-funded benefits and all partially employer funded voluntary benefits".

SECTION 15. Tennessee Code Annotated, Section 8-27-203(c), is amended by deleting the language "fully paid by the enrolled members. The additional costs for participating dependents shall be fully paid by the enrolled members" and substituting "paid in full or in part by the employee".

SECTION 16. Tennessee Code Annotated, Section 8-27-205(a), is amended by deleting the subsection and substituting:

(a) The state insurance committee may establish basic health plan benefits, and voluntary benefits, as the state insurance committee deems necessary and reasonable, for state employees, as defined in § 8-27-204(a)(1), who are retired, and may establish eligibility criteria for the benefits. The health benefit may be available to:

(1) Eligible retired state employees, eligible retired employees of the University of Tennessee, and eligible retired employees of the state university and community college system who are drawing retirement benefits through the Tennessee consolidated retirement system; and

(2) Eligible retired employees of the University of Tennessee and the state university and community college system who are participants in another retirement plan offered through their employment with the University of Tennessee or the state university and community college system, regardless of whether such retired employee is drawing a retirement benefit.

SECTION 17. Tennessee Code Annotated, Section 8-27-209(a), is amended by deleting the subsection and substituting:

(a) The state insurance committee may provide a supplemental medical insurance benefit as the state insurance committee deems necessary and reasonable for retired state employees, as defined in § 8-27-204(a)(1), who are covered by Medicare benefits, and may establish eligibility criteria for the benefit. The supplemental medical insurance benefit may be made available to:

(1) Eligible retired state employees, eligible retired employees of the University of Tennessee, and eligible retired employees of the state university and community college system who are drawing retirement benefits through the Tennessee consolidated retirement system; and

(2) Eligible retired employees of the University of Tennessee and the state university and community college system who are participants in any other retirement plan offered through their employment with the University of Tennessee or the state university and community college system, regardless of whether such retired employee is drawing a retirement benefit.

SECTION 18. Tennessee Code Annotated, Section 8-27-209(b), is amended by deleting the language "supplemental medical insurance program for retirees" and substituting "supplemental medical insurance program for retired employees".

SECTION 19. Tennessee Code Annotated, Section 8-27-209, is amended by deleting subdivisions (c)(2) and (d)(2).

SECTION 20. Tennessee Code Annotated, Section 8-27-209(e), is amended by inserting the language "benefit" after "supplemental medical insurance".

SECTION 21. Tennessee Code Annotated, Section 8-27-209, is amended by adding the following as a new subsection:

(f) As used in this section:

(1) "Retiree" means:

(A) A former state employee, or employee of the University of Tennessee, or the state university and community college system, who is drawing an allowance through the Tennessee consolidated retirement system; and

(B) A former employee of the University of Tennessee, or the state university and community college system, who participates in the optional retirement system established in § 8-25-202, regardless of whether the former employee draws a monthly retirement allowance; and

(2) "Years of service" means only those years of service rendered by the retiree as a state employee, University of Tennessee employee, or state university and community college system higher education employee, or teacher in a local education agency, and upon which the retiree's monthly retirement allowance is based.

SECTION 22. Tennessee Code Annotated, Section 8-27-305(a), is amended by deleting the subsection and substituting:

(a) The local education insurance committee may establish basic health plans and voluntary benefits, as the local education committee deems necessary and reasonable, for retired local education employees. The benefits may be made available to all eligible retired local education employees; provided, that an eligible retired local education employee who is vested in the Tennessee consolidated retirement system

must be drawing retirement benefits through that system to be able to also participate in the health benefits authorized by this section.

SECTION 23. Tennessee Code Annotated, Section 8-27-305(b), is amended by deleting the language "retired teachers" and substituting "the benefits authorized in subsection (a)".

SECTION 24. Tennessee Code Annotated, Title 8, Chapter 27, Part 3, is amended by adding the following as a new section:

(a) Subject to the approval of the state insurance committee as created in § 8-27-201 and the local education insurance committee, all retired local education employees participating in the Tennessee consolidated retirement system may participate in the supplemental medical insurance program established in § 8-27-209; provided, that retired employees are covered by Medicare benefits and are also drawing a monthly retirement allowance from the Tennessee consolidated retirement system.

(b) If, pursuant to a contract for insurance coverage authorized by this section, the provider or administrator returns or refunds any amounts by which premiums or fees exceed expenses, the amounts must be used only for the supplemental medical insurance program for retired employees. The returns or refunds must not be used to reduce the amount of state funding that would otherwise be required under subsection (c).

(c)

(1) From the appropriations made in the general appropriations act each year for that purpose, the state insurance committee may pay an amount on behalf of each participating retiree toward the cost of supplemental medical insurance provided pursuant to this section at the same level and on the same terms that are established by the state insurance committee pursuant to § 8-27-209(d).

(2) As used in this subsection (c):

(A) "Retiree" means a former teacher employed by a local education agency who is drawing a monthly retirement allowance from the Tennessee consolidated retirement system, and does not include other former local education employees; and

(B) "Years of service" means only those years of service rendered by the retiree as a state employee, University of Tennessee employee, or state university and community college system higher education employee, or teacher in a local education agency, and upon which the retiree's monthly retirement allowance is based.

(d) Except as provided in subsection (c), the state insurance committee shall not pay an amount toward the costs of supplemental medical insurance provided pursuant to this section.

(e) Former local education employees, other than those specified in subsection (c), who elect to participate in the program shall pay the total cost of such coverage. The chief governing body of a local education employer may pass a resolution to make contributions toward the expense of such coverages; provided, that the amount, terms, and conditions of contributions must be, at all times, the same as that established by the state insurance committee pursuant to § 8-27-209(d). As used in this subsection (e), for determining the employer's contribution level, "years of service" means only those years of service rendered by the retired employee to the resolving employer and upon which the retired employee's monthly retirement allowance is based. The resolution to make contributions on behalf of retired employees must remain in effect until revoked by the chief governing body.

(f) The budget of an employer electing to make contributions must include an amount sufficient to pay contributions on behalf of its retired employees covered by the supplemental insurance program. The employer shall pay the contributions to the insurer in a manner directed by the state insurance committee.

(g) The supplemental medical insurance benefit authorized by this section is not available to a person otherwise qualified under subsection (a) whose initial employment with a participating local education agency or other qualifying employer commenced on or after July 1, 2015. The rights of election, transfer, and enrollment conferred by this section is not available to a person whose initial employment with a participating local education agency, the state, or other governmental agency qualifying the person for plan membership commenced on or after July 1, 2015.

SECTION 25. Tennessee Code Annotated, Section 8-27-705(a), is amended by deleting the subsection and substituting:

(a) The local government insurance committee may establish basic health plan benefits and voluntary benefits, as the local government insurance committee deems necessary and reasonable, for retired local government employees. The health benefits may be made available to all eligible retired local government employees; provided, that an eligible retired local government employee who is vested in the Tennessee consolidated retirement system must be drawing retirement benefits through that system to receive the health benefits authorized by this section.

SECTION 26. Tennessee Code Annotated, Section 8-27-705(b), is amended by deleting the language "retirees" and substituting "the benefits authorized by subsection (a)".

SECTION 27. Tennessee Code Annotated, Section 8-27-706(a), is amended by deleting the language "8-27-201," and substituting "8-27-201 and the local government insurance committee,".

SECTION 28. This act takes effect July 1, 2023, the public welfare requiring it. Section 1 of this act applies to each eligible employee who qualifies for leave under this act on or after July 1, 2023. Sections 2-9 of this act apply to each eligible employee who qualifies for leave under this act on or after January 1, 2024. Sections 10-16 of this act apply to health insurance plan years beginning on or after January 1, 2024.

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 475*

House Bill No. 1362

by deleting from SECTION 6 the language "licensee's approved house rules" wherever it may appear and substituting "licensee's approved house rules or internal controls", and by adding the following new, appropriately designated subdivisions to SECTION 6:

() "Gross handle" means the total amount of gross wagers less cancelled or voided wagers received by the licensee over a specified period of time;

() "Gross wager":

(A) Means all cash and promotional wagers received by licensees from bettors as wagers; and

(B) Includes all wagers placed with cash, cash equivalents, promotional items, and all other media by which a bettor is allowed to place a wager;

() "Promotional payout" means a payout by a licensee to a bettor in a form that cannot be immediately withdrawn by the bettor as cash;

() "Promotional wager" means a wager placed by a licensee using a bonus or other non-cash item;

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

SECTION 34. Tennessee Code Annotated, Section 4-49-102(1), is amended by deleting the subdivision.

SECTION 35. Tennessee Code Annotated, Section 4-49-104(a), is amended by deleting the second sentence of the subsection and substituting:



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Notwithstanding another state law to the contrary, a licensee shall only pay a privilege tax on its gross handle in accordance with this section.

SECTION 36. Tennessee Code Annotated, Section 4-49-104(b), is amended by deleting the subsection and substituting:

There is imposed upon the gross handle of a licensee a privilege tax of two percent (2%).

SECTION 37. Tennessee Code Annotated, Section 4-49-104(c), is amended by deleting the subsection and substituting:

The tax imposed under this section must be paid monthly by a licensee based on its gross handle for the immediately preceding calendar month, in accordance with rules promulgated by the council. A licensee shall not deduct from the gross handle winning payouts to bettors or promotional wagers or payouts. The council shall promulgate rules to specify the method by which a licensee must account for adjustments to the gross handle for wagers that are cancelled or voided.

SECTION 38. Tennessee Code Annotated, Section 4-49-104(d), is amended by deleting the language "a vendor" and substituting "an outside contractor".

SECTION 39. Tennessee Code Annotated, Section 4-49-116, is amended by deleting the section.

SECTION 40. Tennessee Code Annotated, Section 4-49-102, is amended by deleting subdivision (17).

SECTION 41. Tennessee Code Annotated, Section 4-49-124(a), is amended by deleting the subsection.

Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 293

House Bill No. 191*

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

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. 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;



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(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

(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;

SECTION 3. 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;

SECTION 4. Tennessee Code Annotated, Section 57-4-102(8)(l)(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,

SECTION 5. 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

(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;

SECTION 6. 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 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;

SECTION 7. 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;

SECTION 8. 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;

SECTION 9. 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) 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;

SECTION 10. 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;

SECTION 11. 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;

SECTION 12. 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;

SECTION 13. 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;

SECTION 14. 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;

SECTION 15. 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;

SECTION 16. 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

(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;

SECTION 17. 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;

(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;

SECTION 18. 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 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, highgravity 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 19. 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 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;

SECTION 20. 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;

SECTION 21. 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;

SECTION 22. 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;

SECTION 23. 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;

SECTION 24. 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;

SECTION 25. 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 are 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 26. 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 27. 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; and

(E) The facility may be open to the public or may limit admission to residents and their guests of the facility;

SECTION 28. 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 29. 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;

SECTION 30. 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;

SECTION 31. 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;

SECTION 32. 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;

SECTION 33. 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 34. 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 subdivisions (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 licensed under this subdivision (28)() means, for beer permitting purposes, those facilities identified under subdivisions (28)() (i)(b) and (c). The entire designated premises is covered under one (1) beer permit issued under chapter 5 of this title;

SECTION 35. 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. 270*

House Bill No. 318

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 36-1-109(a)(1)(B)(i), is amended by deleting the language "ninety (90) days prior to or forty-five (45) days" and substituting "the duration of the pregnancy and ninety (90) days".

SECTION 2. Tennessee Code Annotated, Section 36-1-109(a)(1)(B)(ii), is amended by deleting the language "one (1) year" and substituting "two (2) years".

SECTION 3. Tennessee Code Annotated, Section 36-1-111(b)(1), is amended by deleting the language "in chambers" and inserting "A surrender made under this section may be made in chambers or over a virtual video platform on which the court sees the person or persons surrendering the child." at the end of the subdivision.

SECTION 4. Tennessee Code Annotated, Section 36-1-111(d)(2), is amended by deleting the subdivision and substituting:

A surrender or parental consent may be executed at any time prior to birth, but a surrender or parental consent made prior to the birth of a child shall not be filed with the clerk of court until after the birth of the child and until the surrendering party or parties have filed a written reaffirmation of their desire to surrender the child, unless the surrender was executed in accordance with subsection (g). At the time of taking a parental consent prior to the birth of the child, the judge shall explain to the consenting parent the legal effect of signing the document, the time limit for withdrawal of the consent, and the procedures for withdrawal of the consent. Any surrender or parental consent made prior to the birth of a child must be reaffirmed within three (3) calendar



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days of the birth of the child, except a surrender executed in accordance with subsection (g).

SECTION 5. Tennessee Code Annotated, Section 36-1-111(d)(3), is amended by deleting the language "that is made within three (3) calendar days subsequent to the date of the child's birth, such period to begin on the day following the child's birth" and substituting "unless made after the earlier of discharge from a hospital or other birthing facility or forty-eight (48) hours following the child's birth".

SECTION 6. Tennessee Code Annotated, Section 36-1-119(a), is amended by deleting the subsection and substituting:

Unless the child is related to the petitioners, a final order of adoption shall not be entered before the home study has been filed with the court and before the petition has been on file at least six (6) months and before a final court report is filed with the court, except when the order is based upon a petition for re-adoption pursuant to § 36-1-106; however, the court, considering the petition as a whole, may deem it in the best interest of the child to reduce the waiting period to three (3) months.

SECTION 7. Tennessee Code Annotated, Section 36-1-119(c), is amended by deleting the language "six (6) months" and substituting "three (3) months".

SECTION 8. Tennessee Code Annotated, Section 36-1-127(e), is amended by adding the following as a new subdivision:

() Notwithstanding § 36-1-149 or another law to the contrary, no identifying information from the sealed records, sealed adoption records, or post-adoption records may be released if the biological parent of the adopted person has executed a request for redaction of identifying information, and the adopted person was less than six (6) months old at the time the request was executed. Such request for redaction must be made on a form created by the department, and may only be rescinded by submission of a sworn, notarized statement requesting such rescission. The rescission is effective upon the department's acknowledgment of receipt of the rescission.

SECTION 9. Tennessee Code Annotated, Section 37-2-401, is amended by adding the following as a new subsection:

() The department of children's services shall strive to identify and finalize a safe, stable, and permanent home for children in the custody of the department.

SECTION 10. Tennessee Code Annotated, Section 37-2-405, is amended by adding the following as a new subdivision:

() A list of services available from other state programs or agencies.

SECTION 11. Tennessee Code Annotated, Section 37-2-415(a)(22), is amended by deleting the subdivision and substituting:

The department shall permit the foster parent or parents a period of respite for up to six (6) months, free from placement of foster children in the family's home with follow-up contacts by the agency occurring at a minimum of every three (3) months, without threat of reprisal. The foster parent or parents shall provide reasonable notice, as determined by the department, to the department for respite.

SECTION 12. This act takes effect on July 1, 2023, the public welfare requiring it.

Amendment No. _____

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Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 270*

House Bill No. 318

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 36-1-109(a)(1)(B)(i), is amended by deleting the language "ninety (90) days prior to or forty-five (45) days" and substituting "the duration of the pregnancy and ninety (90) days".

SECTION 2. Tennessee Code Annotated, Section 36-1-109(a)(1)(B)(ii), is amended by deleting the language "one (1) year" and substituting "two (2) years".

SECTION 3. Tennessee Code Annotated, Section 36-1-111(b)(1), is amended by deleting the language "in chambers" and inserting "A surrender made under this section may be made in chambers or over a virtual video platform on which the court sees the person or persons surrendering the child. The decision whether to conduct the surrender in chambers or over a virtual video platform is within the court's discretion." at the end of the subdivision.

SECTION 4. Tennessee Code Annotated, Section 36-1-111(b)(3), is amended by deleting the language "I know that I should only sign this form if I want my parental rights terminated. If I want to talk to my own lawyer before I sign this form, I should tell the Judge or other officiant now and this surrender process will stop. I can talk to my lawyer and then decide if I still want to end my parental rights." and substituting "I know that I should only sign this form if I want my parental rights terminated. If I want to talk to my own lawyer before I sign this form, I should tell the Judge or other officiant now and this surrender process will stop. I can talk to my lawyer and then decide if I still want to end my parental rights. If I do not have my own lawyer, I understand that I am free to go obtain my own lawyer and this surrender process will stop until I have done so, or I may continue without my own lawyer at this time.".



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SECTION 5. Tennessee Code Annotated, Section 36-1-111(d)(2), is amended by deleting the subdivision and substituting:

(2) A surrender or parental consent may be made at any time prior to birth, but a surrender or parental consent made prior to the birth of a child shall not be filed with the clerk of court until after the birth of the child and until the surrendering party or parties have filed a written reaffirmation of their desire to surrender the child, unless the surrender was executed in accordance with subsection (g). At the time of taking a parental consent prior to the birth of the child, the judge shall explain to the consenting parent the legal effect of signing the document, the time limit for withdrawal of the consent, and the procedures for withdrawal of the consent. Any surrender or parental consent made prior to the birth of a child must be reaffirmed within three (3) calendar days of the birth of the child, except a surrender executed in accordance with subsection (g).

SECTION 6. Tennessee Code Annotated, Section 36-1-111(d)(3), is amended by deleting the language "that is made within three (3) calendar days subsequent to the date of the child's birth, such period to begin on the day following the child's birth" and substituting "unless made after the earlier of discharge from a hospital or other birthing facility or forty-eight (48) hours following the child's birth".

SECTION 7. Tennessee Code Annotated, Section 36-1-119(a), is amended by deleting the subsection and substituting:

(a) Unless the child is related to the petitioners, a final order of adoption shall not be entered before the home study has been filed with the court and before the petition has been on file at least six (6) months and before a final court report is filed with the court, except when the order is based upon a petition for re-adoption pursuant to § 36-1-106; however, the court, considering the petition as a whole, may deem it in the best interest of the child to reduce the waiting period to three (3) months.

SECTION 8. Tennessee Code Annotated, Section 36-1-119(c), is amended by deleting the language "six (6) months" and substituting "three (3) months".

SECTION 9. Tennessee Code Annotated, Section 36-1-127(e), is amended by adding the following as a new subdivision:

(3) Notwithstanding § 36-1-149 or another law to the contrary, no identifying information from the sealed records, sealed adoption records, or post-adoption records may be released if the biological parent of the adopted person has executed a request for redaction of identifying information, and the adopted person was less than six (6) months old at the time the request was executed. Such request for redaction must be made on a form created by the department, and may only be rescinded by submission of a sworn, notarized statement requesting such rescission. The rescission is effective upon the department's acknowledgment of receipt of the rescission.

SECTION 10. Tennessee Code Annotated, Section 37-2-401, is amended by adding the following as a new subsection:

(d) The department of children's services shall strive to identify and finalize a safe, stable, and permanent home for children in the custody of the department.

SECTION 11. Tennessee Code Annotated, Section 37-2-405, is amended by adding the following as a new subdivision:

(5) A list of services available from other state programs or agencies.

SECTION 12. Tennessee Code Annotated, Section 37-2-415(a)(22), is amended by deleting the subdivision and substituting:

(22) The department shall permit the foster parent or parents a period of respite for up to six (6) months, free from placement of foster children in the family's home with follow-up contacts by the agency occurring at a minimum of every three (3) months, without threat of reprisal. The foster parent or parents shall provide reasonable notice, as determined by the department, to the department for respite.

SECTION 13. This act takes effect on July 1, 2023, the public welfare requiring it.

Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 919

House Bill No. 854*

by deleting all language following the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 36-1-119(c), is amended by redesignating the current language as subdivision (c)(1) and adding the following new subdivisions:

(2) If the child is three (3) years of age or less at the time the petition is filed, the court has received the final court report concerning the circumstances of the child and the petitioners, and is satisfied that the adoption will be in the best interest of the child, then the court may reduce the six-month waiting period after the filing of the adoption petition to a three-month period and may enter an order of adoption.

(3) If the child is within six (6) months of turning eighteen (18) years of age at the time of the final hearing of adoption, the court has received the final court report concerning the circumstances of the child and the petitioners, and is satisfied that the adoption will be in the best interest of the child, then the court may waive the six-month waiting period after the filing of the adoption petition and may enter an order of adoption.

SECTION 2. Tennessee Code Annotated, Section 36-1-113, is amended by deleting subsection (k) and substituting:

(k) The court shall ensure that the hearing on the petition takes place within six (6) months of the date that the petition is filed, unless the court determines an extension is in the best interest of the child. The court shall provide a ruling on the petition and enter an order that makes specific findings of fact and conclusions of law within thirty (30) days of the conclusion of the hearing. If a case has not been completed within six



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(6) months from the date the petition was filed, then the petitioner or respondent has grounds to request that the court of appeals grant an order expediting the case at the trial level.

SECTION 3. Tennessee Code Annotated, Section 36-1-117, is amended by deleting subdivision (c)(3) in its entirety.

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. 919

House Bill No. 854*

by deleting all language following the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 36-1-119(c), is amended by redesignating the current language as subdivision (c)(1) and adding the following new subdivisions:

(2) If the child is three (3) years of age or less at the time the petition is filed, the court has received the final court report concerning the circumstances of the child and the petitioners, and is satisfied that the adoption will be in the best interest of the child, then the court may reduce the six-month waiting period after the filing of the adoption petition to a three-month period and may enter an order of adoption.

(3) If the child is within six (6) months of turning eighteen (18) years of age at the time of the final hearing of adoption, the court has received the final court report concerning the circumstances of the child and the petitioners, and is satisfied that the adoption will be in the best interest of the child, then the court may waive the six-month waiting period after the filing of the adoption petition and may enter an order of adoption.

SECTION 2. Tennessee Code Annotated, Section 36-1-113, is amended by deleting subsection (k) and substituting:

(k) The court shall ensure that the hearing on the petition takes place within six (6) months of the date that the petition is filed, unless the court determines an extension is in the best interest of the child. The court shall provide a ruling on the petition within thirty (30) days of the conclusion of the hearing and shall enter an order that makes specific findings of fact and conclusions of law within thirty (30) days of the ruling. If an



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order has not been entered within thirty (30) days from the court's ruling, then the petitioner or respondent has grounds to request that the court of appeals grant an order expediting entry of the order.

SECTION 3. Tennessee Code Annotated, Section 36-1-117, is amended by deleting subdivision (c)(3) in its entirety.

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. 536

House Bill No. 460*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 37-1-102, is amended by deleting subdivision (b)(27)(C) and substituting:

(C) The commission of an act toward the child prohibited by § 39-13-309; §§ 39-13-502 – 39-13-505; § 39-13-506(c); § 39-13-515; § 39-13-518; § 39-13-522; §§ 39-13-527 – 39-13-529; §§ 39-13-531 – 39-13-535; § 39-15-302; § 39-15-402; §§ 39-17-1004 – 39-17-1005; or the knowing failure to protect the child from the commission of such an act toward the child;

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. 537

House Bill No. 461*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 36-1-113, is amended by deleting subdivision (g)(6) and substituting:

(6) The parent has been confined in a correctional or detention facility of any type, by order of the court as a result of one (1) or more criminal acts, under a sentence of six (6) or more years, and the child is under eight (8) years of age at the time the sentence is entered by the court;

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

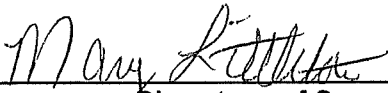


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Amendment No. _____



Signature of Sponsor

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 540

House Bill No. 464*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 36-1-111(a)(2), is amended by deleting the subdivision and substituting:

(2)

(A) A court report based upon the home study or preliminary home study shall be completed prior to the surrender.

(i) When a surrender is executed before a judge pursuant to subdivision (b)(1)(A), the court report must be provided to the court, and, before the surrender to prospective adoptive parents is executed, the court report must be reviewed by the court.

(ii) When a surrender is executed using a Tennessee surrender form pursuant to subdivision (b)(1)(B), before the surrender to prospective adoptive parents is executed, the court report must be provided to and reviewed by:

(a) The attorney representing the agency or prospective adoptive family receiving the surrender; or

(b) The attorney representing the surrendering party or parties.

(iii) When a surrender is executed using a Tennessee surrender form pursuant to subsection (g), (h), or (i), before the surrender to prospective adoptive parents is executed, the court report must be



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reviewed by persons under those subsections in any surrender proceeding in which the surrender is not made to the department or a licensed child-placing agency.

(B) When a surrender is executed pursuant to subdivision (b)(1)(B), the court report based upon the home study or preliminary home study must be filed with the Tennessee surrender form and must be reviewed by the court before the entry of an order of guardianship giving the prospective adoptive parents guardianship of the child.

(C) When a parental consent is executed pursuant to § 36-1-117(g), the court report based upon the home study or preliminary home study must be filed with the adoption petition and must be reviewed by the court before the entry of an order of guardianship giving the prospective adoptive parents guardianship of the child.

SECTION 2. Tennessee Code Annotated, Section 36-1-111(b), is amended by deleting subdivision (b)(1) and substituting:

(1) A surrender made under this section may be made:

(A) In chambers or other private area or over a virtual video platform on which the court sees the person or persons surrendering the child before a judge of the chancery, circuit, or juvenile court except as provided herein, and the court shall advise the person or persons surrendering the child of the right of revocation of the surrender and time for the revocation and the procedure for such revocation; or

(B) In the presence of the surrendering party's attorney, an adult witness of the surrendering party's choice, and a notary public.

(i) The surrendering party's attorney shall advise the person or persons surrendering the child of the right of revocation of the surrender

and time for the revocation and the procedure for such revocation, and shall attest in writing that such advisement was given.

(ii) The following may not serve as the adult witness:

(a) The prospective adoptive parent of the child being surrendered;

(b) An employee or representative of a licensed child-placing agency that has received compensation or any thing of value related to the placement or adoption of the child being surrendered, except that the witness may be the counselor for the surrendering party;

(c) Any relative of the surrendering party within the third degree of consanguinity;

(d) Any relative of the prospective adoptive parent within the third degree of consanguinity; or

(e) The other legal parent of the child at the time the surrender is executed.

SECTION 3. Tennessee Code Annotated, Section 36-1-111(b)(3), is amended by deleting the subdivision and substituting:

(3)

TENNESSEE SURRENDER FORM

I, (full name of surrendering party), born (surrendering party's date of birth), sign this surrender to end my parental rights and responsibilities to (full name of child), born (child's date of birth) in (location of child's birth). I am this child's (circle one) mother / father / possible father / guardian.

I surrender my parental rights to and request that this Court give guardianship to (a person/family with a current, approved home study, or a licensed child-placing agency).

IF SURRENDER IS EXECUTED BEFORE A JUDGE OR OFFICIANT:

I know I only have three (3) days to change my mind and revoke this decision after I sign this form. This decision may not be changed if I do not revoke this surrender on or before (three days after today, calculated under Tennessee Rule of Civil Procedure 6.01). To revoke, I must sign a revocation form before the Judge or officiant with me now or his or her successor.

IF SURRENDER IS EXECUTED WITH AN ATTORNEY:

I know I only have three (3) days to change my mind and revoke this decision after I sign this form. This decision may not be changed if I do not revoke this surrender on or before (three days after today, calculated under Tennessee Rule of Civil Procedure 6.01). To revoke, I must sign a revocation form before my attorney or my attorney's successor or substitute, a notary public, and an adult witness, and it must also be filed with the court on or before (four days after today, calculated under Tennessee Rule of Civil Procedure 6.01). If my attorney is not available to revoke this surrender, I understand that I have the option to sign a revocation form before a judge of a court with jurisdiction to accept a surrender on or before (three days after today, calculated under Tennessee Rule of Civil Procedure 6.01).

I have completed the Surrendering Party Pre-Surrender Information Form. I have provided true and complete answers to all the questions on that form to the best of my knowledge.

I know that I should only sign this form if I want my parental rights terminated. If I want to talk to my own lawyer before I sign this form, I should tell the Judge, other officiant, or my attorney now and this surrender process will stop. I can talk to my lawyer and then decide if I still want to end my parental rights.

If anyone is putting pressure on me to sign this surrender, or trying to make me sign against my will, or has promised me something I value in order to make me

want to sign this surrender, I understand that I should tell the Judge, officiant, or my attorney about that before I sign this form. The Judge, officiant, or my attorney will not allow me to be forced to sign this surrender.

No one is pressuring, threatening, or paying me to get me to sign this form. I believe voluntary termination of my parental rights is in the best interest of my child.

By signing below, I voluntarily terminate my parental rights and surrender my child to the person(s) or agency listed above.

This day of , 20 .

Surrendering Party's Signature:

Adult Witness Signature:

Name:

(A witness is necessary if this form is not executed before a Judge or officiant.)

Sworn to and subscribed before me this the day of , 20 .

Notary Public:

My commission expires:

(A notary is necessary if this form is not executed before a Judge or officiant.)

Judge or Officiant Attestation (if surrender is executed before a judge):

I interviewed the surrendering party and witnessed execution of the foregoing surrender as required by T.C.A. § 36-1-111. The surrendering party understands that he/she is surrendering parental rights to this child. There is no reason to believe that this is not a voluntary act.

The Surrendering Party's Pre-Surrender Information Form, the surrendering party's Social and Medical History Form, and if the surrender is to an individual, or individuals, as opposed to an agency, the individual's, or individuals', court report based upon a current and approved home study are attached to this form.

The Pre-Surrender Information Form and Social and Medical History Form are

properly verified by a notary or I reviewed the information with the surrendering party and he/she has attested before me to the correctness of those forms.

This day of , 20 .

Judge or Officiant's Signature:

Name and Title:

Court or Employing Institution and Location:

Attorney Attestation (if surrender is executed before an attorney, notary public, and adult witness):

I interviewed the surrendering party and witnessed execution of the foregoing surrender as required by T.C.A. § 36-1-111. The surrendering party understands that he/she is surrendering parental rights to this child. There is no reason to believe that this is not a voluntary act.

I have advised the surrendering party of his/her right of revocation of the surrender, time for the revocation, and the procedure for such revocation, and attest to the best of my ability that such advisement was given and understood.

The Surrendering Party's Pre-Surrender Information Form, the surrendering party's Social and Medical History Form, and if the surrender is to an individual, or individuals, as opposed to an agency, the individual's, or individuals', court report based upon a current and approved home study will be attached to this form and filed with the court. The Pre-Surrender Information Form and Social and Medical History Form are properly verified by a notary or I reviewed the information with the surrendering party and he/she has attested before me to the correctness of those forms.

I attest that the above information is true.

This day of , 20 .

Attorney's Signature:

Name and Title:

ACCEPTANCE BY AGENCY or PROSPECTIVE ADOPTIVE PARENT(S):

I/We (name of prospective adoptive parent) and (name of prospective adoptive parent) individually or I, (name of representative of child-placing agency), on behalf of the licensed child-placing agency, (name of child-placing agency), hereby accept the surrender of (child) from (surrendering party) and plan to adopt the surrendered child or for an agency, expect and intend to place this child for adoption with an appropriate family. I/We or the undersigned agency have physical custody of this child or will have physical custody upon discharge of this child from a healthcare facility. I/We or the undersigned agency agree(s) to assume responsibility for obtaining guardianship of the surrendered child through a court order within thirty (30) days of the date of the surrender. I/We or the undersigned agency agree(s), to be responsible for the care, custody, financial support, medical care, education, moral, and spiritual training of this child, pending an adoption.

I/We have completed the Accepting Party's Pre-Acceptance Information Form.

The information provided in that form is true to the best of my/our knowledge.

This day of , 20 .

Signature of Prospective Adoptive Parent:

Signature of Prospective Adoptive Parent:

Signature of Agency Representative and Title:

Judge, Officiant, or Attorney Attestation:

I interviewed the accepting parties and witnessed execution of the foregoing acceptance.

The Accepting Party's Pre-Acceptance Information Form and any accepting individual's/individuals' court report based upon a current and approved home study are attached to this form. The Accepting Party's Pre-Acceptance Information Form is properly verified by a notary or I reviewed the information

with the accepting parties and they have attested before me to the correctness of the form.

This day of , 20 .

Judge, Officiant, or Attorney's Signature:

Name and Title:

Court or Employing Institution and Location (if applicable):

SECTION 4. Tennessee Code Annotated, Section 36-1-111(b)(6), is amended by deleting the subdivision and substituting:

(6)

REVOCATION OF SURRENDER BY A PARENT OR GUARDIAN

STATE OF

COUNTY OF

Being duly sworn affiants would state:

1. I am:

a. Mother:

b. Father: ; or

c. Legal Guardian: , of:

2.

a. Child's Name:

b. Child's Date of Birth:

c. Child's Place of Birth:

d. Child's Sex:

e. Child's Race:

3. On (Date), I executed a surrender of my parental or guardianship rights to the child named in #2 to:

a. Prospective Adoptive Parent(s):

b. Licensed Child-Placing Agency:

c. Tennessee Department of Children's Services

4. The surrender was executed before:

(Name of Judge, Officiant, or Attorney)

5. I hereby revoke the surrender of the above-named child.

FURTHER, AFFIANT SAITH NOT.

This day of , 20 .

Signature:

Biological Legal Mother:

Biological Legal Father:

Legal Guardian:

Sworn to and subscribed before me this day of , 20 .

This Revocation of Surrender was received by me on the day of ,
(year), at (time).

Please Print:

Signature:

Judge, Officiant, or Attorney:

Witness Signature:

Name:

(A witness is necessary if this form is not executed before a Judge or officiant.)

Sworn to and subscribed before me this the day of , 20 .

Notary Public

My commission expires:

(A notary is necessary if this form is not executed before a Judge or officiant.)

SECTION 5. Tennessee Code Annotated, Section 36-1-111(d)(2), is amended by
inserting the following sentence at the end of the subdivision:

All surrenders prior to the birth of the child being surrendered shall be executed before a
judge pursuant to subdivision (b)(1)(A).

SECTION 6. Tennessee Code Annotated, Section 36-1-111(f), is amended by deleting the subsection and substituting:

(f) In the execution of any surrender, the court or other person authorized herein to conduct a surrender, and when a parental consent is executed in the adoption petition, the court, the attorney attesting to the surrender, or a notary public shall require that the person or persons surrendering the child for adoption or the person or persons giving consent and the person or persons accepting the child through the surrender or receiving parental consent to satisfactorily prove their identities before the surrender is executed or the parental consent is accepted. No surrender or parental consent may be executed in any form in which the identities of the person or persons executing the surrender or parental consent or the person or persons or agencies receiving the surrender or the identity of the child whose name is known are left blank or in any form in which those persons, the child, or agencies are given pseudonyms on the form or in the petition at the time of the execution of the surrender or parental consent.

SECTION 7. Tennessee Code Annotated, Section 36-1-111(j)(1), is amended by deleting the language "surrender hearing" and substituting "surrender process".

SECTION 8. Tennessee Code Annotated, Section 36-1-111(j)(2)(A), is amended by deleting the language "The court, or other persons authorized by this part to accept surrenders" and substituting "The court, attorney, or other persons authorized by this part to accept surrenders".

SECTION 9. Tennessee Code Annotated, Section 36-1-111(j)(3), is amended by deleting subdivision (j)(3)(C) and substituting:

(C) The execution of the surrender or parental consent shall occur:

(i) In private in the chambers of the court or in another private area, and in the presence of the surrendering or consenting person's legal counsel if legal counsel has been requested by the surrendering or consenting person. In the

discretion of the court or other person conducting the surrender or parental consent proceeding, the court's officer or other employee may be present; or

(ii) In accordance with subdivision (b)(1)(B).

SECTION 10. Tennessee Code Annotated, Section 36-1-111(l), is amended by deleting the language "Before the surrender is received and before an order of guardianship is entered based upon a parental consent," and substituting "Before an order of guardianship is entered based upon a surrender or a parental consent,".

SECTION 11. Tennessee Code Annotated, Section 36-1-111(m)(1)(A), is amended by deleting the subdivision and substituting:

(A)

(i) When a surrender is executed before a judge or officiant, the person or persons executing the surrender and the person or persons, the local representative of the department, or the local representative of the licensed child-placing agency to whom the child is surrendered shall receive certified copies of the original surrender from the clerk of the court immediately upon the conclusion of the surrender proceeding.

(ii) When a surrender is executed before an attorney in accordance with subdivision (b)(1)(B), the person or persons executing the surrender and the person or persons, the local representative of the department, or the local representative of the licensed child-placing agency to whom the child is surrendered shall receive copies of the original surrender upon execution of the surrender and shall receive certified copies of the original surrender from the clerk of the court once the surrender is filed with the court.

SECTION 12. Tennessee Code Annotated, Section 36-1-111(m)(2)(A), is amended by deleting the first sentence of the subdivision and substituting:

The original of the surrender executed before the court, or filed with the court in accordance with subdivision (b)(1)(B), shall be entered on a special docket for

surrenders and shall be styled: "In Re: (Child's Name)," and shall be permanently filed by the court in a separate file designated for that purpose maintained by the clerk, and shall be confidential and shall not be inspected by anyone without the written approval of the court where the file is maintained or by a court of competent jurisdiction with domestic relations jurisdiction if the file is maintained elsewhere.

SECTION 13. Tennessee Code Annotated, Section 36-1-111(n)(1), is amended by deleting the language "pursuant to subsection (g), (h) or (i)" and substituting "pursuant to subdivision (b)(1)(B) or subsection (g), (h), or (i)".

SECTION 14. Tennessee Code Annotated, Section 36-1-111(q)(1), is amended by deleting the language "pursuant to subsection (g), (h) or (i)" and substituting "pursuant to subdivision (b)(1)(B) or subsection (g), (h), or (i)".

SECTION 15. Tennessee Code Annotated, Section 36-1-112(a)(1)(B), is amended by deleting the subdivision and substituting:

(B) The surrender shall be revoked:

(i) If the surrender was executed before a judge, by appearing before the judge who accepted the surrender or that judge's successor or substitute, or another judge of a court with jurisdiction to accept a surrender in the absence of the judge who accepted the surrender or that judge's successor or substitute and by executing the revocation of surrender form;

(ii) If the surrender was executed pursuant to § 36-1-111(b)(1)(B):

(a) By appearing before the attorney, or the attorney's successor or substitute, before whom the surrender was executed and by executing the revocation of surrender form in the presence of an adult witness and notary public; or

(b) By appearing before a judge of a court with jurisdiction to accept a surrender and by executing the revocation of surrender form; or

(iii) If the surrender was executed pursuant to § 36-1-111(g), (h), or (i), by appearing before the person, or that person's successor, before whom the surrender was executed and by executing the revocation of surrender form.

SECTION 16. Tennessee Code Annotated, Section 36-1-112(a)(1), is amended by adding the following new subdivision:

(G) A revocation of surrender executed under subdivision (a)(1)(B)(ii)(a) must be filed in the court where the original surrender was filed within one (1) day after the date the revocation of surrender is executed, calculated under Tennessee Rule of Civil Procedure 6.01.

SECTION 17. Tennessee Code Annotated, Section 36-1-112(d)(2)(A), is amended by deleting the language "in the court where the revocation was executed" and substituting "in the court where the revocation was executed or filed".

SECTION 18. Tennessee Code Annotated, Section 36-1-112(d)(4), is amended by deleting the language "In the event that the surrender was executed before a person or court under § 36-1-111(g), (h) or (i)" and substituting "In the event that the surrender was executed before a person or court under § 36-1-111(b)(1)(B) or § 36-1-111(g), (h), or (i)".

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

SECTION 20. This act takes effect on July 1, 2023, the public welfare requiring it.

Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 544*

House Bill No. 759

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 5, Part 1, is amended by adding the following as a new section:

(a) The department of children's services shall employ at least one (1) additional attorney within each region of the state whose primary job function is to file petitions to terminate the parental rights of the parent or guardian of children in the custody of the department due to allegations of dependency and neglect.

(b) If a child has been in the custody of the department due to allegations of dependency and neglect for at least six (6) months, then the department shall conduct a review of the child's case to determine whether to file a petition to terminate the parental rights of the child's parent or guardian, pursuant to § 36-1-113(b)(1). If the department determines that termination is appropriate, then the department shall file a petition, within sixty (60) days of that determination, to terminate the parental rights of the child's parent or guardian.

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



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Amendment No. _____

Conan Russell

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 39-17-1308, 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.

Amendment No. _____
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 39-17-1313(a), is amended by deleting the language "handgun carry permit" wherever it appears and substituting instead the language "firearm carry permit".

SECTION 21. Tennessee Code Annotated, Section 39-17-1321(a), is amended by deleting the language "handgun" and substituting "firearm".

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 70-4-117(e), is amended by deleting the language "hand gun" and substituting "firearm".

SECTION 36. 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 37. Tennessee Code Annotated, Section 70-5-101(d), is amended by deleting the language "hand gun" and substituting "firearm".

SECTION 38. 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 39. 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 40. 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 41. Tennessee Code Annotated, Section 39-17-1307, is amended by adding the following as a new subsection:

()

(1) It is an offense for a juvenile to carry, with the intent to go armed, a firearm.

(2) A violation of subdivision () (1) is a Class A misdemeanor.

(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 42. Tennessee Code Annotated, Section 39-17-1308, is amended by deleting the language "It is a defense to the application of § 39-17-1307 if the possession or carrying was:" and substituting "It is a defense to the application of § 39-17-1307(h)(1)(B) if the possession or carrying was:".

SECTION 43. Tennessee Code Annotated, Section 39-17-1308, is amended by deleting subsection (b).

SECTION 44. 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 45. This act takes effect July 1, 2023, the public welfare requiring it.