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

March 6, 2023

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

Amendment No._____

Signature of Sponsor

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.

Amendment No._____

Signature of Sponsor

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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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;

(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

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Date _____
Time _____
Clerk _____
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

(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 contract 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.

Amendment No._____

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Signature of Sponsor

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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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Amendment No._____

Signature of Sponsor

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

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:

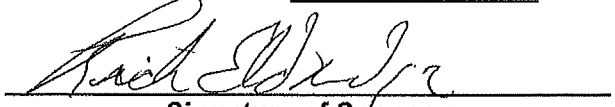
( ) A list of services available from other state programs or agencies.

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. _____



Signature of Sponsor

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 544* House Bill No. 759

by deleting all language after the enacting clause and substituting:

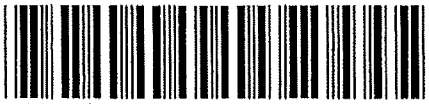
SECTION 1. Tennessee Code Annotated, Title 37, Chapter 5, Part 1, is amended by adding the following as a new section:

(a) The department of children's services shall employ an attorney specializing in termination of parental rights cases within each region of the state. Each attorney employed pursuant to this section must have experience in termination of parental rights cases and be trained by the department in termination of parental rights.

(b) The attorneys employed pursuant to this section shall advocate for each child who is in the custody of the department due to allegations of dependency and neglect and located within the region that the attorney serves.

(c) When 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 attorney for the region in which the child is located shall review 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 attorney determines that termination is appropriate, then the attorney shall file a petition within thirty (30) days 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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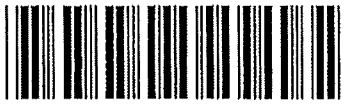

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Amendment No. _____

Rick Eldridge

Signature of Sponsor

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.

Amendment No._____

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Signature of Sponsor

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.

(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.

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Comm. Amdt. _____

Amendment No. _____

Tom Leatherwood

Signature of Sponsor

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

(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.

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Comm. Amdt. _____

Amendment No._____

Tom Leatherwood

Signature of Sponsor

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.

Amendment No. 1

Signature of Sponsor

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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 36-1-102(1)(A)(i), is amended by deleting "amended petition" and substituting "amended or supplemental pleading".

SECTION 2. Tennessee Code Annotated, Section 36-1-111(p)(1), is amended by deleting the language "receipt of the surrender or upon".

SECTION 3. Tennessee Code Annotated, Section 36-1-113(d)(3)(A)(i), is amended by deleting "within ten (10) days" and substituting "within ten (10) working days".

SECTION 4. Tennessee Code Annotated, Section 36-1-116(b)(13)(A)(ii), is amended by deleting "immediately upon receipt by the petitioner" and substituting "immediately upon receipt by the petitioner and prior to finalization of the adoption unless waived by the court pursuant to subsection (d)".

SECTION 5. Tennessee Code Annotated, Section 36-1-117(i)(2), is amended by deleting the subdivision and substituting:

(2) If the child who is the subject of the adoption is mentally disabled and is fourteen (14) years of age or more at any time before the granting of the petition, then the court shall appoint a guardian ad litem to give or withhold consent for the child to the adoption, and the court shall follow the procedure of subdivisions (j)(2)(B) and (C).

SECTION 6. Tennessee Code Annotated, Section 36-1-122(b)(4), is amended by deleting "other biologically related person" and substituting "other related person".

SECTION 7. Tennessee Code Annotated, Section 37-1-102(b)(27)(B), is amended by deleting "opinion of qualified experts" and substituting "opinion of a qualified expert".

SECTION 8. Tennessee Code Annotated, Section 36-1-111(r)(4), is amended by deleting the subdivision and substituting:

(4) Upon the final hearing, and based upon clear and convincing evidence that the action is in the best interests of the child, if no other court is presently exercising adoption jurisdiction, then the surrender court has jurisdiction to enter an order removing the child from the prospective adoptive parents or other custodian or guardian of the child, and may award temporary legal custody giving any person, the department, or licensed child-placing agency, or a child-caring agency, the care and custody of the child as provided under § 37-1-140, or may enter a guardianship or partial guardianship order with the rights provided under this part, all subject to the rights of any remaining parent or guardian.

SECTION 9. Tennessee Code Annotated, Section 36-2-318(d)(1), is amended by deleting "Those persons" and substituting "Putative fathers".

SECTION 10. Tennessee Code Annotated, Section 36-2-318(d)(2), is amended by deleting "or biological".

SECTION 11. Tennessee Code Annotated, Section 36-2-318(i), is amended by deleting "person" wherever it appears and substituting "putative father" and by deleting "person's" and substituting "putative father's".

SECTION 12. Tennessee Code Annotated, Section 36-2-318(j), is amended by deleting "person" wherever it appears and substituting "putative father".

SECTION 13. Tennessee Code Annotated, Section 36-1-113(g)(11)(A)(ii), is amended by deleting "offenses towards" and substituting "offenses, or an offense under the laws of another state that is substantially similar, toward".

SECTION 14. Tennessee Code Annotated, Section 36-1-113(g)(12), is amended by adding ", or an offense under the laws of another state that is substantially similar" before the semicolon.

SECTION 15. Tennessee Code Annotated, Section 36-1-115, is amended by deleting subsection (f).

SECTION 16. Tennessee Code Annotated, Section 36-1-102(a)(1), is amended by adding the following as a new subdivision:

(L) If the original pleading is amended or supplemented to allege a new or additional period of abandonment occurring after an original pleading, then each period of abandonment constitutes an additional ground for the court's consideration. For purposes of calculating each period of abandonment, the filing date of the new or additional period is the filing date of the amended or supplemental pleading containing the allegation.

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

Amendment No. _____

Signature of Sponsor

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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

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. 1

Signature of Sponsor

FILED
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.

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.

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

Amendment No._____

Mary Littleton
Signature of Sponsor

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:

(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 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

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.

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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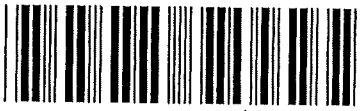

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FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No._____

Signature of Sponsor

AMEND Senate Bill No. 823 House Bill No. 795*

by deleting all language after the enacting clause and substituting:

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

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

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

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

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

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

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

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

Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 823 **House Bill No. 795***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-17-1306, is amended by deleting subdivisions (c)(4) and (c)(5) and substituting:

(4)

(A) Is authorized to carry a handgun pursuant to § 39-17-1351; and

(B) Is not in:

(i) A room in which judicial proceedings are in progress; or

(ii) A building that is primarily used for judicial proceedings;

provided, that the building must prominently display a sign at each entrance and exit to the building that is used by the public, stating that possession of firearms is prohibited.

SECTION 2. Tennessee Code Annotated, Section 39-17-1306, is amended by adding the following as a new subsection:

(d) A law enforcement agency or an entity providing security for a building that is not used primarily for judicial proceedings, but in which judicial proceedings are held, may cordon off an area where judicial proceedings are in progress for the purpose of restricting access to that area in accordance with this section.

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it.

House Criminal Justice Subcommittee Am. # 1

Amendment No._____

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

_____

Signature of Sponsor

AMEND **House Joint Resolution No. 94***

by deleting all language after the caption and substituting:

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

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

(1) The right to be treated with fairness for the victim's safety and dignity;

(2) The right, upon request, to reasonable notice of all public criminal proceedings and all public juvenile delinquency proceedings involving the accused;

(3) The right to be present at all public criminal proceedings and all public juvenile delinquency proceedings involving the accused;

(4) The right upon request to be heard in any proceeding involving release, plea, sentencing, disposition, and parole, as well as any public proceeding when relevant during which a right of the victim is implicated;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Amendment No._____

Kelly T Keisling

_____

Signature of Sponsor

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

AMEND Senate Bill No. 1129 **House Bill No. 1280***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-17-315, is amended by deleting subdivision (c)(1)(B) and substituting instead the following:

(B)

(i) The victim of the offense was less than eighteen (18) years of age at any time during the person's course of conduct, and the person is five (5) or more years older than the victim; or

(ii) The victim of the offense was sixty-five (65) years of age or older at any time during the person's course of conduct;

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

House Criminal Justice Subcommittee Am. # 1

Amendment No._____

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

Signature of Sponsor

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;

(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.

House Criminal Justice Subcommittee Am. # 1

Amendment No._____

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

Signature of Sponsor

AMEND Senate Bill No. 419* **House Bill No. 557**

by deleting all language after the enacting clause and substituting:

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

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

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

(C)

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

(a) Child protective services;

(b) Criminal justice;

(c) Clinical evaluation;

(d) Counseling; or

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

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

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

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

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

( )

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

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

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

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

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

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

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

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

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

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

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

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

Amendment No. _____

Mary Littleton

Signature of Sponsor

AMEND Senate Bill No. 419* House Bill No. 557

by deleting all language after the enacting clause and substituting:

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

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

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

(C)

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

(*a*) Child protective services;

(*b*) Criminal justice;

(*c*) Clinical evaluation;

(*d*) Counseling; or

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

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

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

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

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

( )

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

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

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

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

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

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

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

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

Amendment No._____

Mary Littleton

_____

Signature of Sponsor

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

AMEND Senate Bill No. 419* **House Bill No. 557**

by deleting all language after the enacting clause and substituting:

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

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

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

(C)

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

(a) Child protective services;

(b) Criminal justice;

(c) Clinical evaluation;

(d) Counseling; or

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

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

SECTION 3. Tennessee Code Annotated, Section 37-1-127, is amended by adding the following new subsection:

( )

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

(2)

(A) Except as provided in subdivision ( )(2)(B), a video recording may be admitted as provided in subdivision ( )(1) if:

(i) The video recording is shown to the reasonable satisfaction of the court to possess particularized guarantees of trustworthiness. In determining whether a statement possesses particularized guarantees of trustworthiness, the court may consider the factors set forth in § 24-7-123(b)(2);

(ii) The interview was conducted by a forensic interviewer who met the requirements of § 24-7-123(b)(3) at the time the video recording was made;

- -

(iii) The recording is both visual and oral and is recorded on film or videotape or by other similar audiovisual means; (iv) The entire interview of the child was recorded on the video recording and the video recording is unaltered and accurately reflects the interview of the child; and

(v) Every voice heard on the video recording is properly identified as determined by the court.

(B) In delinquency and unruly conduct proceedings, a video recording may be admitted as provided in subdivision ( )(1) if the requirements of § 24-7-123(b) have been met.

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

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

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

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

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. 1001 House Bill No. 831*

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 new subsections:

(l)

(1) The Tennessee Bureau of Investigation (TBI) shall develop a request for certification form to be completed by the court and submitted to the TBI prior to entering an order of expunction. The court is not required to submit a certificate to the TBI if the expungement is pursuant to subdivision (a)(1)(A). The certificate must contain the name of the person seeking expunction, the person's date of birth and social security number, the offense which the person is seeking to have expunged, the date of arrest, and the appropriate state control number as referenced in § 8-4-115. The TBI shall provide access to the certificate to each clerk that accepts petitions for expunction.

(2) After receiving a request for certification, the TBI shall determine if the submitted offense is eligible for expunction pursuant to this section or § 40-32-105 and note the determination on the certificate. The TBI shall provide the court with a copy of the certificate containing the determination. The certificate may also be distributed to the district attorney and the defendant or the defendant's attorney.

(3) An order of expunction shall not be entered by the court on or after January 1, 2024, unless a certificate, as required by this subsection (l), is attached to the order of expunction.

(4) The certificate provided by the TBI pursuant to subdivision (l)(2) is only a certification whether the submitted offense is eligible for expunction. The certification is not a certification that the defendant is eligible for expunction, and the court continues to have the duty to determine eligibility. The TBI shall not be required to search any other source or database in order to make the certification required by this subsection (l).

(m)

(1) A person may petition for expunction of the person's arrest record if the court with jurisdiction over the offense for which the person was arrested has no history of the person's arrest for the offense within the court's records. Upon filing of the petition, the clerk shall serve the petition on the district attorney general for that judicial district.

(2) Both the petitioner and the district attorney general may file evidence with the court relating to the petition.

(3) The clerk's office shall search the court's records and certify to the court whether there is any history of the person's arrest for the offense at issue within the court's records.

(4) Prior to entering an order on the petition, the court shall review and consider the clerk's certification and all evidence submitted by the petitioner and the district attorney general. The court may enter an order of expunction of the arrest record if the court finds that there is no history of the person's arrest for the offense within the court's record.

(5) A person petitioning the court for expunction pursuant to this subsection (m) shall be charged the appropriate clerk's fee pursuant to § 8-21-401, if applicable.

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

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

Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 1001 House Bill No. 831*

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 new subsections:

(l)

(1) The Tennessee bureau of investigation (TBI) shall develop a request for certification form to be completed by the court and submitted to the TBI prior to entering an order of expunction. The court is not required to submit a certificate to the TBI if the expungement is pursuant to subdivision (a)(1)(A) or (a)(3), or subsection (m). The certificate must contain the name of the person seeking expunction, the person's date of birth and social security number, the offense which the person is seeking to have expunged, the date of arrest, and the appropriate state control number as referenced in § 8-4-115. The TBI shall provide access to the certificate to each clerk that accepts petitions for expunction.

(2) After receiving a request for certification, the TBI shall determine if the submitted offense is eligible for expunction pursuant to this section or § 40-32-105 and note the determination on the certificate. The TBI shall provide the court with a copy of the certificate containing the determination. The certificate may also be distributed to the district attorney and the defendant or the defendant's attorney.

(3) An order of expunction shall not be entered by the court on or after January 1, 2024, unless a certificate, as required by this subsection (l), is attached to the order of expunction.

(4) The certificate provided by the TBI pursuant to subdivision (l)(2) is only a certification as to whether the submitted offense is eligible for expunction. The certification is not a certification that the defendant is eligible for expunction, and the court continues to have the duty to determine eligibility. The TBI shall not be required to search any other source or database in order to make the certification required by this subsection (l).

(m)

(1) A person may petition for expunction of the person's arrest record if the court with jurisdiction over the offense for which the person was arrested has no history of the person's arrest for the offense within the court's records. Upon filing of the petition, the clerk shall serve the petition on the district attorney general for that judicial district.

(2) Both the petitioner and the district attorney general may file evidence with the court relating to the petition.

(3) The clerk's office shall search the court's records and certify to the court whether there is any history of the person's arrest for the offense at issue within the court's records.

(4) Prior to entering an order on the petition, the court shall review and consider the clerk's certification and all evidence submitted by the petitioner and the district attorney general. The court may enter an order of expunction of the arrest record if the court finds that there is no history of the person's arrest for the offense within the court's record.

(5) A person petitioning the court for expunction pursuant to this subsection (m) shall be charged the appropriate clerk's fee pursuant to § 8-21-401, if applicable.

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

House Criminal Justice Subcommittee Am. # 1

Amendment No._____

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

_____

Signature of Sponsor

AMEND Senate Bill No. 435* **House Bill No. 722**

by deleting all language after the enacting clause and substituting:

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

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

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)

(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)

(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. 1348 **House Bill No. 1475***

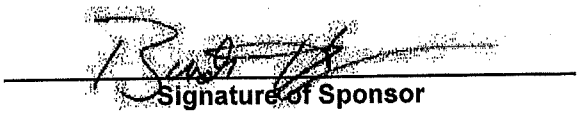
by deleting all language after the enacting clause and substituting:

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.

Amendment No._____



Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
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.

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

Amendment No._____

Patsy Hazlewood

Signature of Sponsor

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);

(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.

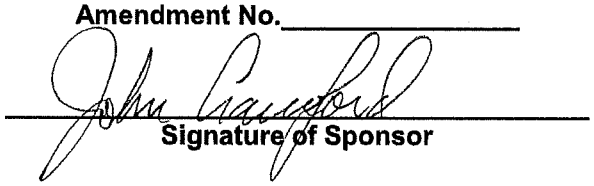
(q) The state treasurer is authorized to promulgate rules relative to the investment of money in the fund and the administration, processing, and payment of ignition interlock provider claims and invoices. The commissioner of finance and administration is authorized to promulgate rules relative to the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

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Clerk _____
Comm. Amdt. _____
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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. 44499

Signature of Sponsor

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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 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.

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.

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Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

Signature of Sponsor

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:

(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 _____
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Comm. Amdt. _____
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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

(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.

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Clerk _____
Comm. Amdt. _____

Amendment No._____

Rebecca Alexander

Signature of Sponsor

AMEND Senate Bill No. 1317 House Bill No. 941*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 40-35-313(a)(1)(B)(i)*(c)*, is amended by deleting the subdivision and substituting instead:

(*c*) Is not seeking deferral of further proceedings for:

(*1*) A sexual offense;

(*2*) Financial exploitation of an elderly or vulnerable person, as prohibited by § 39-15-502;

(*3*) Aggravated neglect of an elderly or vulnerable adult, as prohibited by § 39-15-508, or aggravated abuse of an elderly or vulnerable adult, as prohibited by § 39-15-511; provided, however, that a healthcare provider, as defined in § 63-1-168, who commits such an offense in the course of the provider's official duties and the offense was not committed intentionally, is not prohibited from being a qualified defendant;

(*4*) Sexual exploitation of an elderly or vulnerable adult, as prohibited by § 39-15-512;

(*5*) Driving under the influence of an intoxicant, as prohibited by § 55-10-401;

(*6*) Vehicular assault, as prohibited by § 39-13-106, prior to service of the minimum sentence required by § 39-13-106; or

(*7*) A Class A or B felony;

SECTION 2. Tennessee Code Annotated, Section 40-35-313(a)(1)(B)(ii), is amended by deleting the language "As used in subdivision (a)(1)(B)(i)(*c*)" and substituting "As used in subdivision (a)(1)(B)(i)(*c*)(*1*)".

SECTION 3. Tennessee Code Annotated, Section 40-35-313(a)(3), is amended by deleting the second sentence of subdivision (a)(3)(A) and adding the following new subdivision:

(C)

(i) An order deferring further proceedings and placing the defendant on probation as authorized by this subsection (a) must not be entered by the court if the defendant was charged with the following crimes, unless the order contains a provision that the defendant agrees without contest or any further notice or hearing that the defendant's name shall be permanently placed on the registry governed by § 68-11-1003, a copy of which must be forwarded to the department of health:

(*a*) A violation of a criminal statute the elements of which constitute abuse, neglect, or misappropriation of the property of a vulnerable person as defined in § 68-11-1002 on or after July 1, 2004, and prior to July 1, 2018;

(*b*) A violation of § 39-15-507 on or after January 1, 2019, and prior to July 1, 2023; or

(*c*) A violation of § 39-15-510 on or after July 1, 2019, and prior to July 1, 2023.

(ii) Upon dismissal of the charges specified in subdivision (a)(1)(B)(i)(*c*)(*3*) against a healthcare provider following the completion of the term of judicial diversion and expunction of the healthcare provider's criminal records, the healthcare provider may send a copy of the dismissal and expunction order to the department of health. Notwithstanding § 68-11-1003(c), upon receiving the dismissal and expunction order signifying the successful

completion of the term of judicial diversion and the dismissal of charges pursuant to this section, the department of health must remove the healthcare provider's name and information regarding the criminal disposition from the registry.

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. 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)

(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:

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

FILED
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

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.

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.

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

Amendment No. _____

Signature of Sponsor

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

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._____

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,

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.

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No._____

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Signature of Sponsor

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:

(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._____

Charlie Baum

Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
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.

Amendment No. _____

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Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
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,

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

FILED
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.

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

Amendment No. _____

Signature of Sponsor

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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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

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Signature of Sponsor

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) Measures foundational employability and soft skills that are in demand by employers, including, but not limited to:

(*a*) Professionalism;

(*b*) Effective communication;

(*c*) Problem solving;

(*d*) Collaboration;

(*e*) Digital literacy; and

(*f*) Work-ready mathematics, reading, and data analysis;

(v) Align with the research-based skill requirements 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, online skills curriculum that allows for pre-testing skill development and post-testing 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. _____

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Signature of Sponsor

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

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

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. _____

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Signature of Sponsor

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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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,

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.

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Date _____
Time _____
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Comm. Amdt. _____
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Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 436* House Bill No. 1135

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

SECTION 1. Tennessee Code Annotated, Section 8-36-209(b), is amended by adding the following new subdivisions:

(5)

(A) For members of the general assembly who retire on or after November 5, 2024, with ten (10) or more years of service, the minimum allowance provided by this subsection (b) must not be less than one thousand four hundred forty dollars ($1,440) multiplied by the number of years of creditable service. Section 8-36-702 does not apply to the benefit provided under this subdivision (b)(5).

(B) The beneficiaries of benefits provided in this subdivision (b)(5) may elect to receive an amount less than the amount that the beneficiary is otherwise eligible to receive; provided, that the election is in writing and irrevocable.

(6) Notwithstanding another law to the contrary, effective July 1, 2023, a member of the general assembly who retired prior to November 5, 2024, must receive an increase in the member's retirement allowance equal to ten dollars ($10.00) per month for each year of creditable service. This increase must be reduced in accordance with the optional retirement allowance selected by the member pursuant to § 8-36-601.

SECTION 2. Tennessee Code Annotated, Section 8-36-209(b)(3)(A), is amended by deleting "effective July 1, 1988," and substituting instead "effective July 1, 1988, and prior to July 1, 2023,".

SECTION 3. Tennessee Code Annotated, Section 8-36-209(b)(4)(A), is amended by deleting "Effective November 8, 1988," and substituting instead "Except as provided in subdivisions (b)(5) and (b)(6), effective November 8, 1988,".

SECTION 4. Tennessee Code Annotated, Section 8-36-209(b)(2), is amended by adding the following new subdivision:

(C) Effective July 1, 2024, the total benefit provided to retired members of the general assembly must not be less than sixty percent (60%) of the amount provided to members to whom subdivision (b)(5)(A) applies. This percentage must be increased in increments equal to ten percent (10%) each July 1 until the total retirement allowance provided to former retired members of the general assembly equals one hundred percent (100%) of the amount provided to members to whom subdivision (b)(5)(A) applies. This increase must be reduced in accordance with the optional retirement allowance selected by the member pursuant to § 8-36-601.

SECTION 5. Tennessee Code Annotated, Section 8-36-209(b)(2)(B), is amended by deleting the language "Effective July 1, 1989," and substituting instead the language "Effective July 1, 1989, and prior to July 1, 2024,".

SECTION 6. Tennessee Code Annotated, Section 8-36-909(c)(1), is amended by deleting "except as provided in subsection (e)" and substituting instead "except as provided in subdivision (c)(1)(B) and subsection (e)".

SECTION 7. Tennessee Code Annotated, Section 8-36-909(c)(1), is amended by designating the language as new subdivision (A) and adding the following new subdivision (B):

(B) For members of the general assembly who retire on or after November 5, 2024, with ten (10) or more years of service, the minimum retirement allowance payable under the defined benefit component with respect to creditable service rendered as a member of the general assembly must not be less than seventy dollars ($70.00) per month for each year of creditable service adjusted on July 1, 2025, and on each July 1

thereafter pursuant to the cost-of-living provisions in § 8-36-701(b)(1) and (2) except as provided in subsection (e).

SECTION 8. Tennessee Code Annotated, Section 8-36-715(e)(1), is amended by designating the existing language as subdivision (A) and adding the following as a new subdivision (B):

(B) On July 1, 2025, and on each July 1 thereafter, the minimum retirement allowance provided for in § 8-36-209(b)(5)(A) must be adjusted pursuant to the cost-of-living provisions in § 8-36-701(b)(1) and (2) until the person has been retired from the retirement system for twelve (12) months on July 1 next following the December 31 as of which the adjustment is determined.

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

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Time _____
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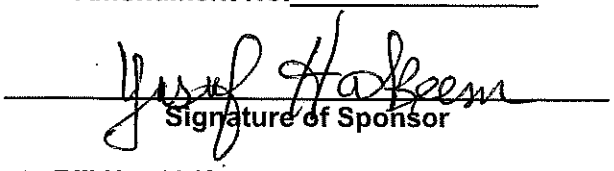
Comm. Amdt. _____

Amendment No. _____



Signature of Sponsor

AMEND Senate Bill No. 1248 **House Bill No. 1100***

by deleting all language after the caption and substituting:

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

SECTION 1. Tennessee Code Annotated, Section 38-8-107, is amended by adding the following language as a new subsection (f):

(f) The commission shall develop a continuing education training curriculum concerning diversity, race relations, and cultural awareness, and shall provide the curriculum to all law enforcement agencies throughout the state. The commission shall issue a certificate of compliance to any law enforcement officer who satisfactorily completes the training program. In order to remain in compliance with this section, a law enforcement officer employed before July 1, 2023, must satisfactorily complete the diversity training program curriculum and receive a certificate of compliance from the commission by July 1, 2024.

SECTION 2. Tennessee Code Annotated, Section 38-8-107, is amended by deleting subsection (a) and substituting instead the following:

(a) The commission shall issue a certificate of compliance to any person who meets the qualifications for employment and satisfactorily completes an approved recruit training program. All officers employed on and after July 1, 2023, must:

(1) Enroll in an approved recruit training program within six (6) months of their date of employment;

(2) Successfully complete an approved recruit training program as required by this part;

(3) Successfully complete an annual in-service training session appropriate for their rank and responsibilities; and

(4) Successfully complete a diversity training program developed by the commission as required by subsection (f).

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 <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 2/28
Time 1:40
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 1086 House Bill No. 1036*

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.

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No._____

Signature of Sponsor

AMEND Senate Bill No. 538* House Bill No. 1316

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 new section:

(a)

(1) Except as otherwise provided in this section, 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 six (6) workweeks if the eligible employee becomes the foster parent of a minor child.

(2) Leave granted pursuant to this subsection (a) must not be granted more than one (1) time per employee even if the employee fosters more than one (1) minor child.

(3) If both foster care parents are eligible employees, then only one (1) parent may be granted leave under this subsection (a).

(4) If a foster care parent uses only a fraction of the leave granted under this subsection (a) for a foster child, then the parent cannot use the balance of leave for fostering a subsequent child.

(5) The employee shall give to the appropriate appointing authority notice of becoming a foster parent of not less than thirty (30) days. If the eligible employee learns of becoming a foster parent less than thirty (30) days in advance, then the employee must give the notice as soon as reasonably possible.

(b) Leave used by an eligible employee pursuant to this section must not be charged against any 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) The division of benefits administration within the department of finance and administration, in coordination with the departments of human resources and children's services, shall establish the policies and process 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 the policies and process for implementing this section as appropriate.

(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 any 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).

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it, and applies to each eligible employee who qualifies for leave under this act on or after July 1, 2023.

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

Amendment No._____

Signature of Sponsor

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:

(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. 4468

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.

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. _____
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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.

(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.

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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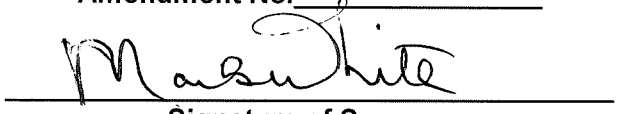
Amendment No. _____



Signature of Sponsor

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:

(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.

FILED
Date 3/6
Time 9:38
Clerk
Comm. Amdt.

Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 561* **House Bill No. 1517**

by deleting SECTION 3 and substituting:

SECTION 3. Tennessee Code Annotated, Section 29-20-107, is amended by adding the following new subsection (h):

(h) An off-duty law enforcement officer or sheriff employed by a governmental entity to provide security services at a megasite in accordance with §§ 64-9-115 and 38-8-133 is deemed to be an employee of that governmental entity for purposes of this chapter.

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No._____

Signature of Sponsor

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

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 (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. 671 **House Bill No. 493***

by deleting SECTION 2 and substituting:

SECTION 2. Tennessee Code Annotated, Section 71-5-1003, is amended by deleting subsection (c) and substituting:

(c) The total aggregated amount of assessments for all nursing facilities from July 1, 2023, through June 30, 2024, is equal to six percent (6%) of the net patient service revenue. The total aggregated amount of assessment for all nursing facilities, and the annual assessment determined for each nursing facility, must be established on July 1 of each year. Except as provided in subdivision (c)(8), the bureau may allow for one (1) mid-year adjustment to be established prior to January 1. Once established, neither amount must vary during the fiscal year. Each nursing facility has an annual assessment amount that is determined as follows:

(1) A licensed nursing home that is licensed on July 1, 2023, for fifty (50) beds or fewer shall pay an assessment rate equal to two and three-quarters percent (2.75%) of net patient service revenue, divided by all non-medicare days. The facility shall pay the per diem rate for each of its non-medicare days;

(2) A licensed nursing home that on July 1, 2023, either operates as part of a continuing care retirement community or is certified only to provide medicare skilled nursing facility services, shall pay an assessment rate equal to two and three-quarters percent (2.75%) of net patient service revenue, divided by all non-medicare days. The facility shall pay the per diem rate for each of its non-medicare days;

(3) A licensed nursing home that is licensed on July 1, 2023, and provided thirty-five thousand (35,000) or greater medicaid patient days for the twelve (12) months ending December 31 of the prior year shall pay an assessment rate equal to two and three-quarters percent (2.75%) of net patient service revenue divided by all non-medicare patient days. The facility shall pay the per diem rate for each of its non-medicare days;

(4) A new nursing home facility that is initially licensed and commences operations on or after July 1, 2023, shall pay in FY 2023-2024 a prorated assessment equal to two thousand two hundred twenty-five dollars ($2,225) per licensed bed per year, prorated to accrue from the date the nursing facility became licensed. The change in ownership of an existing licensed facility does not meet the requirements of this subdivision (c)(4);

(5) A licensed nursing home not meeting the criteria of subdivisions (c)(1)-(4) shall pay an equal per facility annual assessment amount at such amount as is necessary to ensure that the total aggregated amount of assessment for all nursing facilities from July 1, 2023, through June 30, 2024, equals six percent (6%) of the net patient service revenue, when such total aggregated assessment amount is established on July 1 of each year;

(6) Any excess collections of per facility annual assessments above the targeted six percent (6%) of the net patient service revenue must be retained in the nursing home assessment trust fund account created under this part. If actual collections of per facility annual assessments do not equal the targeted six percent (6%) of the net patient service revenue, then any shortfall may be made up from funds in the nursing home assessment trust fund account created under this part, or from other appropriations to the TennCare program;

(7) A facility that ceases to be licensed by the health facilities commission is not required to pay assessment fees accruing after the date of its licensure termination; and

(8) The bureau may modify the amount of the annual assessment for each nursing facility established by this subsection (c) if such modification is necessary to comply with 42 CFR 433.68.

Amendment No._____

Kevin Vaughan

Signature of Sponsor

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

AMEND Senate Bill No. 1345 **House Bill No. 1503***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 56, is amended by adding the following as a new chapter:

56-34-101. Short title.

This chapter is known and may be cited as the "Surprise Billing Consumer Protection Act."

56-34-102. Chapter definitions.

As used in this chapter:

(1) "Balance bill" means the amount that:

(A) A nonparticipating provider charges for services provided to a covered person; and

(B) Equals the difference between the amount paid or offered by the insurer and the amount of the nonparticipating provider's bill charge, excluding any amount for coinsurance, copayments, or deductibles due by the covered person;

(2) "Commissioner" means the commissioner of commerce and insurance;

(3) "Contracted amount" means:

(A) Before July 1, 2024, the median in-network amount paid during the 2019 calendar year by an insurer for the emergency or nonemergency services provided by in-network providers engaged in the

same or similar specialties and provided in the same or nearest geographical area; and

(B) On or after July 1, 2024, the median in-network amount as described in subdivision (3)(A) as annually adjusted by the department for inflation, which may be based on the consumer price index, but must not include medicare or medicaid rates;

(4) "Covered person" means an individual who is insured under a healthcare plan;

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

(6) "Emergency medical provider" means:

(A) A physician who is licensed pursuant to title 63, chapter 6 or 9, and who provides emergency medical services; or

(B) A healthcare provider licensed or otherwise authorized in this state to render emergency medical services;

(7) "Emergency medical services":

(A) Means physical or mental healthcare services rendered for a medical or traumatic condition, sickness, or injury, including a mental health condition or substance use disorder, in which a person is exhibiting acute symptoms of sufficient severity, including severe pain, regardless of the initial, interim, final, or other diagnoses that are given, that would lead a prudent layperson possessing an average knowledge of medicine and health to believe that the person's condition, sickness, or injury is of such a nature that failure to obtain immediate medical care could result in:

(i) Placing the patient's health in serious jeopardy;

(ii) Serious impairment to bodily functions; or

(iii) Serious dysfunction of any bodily organ or part; and

(B) Includes medical services rendered after the person is stabilized and as part of outpatient observation or an inpatient or outpatient stay with respect to the visit in which such services are furnished, unless each of the conditions of subdivision (a)(3)(C)(ii)(II) of the federal Public Health Service Act (42 U.S.C. § 300gg-111) are met;

(8) "Facility" means a hospital, an ambulatory surgical treatment center, birthing center, diagnostic and treatment center, hospice, or similar institution;

(9) "Geographic area" means a specific portion of this state that consists of one (1) or more zip codes as defined by the commissioner pursuant to rule;

(10) "Healthcare plan":

(A) Means a hospital or medical insurance policy or certificate, healthcare plan contract or certificate, qualified higher deductible health plan, health maintenance organization or other managed care subscriber contract, or state healthcare plan; and

(B) Does not include limited benefit insurance policies or plans; air ambulance insurance; policies issued relating to workers' compensation; Part A, B, C, or D of Title XVIII of the Social Security Act (Medicare); or a plan or program not described in this subdivision (10)(B) over which the commissioner does not have regulatory authority;

(11) "Healthcare provider" or "provider" means a healthcare professional licensed, authorized, certified, or permitted under title 63, chapter 6 or 9;

(12) "Healthcare services" means emergency or nonemergency medical services;

(13) "Insurer" means an entity subject to this title, or subject to the jurisdiction of the commissioner, that contracts, offers to contract, or enters into an agreement to provide, deliver, arrange for, pay for, or reimburse any of the costs of healthcare services, including those of an accident and sickness

insurance company, a health maintenance organization, a healthcare plan, a managed care plan, or any other entity providing a health insurance plan, a health benefit plan, or healthcare services;

(14) "Nonemergency medical services":

(A) Means the examination or treatment of persons for the prevention of illness or the correction or treatment of any physical or mental condition resulting from an illness, injury, or other human physical problem that does not qualify as an emergency medical service; and

(B) Includes:

(i) Hospital services that include the general and usual care, services, supplies, and equipment furnished by hospitals;

(ii) Medical services that include the general and usual care and services rendered and administered by doctors of medicine, dentistry, optometry, and other providers; and

(iii) Other medical services that, by way of illustration only and without limiting the scope of this chapter, include the provision of appliances and supplies; nursing care by a registered nurse; institutional services, including the general and usual care, services, supplies, and equipment furnished by healthcare institutions and agencies or entities other than hospitals; physiotherapy; drugs and medications; therapeutic services and equipment, including oxygen and the rental of oxygen equipment; hospital beds; iron lungs; orthopedic services and appliances, including wheelchairs, trusses, braces, crutches, and prosthetic devices, including artificial limbs and eyes; and any other appliance, supply, or service related to health care which does not qualify as an emergency medical service;

(15) "Nonparticipating provider" means a healthcare provider who has not entered into a contract with a healthcare plan for the delivery of medical services;

(16) "Out-of-network" refers to healthcare services provided to a covered person by providers or facilities that do not belong to the provider network in the healthcare plan;

(17) "Participating provider" means a healthcare provider that has entered into a contract with an insurer for the delivery of healthcare services to covered persons under a healthcare plan;

(18) "Resolution organization" means a qualified, independent, third-party claim dispute resolution entity selected by and contracted with the department;

(19) "State healthcare plan" means an insurance plan established pursuant to title 8, chapters 34-37; and

(20) "Surprise bill" means a bill resulting from an occurrence in which charges arise from a covered person receiving healthcare services from an out-of-network provider at an in-network facility.

56-34-103. Application of chapter.

(a) This chapter applies to all insurers providing a healthcare plan that pays for the provision of healthcare services to covered persons.

(b) This chapter is not applicable to healthcare plans that are subject to the exclusive jurisdiction of the federal Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1001 et seq.).

(c) This chapter applies to healthcare plans and state healthcare plans.

56-34-104. Emergency medical services; participating and nonparticipating providers.

(a) An insurer that provides benefits to covered persons with respect to emergency medical services shall pay for those emergency medical services:

(1) Without the need for a prior authorization determination and without retrospective payment denial for medically necessary services;

(2) Regardless of whether the healthcare provider or facility furnishing emergency medical services is a participating provider or facility with respect to emergency medical services; and

(3) In accordance with this chapter.

(b)

(1) If a covered person receives the provision of emergency medical services from a nonparticipating emergency medical provider, then the nonparticipating provider shall collect or bill no more than the person's deductible, coinsurance, copayment, or other cost-sharing amount as determined by the person's policy directly, and the insurer shall directly pay the provider the greater of:

(A) The verifiable contracted amount paid by all eligible insurers subject to this chapter for the provision of the same or similar services as determined by the commissioner by rule;

(B) The most recent verifiable amount agreed to by the insurer and the nonparticipating emergency medical provider for the provision of the same services during such time as the provider was in-network with the insurer; or

(C) A higher amount as the insurer may deem appropriate given the complexity and circumstances of the services provided.

(2) An amount that the insurer pays the nonparticipating provider under this subsection (b) is not required to include any amount of coinsurance,

copayment, or deductible owed by the covered person or already paid by the covered person.

(c) A healthcare plan shall not deny benefits for emergency medical services previously rendered based upon a covered person's failure to provide subsequent notification in accordance with plan provisions, where the covered person's medical condition prevented timely notification.

(d) For purposes of the covered person's financial responsibilities, the healthcare plan must treat the emergency medical services received by the covered person from a nonparticipating provider or nonparticipating facility pursuant to this section as if the services were provided by a participating provider or participating facility, and must include applying the covered person's cost-sharing for the services toward the covered person's deductible and maximum out-of-pocket limit applicable to services obtained from a participating provider or a participating facility under the healthcare plan.

(e) If a covered person receives emergency medical services from a nonparticipating facility, then the nonparticipating facility shall bill the covered person no more than the covered person's deductible, coinsurance, copayment, or other cost-sharing amount as determined by the person's policy directly.

(f) All insurer payments made to providers pursuant to this section must accompany notification to the provider from the insurer disclosing whether the healthcare plan is subject to the exclusive jurisdiction of the federal Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1001 et seq.).

56-34-105. Nonemergency medical services.

(a) In accordance with this chapter, an insurer that provides benefits to covered persons with respect to nonemergency medical services shall pay for the services in the event that the services resulted in a surprise bill regardless of whether the healthcare provider furnishing nonemergency medical services is a participating provider with respect to nonemergency medical services.

56-34-117. Pattern of acting in violation of this chapter; referral to governing entity; investigation.

Following the resolution of arbitration, the commissioner may refer the decision of the arbitrator to the appropriate state agency or the governing entity with governing authority over the payer, provider, or facility if the commissioner concludes that a payer, provider, or facility has either displayed a pattern of acting in violation of this chapter or has failed to comply with a lawful order of the commissioner or the arbitrator. The referral must include a description of the violations and the commissioner's recommendation for enforcement action. The state agency or governing entity shall initiate an investigation regarding the referral within thirty (30) days of receiving the referral and shall conclude the investigation within ninety (90) days of receiving the referral.

56-34-118. Litigation.

Once a request for arbitration has been filed with the commissioner by a provider or facility under this chapter, neither the provider, the facility, nor the insurer in the dispute shall file a lawsuit in court regarding the same out-of-network claim.

56-34-119. Resolution organizations; quarterly reports.

Each resolution organization contracted by the department shall report to the department on a quarterly basis the results of all disputes referred to the organization as follows:

(1) The number of arbitrations filed, settled, arbitrated, defaulted, or dismissed during the previous calendar year; and

(2) Whether the arbitrators' decisions were in favor of the insurer or the provider or facility.

56-34-120. Written report of commissioner to the committees; posting.

On or before July 1, 2024, and each July 1 thereafter, the commissioner shall:

(1) Provide a written report to the commerce and labor committee of the senate and the insurance committee of the house of representatives; and

(2) Post the report on the department's website summarizing the number of arbitrations filed, settled, arbitrated, defaulted, and dismissed during the previous calendar year and a description of whether the arbitration decisions were in favor of the insurer or the provider or facility.

56-34-121. Arbitration not subject to the Uniform Administrative Procedures Act.

The arbitration conducted under this chapter is not subject to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

56-34-122. Credit report; surprise bills.

A nonparticipating provider shall not report to a credit reporting agency a covered person who receives a surprise bill for the receipt of healthcare services from the provider and does not pay the provider any copay, coinsurance, deductible, or other cost-sharing amount beyond what the covered person would pay if the nonparticipating provider had been a participating provider.

56-34-123. Financial responsibilities with regard to ambulance transportation.

This chapter does not reduce a covered person's financial responsibilities with regard to air or ground ambulance services.

SECTION 2. Tennessee Code Annotated, Section 56-7-2356(a)(2), is amended by deleting the subdivision and substituting:

(2)

(A) Each managed health insurance issuer shall:

(i) File a network adequacy standards description with the commissioner, review the description for adequacy and compliance with this section, and update the description annually; and

(ii) Report to the commissioner each material change to an approved network plan at least fifteen (15) days before such change,

including each change that would result in a failure to satisfy the requirements of this section. Upon receiving the report, the commissioner shall reevaluate the issuer's network plan for compliance with the network adequacy standards of this section.

(B) As used in this subdivision (a)(2), "material change" means a significant reduction in the number of providers available in a network plan, including, but not limited to, a reduction of ten percent (10%) or more of a specific type of provicer in a geographic market, the removal of a major health system that causes a network to be significantly different from the network when the beneficiary purchased the network plan, or a change that would cause the network to no longer satisfy the requirements of this section or the commissioner's rules for network adequacy.

(3) In an effort to ensure that consumers within a geographic region have an adequate opportunity to select an in-network provider, including specialty providers and facilities, and to avoid unanticipated out-of-network costs, the network adequacy standards description must include a report for each network hospital that provides the percentage of providers in each of the specialties of emergency medicine, anesthesiology, radiology, radiation oncology, pathology, and hospitalists practicing in the hospital who are in the health benefit plan's network.

SECTION 3. Tennessee Code Annotated, Section 56-7-2356(b)(4), is amended by deleting "annually" and substituting "quarterly".

SECTION 4. Tennessee Code Annotated, Section 56-7-2356(b)(9), is amended by deleting the subdivision and substituting:

(9) A sufficient number of contracted providers practicing at the same in-network facilities with which the managed health insurance issuer has contracted to reasonably ensure enrollees have complete and comprehensive in-network access for covered services delivered at those in-network facilities; and

(10) Other information required by the commissioner to determine compliance with this part.

SECTION 5. Tennessee Code Annotated, Section 56-7-2356, is amended by adding the following as new subsections:

(g) If the commissioner determines that a managed health insurance issuer has not met the sufficiency standards established by this section, then the commissioner shall require a modification to the network or may institute a corrective action plan to ensure access for enrollees. The commissioner may take other disciplinary action for violations of this section as permitted pursuant to § 56-2-305, and in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(h) The commissioner shall develop an appeals procedure and forms where an enrollee of the managed health insurance issuer, contractor of a managed health insurance issuer, or a healthcare provider or facility may file a request for review of network adequacy and sufficiency of the managed health insurance issuer network. The department shall complete such review within forty-five (45) days of submission to the department.

SECTION 6. The commissioner of commerce and insurance is authorized to promulgate rules to effectuate this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 7. The headings in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 8. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No._____

Kevin Vaughan
_____
Signature of Sponsor

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

AMEND Senate Bill No. 1345 House Bill No. 1503*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 56, is amended by adding the following as a new chapter:

56-34-101. Short title.

This chapter is known and may be cited as the "Surprise Billing Consumer Protection Act."

56-34-102. Chapter definitions.

As used in this chapter:

(1) "Balance bill" means the amount that:

(A) A nonparticipating provider charges for services provided to a covered person; and

(B) Equals the difference between the amount paid or offered by the insurer and the amount of the nonparticipating provider's bill charge, excluding any amount for coinsurance, copayments, or deductibles due by the covered person;

(2) "Commissioner" means the commissioner of commerce and insurance;

(3) "Contracted amount" means:

(A) Before July 1, 2024, the median in-network amount paid during the 2019 calendar year by an insurer for the emergency or nonemergency services provided by in-network providers engaged in the

same or similar specialties and provided in the same or nearest geographical area; and

(B) On or after July 1, 2024, the median in-network amount as described in subdivision (3)(A) as annually adjusted by the department for inflation, which may be based on the consumer price index, but must not include medicare or medicaid rates;

(4) "Covered person" means an individual who is insured under a healthcare plan;

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

(6) "Emergency medical provider" means:

(A) A physician who is licensed pursuant to title 63, chapter 6 or 9, and who provides emergency medical services; or

(B) A healthcare provider licensed or otherwise authorized in this state to render emergency medical services;

(7) "Emergency medical services" has the same meaning as "emergency services" as defined in § 56-7-2355;

(8) "Facility" means a hospital, an ambulatory surgical treatment center, birthing center, diagnostic and treatment center, hospice, or similar institution;

(9) "Geographic area" means a specific portion of this state that consists of one (1) or more zip codes as defined by the commissioner pursuant to rule;

(10) "Healthcare plan":

(A) Means a hospital or medical insurance policy or certificate, healthcare plan contract or certificate, qualified higher deductible health plan, health maintenance organization or other managed care subscriber contract, or state healthcare plan; and

(B) Does not include limited benefit insurance policies or plans; air ambulance insurance; policies issued relating to workers'

compensation; Part A, B, C, or D of Title XVIII of the Social Security Act (Medicare); or a plan or program not described in this subdivision (10)(B) over which the commissioner does not have regulatory authority;

(11) "Healthcare provider" or "provider" means a healthcare professional licensed, authorized, certified, or permitted under title 63, chapter 6 or 9;

(12) "Healthcare services" means emergency or nonemergency medical services;

(13) "Insurer" means an entity subject to this title, or subject to the jurisdiction of the commissioner, that contracts, offers to contract, or enters into an agreement to provide, deliver, arrange for, pay for, or reimburse any of the costs of healthcare services, including those of an accident and sickness insurance company, a health maintenance organization, a healthcare plan, a managed care plan, or any other entity providing a health insurance plan, a health benefit plan, or healthcare services;

(14) "Nonemergency medical services":

(A) Means the examination or treatment of persons for the prevention of illness or the correction or treatment of any physical or mental condition resulting from an illness, injury, or other human physical problem that does not qualify as an emergency medical service; and

(B) Includes:

(i) Hospital services that include the general and usual care, services, supplies, and equipment furnished by hospitals;

(ii) Medical services that include the general and usual care and services rendered and administered by doctors of medicine, dentistry, optometry, and other providers; and

(iii) Other medical services that, by way of illustration only and without limiting the scope of this chapter, include the provision

of appliances and supplies; nursing care by a registered nurse; institutional services, including the general and usual care, services, supplies, and equipment furnished by healthcare institutions and agencies or entities other than hospitals; physiotherapy; drugs and medications; therapeutic services and equipment, including oxygen and the rental of oxygen equipment; hospital beds; iron lungs; orthopedic services and appliances, including wheelchairs, trusses, braces, crutches, and prosthetic devices, including artificial limbs and eyes; and any other appliance, supply, or service related to health care which does not qualify as an emergency medical service;

(15) "Nonparticipating provider" means a healthcare provider who has not entered into a contract with a healthcare plan for the delivery of medical services;

(16) "Out-of-network" refers to healthcare services provided to a covered person by providers or facilities that do not belong to the provider network in the healthcare plan;

(17) "Participating provider" means a healthcare provider that has entered into a contract with an insurer for the delivery of healthcare services to covered persons under a healthcare plan;

(18) "Resolution organization" means a qualified, independent, third-party claim dispute resolution entity selected by and contracted with the department;

(19) "State healthcare plan" means an insurance plan established pursuant to title 8, chapters 34-37; and

(20) "Surprise bill" means a bill resulting from an occurrence in which charges arise from a covered person receiving healthcare services from an out-of-network provider at an in-network facility.

56-34-103. Application of chapter.

(a) This chapter applies to all insurers providing a healthcare plan that pays for the provision of healthcare services to covered persons.

(b) This chapter is not applicable to healthcare plans that are subject to the exclusive jurisdiction of the federal Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1001 et seq.).

(c) This chapter applies to healthcare plans and state healthcare plans.

(d) This chapter does not apply to:

(1) A policy of insurance issued pursuant to a contract with the bureau of TennCare;

(2) TennCare or a successor program provided for in title 71, chapter 5;

(3) CoverKids or a successor program provided for in the CoverKids Act of 2006, compiled in title 71, chapter 3, part 11; or

(4) Ground or air ambulance services.

56-34-104. Emergency medical services; participating and nonparticipating providers.

(a) An insurer that provides benefits to covered persons with respect to emergency medical services shall pay for those emergency medical services:

(1) Without the need for a prior authorization determination and without retrospective payment denial for medically necessary services;

(2) Regardless of whether the healthcare provider or facility furnishing emergency medical services is a participating provider or facility with respect to emergency medical services; and

(3) In accordance with this chapter.

(b)

(1) If a covered person receives the provision of emergency medical services from a nonparticipating emergency medical provider, then the nonparticipating provider shall collect or bill no more than the person's deductible, coinsurance, copayment, or other cost-sharing amount as determined by the person's policy directly, and the insurer shall directly pay the provider the greater of:

(A) The verifiable contracted amount paid by all eligible insurers subject to this chapter for the provision of the same or similar services as determined by the commissioner by rule;

(B) The most recent verifiable amount agreed to by the insurer and the nonparticipating emergency medical provider for the provision of the same services during such time as the provider was in-network with the insurer; or

(C) A higher amount as the insurer may deem appropriate given the complexity and circumstances of the services provided.

(2) An amount that the insurer pays the nonparticipating provider under this subsection (b) is not required to include any amount of coinsurance, copayment, or deductible owed by the covered person or already paid by the covered person.

(c) A healthcare plan shall not deny benefits for emergency medical services previously rendered based upon a covered person's failure to provide subsequent notification in accordance with plan provisions, where the covered person's medical condition prevented timely notification.

(d) For purposes of the covered person's financial responsibilities, the healthcare plan must treat the emergency medical services received by the covered person from a nonparticipating provider or nonparticipating facility pursuant to this section as if the

services were provided by a participating provider or participating facility, and must include applying the covered person's cost-sharing for the services toward the covered person's deductible and maximum out-of-pocket limit applicable to services obtained from a participating provider or a participating facility under the healthcare plan.

(e) If a covered person receives emergency medical services from a nonparticipating facility, then the nonparticipating facility shall bill the covered person no more than the covered person's deductible, coinsurance, copayment, or other cost-sharing amount as determined by the person's policy directly.

(f) All insurer payments made to providers pursuant to this section must accompany notification to the provider from the insurer disclosing whether the healthcare plan is subject to the exclusive jurisdiction of the federal Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1001 et seq.).

56-34-105. Nonemergency medical services.

(a) In accordance with this chapter, an insurer that provides benefits to covered persons with respect to nonemergency medical services shall pay for the services in the event that the services resulted in a surprise bill regardless of whether the healthcare provider furnishing nonemergency medical services is a participating provider with respect to nonemergency medical services.

(b)

(1) If a covered person receives a surprise bill for the provision of nonemergency medical services from a nonparticipating medical provider, then the nonparticipating provider shall collect or bill the covered person no more than the person's deductible, coinsurance, copayment, or other cost-sharing amount as determined by the person's policy directly, and the insurer shall directly pay the provider the greater of:

(A) The verifiable contracted amount paid by all eligible insurers subject to this chapter for the provision of the same or similar services as determined by the department;

(B) The most recent verifiable amount agreed to by the insurer and the nonparticipating provider for the provision of the same services during such time as the provider was in-network with the insurer; or

(C) A higher amount as the insurer may deem appropriate given the complexity and circumstances of the services provided.

(2) An amount that the insurer pays the nonparticipating provider under this subsection (b) is not required to include any amount of coinsurance, copayment, or deductible owed by the covered person or already paid by the covered person.

(c) For purposes of the covered person's financial responsibilities, the healthcare plan must treat the nonemergency medical services received by the covered person from a nonparticipating provider pursuant to this section as if the services were provided by a participating provider, and must include applying the covered person's cost-sharing for the services toward the covered person's deductible and maximum out-of-pocket limit applicable to services obtained from a participating provider under the healthcare plan.

(d) All insurer payments made to providers pursuant to this section must accompany notification to the provider from the insurer disclosing whether the healthcare plan is subject to the exclusive jurisdiction of the federal Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1001, et seq.).

(e) Notwithstanding other law to the contrary, this section does not affect a covered person's financial responsibilities or a nonparticipating facility's rights with respect to nonemergency medical services received from a nonparticipating facility.

56-34-106. Denial or restriction of covered benefits due to balance bill from treatment from a nonparticipating provider.

A healthcare plan must not deny or restrict the provision of covered benefits from a participating provider to a covered person solely because the covered person obtained treatment from a nonparticipating provider leading to a balance bill. The insurer shall provide notice of such protection in writing to the covered person.

56-34-107. Financial responsibilities – nonemergency medical services from an out-of-network provider.

(a) This chapter does not reduce a covered person's financial responsibilities in the event that the covered person chose to receive nonemergency medical services from an out-of-network provider. Those services are not considered a surprise bill for purposes of this chapter.

(b) The covered person's choice as described in subsection (a) must:

(1) Be documented through the covered person's written and oral consent in advance of the provision of the services; and

(2) Occur only after the covered person has been provided with an estimate of the potential charges.

(c) If, during the provision of nonemergency medical services, a covered person requests that the attending provider refer the covered person to another provider for the immediate provision of additional nonemergency medical services, then the referred provider is exempt from the requirements in subsection (b) if the following requirements are satisfied:

(1) The covered person orally and in writing acknowledges being aware that the referred provider may be a nonparticipating provider and may charge higher fees than a participating provider; and

(2) The written acknowledgment referenced in subdivision (c)(1) is on a document separate from other documents provided by the referring provider and includes language to be determined by the commissioner by rule.

56-34-108. All-payer health claims database; records.

(a) Subject to appropriation, the department shall provide for the maintenance of an all-payer health claims database that maintains records of insurer payments and tracks the payments by a wide variety of healthcare services and by geographic areas of this state. The appropriation must specifically reference this act. The department shall update information in the all-payer health claims database on no less than an annual basis and shall maintain the information on the department's website.

(b) If the appropriation described in subsection (a) is not made, then the department has the authority to acquire, receive, or collect all such data necessary to determine the contracted amounts for specific services from an independent benchmarking database not affiliated with or owned by an insurance carrier or healthcare provider. The department shall update information as the commissioner determines appropriate and shall maintain the information on the department's website. The department has the authority to promulgate rules as necessary to comply with this section.

56-34-109. Request for arbitration.

(a) If an out-of-network provider or out-of-network facility concludes that payment received from an insurer is not sufficient given the complexity and circumstances of the services provided, then the provider or facility may initiate a request for arbitration with the commissioner. The provider or facility shall submit the request within sixty (60) days of receipt of payment for the claim and concurrently provide the insurer with a copy of the request.

(b) A request for arbitration may involve a single patient and a single type of healthcare service, a single patient and multiple types of healthcare services, multiple patients and a single type of healthcare service, or multiple substantially similar healthcare services in the same specialty on multiple patients.

56-34-110. Dismissal of requests for arbitration.

The commissioner shall dismiss a request for arbitration if the disputed claim is:

(1) Related to a healthcare plan that is not regulated by this state;

(2) The basis for an action pending in state or federal court at the time of the request for arbitration;

(3) Subject to a binding claims resolution process entered into prior to July 1, 2023;

(4) Made against a healthcare plan subject to the exclusive jurisdiction of the federal Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1001 et seq.); or

(5) In accord with other circumstances as may be determined by the commissioner by rule.

56-34-111. Submission of data; arbitration.

Within thirty (30) days of the insurer's receipt of the provider's or facility's request for arbitration, the insurer shall submit to the commissioner all data necessary for the commissioner to determine whether the insurer's payment to the provider or facility was in compliance with this chapter. The commissioner is not required to make a determination prior to referring the dispute to a resolution organization for arbitration.

56-34-112. Referral to dispute resolution organization.

The commissioner shall promulgate rules in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, implementing an arbitration process requiring the commissioner to select one (1) or more resolution organizations to arbitrate certain claim disputes between insurers and out-of-network providers or out-of-network facilities. Prior to proceeding with arbitration, the commissioner shall allow the parties thirty (30) days from the date the commissioner received the request for arbitration to negotiate a settlement. The parties shall timely notify the commissioner of the result of the negotiation. If the parties have not notified the commissioner of the result within thirty (30) days of the date that the commissioner received the request for arbitration, then the commissioner shall refer the dispute to a resolution organization within five (5) days. The department shall contract with one (1) or more resolution

organizations by October 1, 2023, to review and consider claim disputes between insurers and out-of-network providers or out-of-network facilities as disputes are referred by the commissioner.

56-34-113. Selection of arbitrator.

Upon the commissioner's referral of a dispute to a resolution organization, the parties have five (5) days to select an arbitrator by mutual agreement. If the parties have not notified the resolution organization of their mutual selection before the fifth day, then the resolution organization shall select an arbitrator from among its members. A selected arbitrator shall be independent of the parties and shall not have a personal, professional, or financial conflict with any party to the arbitration. The arbitrator shall have experience or knowledge in healthcare billing and reimbursement rates and shall not communicate ex parte with either party.

56-34-114. Submission of final offer and supporting documents; initial arguments.

The parties have ten (10) days after the selection of the arbitrator to submit in writing to the resolution organization each party's final offer and each party's argument in support of the offer. The parties' initial arguments are limited to written form and must consist of no more than twenty (20) pages per party. The parties may submit documents in support of their arguments. The arbitrator may require the parties to submit additional written argument and documentation as the arbitrator determines necessary, but the arbitrator may require additional filing no more than once. The additional written argument is limited to no more than ten (10) pages per party and must be submitted not later than ten (10) days after the arbitrator's request for additional documentation. The arbitrator may set filing times and extend the filing times, as appropriate, with the mutual agreement of the parties. Failure of either party to timely submit the supportive documentation described in this section may result in a default against the party failing to make timely submission.

56-34-115. Proposed payment amounts; modification; decision.

Each party shall submit one (1) proposed payment amount to the arbitrator. The arbitrator shall pick one (1) of the two (2) amounts submitted and shall reveal that amount in the arbitrator's final decision. The arbitrator shall not modify the selected amount. In making such a decision, the arbitrator shall consider the complexity and circumstances of each case, including the level of training, education, and experience of the relevant physicians or other individuals at the facility who are licensed or otherwise authorized in this state to furnish healthcare services and other factors as determined by the commissioner through rule. The arbitrator shall put the final decision in writing and describe the basis for the decision, including citations to documents relied upon. The arbitrator shall make the final decision within thirty (30) days of the commissioner's referral. A default or final decision issued by the arbitrator is binding upon the parties and is not appealable through the court system.

56-34-116. Fees and expenses.

(a) Except as provided in this section, the party whose final offer amount is not selected by the arbitrator shall pay the amount of the award, the arbitrator's expenses and fees, and other fees assessed by the resolution organization, directly to the resolution organization.

(b) If the parties reach an agreement to settle a dispute after referral to an arbitrator and prior to a final determination by the arbitrator, then the fees and expenses must be split equally between the parties.

(c)

(1) If a party defaults and the defaulting party is:

(A) An insurer, then the insurer shall pay the provider's or facility's offer, plus expenses and fees of arbitration, within fifteen (15) days of the arbitrator's final decision; or

(B) A facility or provider, then the facility or provider shall pay the expenses and fees of arbitration within fifteen (15) days of the arbitrator's final decision.

(2) If both parties default, then the fees and expenses must be split equally between the parties.

(d) Parties shall pay moneys due under this section in full to the resolution organization within fifteen (15) days of the arbitrator's final decision. Within three (3) days of the organization's receipt of moneys due to the party whose final offer was selected, the organization shall distribute the moneys to such party.

(e) The department may promulgate rules to carry out this section.

56-34-117. Pattern of acting in violation of this chapter; referral to governing entity; investigation.

Following the resolution of arbitration, the commissioner may refer the decision of the arbitrator to the appropriate state agency or the governing entity with governing authority over the payer, provider, or facility if the commissioner concludes that a payer, provider, or facility has either displayed a pattern of acting in violation of this chapter or has failed to comply with a lawful order of the commissioner or the arbitrator. The referral must include a description of the violations and the commissioner's recommendation for enforcement action. The state agency or governing entity shall initiate an investigation regarding the referral within thirty (30) days of receiving the referral and shall conclude the investigation within ninety (90) days of receiving the referral.

56-34-118. Litigation.

Once a request for arbitration has been filed with the commissioner by a provider or facility under this chapter, neither the provider, the facility, nor the insurer in the dispute shall file a lawsuit in court regarding the same out-of-network claim.

56-34-119. Resolution organizations; quarterly reports.

Each resolution organization contracted by the department shall report to the department on a quarterly basis the results of all disputes referred to the organization as follows:

(1) The number of arbitrations filed, settled, arbitrated, defaulted, or dismissed during the previous calendar year; and

(2) Whether the arbitrators' decisions were in favor of the insurer or the provider or facility.

56-34-120. Written report of commissioner to the committees; posting.

On or before July 1, 2024, and each July 1 thereafter, the commissioner shall:

(1) Provide a written report to the commerce and labor committee of the senate and the insurance committee of the house of representatives; and

(2) Post the report on the department's website summarizing the number of arbitrations filed, settled, arbitrated, defaulted, and dismissed during the previous calendar year and a description of whether the arbitration decisions were in favor of the insurer or the provider or facility.

56-34-121. Arbitration not subject to the Uniform Administrative Procedures Act.

The arbitration conducted under this chapter is not subject to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

56-34-122. Credit report; surprise bills.

A nonparticipating provider shall not report to a credit reporting agency a covered person who receives a surprise bill for the receipt of healthcare services from the provider and does not pay the provider any copay, coinsurance, deductible, or other cost-sharing amount beyond what the covered person would pay if the nonparticipating provider had been a participating provider.

SECTION 2. Tennessee Code Annotated, Section 56-7-2356(a)(2), is amended by deleting the subdivision and substituting:

(2)

(A) Each managed health insurance issuer shall:

(i) File a network adequacy standards description with the commissioner, review the description for adequacy and compliance with this section, and update the description annually; and

(ii) Report to the commissioner each material change to an approved network plan at least fifteen (15) days before such change, including each change that would result in a failure to satisfy the requirements of this section. Upon receiving the report, the commissioner shall reevaluate the issuer's network plan for compliance with the network adequacy standards of this section.

(B) As used in this subdivision (a)(2), "material change" means a significant reduction in the number of providers available in a network plan, including, but not limited to, a reduction of ten percent (10%) or more of a specific type of provider in a geographic market, the removal of a major health system that causes a network to be significantly different from the network when the beneficiary enrolled in the network plan, or a change that would cause the network to no longer satisfy the requirements of this section or the commissioner's rules for network adequacy.

(3) In an effort to ensure that consumers within a geographic region have an adequate opportunity to select an in-network provider, including specialty providers and facilities, and to avoid unanticipated out-of-network costs, the network adequacy standards description must include a report for each network hospital that provides the percentage of providers in each of the specialties of emergency medicine, anesthesiology, radiology, radiation oncology, pathology, and hospitalists practicing in the hospital who are in the health benefit plan's network.

SECTION 3. Tennessee Code Annotated, Section 56-7-2356(b)(4), is amended by deleting "annually" and substituting "quarterly".

SECTION 4. Tennessee Code Annotated, Section 56-7-2356(b)(9), is amended by deleting the subdivision and substituting:

(9) A sufficient number of contracted providers practicing at the same in-network facilities with which the managed health insurance issuer has contracted to reasonably ensure enrollees have complete and comprehensive in-network access for covered services delivered at those in-network facilities; and

(10) Other information required by the commissioner to determine compliance with this part.

SECTION 5. Tennessee Code Annotated, Section 56-7-2356, is amended by adding the following as new subsections:

(g) If the commissioner determines that a managed health insurance issuer has not met the sufficiency standards established by this section, then the commissioner shall require a modification to the network or may institute a corrective action plan to ensure access for enrollees. The commissioner may take other disciplinary action for violations of this section as permitted pursuant to § 56-2-305, and in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(h) The commissioner shall develop an appeals procedure and forms where an enrollee of the managed health insurance issuer, contractor of a managed health insurance issuer, or a healthcare provider or facility may file a request for review of network adequacy and sufficiency of the managed health insurance issuer network. The department shall complete such review within ninety (90) days of submission to the department.

SECTION 6. The commissioner of commerce and insurance is authorized to promulgate rules to effectuate this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 7. The headings in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 8. For purposes of promulgating rules and carrying out administrative duties necessary to effectuate this act, this act takes effect July 1, 2023, the public welfare requiring it. This act takes effect on January 1, 2024, for all other purposes, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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AMEND Senate Bill No. 862* House Bill No. 1163

by deleting all language after the enacting clause and substituting:

SECTION 1. This act is known and may be cited as the "Healthcare Sharing Ministries Freedom to Share Act."

SECTION 2. Tennessee Code Annotated, Section 48-51-201, is amended by inserting the following as a new subdivision:

( ) "Healthcare sharing ministry" means a nonprofit corporation that:

(A) Is tax-exempt under the Internal Revenue Code of 1986 (26 U.S.C.);

(B) Limits its participants to those members who share a common set of ethical or religious beliefs;

(C) Acts as a facilitator among participants who have financial or medical needs to assist those with financial or medical needs in accordance with criteria established by the healthcare sharing ministry;

(D) Provides for the financial or medical needs of a participant through contributions from other participants;

(E) Provides amounts that participants may contribute with no assumption of risk or promise to pay among the participants, and no assumption of risk or promise to pay by the healthcare sharing ministry to the participants;

(F) Provides monthly to the participants the total dollar amount of qualified needs actually shared during the previous month in accordance with criteria established by the healthcare sharing ministry;

(G) Conducts an annual audit that is performed by an independent certified public accounting firm in accordance with generally accepted accounting principles and that is made available to the public by providing a copy upon request or by posting on the organization's website; and

(H) Provides a written disclaimer on or accompanying all applications and guideline materials distributed by or on behalf of the organization that is substantially similar to the following:

Notice: The organization facilitating the sharing of medical expenses is not an insurance company, and neither its guidelines nor plan of operation is an insurance policy. Whether anyone chooses to assist you with your medical bills will be totally voluntary because no other participant will be compelled by law to contribute toward your medical bills. As such, participation in the organization or a subscription to any of its documents should never be considered to be insurance. Regardless of whether you receive any payments for medical expenses or whether this organization continues to operate, you are always personally responsible for the payment of your own medical bills.

SECTION 3. Tennessee Code Annotated, Title 56, Chapter 7, Part 1, is amended by adding the following as a new section:

For purposes of this title, a healthcare sharing ministry, as defined in § 48-51-201, is not considered to be engaging in the business of insurance.

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. 460* House Bill No. 607

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) Notwithstanding § 56-7-1018, a health insurance entity that offers health insurance coverage of complex rehabilitation technology (CRT) or manual wheelchairs shall not require a prior authorization for repairs of such technology or equipment unless:

(1) The repairs are covered under a manufacturer's warranty;

(2) The cost of the repairs exceeds the cost to replace the CRT or manual wheelchair; or

(3) The CRT or manual wheelchair in need of repair is subject to replacement because the age of the CRT or manual wheelchair exceeds, or is within one (1) year of the expiration of, the recommended lifespan of the CRT or manual wheelchair.

(b) As used in this section:

(1) "Complex rehabilitation technology" has the same meaning as defined in § 71-5-159;

(2) "Health insurance coverage" has the same meaning as defined in § 56-7-109; and

(3) "Health insurance entity" has the same meaning as defined in § 56-7-109.

SECTION 2. Tennessee Code Annotated, Title 71, Chapter 5, Part 1, is amended by adding the following as a new section:

(a) A managed care organization shall not require a participant in a TennCare program to obtain and submit a prior authorization for repairing complex rehabilitation technology (CRT) or manual wheelchairs unless:

(1) The repairs are covered under a manufacturer's warranty;

(2) The cost of the repairs exceeds the cost to replace the CRT or manual wheelchair; or

(3) The CRT or manual wheelchair in need of repair is subject to replacement because the age of the CRT or manual wheelchair exceeds, or is within one (1) year of the expiration of, the recommended lifespan of the CRT or manual wheelchair.

(b) As used in this section:

(1) "Complex rehabilitation technology" has the same meaning as defined in § 71-5-159; and

(2) "Managed care organization" has the same meaning as defined in § 71-5-156.

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it, and applies to contracts entered into, amended, or renewed on or after such date.

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Amendment No._____

S. Kemp MD

Signature of Sponsor

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, "insurance company" means a legal entity or natural person engaged as a principal in the business of liability insurance, as defined in § 56-2-201, and licensed pursuant to this title. "Insurance company" does not include companies that cover medical malpractice claims, worker's compensation claims pursuant to Title 50, or any uninsured motorist coverage claims arising from the liability insurance policy.

56-2-1102.

A liability insurance company shall provide written notice to a claimant, electronically or by mail, 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, provided that the claimant's information is provided by the claimant's attorney in an initial notice of representation. No such notice is required to be sent if the underlying litigation involves a class action of claimants.

56-2-1103.

The insurance company may deduct up to five dollars ($5.00) from the settlement amount in complying with this part to cover costs associated with drafting, processing, and transmitting the notice.

56-2-1104.

This part does not:

(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) A 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) A defective service of notice as described in § 56-2-1102;

(3) Invalidate or otherwise affect the settlement for which the payment was made by the insurance company;

(4) Apply to third-party liability claims involving medical malpractice, commercial liability, or uninsured motorist coverage; or

(5) Apply to third-party liability claims that involve a class action of claimants.

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

Amendment No._____

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Signature of Sponsor

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Clerk _____
Comm. Amdt. _____
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AMEND Senate Bill No. 721 **House Bill No. 498***

by deleting from SECTION 2 the language "or via telehealth" and substituting "or solely via telehealth".

Amendment No. _____

Ron M. Dant

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. 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 2. 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 3. Tennessee Code Annotated, Section 50-6-210(e)(11), is amended by deleting the last sentence and substituting:

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

Amendment No. _____

Ron M. Dant

Signature of Sponsor

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 97* **House Bill No. 396**

by inserting the following as a new SECTION 1 and renumbering current SECTION 1 and subsequent sections accordingly:

SECTION 1. This act is known and may be cited as the "Garrison-Jordan Survivor Benefits Act."

Amendment No._____

Signature of Sponsor

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Date _____
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Comm. Amdt. _____

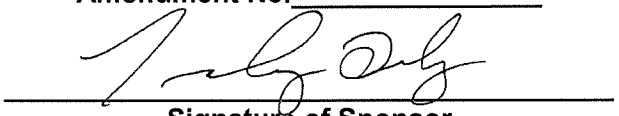
AMEND Senate Bill No. 130* **House Bill No. 406**

by deleting SECTION 2 and substituting:

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

( ) A violation of SECTION 1;

Amendment No. _____



Signature of Sponsor

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Comm. Amdt. _____
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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. 1

Signature of Sponsor

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Comm. Amdt. _____

AMEND Senate Bill No. 1338 House Bill No. 1211*

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

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

(d)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Amendment No. _____

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

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. 863 House Bill No. 750*

by deleting all language after the enacting clause and substituting:

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

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

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

(g)

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

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

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

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

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

Amendment No._____

Signature of Sponsor

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

AMEND Senate Bill No. 863 House Bill No. 750*

by adding the following as a new subdivision to subsection (g) in SECTION 2:

(4) This subsection (g) does not apply to a:

(1) Board of directors controlled by a declarant;

(2) Condominium titled to a single owner; or

(3) Husband and wife who own such condominium as a tenancy by the entirety.

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.

(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._____

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Date _____
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Comm. Amdt. _____
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Signature of Sponsor

AMEND Senate Bill No. 368* **House Bill No. 1182**

by deleting subdivision (4) in § 66-33-102 in SECTION 1 and substituting:

(4) "Service agreement" means an agreement whereby the owner of residential real estate provides a person with exclusive rights to market and attempt to sell, or to solicit a purchase of, the residential real estate at a future date in exchange for valuable consideration; and

AND FURTHER AMEND by deleting subsection (b) in § 66-33-103 in SECTION 1 and substituting:

(b) A service agreement is deemed unfair if any part of the service subject to the agreement is performed longer than one (1) year after the date the agreement is entered into and has one (1) or more of the following characteristics:

(1) The service agreement purports to run with the land or to be binding on future owners of interests in the real property;

(2) The service agreement allows for assignment of the right to provide service without notice to and consent of the owner of residential real estate; or

(3) The service agreement purports to create a lien, encumbrance, or other real property security interest in the real property.

AND FURTHER AMEND by deleting "or" at the end of subdivision (c)(7) in § 66-33-103 in SECTION 1.

AND FURTHER AMEND by deleting the period at the end of subdivision (c)(8) in § 66-33-103 in SECTION 1 and substituting ";".

AND FURTHER AMEND by adding the following new subdivisions to subsection (c) in § 66-33-103 in SECTION 1:

(9) An agreement entered into by a person licensed under title 62, chapter 13, for management services of real property wherein the licensee advertises the residential real estate for lease and collects rent on behalf of the owner, even if the management agreement provides for compensation due to the licensee in the event of the sale of the residential real estate during the term of the management agreement; or

(10) An agreement entered into by a nonprofit, mandatory membership organization comprised of owners of homes, condominiums, cooperatives, manufactured homes, or another interest in real property, created pursuant to a declaration, covenant, or other applicable law, pertaining to the oversight or management of real property.

Amendment No. 004478

Signature of Sponsor

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

AMEND Senate Bill No. 451 **House Bill No. 165***

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.

FILED
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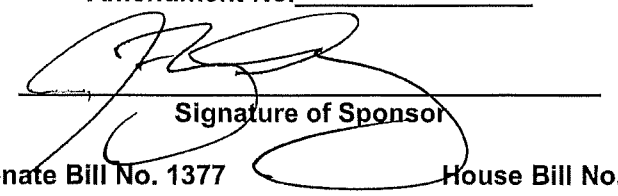
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____



Signature of Sponsor

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 4-3-734, is amended by deleting the section and substituting:

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

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

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

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

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

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

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

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

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

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

(k)

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

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

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

SECTION 6. This act takes effect July 1, 2023, the public welfare requiring it.

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

Amendment No. _____

Signature of Sponsor

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.

House Business & Utilities Subcommittee Am. #1

Amendment No._____

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

Signature of Sponsor

AMEND Senate Bill No. 650* **House Bill No. 1342**

by deleting all language after the caption and substituting:

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

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

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

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

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

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

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

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

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

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

4-3-739.

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

(b) As used in this section:

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

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

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

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

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

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

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

(c)

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

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

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

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

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

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

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

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

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

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

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

Amendment No. _____

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Signature of Sponsor

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

AMEND Senate Bill No. 650* House Bill No. 1342

by deleting all language after the caption and substituting:

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

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

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

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

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

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

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

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

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

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

4-3-739.

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

(b) As used in this section:

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

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

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

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

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

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

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

(c)

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

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

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

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

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

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

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

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

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

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

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

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

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

Amendment No._____

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Signature of Sponsor

AMEND Senate Bill No. 650* House Bill No. 1342

by deleting all language after the caption and substituting:

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

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

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

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

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

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

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

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

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

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

4-3-729.

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

(b) As used in this section:

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

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

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

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

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

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

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

(c)

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

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

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

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

(2) The prohibitions set out in subdivision (c)(1) apply to any work or service for the employer on the project for which the economic incentive is provided.

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

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

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

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

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

House Business & Utilities Subcommittee Am. #1

Amendment No._____

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

Signature of Sponsor

AMEND Senate Bill No. 1246 House Bill No. 1290*

by deleting all language after the enacting clause and substituting:

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

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

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

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it.

House Business & Utilities Subcommittee Am. #1

Amendment No._____

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Signature of Sponsor

AMEND Senate Bill No. 907 House Bill No. 814*

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

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

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

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

House Finance, Ways, and Means Committee

Amendment Packet

March 6, 2023

Full 3/7

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

Amendment No. _____

Curtis Johnson
Signature of Sponsor

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".

Sub 2/22
Full 3/9

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 328 **House Bill No. 144***

by inserting the following new section immediately preceding the effective date section and renumbering the effective date section accordingly:

SECTION __. Tennessee Code Annotated, Section 55-10-402(d), is amended by adding the following as a new subdivision:

(3) Notwithstanding this part to the contrary, a person violating § 55-10-401, upon conviction for a third or subsequent offense, shall pay all costs associated with an ignition interlock device, transdermal monitoring device, global positioning monitoring system, or any other monitoring device and is not eligible for electronic monitoring indigency fund assistance under this part, regardless of whether the person is indigent.

Full 3/7

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

Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 868 **House Bill No. 805***

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

AND FURTHER AMEND by deleting from subdivision (B)(ii) in SECTION 1 the language "voice communication" and substituting "text communication".

Sub
Full 3/7

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 238 House Bill No. 54*

by deleting the word "compliant" in SECTION 16 and substituting instead the word "complaint".

House Transportation Subcommittee Am. #1

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No._____

_____
Signature of Sponsor

AMEND Senate Bill No. 1337 House Bill No. 87*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 66-19-103(b), is amended by deleting the subsection and substituting instead:

(b) As used in this section:

(1) "Garagekeeper" means an operator of a parking place or establishment, motor vehicle storage facility, or establishment for the servicing, repair, or maintenance of vehicles; and

(2) "Rental vehicle company" means a person or entity, or a subsidiary or affiliate of the person or entity, including a franchisee, in the business of renting vehicles to the public.

SECTION 2. Tennessee Code Annotated, Section 66-19-103, is amended by deleting "rental company" in subdivisions (a)(1)(B) and (a)(3) and substituting instead "rental vehicle company".

SECTION 3. Tennessee Code Annotated, Section 66-19-103(c), is amended by deleting the subsection and substituting instead:

(c) A person, firm, or entity shall not have a right to a lien on a vehicle that has been towed in violation of title 55, chapter 16. If the owner of the vehicle is not present, then within fifteen (15) minutes of a person, firm, or entity towing the vehicle pursuant to this chapter, the person, firm, or entity shall notify local law enforcement of the vehicle identification number (VIN), registration information, license plate number, and description of the vehicle. A violation of this notification requirement by a person, firm, or

entity is a Class A misdemeanor. Local law enforcement shall keep a record of that information, which must be available for public inspection.

SECTION 4. Tennessee Code Annotated, Section 55-16-105, is amended by:

(1) Deleting "notify by registered mail, return receipt requested," in subsection (a) and substituting instead "notify by registered mail, return receipt requested, or by overnight delivery using a nationally recognized carrier with proof of delivery,";

(2) Deleting "sent by registered or certified mail, return receipt requested," in subsection (b) and substituting instead "sent by registered or certified mail, return receipt requested, or by overnight delivery using a nationally recognized carrier with proof of delivery,";

(3) Deleting "by registered mail" in subsection (c) and substituting instead "by registered mail or overnight delivery"; and

(4) Deleting "by mail" in subdivision (g)(2) and substituting instead "by mail or overnight delivery".

SECTION 5. Tennessee Code Annotated, Section 55-16-105(f), is amended by deleting the first and second sentences and substituting instead:

If an employee of a public agency, a towing company contracting with a public agency, or a towing company authorized to tow by a private property owner or the private property owner's authorized agent, takes possession of a vehicle found abandoned, immobile, or unattended, then an employee of the agency shall verify ownership through the Tennessee Information Enforcement System (TIES) and shall place the ownership information on the towing sheet or form. The agency shall also provide the ownership information to a towing company or garagekeeper with whom the agency has a contract or to a towing company authorized to tow by a private property owner or private property owner's authorized agent, as applicable.

SECTION 6. Tennessee Code Annotated, Section 55-16-105(g)(1), is amended by deleting the subdivision and substituting instead:

(1) In addition to the notification requirements of subsection (a), a garagekeeper or towing firm, which has in its possession an abandoned, immobile, or unattended motor vehicle taken into custody by a police department or authorized by a private property owner or the private property owner's authorized agent to be towed, and in whose possession the vehicle was lawfully placed by the police department or authorized to be placed by a private property owner or the private property owner's authorized agent, shall, within three (3) business days after the motor vehicle is taken into its possession, verify ownership of the motor vehicle pursuant to subsection (f). The garagekeeper or towing firm shall, within three (3) business days after receiving verification of ownership, provide notice to the last known registered owner of the motor vehicle and all lienholders of record. The notification requirements included in subsection (a) apply to the notice required to be provided by a garagekeeper or towing firm pursuant to this subdivision (g)(1).

SECTION 7. Tennessee Code Annotated, Section 55-23-103(a), is amended by deleting the language "towing motor vehicles by wrecker or otherwise and the storing of these motor vehicles" and substituting instead the language "towing motor vehicles by wrecker or otherwise or the storing of these motor vehicles".

SECTION 8. Section 3 of this act takes effect July 1, 2023, the public welfare requiring it, and applies to vehicles towed or taken into storage on or after July 1, 2023. All remaining sections of this act take effect upon becoming a law, the public welfare requiring it, and apply to vehicles towed or taken into storage on or after such date.

Amendment No. _____

X Dave Wright
Signature of Sponsor

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

AMEND Senate Bill No. 123* House Bill No. 394

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)

(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.

House Transportation Subcommittee Am. #1

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No._____

_____
Signature of Sponsor

AMEND Senate Bill No. 1281 House Bill No. 818*

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

SECTION 1. Tennessee Code Annotated, Section 55-8-151(c), is amended by deleting subdivisions (1)-(6), adding the following as new subdivisions, and renumbering the existing subdivisions (7)-(10) accordingly:

(1) A local education agency (LEA) may purchase, install, operate, and maintain cameras on the exterior of school buses, or may enter into a contract with a private vendor to purchase, install, operate, and maintain cameras on the exterior of school buses, whether owned, contracted, or leased by the LEA, and provide other services related to violations of subdivision (a)(1), on behalf of the LEA, for the purpose of recording images of motor vehicles that are in violation of subdivision (a)(1) for failing to stop upon approaching a school bus.

(2) An LEA that installs cameras on the exterior of school buses in accordance with subdivision (c)(1) shall enter into a memorandum of understanding with local law enforcement that includes, but is not limited to, the review of evidence from a camera and overall enforcement. Only POST-certified or state-commissioned law enforcement officers, including school resource officers, as defined in § 49-6-4202, are authorized to review evidence from a camera to determine whether a violation of subdivision (a)(1) has occurred.

(3)

(A) In lieu of prosecution for an offense under subdivision (a)(5)(B), where evidence of the offense is based solely from a camera that has been

installed on the exterior of a school bus, a person may be issued a notice of violation or citation; however, this subdivision (c)(3)(A) does not preclude the state from prosecuting an offense under subdivision (a)(5)(B), where evidence of the offense is based solely from such camera if the state meets the burden of proof set out in § 39-11-201.

(B) A notice of violation or citation issued for a violation of subdivision (a)(1) that is based solely upon evidence from a camera that has been installed on the exterior of a school bus is considered a nonmoving traffic violation.

(C) The registered owner of the motor vehicle is responsible for payment of a notice of violation or citation; provided, that the owner is not responsible for the violation if the owner submits documentation in accordance with § 55-8-198(e).

(D) The fine for a first notice of violation or citation under this subdivision (c)(3) is two hundred fifty dollars ($250), and the fine for a second or subsequent notice of violation or citation is five hundred dollars ($500).

(4)

(A) Notices of violations or citations must be sent in accordance with § 55-8-198(b)(1) to the registered owner of the vehicle that was captured by the camera.

(B) Photographs or video produced by a camera that has been installed on the exterior of a school bus are prima facie evidence that the vehicle described in the citation was operated in violation of subdivision (a)(1). Photographs or video produced by a camera that has been installed on the exterior of a school bus, together with proof that the defendant was the registered owner of the vehicle at the time of the violation, create an inference that the owner of the vehicle was the driver of the vehicle at the time of the alleged

violation. The inference may be rebutted if the owner of the vehicle submits documentation in accordance with § 55-8-198(e).

(C) A citation based solely upon evidence obtained from a camera that has been installed on the exterior of a school bus is deemed invalid if the registration information of the motor vehicle for which the citation is issued is not consistent with the evidence recorded by the camera.

(5) For a violation of subdivision (a)(1), there is a presumption that the photographs or video produced by a camera that has been installed on the exterior of a school bus provide evidence that the school bus was stopped for the purpose of receiving or discharging school children.

(6) Photographs or video produced by a camera that has been installed on the exterior of a school bus depicting a violation of subdivision (a)(1) must be made available for inspection in any proceeding in which the citation or violation is being contested.

(7) The notice of violation or citation must include:

(A) The date, location, and time of the alleged violation;

(B) The amount of the fine being assessed;

(C) The means by which the owner may elect to shift responsibility for the payment of the citation to the operator of the vehicle at the time of the alleged violation pursuant to § 55-8-198(e); and

(D) Information detailing the process for contesting the citation, including the applicable court having jurisdiction.

(8)

(A) One hundred percent (100%) of the proceeds from any fine imposed under this section that is based solely upon evidence obtained from a camera installed on the exterior of a school bus must be allocated to the LEA without being designated for any particular purpose.

(B)

(i) The LEA may use the proceeds for the purpose of defraying the costs of purchasing, installing, operating, or maintaining the camera, or reimbursing or compensating the vendor with which the LEA contracted regarding the purchase, installation, operation, or maintenance of the camera, the provision of other services related to violations of subdivision (a)(1), or reimbursement to law enforcement for costs related to review and enforcement of violations of subsection (a)(1) allowable under the law.

(ii) If the LEA uses the proceeds for the purpose of reimbursing or compensating a vendor with which the LEA contracted regarding the purchase, installation, operation, or maintenance of the camera, or the provision of other services, then the LEA shall create procedures for such reimbursement or compensation and shall maintain records of the reimbursement or compensation.

SECTION 2. Tennessee Code Annotated, Section 55-8-151(a)(5), is amended by deleting the subdivision and substituting instead the following:

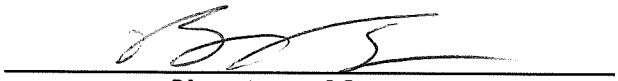
(A) It is a Class C misdemeanor for a person to fail to comply with any provision of this subsection (a) other than the requirement that a motor vehicle stop upon approaching a school bus.

(B) It is a Class A misdemeanor punishable only by a fine of not less than two hundred fifty dollars ($250) nor more than one thousand dollars ($1,000) for a person to fail to comply with the provision of this subsection (a) requiring a motor vehicle to stop upon approaching a school bus; except, that a second or subsequent violation of subdivision (a)(1) is a Class A misdemeanor punishable only by a fine of not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000).

(C) A person who violates subdivision (a)(1) and strikes another person with a vehicle, commits a Class E felony; provided, that the person commits a Class C felony if the striking results in the death of the other person.

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it, and applies to all notices of violation and citations issued on or after July 1, 2023, and to contracts entered into, amended, or renewed on or after July 1, 2023.

Amendment No._____



Signature of Sponsor

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Date _____
Time _____
Clerk _____
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 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._____

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Signature of Sponsor

AMEND Senate Bill No. 628* House Bill No. 1056

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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Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 629* House Bill No. 1057

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.

House Transportation Subcommittee Am. #1

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Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 894 House Bill No. 929*

by deleting the language "or receiving foster care services" from the first sentence of the amendatory language of subsection (h) in SECTION 1.

AND FURTHER AMEND by deleting the language "or foster care" from the second sentence of the amendatory language of subsection (h) in SECTION 1.

AND FURTHER AMEND by deleting the language "July 1, 2023" in SECTION 2 and substituting instead the language "January 1, 2024".

House Transportation Subcommittee Am. #1

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 1326 House Bill No. 1176*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 42-4-105(a)(1)(B), is amended by deleting the subdivision.

SECTION 2. Tennessee Code Annotated, Section 42-4-105(d)(1), is amended by deleting the subdivision and substituting instead the following:

(1) Notwithstanding this section to the contrary:

(A) The board of commissioners of the authority in a county having a metropolitan form of government with a population of more than five hundred thousand (500,000), according to the 2020 federal census or a subsequent federal census, is vacated and reconstituted to consist of ten (10) commissioners as follows:

(i) Three (3) persons to be appointed by the speaker of the house of representatives;

(ii) Three (3) persons to be appointed by the speaker of the senate;

(iii) Three (3) persons to be appointed by the governor; and

(iv) The mayor of the county having the metropolitan form of government or the mayor's designee, who serves as an ex officio, nonvoting commissioner;

(B) Persons appointed to the board must:

(i) Be residents of the county having the metropolitan form of government; and

(ii) Have no financial interest in an airport or its concessions at the time of the commissioner's appointment and during the commissioner's tenure on the board;

(C) In order to stagger the terms of the newly appointed board, initial appointments are made as follows:

(i) Commissioners appointed under subdivision (d)(1)(A)(iii) serve initial terms that expire on June 30, 2025;

(ii) Commissioners appointed under subdivision (d)(1)(A)(i) serve initial terms that expire on June 30, 2026; and

(iii) Commissioners appointed under subdivision (d)(1)(A)(ii) serve initial terms that expire on June 30, 2027;

(D) Following the expiration of a commissioner's initial term, as prescribed in subdivision (d)(1)(C), all terms are four (4) years, to begin on July 1 and terminate on June 30, four (4) years thereafter;

(E) In making the appointments to the board, the appointing authorities shall strive to ensure that:

(i) The membership is representative of the geographic and demographic composition of the county or state;

(ii) At least one (1) commissioner is a female; and

(iii) Another commissioner is of a racial minority;

(F) In making the appointments to the board, the appointing authorities shall ensure that each commissioner is generally a person of excellent character and reputation and a person in good standing and reputation in one (1) of the following fields:

(i) Engineering, with a license to practice in the state and an active practice in such profession for the preceding five (5) years;

(ii) Law, with a license to practice before the highest court in this state for a period of not less than five (5) years;

(iii) Industry or commerce; and

(iv) Finance;

(G) A commissioner:

(i) Serves in such capacity until the expiration of the term to which the commissioner was appointed and until the commissioner's successor is duly appointed and qualified; and

(ii) May be removed by the commissioner's appointing authority with or without cause. A vacancy created by the removal of a commissioner is filled by the appointing authority in the same manner as the original appointment;

(H) In addition to the reporting requirements under § 42-4-106(d) and (e), the authority shall submit quarterly reports or briefings of the activities, plans, and conditions of the authority, and any proposals for capital expansion or improvements to members of the legislative body of the creating municipality, the governor, the speaker of the house of representatives, and the speaker of the senate prior to the expansion or improvements; and

(I) The authority is subject to all other provisions of this chapter to the extent otherwise applicable, except as provided by this section.

SECTION 3. Tennessee Code Annotated, Section 42-4-102(a), is amended by adding the following language at the end of the subsection:

The acquisition of any land, or interest in land, pursuant to this chapter, the planning, acquisition, establishment, development, construction, improvement, maintenance, equipment, operation, regulation, and protection of airports, air navigation facilities, and

avigation easements, including the acquisition or elimination of airport hazards and the exercise of any other powers granted in this chapter to authorities are declared to be public and governmental functions, exercised for a public purpose, and matters of public necessity. All land and other property and privileges acquired and used by or on behalf of an authority in the manner and for the purposes enumerated in this chapter shall and are declared to be acquired and used for public and governmental purposes and as a matter of public necessity.

SECTION 4. Tennessee Code Annotated, Section 42-4-106(b), is amended by deleting the subsection and substituting instead the following:

(b) The president shall appoint, and the board shall confirm, the following additional officers: secretary, auditor, legal counsel, treasurer, and chief engineer. Notwithstanding this section to the contrary, for a board of commissioners of the authority in a county having a metropolitan form of government with a population of more than five hundred thousand (500,000), according to the 2020 federal census or a subsequent federal census, the president shall appoint, and the board shall confirm, an independent financial auditing firm and the following additional officers: secretary, chief financial officer, general counsel, and chief operating officer.

SECTION 5. Tennessee Code Annotated, Section 42-4-106(d), is amended by adding the following language as a new subdivision (3):

The president shall submit the approved annual operating budget to the governor, the speaker of the house of representatives, and the speaker of the senate for review.

SECTION 6. Tennessee Code Annotated, Section 42-4-107(3), is amended by deleting the subdivision and substituting instead the following:

(3) Acquire real or personal property or an interest in real or personal property by gift, lease, or purchase, or for an authority in a county having a metropolitan form of government with a population of more than five hundred thousand (500,000), according

to the 2020 federal census or a subsequent federal census, by eminent domain proceedings, for any of the purposes provided by this chapter, including the elimination, prevention, or marking of airport hazards; sell, lease, or otherwise dispose of any such property; and acquire real property or any interest in real property in areas most affected by aircraft noise for the purpose of resale or lease, subject to restrictions limiting its use to industrial or other purposes least affected by aircraft noise;

SECTION 7. Tennessee Code Annotated, Section 42-4-107, is amended by adding the following as new subdivisions:

(20) Notwithstanding a general law or charter provision to the contrary, an authority in a county having a metropolitan form of government with a population of more than five hundred thousand (500,000), according to the 2020 federal census or a subsequent federal census, may regulate aircraft hazards, compatible land use, or other factors impacting the safe and efficient operation of the airport by submitting a map to the county or to an applicable contiguous county that requires the review and approval, conditional approval, or denial of building permits within the designated boundaries;

(21) Notwithstanding a general law or charter provision to the contrary, an authority in a county having a metropolitan form of government with a population of more than five hundred thousand (500,000), according to the 2020 federal census or a subsequent federal census, may construct, authorize, widen, narrow, relocate, vacate, change in the use, accept, acquire, sell, or lease any street or other public way, ground, place or space, or public utility whether publicly or privately owned, or any portion thereof; provided, that the authority owns all of the real property abutting the street or other public way, ground, place or space, or public utility, or owns all of the real property abutting the portions thereof that are to be constructed, authorized, widened, narrowed, relocated, vacated, changed in use, accepted, acquired, sold, or leased;

SECTION 8. Tennessee Code Annotated, Section 42-4-108, is amended by designating the existing language as subsection (a) and adding following as a new subsection (b):

(b) Notwithstanding subsection (a) to the contrary, an authority in a county having a metropolitan form of government with a population of more than five hundred thousand (500,000), according to the 2020 federal census or a subsequent federal census, shall proceed in accordance with title 29, chapter 16, in the acquisition of property by eminent domain proceedings authorized by this chapter. For the purpose of making surveys and examinations relative to eminent domain proceedings, it is lawful for the authority to enter upon the land, doing no unnecessary damage. Notwithstanding another law to the contrary, an authority may take possession of any property to be acquired by eminent domain proceedings at any time after the commencement of the proceedings. The authority shall not be precluded from abandoning the proceedings in a case where possession of the property has not been taken, even after a trial jury in circuit court has rendered a verdict as to damages for the property taken and at any time prior to the entry of a final decree disposing of the entire eminent domain proceedings.

SECTION 9. Tennessee Code Annotated, Section 42-4-112, is amended by deleting the section and substituting instead the following:

This chapter shall not be construed to limit any power of a municipality to regulate airport hazards by zoning. Notwithstanding this section to the contrary, in a county having a metropolitan form of government with a population of more than five hundred thousand (500,000), according to the 2020 federal census or a subsequent federal census, airport hazards must be regulated pursuant to § 42-4-107(20).

SECTION 10. For purposes of appointing commissioners to the new airport authority board, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2023, the public welfare requiring it.

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Signature of Sponsor

AMEND Senate Bill No. 1093 **House Bill No. 966***

by deleting Section 18 and substituting:

SECTION 18. This act takes effect July 1, 2023, the public welfare requiring it.

AND FURTHER AMEND by deleting subsection 68-11-1607(e) in SECTION 3 and substituting:

(e) For purposes of this part, commission action is the same as administrative action defined in § 3-6-301.

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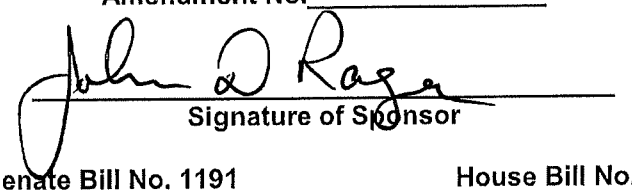

Signature of Sponsor

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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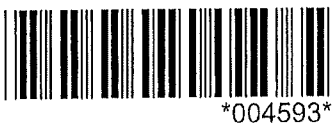

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(4) Select at least one (1) examination to be utilized as the board's limited certification examination and the prerequisites, if any, for admission to the examination. The board may enter into a contract or agreement with the chosen examination service 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.

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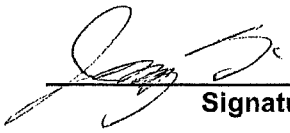

Signature of Sponsor

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;

(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.

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Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 299* House Bill No. 653

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 11, Part 2, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Community pastoral care member" means an individual who:

(A) Provides pastoral care, emotional support, or counseling from the perspective of the beliefs and traditions of the religion with which the individual is affiliated; and

(B) Is:

(i) A member of the clergy; or

(ii) Recognized by the congregation or membership of a religious organization as a non-clergy member of the leadership structure of that religious organization;

(2) "Family member" means a spouse, parent, grandparent, stepmother, stepfather, child, grandchild, brother, sister, half-brother, half-sister, adopted child, or spouse's parent;

(3) "Healthcare facility" means an institution, place, or building providing healthcare services that is required to be licensed under title 68, chapter 11, or title 33; and

(4) "Long-term care facility" means a nursing home or assisted-care living facility, as defined in § 68-11-201.

(b) A healthcare facility or long-term care facility shall not prohibit in-person visitation of a patient or resident by a family member or community pastoral care member, except that a healthcare facility or long-term care facility may:

(1) Place restrictions or limitations on the frequency and duration of visitation in areas of the facility that necessitate a higher level of safety protocols or sterile environment;

(2) Require that the family member or community pastoral care member comply with all safety protocols established by the facility, which must be clearly specified in writing and no more restrictive than protocols applicable to facility staff; except that a psychiatric hospital or treatment resource licensed under title 33 or this title may prohibit access to areas that require a higher level of safety protocols or a sterile environment as long as those prohibitions are specified in writing;

(3) Prohibit visitation to a mentally competent patient who has refused to accept visitors;

(4) Prohibit visitation in accordance with the wishes of the power of attorney when the patient is not able to make decisions for themselves;

(5) Prohibit visitation in accordance with a court order; and

(6) Prohibit visitation if the treatment team determines that visitation is untherapeutic for the patient; however, this subdivision (b)(6) only applies to a psychiatric hospital or treatment resource licensed under title 33 or this title.

(c) A family member or community pastoral care member must be notified of any restrictions or prohibitions to visitation by a psychiatric hospital or treatment resource licensed under title 33 or this title as soon as a request for visitation is made, unless such notification would violate state or federal privacy law.

(d)

(1) A person who violates subsection (b) commits a violation that subjects the person to disciplinary action and sanctions by the person's licensing authority.

(2) A healthcare facility or long-term care facility that violates subsection (b) is subject to assessment of a civil monetary penalty by the health facilities commission.

(e) This section does not limit the visitation rights described in §§ 68-11-248 and 68-11-276.

(f) This section does not apply to the state long-term care ombudsman, established under § 71-2-109, and the federal Older Americans Act of 1965 (42 U.S.C. § 3001 et seq.).

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

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Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 553 **House Bill No. 305***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 16-1-117(a)(6)(A), is amended by deleting "a mental defective" where it appears twice and substituting "mentally incapable".

SECTION 2. Tennessee Code Annotated, Section 16-10-205, is amended by deleting "a mental defective" in subsections (a) and (h) and substituting "mentally incapable".

SECTION 3. Tennessee Code Annotated, Section 16-10-213(a)(1), is amended by deleting the subdivision and substituting:

(1) "Adjudication as mentally incapable" or "adjudicated as mentally incapable" means:

(A) A determination by a court in this state that a person, as a result of marked subnormal intelligence, mental illness, incompetency, condition, or disease:

(i) Is a danger to such person or to others; or

(ii) Lacks the ability to contract or manage such person's own affairs due to a mental incapability;

(B) A finding of insanity by a court in a criminal proceeding; or

(C) A finding that a person is incompetent to stand trial or is found not guilty by reason of insanity pursuant to §§ 50a and 72b of the Uniform Code of Military Justice (10 U.S.C. §§ 850a, 876b);

SECTION 4. Tennessee Code Annotated, Section 16-10-213, is amended by deleting "a mental defective" wherever it appears in subsection (b) and subdivisions (c)(1), (c)(2), (c)(3), (c)(5), (c)(6), and (c)(7) and substituting "mentally incapable".

SECTION 5. Tennessee Code Annotated, Section 16-11-202, is amended by deleting "a mental defective" in subsections (a) and (h) and substituting "mentally incapable".

SECTION 6. Tennessee Code Annotated, Section 16-11-206(a)(1), is amended by deleting the subdivision and substituting:

(1) "Adjudication as mentally incapable" or "adjudicated as mentally incapable" means:

(A) A determination by a court in this state that a person, as a result of marked subnormal intelligence, mental illness, incompetency, condition, or disease:

(i) Is a danger to such person or to others; or

(ii) Lacks the ability to contract or manage such person's own affairs due to a mental incapability;

(B) A finding of insanity by a court in a criminal proceeding; or

(C) A finding that a person is incompetent to stand trial or is found not guilty by reason of insanity pursuant to §§ 50a and 72b of the Uniform Code of Military Justice (10 U.S.C. §§ 850a, 876b);

SECTION 7. Tennessee Code Annotated, Section 16-11-206, is amended by deleting "a mental defective" wherever it appears in subsection (b) and subdivisions (c)(1), (c)(2), (c)(3), (c)(5), (c)(6), and (c)(7) and substituting "mentally incapable".

SECTION 8. Tennessee Code Annotated, Section 16-15-303(g)(1)(A), is amended by deleting the subdivision and substituting:

(A) "Adjudication as mentally incapable" or "adjudicated as mentally incapable" means:

(i) A determination by a court in this state that a person, as a result of marked subnormal intelligence, mental illness, incompetency, condition, or disease:

(a) Is a danger to such person or to others; or

(b) Lacks the ability to contract or manage such person's own affairs due to a mental incapability;

(ii) A finding of insanity by a court in a criminal proceeding; or

(iii) A finding that a person is incompetent to stand trial or is found not guilty by reason of insanity pursuant to §§ 50a and 72b of the Uniform Code of Military Justice (10 U.S.C. §§ 850a, 876b);

SECTION 9. Tennessee Code Annotated, Section 16-15-303, is amended by deleting "a mental defective" wherever it appears in subdivisions (g)(2), (g)(3)(A), (g)(3)(B), (g)(3)(C), (g)(3)(E), (g)(3)(F), and (g)(3)(G) and substituting "mentally incapable".

SECTION 10. Tennessee Code Annotated, Section 16-15-405, is amended by deleting "a mental defective" in subsections (a) and (h) and substituting "mentally incapable".

SECTION 11. Tennessee Code Annotated, Section 16-16-120(a)(1), is amended by deleting the subdivision and substituting:

(1) "Adjudication as mentally incapable" or "adjudicated as mentally incapable" means:

(A) A determination by a court in this state that a person, as a result of marked subnormal intelligence, mental illness, incompetency, condition, or disease:

(i) Is a danger to such person or to others; or

(ii) Lacks the ability to contract or manage such person's own affairs due to a mental incapability;

(B) A finding of insanity by a court in a criminal proceeding; or

(C) A finding that a person is incompetent to stand trial or is found not guilty by reason of insanity pursuant to §§ 50a and 72b of the Uniform Code of Military Justice (10 U.S.C. §§ 850a, 876b);

SECTION 12. Tennessee Code Annotated, Section 16-16-120, is amended by deleting "a mental defective" wherever it appears in subsection (b) and subdivisions (c)(1), (c)(2), (c)(3), and (c)(5) and substituting "mentally incapable".

SECTION 13. Tennessee Code Annotated, Section 16-16-121, is amended by deleting "a mental defective" in subsections (a) and (h) and substituting "mentally incapable".

SECTION 14. Tennessee Code Annotated, Section 33-3-115, is amended by deleting "a mental defective" in subsection (a) and subdivisions (b)(1), (b)(2), (b)(3), (b)(5), (b)(6), and (b)(7) and substituting "mentally incapable".

SECTION 15. Tennessee Code Annotated, Section 33-3-115(d)(2), is amended by deleting the subdivision and substituting:

(2) "Adjudication as mentally incapable" or "adjudicated as mentally incapable" has the same meaning as defined in § 16-10-213(a).

SECTION 16. Tennessee Code Annotated, Section 38-6-109(f), is amended by deleting "a mental defective" and substituting "mentally incapable".

SECTION 17. Tennessee Code Annotated, Section 39-11-106(a)(11)(C), is amended by deleting "mental disease or defect" and substituting "a mental disease or mental incapability".

SECTION 18. Tennessee Code Annotated, Section 39-11-501, is amended by deleting "mental disease or defect" and substituting "mental disease or mental incapability" in subsections (a) and (b), and is further amended by deleting "Mental disease or defect" in subsection (a) and substituting "A mental disease or mental incapability".

SECTION 19. Tennessee Code Annotated, Section 39-11-503(c), is amended by deleting "mental disease or defect" and substituting "mental disease or mental incapability".

SECTION 20. Tennessee Code Annotated, Section 39-13-117(a)(7)(A), is amended by deleting the subdivision and substituting:

(A) Mentally incapable;

SECTION 21. Tennessee Code Annotated, Section 39-13-204(j)(8), is amended by deleting "mental disease or defect" and substituting "mental disease or mental incapability".

SECTION 22. Tennessee Code Annotated, Section 39-13-501, is amended by deleting subdivision (3), and is further amended by adding the following as a new subdivision:

( ) "Mentally incapable" means that a person suffers from a mental disease or mental incapability that renders that person temporarily or permanently incapable of appraising the nature of the person's conduct;

SECTION 23. Tennessee Code Annotated, Section 39-13-502(a)(3)(B)(i), is amended by deleting the subdivision and substituting:

(i) Mentally incapable;

SECTION 24. Tennessee Code Annotated, Section 39-13-503(a)(3)(A), is amended by deleting the subdivision and substituting:

(A) Mentally incapable;

SECTION 25. Tennessee Code Annotated, Section 39-13-504(a)(3)(B), is amended by deleting "is mentally defective, mentally incapacitated or physically helpless" and substituting "is mentally incapable, is mentally incapacitated, or is physically helpless".

SECTION 26. Tennessee Code Annotated, Section 39-13-505(a)(3), is amended by deleting "is mentally defective, mentally incapacitated or physically helpless" and substituting "is mentally incapable, is mentally incapacitated, or is physically helpless".

SECTION 27. Tennessee Code Annotated, Section 39-13-527(a)(2), is amended by deleting "mentally defective, mentally incapacitated or physically helpless" and substituting "mentally incapable, mentally incapacitated, or physically helpless".

SECTION 28. Tennessee Code Annotated, Section 39-13-534(a)(9)(A), is amended by deleting the subdivision and substituting:

(A) Mentally incapable;

SECTION 29. Tennessee Code Annotated, Section 39-13-535(a)(12)(A), is amended by deleting the subdivision and substituting:

(A) Mentally incapable;

SECTION 30. Tennessee Code Annotated, Section 39-14-802(5)(C), is amended by deleting "mental disease or defect" and substituting "mental disease or mental incapability".

SECTION 31. Tennessee Code Annotated, Section 39-15-402(b), is amended by deleting "is mentally defective, mentally incapacitated" and substituting "is mentally incapable, is mentally incapacitated,".

SECTION 32. Tennessee Code Annotated, Section 39-17-1301(1), is amended by deleting the subdivision and substituting:

(1) "Adjudication as mentally incapable" or "adjudicated as mentally incapable" has the same meaning as defined in § 16-10-213(a);

SECTION 33. Tennessee Code Annotated, Section 39-17-1307(h)(1)(C), is amended by deleting "a mental defective" and substituting "mentally incapable", and is further amended by deleting "mental defect" and substituting "mental incapability".

SECTION 34. Tennessee Code Annotated, Section 39-17-1316, is amended by deleting "a mental defective" in subdivisions (a)(1) and (q)(3)(A) and substituting "mentally incapable".

SECTION 35. Tennessee Code Annotated, Section 39-17-1351, is amended by deleting "a mental defective" in subdivision (c)(12), subsection (i), and subdivision (j)(4) and substituting "mentally incapable", and is further amended by deleting "a mental defect" in subdivision (c)(12) and substituting "a mental incapability".

SECTION 36. Tennessee Code Annotated, Section 39-17-1352(a)(10), is amended by deleting "a mental defective" and substituting "mentally incapable".

SECTION 37. Tennessee Code Annotated, Section 57-4-203(c)(1), is amended by deleting "mentally defective" and substituting "adjudicated as mentally incapable".

SECTION 38. Tennessee Code Annotated, Section 62-26-206(a)(3), is amended by deleting "mental defect or disease" and substituting "mental incapability or mental disease".

SECTION 39. Tennessee Code Annotated, Section 62-26-207(a)(3), is amended by deleting "mental defect or disease" and substituting "mental incapability or mental disease".

SECTION 40. Tennessee Code Annotated, Section 62-35-106(3), is amended by deleting "mental defect or disease" and substituting "mental incapability or mental disease".

SECTION 41. Tennessee Code Annotated, Section 62-35-117(3), is amended by deleting "mental defect or disease" and substituting "mental incapability or mental disease".

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. 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:

(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.

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

Amendment No. _____

Signature of Sponsor

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.

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;

(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. 527 **House Bill No. 434***

by deleting SECTION 1(2) and substituting:

(2) Notwithstanding subdivision (d)(1), if a county legislative body passes a resolution of no confidence in a county officer:

(A) The resolution must identify the grounds for no confidence in the county officer; and

(B) Petitions must be signed by at least one percent (1%) of those registered to vote in the county. The disqualification of one (1) or more signatures does not render a petition invalid, but disqualifies such signatures from being counted toward the statutory minimum number of signatures required in this section.

Amendment No._____

Kelly T Keisling

_____

Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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AMEND Senate Bill No. 1144 **House Bill No. 1045***

by deleting the language "and" and substituting "or" in subdivision (b)(1) in SECTION 4. **AND FURTHER AMEND** by deleting "a political party's" and substituting "a statewide political party's" in subdivision (g)(1) in SECTION 5.

AND FURTHER AMEND by deleting "a political party" and substituting "a statewide political party" in subdivision (g)(2) in SECTION 5.

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

SECTION __. Tennessee Code Annotated, Section 2-1-104(a), is amended by adding the following new subdivision:

( ) "Unaffiliated voter" means a voter who has no political party preference;

Amendment No. _____

Signature of Sponsor

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

AMEND Senate Bill No. 160* House Bill No. 183

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 2-10-105, is amended by adding the following language at the end of subsections (a) and (b):

The statement of expenditures by a political campaign committee must consist of all amounts paid by the political campaign committee from received contributions.

SECTION 2. Tennessee Code Annotated, Section 2-10-106(b)(1), is amended by deleting the subdivision and substituting:

(1) A candidate who complies with § 2-10-105(a) and (b), as applicable, and § 2-10-131(a), shall ensure that:

(A) All funds in a campaign account remain separate and segregated at all times from other funds, including from personal funds and the funds of a political campaign committee controlled, either directly or constructively, by the candidate; and

(B) All credit transactions incurred on behalf of the candidate's campaign activities or officeholder activities are separate and segregated at all times from other credit transactions incurred on behalf of the candidate personally; the candidate's business, if any; the candidate's non-campaign or non-officeholder related activity; or the activity of a political campaign committee controlled, either directly or constructively, by the candidate.

SECTION 3. Tennessee Code Annotated, Section 2-10-106(b)(3), is amended by deleting the subdivision and substituting:

(3) A candidate found to be in violation of subdivision (b)(1) commits a Class 2 offense.

SECTION 4. Tennessee Code Annotated, Section 2-10-108, is amended by deleting subsections (b) and (c) and substituting:

(b)

(1) All sworn complaints on a report of a candidate for state public office, a political campaign committee contributing to a candidate for state public office, or a political campaign committee registered with the registry of election finance must be filed in the office of the registry of election finance. The registry shall conduct a preliminary review to determine if the complaint is factually and legally sufficient. If the complaint is not factually and legally sufficient, then the registry shall dismiss the complaint and notify the complainant. If the registry determines the complaint is factually and legally sufficient, then the registry may refer the complaint to the office of the attorney general and reporter, who shall conduct a preliminary investigation and report the findings of the investigation in writing to the registry. Alternatively, if the registry determines that the complaint is factually and legally sufficient and that the circumstances are appropriate, then the registry may order the registry's staff to conduct an investigative audit of the alleged violator's campaign finance disclosure reports. In such instances, the alleged violator is obligated to produce all documentation required to be maintained by § 2-10-105(f) and to comply in good faith and with total candor with all requests for documentation or clarification properly requested by the registry's auditor or counsel.

(2) Once either the attorney general's investigation or the audit is complete, the registry shall set the complaint for a show cause hearing to determine if the registry should take action regarding the complaint, including, but not limited to, assessing civil penalties pursuant to § 2-10-110. Both the alleged

violator and the complainant are entitled, upon request, to present evidence before the registry at or prior to the show cause hearing. The registry must have notice that evidence will be presented to the registry personally served upon, sent by return receipt requested mail, or sent by electronic mail to the alleged violator and the complainant.

(3) The registry may determine the appropriate procedure for the presentation of evidence. After the conclusion of the show cause hearing, the registry shall reduce its decision to writing and provide a written statement of the registry's decision to all parties.

(c) All sworn complaints on a report of a candidate for local public office, a political campaign committee contributing to a candidate for local public office, or a political campaign committee registered with a local election commission must be filed in the office of the district attorney general who represents the judicial district in which the voter resides.

SECTION 5. Tennessee Code Annotated, Section 2-10-109(b), is amended by deleting the subsection and substituting:

(b)

(1) A district attorney shall:

(A) Investigate a sworn complaint filed in accordance with § 2-10-108(c); and

(B) Upon review and the completion of the investigation of a complaint, refer its investigative report containing findings of potential violations, if any, to the registry for consideration of the assessment of civil penalties pursuant to § 2-10-110.

(2) The registry may, upon review of an investigative report received from a district attorney general under subdivision (b)(1)(B), dismiss the complaint if the complaint is not factually and legally sufficient. The registry shall notify the

complainant of the dismissal. If the registry determines the complaint is factually and legally sufficient, then the registry may set the complaint for a show cause hearing to determine if the registry should take action regarding the complaint, including, but not limited to, assessing civil penalties pursuant to § 2-10-110.

(3) Both the alleged violator and the complainant may, upon request, present evidence before the registry at or prior to the show cause hearing. The registry shall notify the alleged violator and the complainant that evidence will be presented to the registry if requested. The registry may determine the appropriate procedure for presenting evidence. After the conclusion of the show cause hearing, the registry shall reduce its decision to writing and provide a written statement of the registry's decision to all parties.

SECTION 6. Tennessee Code Annotated, Section 2-10-110(a)(2)(B), is amended by adding the following language to the end of the subdivision:

In a contested case proceeding, the candidate or political campaign committee bears the burden of proof to establish that the candidate or committee's conduct, or submitted reports, complied with this part.

SECTION 7. Tennessee Code Annotated, Section 2-10-114, is amended by inserting the following language as a new subsection:

(g)

(1) Transfers of funds or assets from a candidate's campaign account or a political campaign committee controlled by a candidate for a federal election to a candidate's campaign account or a political campaign committee controlled by the candidate for such candidate in an election for a state or local public office in this state are prohibited.

(2) Transfers of excess funds or assets from a candidate's political campaign committee or campaign account for election to a local public office to a

political campaign committee or campaign account of or for such candidate in an election to the general assembly or governor in this state are prohibited.

SECTION 8. Tennessee Code Annotated, Title 2, Chapter 10, is amended by deleting §§ 2-10-119 and 2-10-310(c) in their entirety.

SECTION 9. Tennessee Code Annotated, Section 2-10-206(a)(6), is amended by deleting the language "January 15" and substituting instead "July 1".

SECTION 10. Tennessee Code Annotated, Section 2-10-302, is amended by adding the following new subsections:

(e)

(1) A candidate for state or local public office, or an elected state or local public office holder, shall not accept a contribution with respect to an election in excess of the loans and obligations outstanding from such election after the close of the reporting period following the date of the election, not including the reporting period in which the election occurs. A successful candidate for state or local public office who reports no outstanding loans or obligations may continue to accept contributions for the purpose of defraying officeholder expenses until the close of the reporting period following the date of the election, not including the reporting period in which the election occurs.

(2) Beginning with the reporting period following the date of the election, not including the reporting period in which the election occurs, a candidate for state or local public office reporting an unexpended balance or an outstanding loan or obligation who has not affirmatively created a new campaign account for the next election shall, in addition to the reporting requirements established by §§ 2-10-105 and 2-10-107, file a complete copy of the candidate's campaign account banking statements corresponding to the full term of the reporting period with the registry or local election commission, as applicable. Such banking statements must continue to be filed by the candidate for each required reporting

period until such time as the candidate no longer possesses an unexpended balance of funds or an outstanding loan or obligation, or until such time as the candidate transfers such funds, loans, or obligations to another campaign fund for a subsequent election pursuant to § 2-10-114(a)(1), whichever occurs earlier. A failure to file the required banking statements is a Class 2 offense as defined by § 2-10-110(a)(2).

(3) This subsection (e) does not:

(A) Prevent a candidate who is a candidate in the general election from paying primary election loans and obligations with funds that represent contributions made with respect to the general election; or

(B) Prevent a candidate who is a candidate in a run-off election from paying loans and obligations with respect to the previous election with funds that represent contributions made with respect to the runoff election.

(f)

(1) Contributions received by a candidate must be attributed to the appropriate election, and reported accordingly, in accordance with the following criteria:

(A) In the case of a contribution designated in writing by the contributor for a particular election, the election so designated; and

(B) In the case of a contribution not designated in writing by the contributor for a particular election, the next election after the contribution is made.

(2) A contribution designated in writing for a particular election, but made after that election, must be made only to the extent that the contribution does not exceed the contribution limits from such election. To the extent that such contribution exceeds the contribution limits from such election, the candidate

shall either return the contribution to the contributor or obtain written authorization from the contributor to redesignate the contribution to another election within sixty (60) calendar days of the receipt of the contribution.

(g)

(1) A contribution made by more than one (1) person, except for a contribution made by a partnership, must include the signature of each contributor on the check, money order, or other negotiable instrument or in a separate writing. If a contribution made by more than one (1) person does not indicate the amount to be attributed to each contributor, the contribution is deemed to be attributed equally to each contributor.

(2) The limitations on contributions in this section apply separately to contributions made by spouses, even if only one (1) spouse has income; provided, that each spouse signs the check, money order, or other negotiable instrument or the separate contributions are designated in writing by the contributing spouses as being independent contributions. Contributions made from an account shared by spouses, regardless of the type of account, must be presumed to be made by the individual authorizing the contribution alone, absent the written designation of independent contributions.

(h) The limitations of this section apply separately with respect to each election. An election in which a candidate is unopposed is a separate election for the purposes of the limitations on contributions in this section.

SECTION 11. Tennessee Code Annotated, Section 2-10-308, is amended by deleting subsections (c) and (e) and substituting instead:

(c) To request a waiver, reduction, or to contest a penalty imposed by the registry of election finance pursuant to this part, a person or political campaign committee shall file a petition with the registry of election finance. Such petition may be considered as a contested case proceeding under the Uniform Administrative

Procedures Act, compiled in title 4, chapter 5. In any such contested case proceeding, the person or political campaign committee bears the burden of proof to establish that the person or committee's conduct complied with this part.

(e) If a civil penalty lawfully assessed and all lawfully assessed costs attendant to the penalty against a political campaign committee are not paid within thirty (30) calendar days after the assessment becomes final:

(1) The political campaign committee owing the civil penalty shall not receive contributions; make expenditures to support or oppose candidates; or make expenditures to other political campaign committees. The treasurer and officers of such delinquent political campaign committee shall not create another political campaign committee or serve as a treasurer or an officer for another political campaign committee until such penalty and all costs attendant to the penalty are paid in full; and

(2) The treasurer and the officers of the political campaign committee listed on the forms on file with the registry pursuant to § 2-10-105(e) at the time the conduct that gave rise to the civil penalty occurred are ineligible to qualify for election to a state or local public office until the penalty is paid.

SECTION 12. Tennessee Code Annotated, Section 2-10-121, is amended by deleting the section in its entirety.

SECTION 13.

(a) For purposes of promulgating rules and carrying out administrative duties necessary to effectuate this act, Sections 1, 9, and 10 take effect upon becoming a law, the public welfare requiring it. Sections 1, 9, and 10 take effect on January 1, 2024, for all other purposes, the public welfare requiring it.

(b) Sections 2-8, 11, and 12 take effect upon becoming a law, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

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

AMEND Senate Bill No. 160* House Bill No. 183

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 2-10-105, is amended by adding the following language at the end of subsections (a) and (b):

The statement of expenditures by a political campaign committee must consist of all amounts paid by the political campaign committee from received contributions.

SECTION 2. Tennessee Code Annotated, Section 2-10-106(b)(1), is amended by deleting the subdivision and substituting:

(1) A candidate who complies with § 2-10-105(a) and (b), as applicable, and § 2-10-131(a), shall ensure that:

(A) All funds in a campaign account remain separate and segregated at all times from other funds, including from personal funds and the funds of a political campaign committee controlled, either directly or constructively, by the candidate; and

(B) All credit transactions incurred on behalf of the candidate's campaign activities or officeholder activities are separate and segregated at all times from other credit transactions incurred on behalf of the candidate personally; the candidate's business, if any; the candidate's non-campaign or non-officeholder related activity; or the activity of a political campaign committee controlled, either directly or constructively, by the candidate.

SECTION 3. Tennessee Code Annotated, Section 2-10-106(b)(3), is amended by deleting the subdivision and substituting:

(3) A candidate found to be in violation of subdivision (b)(1) commits a Class 2 offense.

SECTION 4. Tennessee Code Annotated, Section 2-10-108, is amended by deleting subsections (b) and (c) and substituting:

(b)

(1) All sworn complaints on a report of a candidate for state public office, a political campaign committee contributing to a candidate for state public office, or a political campaign committee registered with the registry of election finance must be filed in the office of the registry of election finance. The registry shall conduct a preliminary review to determine if the complaint is factually and legally sufficient. If the complaint is not factually and legally sufficient, then the registry shall dismiss the complaint and notify the complainant. If the registry determines the complaint is factually and legally sufficient, then the registry may refer the complaint to the office of the attorney general and reporter, who shall conduct a preliminary investigation and report the findings of the investigation in writing to the registry. Alternatively, if the registry determines that the complaint is factually and legally sufficient and that the circumstances are appropriate, then the registry may order the registry's staff to conduct an investigative audit of the alleged violator's campaign finance disclosure reports. In such instances, the alleged violator is obligated to produce all documentation required to be maintained by § 2-10-105(f) and to comply in good faith and with total candor with all requests for documentation or clarification properly requested by the registry's auditor or counsel.

(2) Once either the attorney general's investigation or the audit is complete, the registry shall set the complaint for a show cause hearing to determine if the registry should take action regarding the complaint, including, but not limited to, assessing civil penalties pursuant to § 2-10-110. Both the alleged

violator and the complainant are entitled, upon request, to present evidence before the registry at or prior to the show cause hearing. The registry must have notice that evidence will be presented to the registry personally served upon, sent by return receipt requested mail, or sent by electronic mail to the alleged violator and the complainant.

(3) The registry may determine the appropriate procedure for the presentation of evidence. After the conclusion of the show cause hearing, the registry shall reduce its decision to writing and provide a written statement of the registry's decision to all parties.

(c) All sworn complaints on a report of a candidate for local public office, a political campaign committee contributing to a candidate for local public office, or a political campaign committee registered with a local election commission must be filed in the office of the district attorney general who represents the judicial district in which the voter resides.

SECTION 5. Tennessee Code Annotated, Section 2-10-109(b), is amended by deleting the subsection and substituting:

(b)

(1) A district attorney shall:

(A) Investigate a sworn complaint filed in accordance with § 2-10-108(c); and

(B) Upon review and the completion of the investigation of a complaint, refer its investigative report containing findings of potential violations, if any, to the registry for consideration of the assessment of civil penalties pursuant to § 2-10-110.

(2) The registry may, upon review of an investigative report received from a district attorney general under subdivision (b)(1)(B), dismiss the complaint if the complaint is not factually and legally sufficient. The registry shall notify the

complainant of the dismissal. If the registry determines the complaint is factually and legally sufficient, then the registry may set the complaint for a show cause hearing to determine if the registry should take action regarding the complaint, including, but not limited to, assessing civil penalties pursuant to § 2-10-110.

(3) Both the alleged violator and the complainant may, upon request, present evidence before the registry at or prior to the show cause hearing. The registry shall notify the alleged violator and the complainant that evidence will be presented to the registry if requested. The registry may determine the appropriate procedure for presenting evidence. After the conclusion of the show cause hearing, the registry shall reduce its decision to writing and provide a written statement of the registry's decision to all parties.

SECTION 6. Tennessee Code Annotated, Section 2-10-110(a)(2)(B), is amended by adding the following language to the end of the subdivision:

In a contested case proceeding, the candidate or political campaign committee bears the burden of proof to establish that the candidate or committee's conduct, or submitted reports, complied with this part.

SECTION 7. Tennessee Code Annotated, Section 2-10-114, is amended by inserting the following language as a new subsection:

(g)

(1) Transfers of funds or assets from a candidate's campaign account or a political campaign committee controlled by a candidate for a federal election to a candidate's campaign account or a political campaign committee of or for such candidate in an election for a state or local public office in this state are prohibited.

(2) Transfers of excess funds or assets from a candidate's political campaign committee or campaign account for election to a local public office to a

political campaign committee or campaign account of or for such candidate in an election to the general assembly or governor in this state are prohibited.

SECTION 8. Tennessee Code Annotated, Title 2, Chapter 10, is amended by deleting §§ 2-10-119 and 2-10-310(c) in their entirety.

SECTION 9. Tennessee Code Annotated, Section 2-10-206(a)(6), is amended by deleting the language "January 15" and substituting instead "July 1".

SECTION 10. Tennessee Code Annotated, Section 2-10-302, is amended by adding the following new subsections:

(e)

(1) A candidate for state or local public office, or an elected state or local public office holder, shall not accept a contribution with respect to an election in excess of the loans and obligations outstanding from such election after the close of the reporting period following the date of the election, not including the reporting period in which the election occurs. A successful candidate for state or local public office who reports no outstanding loans or obligations may continue to accept contributions for the purpose of defraying officeholder expenses until the close of the reporting period following the date of the election, not including the reporting period in which the election occurs.

(2) Beginning with the reporting period following the date of the election, not including the reporting period in which the election occurs, a candidate for state or local public office reporting an unexpended balance or an outstanding loan or obligation who has not affirmatively created a new campaign account for the next election shall, in addition to the reporting requirements established by §§ 2-10-105 and 2-10-107, file a complete copy of the candidate's campaign account banking statements corresponding to the full term of the reporting period with the registry or local election commission, as applicable. Such banking statements must continue to be filed by the candidate for each required reporting

period until such time as the candidate no longer possesses an unexpended balance of funds or an outstanding loan or obligation, or until such time as the candidate transfers such funds, loans, or obligations to another campaign fund for a subsequent election pursuant to § 2-10-114(a)(1), whichever occurs earlier. A failure to file the required banking statements is a Class 2 offense as defined by § 2-10-110(a)(2).

(3) This subsection (e) does not:

(A) Prevent a candidate who is a candidate in the general election from paying primary election loans and obligations with funds that represent contributions made with respect to the general election; or

(B) Prevent a candidate who is a candidate in a run-off election from paying loans and obligations with respect to the previous election with funds that represent contributions made with respect to the runoff election.

(f)

(1) Contributions received by a candidate must be attributed to the appropriate election, and reported accordingly, in accordance with the following criteria:

(A) In the case of a contribution designated in writing by the contributor for a particular election, the election so designated; and

(B) In the case of a contribution not designated in writing by the contributor for a particular election, the next election after the contribution is made.

(2) A contribution designated in writing for a particular election, but made after that election, must be made only to the extent that the contribution does not exceed the contribution limits from such election. To the extent that such contribution exceeds the contribution limits from such election, the candidate

shall either return the contribution to the contributor or obtain written authorization from the contributor to redesignate the contribution to another election within sixty (60) calendar days of the receipt of the contribution.

(g)

(1) A contribution made by more than one (1) person, except for a contribution made by a partnership, must include the signature of each contributor on the check, money order, or other negotiable instrument or in a separate writing. If a contribution made by more than one (1) person does not indicate the amount to be attributed to each contributor, the contribution is deemed to be attributed equally to each contributor.

(2) The limitations on contributions in this section apply separately to contributions made by spouses, even if only one (1) spouse has income; provided, that each spouse signs the check, money order, or other negotiable instrument or the separate contributions are designated in writing by the contributing spouses as being independent contributions. Contributions made from an account shared by spouses, regardless of the type of account, must be presumed to be made by the individual authorizing the contribution alone, absent the written designation of independent contributions.

(h) The limitations of this section apply separately with respect to each election. An election in which a candidate is unopposed is a separate election for the purposes of the limitations on contributions in this section.

SECTION 11. Tennessee Code Annotated, Section 2-10-308, is amended by deleting subsections (c) and (e) and substituting instead:

(c) To request a waiver, reduction, or to contest a penalty imposed by the registry of election finance pursuant to this part, a person or political campaign committee shall file a petition with the registry of election finance. Such petition may be considered as a contested case proceeding under the Uniform Administrative

Procedures Act, compiled in title 4, chapter 5. In any such contested case proceeding, the person or political campaign committee bears the burden of proof to establish that the person or committee's conduct complied with this part.

(e) If a civil penalty lawfully assessed and all lawfully assessed costs attendant to the penalty against a political campaign committee are not paid within thirty (30) calendar days after the assessment becomes final:

(1) The political campaign committee owing the civil penalty shall not receive contributions; make expenditures to support or oppose candidates; or make expenditures to other political campaign committees. The treasurer and officers of such delinquent political campaign committee shall not create another political campaign committee or serve as a treasurer or an officer for another political campaign committee until such penalty and all costs attendant to the penalty are paid in full; and

(2) The treasurer and the officers of the political campaign committee listed on the forms on file with the registry pursuant to § 2-10-105(e) at the time the conduct that gave rise to the civil penalty occurred are ineligible to qualify for election to a state or local public office until the penalty is paid.

SECTION 12. Tennessee Code Annotated, Section 2-10-121, is amended by deleting the section in its entirety.

SECTION 13.

(a) For purposes of promulgating rules and carrying out administrative duties necessary to effectuate this act, Sections 1, 9, and 10 take effect upon becoming a law, the public welfare requiring it. Sections 1, 9, and 10 take effect on January 1, 2024, for all other purposes, the public welfare requiring it.

(b) Sections 2-8, 11, and 12 take effect upon becoming a law, the public welfare requiring it.

Amendment No. _____

X _____
Signature of Sponsor

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

AMEND Senate Bill No. 294* **House Bill No. 389**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 5-5-106, is amended by deleting the section and substituting:

(a) Except as provided in subsection (b), each member of a county legislative body must attend each and every session of the body, and be allowed to vote and draw pay for attendance.

(b)

(1) Notwithstanding title 8, chapter 44, part 1, a county legislative body may, by resolution, allow members of the legislative body to participate in a scheduled meeting by electronic means, including, but not limited to, videoconferencing or other web-based media.

(2) If a county legislative body allows electronic participation pursuant to subdivision (b)(1), a member of a county legislative body may participate in a scheduled meeting by electronic means, but only for the following reasons:

(A) The commissioner is dealing with a family or medical emergency as determined by the county legislative body;

(B) The commissioner has been called into military service; or

(C) The commissioner is unable to attend in person due to inclement weather.

(3) A commissioner who is absent shall only participate in a meeting through electronic means if the commissioner can be visually identified by the chair.

(4) A county legislative body shall not conduct a commission meeting with electronic participation unless a quorum of commissioners is present at the physical location of the meeting. No more than twenty percent (20%) of the total membership of the legislative body, not to exceed three (3) members, may participate electronically.

(5) A commissioner shall not participate electronically in meetings more than two (2) times per year.

(6)

(A) All meetings of a legislative body conducted by electronic means under this subsection (b) must remain open and accessible to the public by providing real-time, live audio or video access to the public.

(B) A clear audio or video recording of the meeting must be made available to the public as soon as practicable following the meeting, and in no event more than two (2) business days after the meeting.

(C) In the public notice required by § 8-44-103, the county legislative body shall provide information regarding how the public can obtain real-time, live access to, or a broadcast of, the meeting, and the legislative body is strongly urged to provide an agenda for the meeting in such notice.

(7) A county legislative body that authorizes electronic participation shall develop a policy for conducting meetings with electronic participation.

SECTION 2. Tennessee Code Annotated, Title 6, Chapter 54, Part 1, is amended by adding the following as a new section:

(a)

(1) Notwithstanding title 8, chapter 44, part 1, or any private act, home rule, or general law charter to the contrary, a municipal legislative body may, by ordinance, allow members of the legislative body to participate in a scheduled meeting by electronic means, including, but not limited to, videoconferencing or other web-based media.

(2) If a municipal legislative body allows electronic participation pursuant to subdivision (a)(1), a member of the municipal legislative body may participate in a scheduled meeting by electronic means, but only for the following reasons:

(A) The municipal legislative body member is dealing with a family or medical emergency as determined by the municipal legislative body;

(B) The municipal legislative body member has been called into military service; or

(C) The municipal legislative body member is unable to attend a meeting due to inclement weather.

(3) A municipal legislative body member who is absent shall only participate in a meeting through electronic means if the member can be visually identified by the chair.

(b) A municipal legislative body shall not conduct a meeting that includes electronic participation unless a quorum of the municipal legislative body is present at the physical location of the meeting. No more than twenty percent (20%) of the total membership of the legislative body, not to exceed three (3) members, may participate electronically.

(c) A municipal legislative body member shall not participate electronically in meetings more than two (2) times per year.

(d)

(1) All meetings of a legislative body conducted by electronic means under this section must remain open and accessible to the public by providing real-time, live audio or video access to the public.

(2) A clear audio or video recording of the meeting must be made available to the public as soon as practicable following the meeting, and in no event more than two (2) business days after the meeting.

(3) In the public notice required by § 8-44-103, the municipal legislative body shall provide information regarding how the public can obtain real-time, live access to, or a broadcast of, the meeting, and the legislative body is strongly urged to provide an agenda for the meeting in such notice.

(e) A municipal legislative body that authorizes electronic participation shall develop a policy for conducting meetings that include electronic participation.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it. This act is repealed July 1, 2026, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

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

AMEND Senate Bill No. 527 **House Bill No. 434***

by deleting SECTION 1(2) and substituting:

(2) Notwithstanding subdivision (d)(1), if a county legislative body passes a resolution of no confidence in a county officer:

(A) The resolution must identify the grounds for no confidence in the county officer; and

(B) Petitions must be signed by at least one percent (1%) of those registered to vote in the county. The disqualification of one (1) or more signatures does not render a petition invalid, but disqualifies such signatures from being counted toward the statutory minimum number of signatures required in this section.

Amendment No._____

Kelly T Keisling

_____

Signature of Sponsor

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

AMEND Senate Bill No. 1144 **House Bill No. 1045***

by deleting the language "and" and substituting "or" in subdivision (b)(1) in SECTION 4. **AND FURTHER AMEND** by deleting "a political party's" and substituting "a statewide political party's" in subdivision (g)(1) in SECTION 5.

AND FURTHER AMEND by deleting "a political party" and substituting "a statewide political party" in subdivision (g)(2) in SECTION 5.

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

SECTION __. Tennessee Code Annotated, Section 2-1-104(a), is amended by adding the following new subdivision:

( ) "Unaffiliated voter" means a voter who has no political party preference;

Amendment No. _____

Signature of Sponsor

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

AMEND Senate Bill No. 160* House Bill No. 183

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 2-10-105, is amended by adding the following language at the end of subsections (a) and (b):

The statement of expenditures by a political campaign committee must consist of all amounts paid by the political campaign committee from received contributions.

SECTION 2. Tennessee Code Annotated, Section 2-10-106(b)(1), is amended by deleting the subdivision and substituting:

(1) A candidate who complies with § 2-10-105(a) and (b), as applicable, and § 2-10-131(a), shall ensure that:

(A) All funds in a campaign account remain separate and segregated at all times from other funds, including from personal funds and the funds of a political campaign committee controlled, either directly or constructively, by the candidate; and

(B) All credit transactions incurred on behalf of the candidate's campaign activities or officeholder activities are separate and segregated at all times from other credit transactions incurred on behalf of the candidate personally; the candidate's business, if any; the candidate's non-campaign or non-officeholder related activity; or the activity of a political campaign committee controlled, either directly or constructively, by the candidate.

SECTION 3. Tennessee Code Annotated, Section 2-10-106(b)(3), is amended by deleting the subdivision and substituting:

(3) A candidate found to be in violation of subdivision (b)(1) commits a Class 2 offense.

SECTION 4. Tennessee Code Annotated, Section 2-10-108, is amended by deleting subsections (b) and (c) and substituting:

(b)

(1) All sworn complaints on a report of a candidate for state public office, a political campaign committee contributing to a candidate for state public office, or a political campaign committee registered with the registry of election finance must be filed in the office of the registry of election finance. The registry shall conduct a preliminary review to determine if the complaint is factually and legally sufficient. If the complaint is not factually and legally sufficient, then the registry shall dismiss the complaint and notify the complainant. If the registry determines the complaint is factually and legally sufficient, then the registry may refer the complaint to the office of the attorney general and reporter, who shall conduct a preliminary investigation and report the findings of the investigation in writing to the registry. Alternatively, if the registry determines that the complaint is factually and legally sufficient and that the circumstances are appropriate, then the registry may order the registry's staff to conduct an investigative audit of the alleged violator's campaign finance disclosure reports. In such instances, the alleged violator is obligated to produce all documentation required to be maintained by § 2-10-105(f) and to comply in good faith and with total candor with all requests for documentation or clarification properly requested by the registry's auditor or counsel.

(2) Once either the attorney general's investigation or the audit is complete, the registry shall set the complaint for a show cause hearing to determine if the registry should take action regarding the complaint, including, but not limited to, assessing civil penalties pursuant to § 2-10-110. Both the alleged

violator and the complainant are entitled, upon request, to present evidence before the registry at or prior to the show cause hearing. The registry must have notice that evidence will be presented to the registry personally served upon, sent by return receipt requested mail, or sent by electronic mail to the alleged violator and the complainant.

(3) The registry may determine the appropriate procedure for the presentation of evidence. After the conclusion of the show cause hearing, the registry shall reduce its decision to writing and provide a written statement of the registry's decision to all parties.

(c) All sworn complaints on a report of a candidate for local public office, a political campaign committee contributing to a candidate for local public office, or a political campaign committee registered with a local election commission must be filed in the office of the district attorney general who represents the judicial district in which the voter resides.

SECTION 5. Tennessee Code Annotated, Section 2-10-109(b), is amended by deleting the subsection and substituting:

(b)

(1) A district attorney shall:

(A) Investigate a sworn complaint filed in accordance with § 2-10-108(c); and

(B) Upon review and the completion of the investigation of a complaint, refer its investigative report containing findings of potential violations, if any, to the registry for consideration of the assessment of civil penalties pursuant to § 2-10-110.

(2) The registry may, upon review of an investigative report received from a district attorney general under subdivision (b)(1)(B), dismiss the complaint if the complaint is not factually and legally sufficient. The registry shall notify the

complainant of the dismissal. If the registry determines the complaint is factually and legally sufficient, then the registry may set the complaint for a show cause hearing to determine if the registry should take action regarding the complaint, including, but not limited to, assessing civil penalties pursuant to § 2-10-110.

(3) Both the alleged violator and the complainant may, upon request, present evidence before the registry at or prior to the show cause hearing. The registry shall notify the alleged violator and the complainant that evidence will be presented to the registry if requested. The registry may determine the appropriate procedure for presenting evidence. After the conclusion of the show cause hearing, the registry shall reduce its decision to writing and provide a written statement of the registry's decision to all parties.

SECTION 6. Tennessee Code Annotated, Section 2-10-110(a)(2)(B), is amended by adding the following language to the end of the subdivision:

In a contested case proceeding, the candidate or political campaign committee bears the burden of proof to establish that the candidate or committee's conduct, or submitted reports, complied with this part.

SECTION 7. Tennessee Code Annotated, Section 2-10-114, is amended by inserting the following language as a new subsection:

(g)

(1) Transfers of funds or assets from a candidate's campaign account or a political campaign committee controlled by a candidate for a federal election to a candidate's campaign account or a political campaign committee controlled by the candidate for such candidate in an election for a state or local public office in this state are prohibited.

(2) Transfers of excess funds or assets from a candidate's political campaign committee or campaign account for election to a local public office to a

political campaign committee or campaign account of or for such candidate in an election to the general assembly or governor in this state are prohibited.

SECTION 8. Tennessee Code Annotated, Title 2, Chapter 10, is amended by deleting §§ 2-10-119 and 2-10-310(c) in their entirety.

SECTION 9. Tennessee Code Annotated, Section 2-10-206(a)(6), is amended by deleting the language "January 15" and substituting instead "July 1".

SECTION 10. Tennessee Code Annotated, Section 2-10-302, is amended by adding the following new subsections:

(e)

(1) A candidate for state or local public office, or an elected state or local public office holder, shall not accept a contribution with respect to an election in excess of the loans and obligations outstanding from such election after the close of the reporting period following the date of the election, not including the reporting period in which the election occurs. A successful candidate for state or local public office who reports no outstanding loans or obligations may continue to accept contributions for the purpose of defraying officeholder expenses until the close of the reporting period following the date of the election, not including the reporting period in which the election occurs.

(2) Beginning with the reporting period following the date of the election, not including the reporting period in which the election occurs, a candidate for state or local public office reporting an unexpended balance or an outstanding loan or obligation who has not affirmatively created a new campaign account for the next election shall, in addition to the reporting requirements established by §§ 2-10-105 and 2-10-107, file a complete copy of the candidate's campaign account banking statements corresponding to the full term of the reporting period with the registry or local election commission, as applicable. Such banking statements must continue to be filed by the candidate for each required reporting

period until such time as the candidate no longer possesses an unexpended balance of funds or an outstanding loan or obligation, or until such time as the candidate transfers such funds, loans, or obligations to another campaign fund for a subsequent election pursuant to § 2-10-114(a)(1), whichever occurs earlier. A failure to file the required banking statements is a Class 2 offense as defined by § 2-10-110(a)(2).

(3) This subsection (e) does not:

(A) Prevent a candidate who is a candidate in the general election from paying primary election loans and obligations with funds that represent contributions made with respect to the general election; or

(B) Prevent a candidate who is a candidate in a run-off election from paying loans and obligations with respect to the previous election with funds that represent contributions made with respect to the runoff election.

(f)

(1) Contributions received by a candidate must be attributed to the appropriate election, and reported accordingly, in accordance with the following criteria:

(A) In the case of a contribution designated in writing by the contributor for a particular election, the election so designated; and

(B) In the case of a contribution not designated in writing by the contributor for a particular election, the next election after the contribution is made.

(2) A contribution designated in writing for a particular election, but made after that election, must be made only to the extent that the contribution does not exceed the contribution limits from such election. To the extent that such contribution exceeds the contribution limits from such election, the candidate

shall either return the contribution to the contributor or obtain written authorization from the contributor to redesignate the contribution to another election within sixty (60) calendar days of the receipt of the contribution.

(g)

(1) A contribution made by more than one (1) person, except for a contribution made by a partnership, must include the signature of each contributor on the check, money order, or other negotiable instrument or in a separate writing. If a contribution made by more than one (1) person does not indicate the amount to be attributed to each contributor, the contribution is deemed to be attributed equally to each contributor.

(2) The limitations on contributions in this section apply separately to contributions made by spouses, even if only one (1) spouse has income; provided, that each spouse signs the check, money order, or other negotiable instrument or the separate contributions are designated in writing by the contributing spouses as being independent contributions. Contributions made from an account shared by spouses, regardless of the type of account, must be presumed to be made by the individual authorizing the contribution alone, absent the written designation of independent contributions.

(h) The limitations of this section apply separately with respect to each election. An election in which a candidate is unopposed is a separate election for the purposes of the limitations on contributions in this section.

SECTION 11. Tennessee Code Annotated, Section 2-10-308, is amended by deleting subsections (c) and (e) and substituting instead:

(c) To request a waiver, reduction, or to contest a penalty imposed by the registry of election finance pursuant to this part, a person or political campaign committee shall file a petition with the registry of election finance. Such petition may be considered as a contested case proceeding under the Uniform Administrative

Procedures Act, compiled in title 4, chapter 5. In any such contested case proceeding, the person or political campaign committee bears the burden of proof to establish that the person or committee's conduct complied with this part.

(e) If a civil penalty lawfully assessed and all lawfully assessed costs attendant to the penalty against a political campaign committee are not paid within thirty (30) calendar days after the assessment becomes final:

(1) The political campaign committee owing the civil penalty shall not receive contributions; make expenditures to support or oppose candidates; or make expenditures to other political campaign committees. The treasurer and officers of such delinquent political campaign committee shall not create another political campaign committee or serve as a treasurer or an officer for another political campaign committee until such penalty and all costs attendant to the penalty are paid in full; and

(2) The treasurer and the officers of the political campaign committee listed on the forms on file with the registry pursuant to § 2-10-105(e) at the time the conduct that gave rise to the civil penalty occurred are ineligible to qualify for election to a state or local public office until the penalty is paid.

SECTION 12. Tennessee Code Annotated, Section 2-10-121, is amended by deleting the section in its entirety.

SECTION 13.

(a) For purposes of promulgating rules and carrying out administrative duties necessary to effectuate this act, Sections 1, 9, and 10 take effect upon becoming a law, the public welfare requiring it. Sections 1, 9, and 10 take effect on January 1, 2024, for all other purposes, the public welfare requiring it.

(b) Sections 2-8, 11, and 12 take effect upon becoming a law, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

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

AMEND Senate Bill No. 160* House Bill No. 183

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 2-10-105, is amended by adding the following language at the end of subsections (a) and (b):

The statement of expenditures by a political campaign committee must consist of all amounts paid by the political campaign committee from received contributions.

SECTION 2. Tennessee Code Annotated, Section 2-10-106(b)(1), is amended by deleting the subdivision and substituting:

(1) A candidate who complies with § 2-10-105(a) and (b), as applicable, and § 2-10-131(a), shall ensure that:

(A) All funds in a campaign account remain separate and segregated at all times from other funds, including from personal funds and the funds of a political campaign committee controlled, either directly or constructively, by the candidate; and

(B) All credit transactions incurred on behalf of the candidate's campaign activities or officeholder activities are separate and segregated at all times from other credit transactions incurred on behalf of the candidate personally; the candidate's business, if any; the candidate's non-campaign or non-officeholder related activity; or the activity of a political campaign committee controlled, either directly or constructively, by the candidate.

SECTION 3. Tennessee Code Annotated, Section 2-10-106(b)(3), is amended by deleting the subdivision and substituting:

(3) A candidate found to be in violation of subdivision (b)(1) commits a Class 2 offense.

SECTION 4. Tennessee Code Annotated, Section 2-10-108, is amended by deleting subsections (b) and (c) and substituting:

(b)

(1) All sworn complaints on a report of a candidate for state public office, a political campaign committee contributing to a candidate for state public office, or a political campaign committee registered with the registry of election finance must be filed in the office of the registry of election finance. The registry shall conduct a preliminary review to determine if the complaint is factually and legally sufficient. If the complaint is not factually and legally sufficient, then the registry shall dismiss the complaint and notify the complainant. If the registry determines the complaint is factually and legally sufficient, then the registry may refer the complaint to the office of the attorney general and reporter, who shall conduct a preliminary investigation and report the findings of the investigation in writing to the registry. Alternatively, if the registry determines that the complaint is factually and legally sufficient and that the circumstances are appropriate, then the registry may order the registry's staff to conduct an investigative audit of the alleged violator's campaign finance disclosure reports. In such instances, the alleged violator is obligated to produce all documentation required to be maintained by § 2-10-105(f) and to comply in good faith and with total candor with all requests for documentation or clarification properly requested by the registry's auditor or counsel.

(2) Once either the attorney general's investigation or the audit is complete, the registry shall set the complaint for a show cause hearing to determine if the registry should take action regarding the complaint, including, but not limited to, assessing civil penalties pursuant to § 2-10-110. Both the alleged

violator and the complainant are entitled, upon request, to present evidence before the registry at or prior to the show cause hearing. The registry must have notice that evidence will be presented to the registry personally served upon, sent by return receipt requested mail, or sent by electronic mail to the alleged violator and the complainant.

(3) The registry may determine the appropriate procedure for the presentation of evidence. After the conclusion of the show cause hearing, the registry shall reduce its decision to writing and provide a written statement of the registry's decision to all parties.

(c) All sworn complaints on a report of a candidate for local public office, a political campaign committee contributing to a candidate for local public office, or a political campaign committee registered with a local election commission must be filed in the office of the district attorney general who represents the judicial district in which the voter resides.

SECTION 5. Tennessee Code Annotated, Section 2-10-109(b), is amended by deleting the subsection and substituting:

(b)

(1) A district attorney shall:

(A) Investigate a sworn complaint filed in accordance with § 2-10-108(c); and

(B) Upon review and the completion of the investigation of a complaint, refer its investigative report containing findings of potential violations, if any, to the registry for consideration of the assessment of civil penalties pursuant to § 2-10-110.

(2) The registry may, upon review of an investigative report received from a district attorney general under subdivision (b)(1)(B), dismiss the complaint if the complaint is not factually and legally sufficient. The registry shall notify the

complainant of the dismissal. If the registry determines the complaint is factually and legally sufficient, then the registry may set the complaint for a show cause hearing to determine if the registry should take action regarding the complaint, including, but not limited to, assessing civil penalties pursuant to § 2-10-110.

(3) Both the alleged violator and the complainant may, upon request, present evidence before the registry at or prior to the show cause hearing. The registry shall notify the alleged violator and the complainant that evidence will be presented to the registry if requested. The registry may determine the appropriate procedure for presenting evidence. After the conclusion of the show cause hearing, the registry shall reduce its decision to writing and provide a written statement of the registry's decision to all parties.

SECTION 6. Tennessee Code Annotated, Section 2-10-110(a)(2)(B), is amended by adding the following language to the end of the subdivision:

In a contested case proceeding, the candidate or political campaign committee bears the burden of proof to establish that the candidate or committee's conduct, or submitted reports, complied with this part.

SECTION 7. Tennessee Code Annotated, Section 2-10-114, is amended by inserting the following language as a new subsection:

(g)

(1) Transfers of funds or assets from a candidate's campaign account or a political campaign committee controlled by a candidate for a federal election to a candidate's campaign account or a political campaign committee of or for such candidate in an election for a state or local public office in this state are prohibited.

(2) Transfers of excess funds or assets from a candidate's political campaign committee or campaign account for election to a local public office to a

political campaign committee or campaign account of or for such candidate in an election to the general assembly or governor in this state are prohibited.

SECTION 8. Tennessee Code Annotated, Title 2, Chapter 10, is amended by deleting §§ 2-10-119 and 2-10-310(c) in their entirety.

SECTION 9. Tennessee Code Annotated, Section 2-10-206(a)(6), is amended by deleting the language "January 15" and substituting instead "July 1".

SECTION 10. Tennessee Code Annotated, Section 2-10-302, is amended by adding the following new subsections:

(e)

(1) A candidate for state or local public office, or an elected state or local public office holder, shall not accept a contribution with respect to an election in excess of the loans and obligations outstanding from such election after the close of the reporting period following the date of the election, not including the reporting period in which the election occurs. A successful candidate for state or local public office who reports no outstanding loans or obligations may continue to accept contributions for the purpose of defraying officeholder expenses until the close of the reporting period following the date of the election, not including the reporting period in which the election occurs.

(2) Beginning with the reporting period following the date of the election, not including the reporting period in which the election occurs, a candidate for state or local public office reporting an unexpended balance or an outstanding loan or obligation who has not affirmatively created a new campaign account for the next election shall, in addition to the reporting requirements established by §§ 2-10-105 and 2-10-107, file a complete copy of the candidate's campaign account banking statements corresponding to the full term of the reporting period with the registry or local election commission, as applicable. Such banking statements must continue to be filed by the candidate for each required reporting

period until such time as the candidate no longer possesses an unexpended balance of funds or an outstanding loan or obligation, or until such time as the candidate transfers such funds, loans, or obligations to another campaign fund for a subsequent election pursuant to § 2-10-114(a)(1), whichever occurs earlier. A failure to file the required banking statements is a Class 2 offense as defined by § 2-10-110(a)(2).

(3) This subsection (e) does not:

(A) Prevent a candidate who is a candidate in the general election from paying primary election loans and obligations with funds that represent contributions made with respect to the general election; or

(B) Prevent a candidate who is a candidate in a run-off election from paying loans and obligations with respect to the previous election with funds that represent contributions made with respect to the runoff election.

(f)

(1) Contributions received by a candidate must be attributed to the appropriate election, and reported accordingly, in accordance with the following criteria:

(A) In the case of a contribution designated in writing by the contributor for a particular election, the election so designated; and

(B) In the case of a contribution not designated in writing by the contributor for a particular election, the next election after the contribution is made.

(2) A contribution designated in writing for a particular election, but made after that election, must be made only to the extent that the contribution does not exceed the contribution limits from such election. To the extent that such contribution exceeds the contribution limits from such election, the candidate

shall either return the contribution to the contributor or obtain written authorization from the contributor to redesignate the contribution to another election within sixty (60) calendar days of the receipt of the contribution.

(g)

(1) A contribution made by more than one (1) person, except for a contribution made by a partnership, must include the signature of each contributor on the check, money order, or other negotiable instrument or in a separate writing. If a contribution made by more than one (1) person does not indicate the amount to be attributed to each contributor, the contribution is deemed to be attributed equally to each contributor.

(2) The limitations on contributions in this section apply separately to contributions made by spouses, even if only one (1) spouse has income; provided, that each spouse signs the check, money order, or other negotiable instrument or the separate contributions are designated in writing by the contributing spouses as being independent contributions. Contributions made from an account shared by spouses, regardless of the type of account, must be presumed to be made by the individual authorizing the contribution alone, absent the written designation of independent contributions.

(h) The limitations of this section apply separately with respect to each election. An election in which a candidate is unopposed is a separate election for the purposes of the limitations on contributions in this section.

SECTION 11. Tennessee Code Annotated, Section 2-10-308, is amended by deleting subsections (c) and (e) and substituting instead:

(c) To request a waiver, reduction, or to contest a penalty imposed by the registry of election finance pursuant to this part, a person or political campaign committee shall file a petition with the registry of election finance. Such petition may be considered as a contested case proceeding under the Uniform Administrative

Procedures Act, compiled in title 4, chapter 5. In any such contested case proceeding, the person or political campaign committee bears the burden of proof to establish that the person or committee's conduct complied with this part.

(e) If a civil penalty lawfully assessed and all lawfully assessed costs attendant to the penalty against a political campaign committee are not paid within thirty (30) calendar days after the assessment becomes final:

(1) The political campaign committee owing the civil penalty shall not receive contributions; make expenditures to support or oppose candidates; or make expenditures to other political campaign committees. The treasurer and officers of such delinquent political campaign committee shall not create another political campaign committee or serve as a treasurer or an officer for another political campaign committee until such penalty and all costs attendant to the penalty are paid in full; and

(2) The treasurer and the officers of the political campaign committee listed on the forms on file with the registry pursuant to § 2-10-105(e) at the time the conduct that gave rise to the civil penalty occurred are ineligible to qualify for election to a state or local public office until the penalty is paid.

SECTION 12. Tennessee Code Annotated, Section 2-10-121, is amended by deleting the section in its entirety.

SECTION 13.

(a) For purposes of promulgating rules and carrying out administrative duties necessary to effectuate this act, Sections 1, 9, and 10 take effect upon becoming a law, the public welfare requiring it. Sections 1, 9, and 10 take effect on January 1, 2024, for all other purposes, the public welfare requiring it.

(b) Sections 2-8, 11, and 12 take effect upon becoming a law, the public welfare requiring it.

Amendment No. _____

X _____
Signature of Sponsor

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

AMEND Senate Bill No. 294* **House Bill No. 389**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 5-5-106, is amended by deleting the section and substituting:

(a) Except as provided in subsection (b), each member of a county legislative body must attend each and every session of the body, and be allowed to vote and draw pay for attendance.

(b)

(1) Notwithstanding title 8, chapter 44, part 1, a county legislative body may, by resolution, allow members of the legislative body to participate in a scheduled meeting by electronic means, including, but not limited to, videoconferencing or other web-based media.

(2) If a county legislative body allows electronic participation pursuant to subdivision (b)(1), a member of a county legislative body may participate in a scheduled meeting by electronic means, but only for the following reasons:

(A) The commissioner is dealing with a family or medical emergency as determined by the county legislative body;

(B) The commissioner has been called into military service; or

(C) The commissioner is unable to attend in person due to inclement weather.

(3) A commissioner who is absent shall only participate in a meeting through electronic means if the commissioner can be visually identified by the chair.

(4) A county legislative body shall not conduct a commission meeting with electronic participation unless a quorum of commissioners is present at the physical location of the meeting. No more than twenty percent (20%) of the total membership of the legislative body, not to exceed three (3) members, may participate electronically.

(5) A commissioner shall not participate electronically in meetings more than two (2) times per year.

(6)

(A) All meetings of a legislative body conducted by electronic means under this subsection (b) must remain open and accessible to the public by providing real-time, live audio or video access to the public.

(B) A clear audio or video recording of the meeting must be made available to the public as soon as practicable following the meeting, and in no event more than two (2) business days after the meeting.

(C) In the public notice required by § 8-44-103, the county legislative body shall provide information regarding how the public can obtain real-time, live access to, or a broadcast of, the meeting, and the legislative body is strongly urged to provide an agenda for the meeting in such notice.

(7) A county legislative body that authorizes electronic participation shall develop a policy for conducting meetings with electronic participation.

SECTION 2. Tennessee Code Annotated, Title 6, Chapter 54, Part 1, is amended by adding the following as a new section:

(a)

(1) Notwithstanding title 8, chapter 44, part 1, or any private act, home rule, or general law charter to the contrary, a municipal legislative body may, by ordinance, allow members of the legislative body to participate in a scheduled meeting by electronic means, including, but not limited to, videoconferencing or other web-based media.

(2) If a municipal legislative body allows electronic participation pursuant to subdivision (a)(1), a member of the municipal legislative body may participate in a scheduled meeting by electronic means, but only for the following reasons:

(A) The municipal legislative body member is dealing with a family or medical emergency as determined by the municipal legislative body;

(B) The municipal legislative body member has been called into military service; or

(C) The municipal legislative body member is unable to attend a meeting due to inclement weather.

(3) A municipal legislative body member who is absent shall only participate in a meeting through electronic means if the member can be visually identified by the chair.

(b) A municipal legislative body shall not conduct a meeting that includes electronic participation unless a quorum of the municipal legislative body is present at the physical location of the meeting. No more than twenty percent (20%) of the total membership of the legislative body, not to exceed three (3) members, may participate electronically.

(c) A municipal legislative body member shall not participate electronically in meetings more than two (2) times per year.

(d)

(1) All meetings of a legislative body conducted by electronic means under this section must remain open and accessible to the public by providing real-time, live audio or video access to the public.

(2) A clear audio or video recording of the meeting must be made available to the public as soon as practicable following the meeting, and in no event more than two (2) business days after the meeting.

(3) In the public notice required by § 8-44-103, the municipal legislative body shall provide information regarding how the public can obtain real-time, live access to, or a broadcast of, the meeting, and the legislative body is strongly urged to provide an agenda for the meeting in such notice.

(e) A municipal legislative body that authorizes electronic participation shall develop a policy for conducting meetings that include electronic participation.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it. This act is repealed July 1, 2026, the public welfare requiring it.

House K-12 Subcommittee Am. #1

Amendment No._____

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

Signature of Sponsor

AMEND Senate Bill No. 1194 House Bill No. 1214*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2)

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

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

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

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

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

(k)

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

(2)

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

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

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

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

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

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

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

(l)

(1)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b)

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

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

(c)

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

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

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

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

(3)

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

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

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

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

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

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

(1) The local board of education, if the local board of is the authorizer;

(2) The commission, if the public charter school is authorized pursuant to § 49-13-106(k) or if the commission is the authorizer for a public charter school authorized pursuant to § 49-13-106(l); or

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

SECTION 13. For purposes of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect January 1, 2024, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

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

AMEND Senate Bill No. 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);

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. 635 **House Bill No. 595***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-2-213(a), is amended by deleting the subsection and substituting:

(a) A local board of education member who is elected, or appointed to fill a vacancy, under this chapter may be removed from office by the registered voters of the county for the member's conduct during the member's current term of office.

SECTION 2. Tennessee Code Annotated, Section 49-2-213(b), is amended by deleting subdivision (2) and substituting:

(2) The petition must contain a factual statement that clearly identifies the grounds upon which the removal is sought.

SECTION 3. Tennessee Code Annotated, Section 49-2-213(e), is amended by deleting the subsection.

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. 635 **House Bill No. 595***

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

SECTION ___. Tennessee Code Annotated, Section 49-2-213(b)(1), is amended by deleting "for that member" and substituting "for that district seat".

House K-12 Subcommittee Am. #1

Amendment No._____

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Signature of Sponsor

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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)

(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.

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

Amendment No._____

Charlie Baum

Signature of Sponsor

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.

(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.

House K-12 Subcommittee Am. #1

Amendment No._____

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Signature of Sponsor

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.

House K-12 Subcommittee Am. #1

Amendment No._____

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

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Signature of Sponsor

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.

House K-12 Subcommittee Am. #1

Amendment No._____

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

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Signature of Sponsor

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.

Amendment No. _____

Signature of Sponsor

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

AMEND Senate Bill No. 557* House Bill No. 649

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 5, Part 4, is amended by adding the following as a new section:

(a) Each LEA shall offer employees of the LEA the opportunity to volunteer to participate in a working group that will collect, review, and report suggestions received from employees on how the LEA can improve its goals, operations, and outcomes. An LEA shall not require an employee of the LEA to participate in a working group.

(b) The working group shall accept written suggestions on how to improve the LEA that are submitted by an employee of the LEA; provided, however, that the working group shall not accept written suggestions regarding salary or benefits. An employee of the LEA may submit a written suggestion to the working group anonymously.

(c) The working group shall annually compile the written suggestions submitted to the working group into a report. The working group shall submit the report to the LEA's director of schools and local board of education.

(d) If an employee of the LEA submits a suggestion to the working group and the content of the suggestion requires that the suggestion be reported pursuant to a policy adopted by the LEA, then the working group shall submit the suggestion in accordance with the adopted policy.

(e) The LEA's director of schools and local board of education shall jointly:

(1) Address each written suggestion identified in the report as necessary, as determined by the director and the local board; and

(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.

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No._____

Yusuf Hakeem
Signature of Sponsor

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.

House Higher Education Subcommittee Am. #1

Amendment No._____

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

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Signature of Sponsor

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.

House K-12 Subcommittee Am. #1

Amendment No._____

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Signature of Sponsor

AMEND Senate Bill No. 897 **House Bill No. 520***

by deleting Section 2 and renumbering the subsequent section accordingly.

Amendment No. _____

Signature of Sponsor

FILED
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.

(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.

House K-12 Subcommittee Am. #1

Amendment No._____

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

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Signature of Sponsor

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,

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

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Date _____
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Comm. Amdt. _____
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AMEND Senate Bill No. 1117* **House Bill No. 1411**

by deleting Section 1 and renumbering the subsequent sections accordingly.

House K-12 Subcommittee Am. #1

Amendment No._____

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Signature of Sponsor

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:

(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.

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No. _____

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Signature of Sponsor

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.

Amendment No._____

Signature of Sponsor

FILED
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, 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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Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 127* House Bill No. 150

by deleting the amendatory language of SECTION 1 and substituting:

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

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Comm. Amdt. _____
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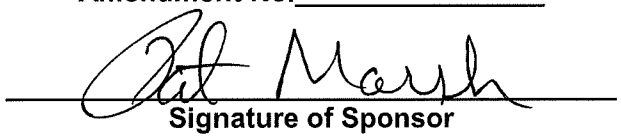
Amendment No._____



Signature of Sponsor

AMEND Senate Bill No. 161 **House Bill No. 160***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 57-3-704(a)(3), is amended by deleting the subdivision and substituting instead:

(3) The applicant:

(A) Has not been convicted of a felony offense involving the use or threat of violence to a human being, theft, fraud, deceit, or intoxication within the previous four (4) years;

(B) Has not been convicted of a crime relating to the sale or dispensing of alcoholic beverages or beer, Schedules I and II controlled substances, or controlled substance analogues or a sex-related crime within the previous four (4) years;

(C) Has not had a server permit or any similar permit issued by the state, a local jurisdiction, or a foreign jurisdiction revoked by an issuing authority within the previous four (4) years; and

(D) Has not had an ownership interest in any licensee or permittee, licensed or permitted pursuant to § 57-3-203, § 57-3-204, § 57-3-207, § 57-4-101, or § 57-5-103 that has had its license or permit revoked by the issuing authority within the previous four (4) years.

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

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Clerk _____
Comm. Amdt. _____

Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 1019* House Bill No. 1492

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 8, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Drone" has the same meaning as defined in § 39-13-609; and

(2) "Law enforcement agency" has the same meaning as defined in § 39-13-609.

(b) By January 1, 2024, except as provided in subsection (c), each law enforcement agency shall develop and enforce a policy that prohibits an officer from using a drone or other substantially similar device as a weapon under any circumstances while in the exercise of the officer's official duties.

(c) A law enforcement agency shall permit an officer qualified to operate a drone to utilize a drone or a substantially similar device for the purpose of remotely detonating a bomb or similar incendiary or explosive device.

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

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

Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 1019* **House Bill No. 1492**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 8, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Drone" has the same meaning as defined in § 39-13-609; and

(2) "Law enforcement agency" has the same meaning as defined in § 39-13-609.

(b) By January 1, 2024, except as provided in subsection (c), each law enforcement agency shall develop and enforce a policy that prohibits an officer from using a drone or other substantially similar device as a weapon under any circumstances while in the exercise of the officer's official duties.

(c) A law enforcement agency shall permit an officer qualified to operate a drone to utilize a drone or a substantially similar device for the purpose of remotely detonating a bomb or similar incendiary or explosive device.

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

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 1355 House Bill No. 1421*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 4-51-108(a), is amended by deleting subdivision (2) and substituting:

(2) The sales price of tickets or shares and the manner of sale; provided, that all sales must be for cash only and that payment by checks, credit cards, charge cards, electronic benefit transfer cards, or any form of deferred payment is prohibited. For the purposes of this subdivision (a)(2), "cash" means coins and notes, and includes cash-equivalent payments such as debit cards, money orders, and prepaid gift cards. Nothing in this part requires the use of cash-equivalent payments or prohibits or restricts the direct sale of lottery tickets or shares by the corporation through any form of payment and in any amount;

SECTION 2. Tennessee Code Annotated, Section 4-51-123, is amended by deleting subsection (g) and substituting:

(g) No lottery game utilizing an electronic or mechanical machine may use a machine that:

(1) Dispenses coins or currency; or

(2) Allows payment via credit cards.

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it.

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

Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 639 House Bill No. 407*

by deleting SECTION 4 and substituting the following:

SECTION 4. Tennessee Code Annotated, Section 10-7-504(a), is amended by adding the following as a new subdivision:

(34)

(A) All records 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, are confidential and are not to be open for inspection by members of the public. As used in this subdivision (a)(34), "proprietary information":

(i) 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

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

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

Amendment No. 004341

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 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

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. 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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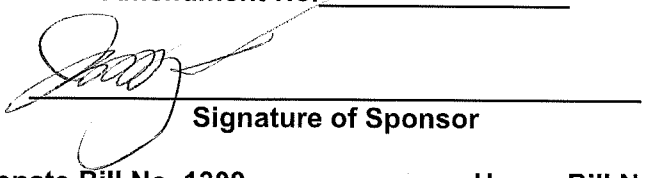
Amendment No. _____



Signature of Sponsor

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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Clerk _____
Comm. Amdt. _____

Amendment No._____

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Signature of Sponsor

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;

(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.

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Clerk _____
Comm. Amdt. _____

Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 497 **House Bill No. 411***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 57-3-101(a)(25), is amended by deleting the subdivision and substituting instead:

(25) "Wine" means the product of the normal alcoholic fermentation of the juice of dried or fresh, sound, ripe grapes, fruit, or other agricultural products, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine, and seasonal conditions, including champagne, sparkling, and fortified wine of an alcoholic content not to exceed twenty-one percent (21%) by volume. No other product may be called "wine" unless designated by appropriate prefixes descriptive of the fruit or other product from which the same was predominantly produced, or as an artificial or imitation wine; and

SECTION 2. Tennessee Code Annotated, Section 57-5-101(b), is amended by deleting the subsection and substituting instead:

(b) For purposes of this title, "beer" means products made from the normal alcoholic fermentation of malt or other cereal grains, sugar, or fruit ingredients used to make cider, and having an alcoholic content of not more than eight percent (8%) alcohol by weight and that do not contain distilled spirits or wine as defined in § 57-3-101; provided, that at least fifty-one percent (51%) of the overall alcoholic content by weight in the finished product is obtained by the fermentation of malt, other cereal grains, sugar, or fruit ingredients used to make cider, and no more than forty-nine percent (49%) of the

overall alcoholic content by weight in the finished product is obtained by the addition of flavorings or other non-beverage ingredients containing alcohol.

SECTION 3. Tennessee Code Annotated, Section 57-3-802(2), is amended by deleting the subdivision and substituting instead:

(2) "Wine" means the product of the normal alcoholic fermentation of the juice of dried or fresh, sound, ripe grapes, fruit, or other agricultural products, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine, and seasonal conditions, including champagne and sparkling and fortified wine of an alcoholic content not to exceed eighteen percent (18%) by volume. No other product may be called "wine" unless designated by appropriate prefixes descriptive of the fruit or other product from which the same was predominantly produced, or as an artificial or imitation wine.

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. 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:

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.

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Clerk _____
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Amendment No. _____

Signature of Sponsor

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

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. _____

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Signature of Sponsor

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Date _____
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Clerk _____
Comm. Amdt. _____
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AMEND Senate Bill No. 749* House Bill No. 844

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

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

(a) The speaker of the senate and the speaker of the house of representatives may each appoint a chaplain to the respective house at the start of each biennial legislative session. The chaplain must be a member of the clergy and have experience in providing spiritual guidance and counseling. The chaplain must be nonpartisan, nonpolitical, and nonsectarian.

(b) A chaplain appointed pursuant to subsection (a) may be given:

(1) Access to each building where staff and member offices are located, including the second floor of the state capitol;

(2) An assigned parking space;

(3) An office;

(4) Equipment and supplies as necessary to fulfill the duties of a chaplain, including, but not limited to, a computer, a printer, a copy machine and scanner, paper, and other usual and customary office supplies; and

(5) Reimbursement for expenses, including mileage and per diem in accordance with § 3-1-106.

(c) Costs associated with the items under subsection (b) must be paid by the respective house. The speaker of the senate and the speaker of the house of

representatives may, at their discretion, provide additional compensation for their respective chaplain from available discretionary funds.

(d) The appointment of a chaplain pursuant to this section does not affect the tradition in both chambers of permitting a religious leader to open a floor session of either chamber. The chaplain may open a floor session upon request of the speaker of the senate or the speaker of the house of representatives, as applicable.

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

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

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Signature of Sponsor

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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Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No._____

Signature of Sponsor

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

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:

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.

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Time _____
Clerk _____
Comm. Amdt. _____

Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 1503 House Bill No. 1005*

by deleting all language after the enacting clause and substituting:

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

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

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

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

SECTION 5. Tennessee Code Annotated, Section 39-17-1313(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:

(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;

(I) At the juvenile's residence and, with permission of the juvenile's parent or legal guardian, is justified in using physical force or deadly force; or

(J)

(i) Except as provided in subdivision ( )(4)(J)(ii), transporting or storing an unloaded firearm in a motor vehicle while on or utilizing a public or private parking area if:

(a) The juvenile is licensed to drive a motor vehicle pursuant to title 55, chapter 50, part 3;

(b) The juvenile's motor vehicle is parked in a location where the motor vehicle is permitted to be; and

(c) The firearm being transported or stored in the motor vehicle:

(1) Is kept from ordinary observation if the juvenile is in the motor vehicle; or

(2) Is kept from ordinary observation and locked within the trunk, glove box, or interior of the juvenile's motor vehicle or a container securely affixed to the motor vehicle if the juvenile is not in the motor vehicle.

(ii) Subdivision ( )(4)(J)(i) does not apply to the parking area of a public or private school campus, grounds, recreation area, athletic field, or any other property owned, operated, or while in use by any board of education, school, college or university board of trustees, regents, or directors for the administration of a

public or private educational institution, unless the juvenile is engaged in an activity described in subdivision ( )(4)(C).

(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. 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 43. 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. 1179 House Bill No. 190*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-17-1359, is amended by deleting subdivision (b)(1) and substituting:

(1) Notice of the prohibition or restriction permitted by subsection (a) shall be accomplished by displaying the notice described in subdivision (b)(3) in prominent locations, including no more than three feet (3') from all entrances primarily used by persons entering the property, building, or portion of the property or building where weapon possession is prohibited or restricted. The notice must be plainly visible to the average person entering the building, property, or portion of the building or property, posted, and must be mounted or placed such that the center of the sign is between sixty inches (60") and seventy-two inches (72") from the ground.

SECTION 2. Tennessee Code Annotated, Section 39-17-1359, is amended by deleting subdivision (b)(3)(A) and substituting:

(A) A sign shall be used as the method of posting. Each sign must:

(i) Measure at least ten inches (10") tall and fourteen inches (14") wide; and

(ii) Have a white background and black lettering.

SECTION 3. Tennessee Code Annotated, Section 39-17-1359, is amended by deleting subdivision (b)(4) and substituting:

An individual, corporation, business entity, or government entity that, as of July 1, 2023, used signs to provide notice of the prohibition permitted by subsection (a) has until

July 1, 2024, to replace existing signs with signs that meet the requirements of subdivision (b)(3).

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

House Civil Justice Subcommittee Am. #1

Amendment No. _____

Signature of Sponsor

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

AMEND Senate Bill No. 485 House Bill No. 187*

by deleting all language after the enacting clause and substituting:

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

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

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

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

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

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

House Children & Family Affairs Subcommittee Am. #1

FILED	
Date	
Time	
Clerk	
Comm. Amdt.	

Amendment No. _____

Mary Lou
Signature of Sponsor

AMEND Senate Bill No. 489 **House Bill No. 337***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 30, Chapter 4, is amended by deleting the chapter and substituting:

30-4-101.

This chapter is known and may be cited as "The Small Estate Probate Act."

30-4-102.

As used in this chapter, unless the context clearly requires otherwise:

(1) "Court" means the court then exercising probate jurisdiction in the county in which the decedent had legal residence on the date of death;

(2) "Decedent" means a person who is deceased;

(3) "Limited letters" means the limited letters of administration of a small estate and limited letters testamentary of a small estate, as appropriate;

(4) "Limited letters of administration of a small estate" means limited letters of administration for the decedent's property that restrict the person to whom the limited letters of administration are issued to the property itemized and identified in the petition for the limited letters, which must be attached to and made a part of the limited letters;

(5) "Limited letters testamentary of a small estate" means limited letters testamentary for the decedent's property that restrict the person to whom the limited letters testamentary are issued to the property itemized and identified in

the petition for the limited letters which must be attached to and made a part of the limited letters;

(6) "Person" means an individual, partnership, firm, business trust, corporation or other legal entity, and includes both the singular and plural and the masculine and feminine, as appropriate;

(7) "Personal representative" means the person to whom limited letters of administration of a small estate or limited letters testamentary of a small estate are issued;

(8) "Property" means only personal property, or any interest in personal property, owned by the decedent on the date of death that would be subject to probate, other than personal property held as tenants by the entirety or jointly with right of survivorship, or personal property payable to a beneficiary other than the decedent's estate; and

(9) "Small estate" means the probate estate of a decedent in which the value of the probate property does not exceed fifty thousand dollars ($50,000).

30-4-103.

Whenever a decedent leaves a small estate, it may be administered in the following manner:

(1) After the expiration of forty-five (45) days from the date of the decedent's death, as evidenced by a copy of the decedent's death certificate, provided that no petition for the appointment of a personal representative of the decedent's estate has been filed in that period of time for the decedent's estate, either:

(A) One (1) or more of the decedent's competent adult heirs shall file a petition for the issuance of limited letters of administration of a small estate; or

(B) If the decedent died testate and it is determined that distribution of the small estate pursuant to the decedent's will is different than distribution by intestate distribution and it is desired that the small estate be distributed according to the decedent's will, the person named as the personal representative in the decedent's will shall either:

(i) File a petition for the probate of the decedent's will as a muniment of title to the property of the decedent pursuant to § 32-2-111 and for the issuance of limited letters testamentary of a small estate; or

(ii) File the original of the decedent's will together with affidavits of the attesting witnesses or the affidavits of the two (2) disinterested persons attesting to the decedent's handwriting, if the decedent's will is holographic, with the clerk who shall record the will and affidavits. The recording of the decedent's will and accompanying affidavits is deemed sufficient to probate the decedent's will for the purposes of this chapter;

(2) To apply for limited letters of administration of a small estate or for limited letters testamentary of a small estate, the person seeking the limited letters shall file a sworn petition with the court containing the information set forth in § 30-1-117(a)(1)-(10). The petition must include an itemized list of the property of the decedent to which the limited letters are to apply, the value of each item of property, the identity of each creditor of the decedent, and the amount owing to each identified creditor;

(3) Regardless of the language of the decedent's will waiving bond, the petitioner for the limited letters shall make the bond payable to the clerk of the court for the benefit of those entitled with a corporate surety. The amount of the

bond must be equal to the value of the decedent's property to be administered under this chapter. However, bond is not required of the petitioner:

(A) If the petitioner or petitioners are the sole heirs of the decedent; or

(B) All the adult heirs consent in writing;

(4) The clerk shall charge and receive such fees for processing a petition for the issuance of limited letters of administration of a small estate or limited letters testamentary of a small estate as provided in § 8-21-401;

(5) Upon posting the required bond, unless waived as set forth in subdivision (3), the clerk shall issue limited letters of administration of a small estate or limited letters testamentary of a small estate, as appropriate;

(6) A notice to creditors must not be published, and a creditor is not permitted to file a claim in a small estate probate;

(7) The personal representative and the surety on the personal representative's bond may be discharged from liability under the bond as follows:

(A) The court may enter an order discharging the personal representative and the surety on the personal representative's bond after the personal representative files, for a decedent dying before January 1, 2016, either the tax receipt issued pursuant to § 67-8-420 or the certificate or assessment issued pursuant to § 67-8-409(f); or

(B) The personal representative and the surety on the personal representative's bond may wait until the first anniversary of the issuance of the limited letters when the court shall automatically discharge them from liability. The limited letters must remain open and active until the first anniversary of the issuance of the limited letters; and

(8) Upon good cause shown, the court may waive the requirement to wait forty-five (45) days before filing a petition for limited letters.

30-4-104.

(a) Each person indebted to the decedent's estate, having possession of any property belonging to the estate, or acting as registrar or transfer agent of any shares of stock, bonds, notes, or other evidence of ownership, indebtedness, or right belonging to the decedent's estate must be furnished with a copy of the limited letters of administration of a small estate or limited letters testamentary of a small estate by the personal representative, duly certified by the clerk of the court. Upon receipt of a copy of the limited letters of administration of a small estate or limited letters testamentary of a small estate and demand by the personal representative, each person furnished a copy of the limited letters under this subsection (a) shall pay, transfer, and deliver to the personal representative:

(1) All indebtedness owing by the recipient; and

(2) Other property in possession of or subject to registration or transfer by the recipient.

(b) A person making payment, transfer, or delivery of property belonging to a decedent's estate to the personal representative pursuant to this chapter is released and discharged from all further liability to the estate and its creditors to the same extent as if the payment, transfer, or delivery were made to the duly appointed, qualified, and acting personal representative of the decedent. The person making the payment, transfer, or delivery shall not be required to see to its application.

(c) The decedent's property must be distributed either to the decedent's heirs as provided by law or in accordance with the terms of the decedent's will admitted to probate as a muniment of title or filed with the clerk as provided in § 30-4-103(1)(B)(ii). The person to whom payment, transfer, or delivery of any property of the decedent is made by the personal representative shall be liable and remain liable up to one (1) year from the date of payment, transfer, or delivery, to the extent of the value of the property received, to unpaid creditors of the decedent, to anyone who had a prior right to the

decedent's property, or to any personal representative of the decedent thereafter appointed. If distribution is made prior to payment of all medical assistance owed to TennCare under § 71-5-116, then both the personal representative and the person to whom payment, transfer, or delivery is made by the personal representative shall be liable to TennCare and remain liable, to the extent of the value of the property received.

(d) If a person having possession of any of the decedent's property, upon receipt of a copy of the limited letters issued by the clerk, refuses to pay, transfer, or deliver the property to or at the direction of the personal representative, then:

(1) The property may be recovered; or

(2)

(A) Transfer and delivery of the property may be compelled in an action brought in a court of competent jurisdiction for that purpose upon proof of the facts required to be stated in the petition; and

(B) Costs of the proceeding must be adjudged against the person wrongfully refusing to pay, transfer, or deliver the property.

(e) If, during the administration of the small estate pursuant to the limited letters, the personal representative or a creditor of the decedent discovers additional assets that exceed the statutory small estate limitation, then the court may allow the small estate administration to be converted into probate administration by application of a verified petition to the court pursuant to § 30-1-117 by the personal representative of the small estate or a creditor of the decedent. The personal representative of the small estate, if the property of the decedent has not been paid, transferred, or delivered, or the person or persons to whom the property of the decedent has been paid, transferred, or delivered is liable for the assets that have been paid, transferred, or delivered prior to the conversion.

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

House Children & Family Affairs Subcommittee Am. #1

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

Amendment No._____

Mary Littleton
Signature of Sponsor

AMEND Senate Bill No. 609* House Bill No. 1103

by deleting all language after the enacting clause and substituting:

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

37-3-901.

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

37-3-902.

As used in this part:

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

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

(3) "Critical incident" includes:

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

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

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

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

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

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

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

37-3-903.

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

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

(c) The commission may:

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

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

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

(d)

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

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

37-3-904.

(a) Members of the commission include:

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

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

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

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

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

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

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

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

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

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

(b)

(1)

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

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

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

(D) Notwithstanding this section to the contrary:

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

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

(2)

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

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

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

(4)

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

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

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

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

37-3-905.

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

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

(1) Scheduling and staffing the commission's meetings;

(2) Notifying witnesses of the date upon which they are requested to appear;

(3) Taking minutes at the commission's meetings;

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

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

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

(7) Assisting the commission in drafting reports.

37-3-906.

(a)

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

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

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

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

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

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

37-3-907.

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

(b)

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

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

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

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

37-3-908.

(a) The commission shall:

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

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

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

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

37-3-909.

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

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

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

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

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

37-3-910.

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

(b)

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

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

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

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

(1) Remains confidential after being acquired by the commission;

(2) Is not subject to discovery or introduction into evidence in any criminal or civil proceedings; and

(3) May only be disclosed as necessary to carry out the purposes of this part.

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

37-3-911.

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

37-3-912.

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

37-3-913.

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

37-3-914.

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

37-3-915.

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

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

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

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

Amendment No._____

Mary Littleton

_____

Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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AMEND Senate Bill No. 609* **House Bill No. 1103**

by deleting all language after the enacting clause and substituting:

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

37-3-901.

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

37-3-902.

As used in this part:

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

(2) "Commission" means the Tennessee juvenile justice review commission, created by § 37-3-903;

(3) "Critical incident" includes:

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

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

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

(D) An allegation of abuse by department staff against a delinquent juvenile in the custody of the department; and (E) Incidents involving the need for psychiatric in-patient treatment by a delinquent juvenile in the custody of the department;

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

(6) "Placement" means a detention center, hardware secure facility, staff secure facility, residential treatment facility, facilities used primarily for the detention of youth adjudicated delinquent, foster home, or jail; and

(7) "Systemic Concern" means:

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

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

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

(D) A period of detention of a delinquent youth in a juvenile detention center, or in another setting where the child is held awaiting placement by the department, that exceeds thirty (30) days; or (E) A case of a delinquent youth reflecting extreme placement instability, as indicated by three (3) placements in six (6) months.

37-3-903.

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

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

(c) The commission may:

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

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

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

(d)

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

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

37-3-904.

(a) The commission is composed of the following members:

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

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

(4) The executive director of the commission on children and youth, or the executive director's designee;

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

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

(7) Two (2) juvenile court judges, to be appointed by the Tennessee council of juvenile and family court judges;

(8) One (1) district attorney general with experience in juvenile court, to be appointed by the district attorneys general conference;

(9) One (1) juvenile public defender, to be appointed by the district public defenders conference;

(10) Two (2) law enforcement officers with experience in dealing with juvenile justice youth, to be appointed by the governor. One (1) such officer must be from

a county with a population of two hundred fifty thousand (250,000) or greater, according to the 2020 federal census or any subsequent federal census. One (1) such officer must be from a county with a population of less than two hundred fifty thousand (250,000), according to the 2020 federal census or any subsequent federal census;

(11) Two (2) experts in child development, to be appointed by the cochairs of the commission. One (1) such expert must have a recognized graduate degree as a doctor of medicine, doctor of osteopathic medicine, master of science, doctor of philosophy in nursing with specialized focus on psychiatry, or doctor of pharmacy. One (1) such expert must have a recognized graduate degree as a doctor of philosophy in a field of psychology, doctor of psychology, master of science or master of arts degree in a mental health-related field such as psychology, counseling psychology, marriage or family therapy, or a master's degree in social work;

(12) One (1) expert in services for people with disabilities, to be appointed by the governor;

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

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

(b)

(1)

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

(B) Legislative members of the commission appointed pursuant to subdivisions (a)(5) and (6) serve two-year terms and may be reappointed as long as they remain elected members of the general assembly. (C) Except as otherwise provided in subdivision (b)(2), members of the commission appointed pursuant to subdivisions (a)(7)-(14) serve four-year terms.

(D) Notwithstanding this section to the contrary, a commission member who misses more than fifty percent (50%) of the scheduled meetings in a calendar year shall be removed as a member of the commission, and the presiding officer of the commission shall promptly notify the appointing authority of any member who fails to satisfy the attendance requirement in this subdivision (b)(1)(D).

(2)

(A) Members of the commission appointed pursuant to subdivisions (a)(7)-(10) serve initial terms of three (3) years.

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

(3) Except as provided in subdivision (b)(4), no commission member appointed pursuant to subdivisions (a)(7)-(14) may serve more than two (2) terms, including any partial term.

(4)

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

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

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

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

37-3-905.

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

(b) The Tennessee commission on children and youth has the following duties:

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

(3) Taking minutes at the commission's meetings;

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

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

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

(7) Assisting the commission in drafting reports.

37-3-906.

(a)

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

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

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

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

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

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

37-3-907.

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

(b)

(1) Commission members must not receive compensation but are entitled to reimbursement for actual travel and other expenses incurred in attending each commission meeting and in performing any other duties provided for in this part.

(2) Each legislative member of the commission is entitled to expenses in accordance with § 3-1-106, for each day the legislative member attends a commission meeting; provided, that a member must not receive additional legislative compensation when the general assembly is in session or if a member is being paid any other payments on the same dates for attendance on other state business.

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

37-3-908.

(a) The commission shall:

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

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

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

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

37-3-909.

The department of children's services, the district attorney general of each judicial district, the district public defender of each judicial district, the administrative office of the courts, any law enforcement agency, any juvenile court officer or investigator, any representative of the mental health disciplines involved in juvenile justice investigations and the provision of services to justice-involved youth, any entity that has data or information about a case being reviewed by the commission, and any other state agency shall, upon request by the commission:

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

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

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

37-3-910.

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

(b)

(1) Except as provided in subsection (c), investigatory meetings of the commission are not subject to title 8, chapter 44, part 1 and are closed to the

public. Any minutes or other information made confidential pursuant to state or federal law and generated during an investigatory meeting must be sealed from public inspection; provided, that the commission shall comply with subsection (c).

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

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

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

(1) Remains confidential after being acquired by the commission;

(2) Is not subject to discovery or introduction into evidence in any criminal or civil proceedings; and

(3) May only be disclosed as necessary to carry out the purposes of this part.

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

37-3-911.

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

37-3-912.

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

37-3-913.

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

37-3-914.

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

37-3-915.

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

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

( ) Tennessee juvenile justice review commission, created by § 37-3-901;

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

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 646 House Bill No. 603*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 2-1-116, is amended by adding the following as a new subsection:

(d) Notwithstanding subsection (c), a county legislative body may, by resolution, require candidates and political campaign committees to remove signs, posters, or placards that are on highway rights-of-way or other publicly owned property more than three (3) weeks after an election and are not subject to the exception in subsection (b). The resolution may authorize the county to issue civil penalties, not to exceed fifty dollars ($50.00) per day, per parcel of property, against a candidate or political campaign committee that does not remove the signs after being notified of the requirement of their removal.

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

House Finance, Ways, and Means Subcommittee

Amendment Packet

March 7, 2023

Sub 3/8

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

Amendment No. _____

Signature of Sponsor

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)

(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) Within thirty (30) days of the effective date of this act, the bureau of TennCare shall appropriately 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) The bureau shall immediately provide notice of the finding to the MCO. The MCO must be given thirty (30) days to remedy a violation, or the MCO may contest the finding of a violation and request a contested case hearing in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(3) 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 a new MCO to replace the MCO found to be in violation of this section. Upon selecting a new MCO to replace the MCO in violation of this section, and upon conclusion of any proceedings conducted under the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, the bureau shall begin to contract with the new MCO to provide medical assistance pursuant to this part and end its 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 3/8

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No. _____

_____

Signature of Sponsor

AMEND Senate Bill No. 1458 **House Bill No. 983***

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) As used in this section:

(1) "Birth" has the same meaning as "live birth" as defined in § 68-3-102;

(2) "Eligible employee" means a teacher, principal, supervisor, or other individual required by law to hold a valid license of qualification for employment in a local education agency and who has been employed full-time with a local education agency for at least twelve (12) consecutive months;

(3) "Local education agency" or "LEA" has the same definition as used in § 49-3-302;

(4) "Newly placed minor child" means the adoption of a minor child that results in a change of custody of that child; and

(5) "Stillbirth" has the same meaning as defined in § 68-3-102.

(b) Except as otherwise provided in this section, an eligible employee must be granted absence from work with pay for a period of time equal to six (6) work weeks after the birth or stillbirth of the employee's child or the employee's adoption of a newly placed minor child upon the employee giving thirty-days' notice to the employee's LEA; provided, however, that if an employee learns of the birth, stillbirth, or adoption of the employee's child less than thirty (30) days in advance of the birth, stillbirth, or adoption, then the employee must give notice of the birth, stillbirth, or adoption to the employee's

LEA as soon as reasonably possible to be eligible to receive pay granted pursuant to this subsection (b).

(c) An eligible employee who is granted leave pursuant to this section shall not be required to use the employee's sick, annual, or other leave for the leave taken pursuant to this section. The leave granted pursuant to this section counts toward the 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)

(1) An eligible employee may receive no more than six (6) work weeks of paid leave pursuant to subsection (b) within a twelve-month period.

(2) The six (6) work weeks of paid leave granted pursuant to this section do not need to be consecutively taken; provided, that the paid leave granted pursuant to this section is used within twelve (12) months of the birth or stillbirth of the employee's child or the employee's adoption of a newly placed minor child.

(e) Each LEA shall establish policies for implementing this section.

(f) Paid leave under this section must be paid at one hundred percent (100%) of the employee's salary. For the purpose of calculating employment anniversary dates, absence from work pursuant to this section is considered full-time employment.

(g) The state shall reimburse an LEA that provides paid leave pursuant to this section in an amount equal to the leave paid by the LEA pursuant to this section.

SECTION 2. This act takes effect upon becoming law, the public welfare requiring it, and applies to leave taken on or after such date.

Sub 3/9

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

Amendment No. _____

_____
Signature of Sponsor

AMEND Senate Bill No. 193* **House Bill No. 702**

by deleting all language after the enacting clause and substituting:

SECTION 1. This act is known and may be cited as the "One Pill Will Kill Act."

SECTION 2. Tennessee Code Annotated, Section 39-17-417(c)(1), is amended by deleting the subdivision and substituting:

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

SECTION 3. Tennessee Code Annotated, Section 39-17-417(c)(2)(A), is amended by deleting the subdivision and substituting:

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

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

SUB 3/8

Amendment No. _____

Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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AMEND Senate Bill No. 689 **House Bill No. 504***

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

SECTION 1. Tennessee Code Annotated, Section 67-4-1703, is amended by deleting the language "four hundred dollars ($400)" wherever it appears and substituting instead the language "three hundred dollars ($300)".

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it, and applies to privilege taxes due and payable after May 31, 2024.

Sub 3/8

Amendment No. _____

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

_____
Signature of Sponsor

AMEND Senate Bill No. 1440 House Bill No. 239*

by deleting the first sentence in subsection (c) of SECTION 1 and substituting the following:

As used in this code, unless the context otherwise requires, "sex" means a person's immutable biological sex as determined by anatomy and genetics existing at the time of birth and evidence of a person's biological sex.

SUB 3/8

FILED
Date _____
Time _____
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Comm. Amdt. _____

Amendment No. _____

Ron M. Gant

Signature of Sponsor

AMEND Senate Bill No. 641 House Bill No. 585*

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

SECTION 1. Tennessee Code Annotated, Section 67-4-1703, is amended by deleting subsections (a) and (b) and substituting instead the following:

(a)

(1) For purposes of this part, the tax year begins on June 1 of each year and ends on May 31 of the following year. The privilege tax established by this part is due and payable on June 1 of each tax year. Taxes paid after June 1 are delinquent.

(2)

(A) The privilege tax imposed by this part on a vocation, profession, business, or occupation engaged in by a person who is a resident of this state is:

For any tax year ending on or before May 31, 2024	$400
For the tax year ending on May 31, 2025	$200
For the tax year ending on May 31, 2026	$100
For any tax year ending on or after May 31, 2027	$0

(B) The privilege tax imposed by this part on a vocation, profession, business, or occupation engaged in by a person who is not a resident of this state is four hundred dollars ($400).

(b) A person who is licensed or registered for two (2) or more professions taxed pursuant to this part is not required to pay more than one (1) tax in an amount set by subsection (a).

SECTION 2. Tennessee Code Annotated, Section 67-4-1703, is further amended by adding the following new subsection:

(e) The tax shall not be levied upon the privilege of engaging in a vocation, profession, business, or occupation listed in § 67-4-1702 on or after June 1, 2026, if engaged in by a person who is a resident of this state. This subsection (e) does not absolve a taxpayer of liability for a tax duly levied by this part during a tax year ending before June 1, 2026.

SECTION 3. 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 4. This act takes effect upon becoming a law, the public welfare requiring it, and applies to privilege taxes due and payable after May 31, 2024.

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Amendment No. _____

Willie Ladd

Signature of Sponsor

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)".

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.

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Amendment No._____

Signature of Sponsor

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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Comm. Amdt. _____

Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 79* House Bill No. 142

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.

Amendment No._____

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Signature of Sponsor

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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".

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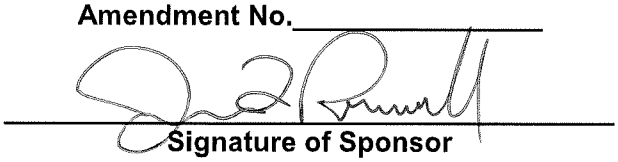
Amendment No._____



Signature of Sponsor

AMEND Senate Bill No. 373* **House Bill No. 598**

by deleting the language "and freight" wherever it appears in the amendatory language of Section 1.

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Clerk _____
Comm. Amdt. _____

Amendment No. _____

Signature of Sponsor

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.

Amendment No. _____

Esther Helton-Haynes
Signature / Sponsor

FILED
Date _____
Time _____
Clerk _____
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:

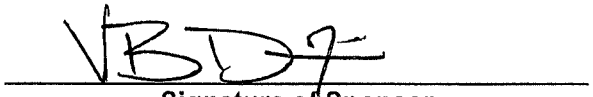
The use of a portable electronic device for navigation of the school bus and for accurately accounting for students at bus pick-up and drop-off locations through use of the device's global positioning system if:

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.

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

Amendment No._____



Signature of Sponsor

AMEND Senate Bill No. 898 House Bill No. 521*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 4-29-246(a), is amended by inserting the following as a new subdivision:

( ) Professional music therapy advisory committee of the board of examiners in psychology, created by § 63-11-601.

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 11, is amended by adding the following as a new part:

63-11-601.

(a) The practice of music therapy in this state is declared to affect the public health, safety, and welfare of citizens of this state.

(b) To assist the board of examiners in psychology in the performance of its duties, there is established the professional music therapy advisory committee of the board of examiners in psychology to protect the public from:

(1) The practice of music therapy by unqualified persons; and

(2) Unprofessional, unethical, and harmful conduct by music therapy practitioners.

(c) A person shall not represent to be or function as a professional music therapist in this state unless the person holds a valid certificate issued by the advisory committee. The committee shall also regulate the practice of music therapy.

63-11-602.

As used in this part:

(1) "Advisory committee" means the professional music therapy advisory committee of the board of examiners in psychology, created by § 63-11-601;

(2) "Board" means the board of examiners in psychology;

(3) "Board-certified music therapist" means an individual who holds a current board certification from the certification board for music therapists;

(4) "Certified professional music therapist" means a person certified to practice music therapy under this part;

(5) "Music intervention" means the use of therapy that includes music improvisation, receptive music listening, song writing, lyric discussion, music and imagery, singing, music performance, learning through music, music combined with other arts, music-assisted relaxation, music-based patient education, electronic music technology, adapted music intervention, and movement to music; and

(6) "Music therapy":

(A) Means the clinical and evidence-based use of music interventions to accomplish individualized goals for people of all ages and ability levels within a therapeutic relationship by a board-certified music therapist; and

(B) Does not include the screening, diagnosis, or assessment of any physical, mental, or communication disorder.

63-11-603.

(a) The professional music therapy advisory committee of the board of examiners in psychology consists of five (5) members appointed by the governor. The advisory committee is authorized to issue certificates to persons who meet the requirements specified in this part, and to promulgate rules for the implementation of the part, including, but not limited to, the setting of fees and the establishment of disciplinary

actions. The advisory committee shall maintain a list of all certified professional music therapists and shall provide the list to any interested party on written request.

(b) Except as otherwise provided in subsection (e), advisory committee members must be certified professional music therapists and must be actively engaged in the practice or teaching of music therapy in this state at the time of their appointment, except that initial appointments to the advisory committee made prior to the promulgation of rules to implement this part must be board-certified music therapists who are residents of this state and have engaged in the practice of music therapy for not less than five (5) years.

(c) The governor shall consult with interested music therapy groups, including a professional organization that represents the profession of music therapy in this state, to determine qualified persons for appointment as advisory committee members.

(d)

(1) Except as provided in subdivision (d)(2), the terms of the members of the advisory committee are four (4) years.

(2) In order to stagger the terms of the newly appointed advisory committee members as provided in subsection (a), initial appointments are to be made as follows:

(A) One (1) person serves an initial term of one (1) year, which expires on June 30, 2024;

(B) Two (2) persons serve initial terms of two (2) years, which expire on June 30, 2025;

(C) One (1) person serves an initial term of three (3) years, which expires on June 30, 2026; and

(D) One (1) person serves an initial term of four (4) years, which expires on June 30, 2027;

(3)

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

(B) In the event of a vacancy, the governor shall fill the vacancy for the unexpired term. Each member shall serve until a successor is duly appointed and qualified.

(C) Members are eligible for reappointment to the advisory committee following the expiration of their initial terms, but shall serve no more than two (2) consecutive four-year terms.

(e) All initial appointees to the advisory committee under subdivision (d)(2) must become certified therapists no later than July 1, 2024, in order to continue to serve as members of the committee.

(f) All reimbursement for travel expenses must be in accordance with the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter. Members of the advisory committee serve without compensation, but are entitled to receive necessary travel and other appropriate expenses while engaged in committee business.

(g) The advisory committee shall elect a chair from among its members at the first meeting held each fiscal year.

(h) The division of health-related boards in the department of health shall provide administrative support to the advisory committee.

(i)

(1) The advisory committee shall meet at least twice a year and may hold additional meetings as the advisory committee may determine necessary to carry out its duties under this part.

(2) A member who misses more than fifty percent (50%) of the scheduled meetings in a calendar year may be removed as a member of the advisory committee.

(3) The chair of the advisory committee shall promptly notify, or cause to be notified, the appointing authority of a member who is removed for failing to satisfy the attendance requirement in subdivision (i)(2).

(j)

(1) Any action taken by the advisory committee must be approved by the board.

(2) Any actions taken in accordance with this part are only effective after adoption by majority vote of the members of the advisory committee and after adoption by a majority vote of the members of the board at the next board meeting at which administrative matters are considered following the adoption by the advisory committee.

63-11-604.

(a) The advisory committee shall:

(1) Promulgate rules for the implementation of this part, including rules to establish:

(A) Requirements and procedures for certification and certification renewal for certified professional music therapists;

(B) Standards of practice, ethics, and professional responsibility to govern the conduct of persons certified under this part;

(C) Procedures for investigating reports of professional misconduct and unlawful acts by certified professional music therapists; and

(D) Criteria and procedures for certification by endorsement and reciprocity, waiver of examinations, and temporary certificates;

(2) Establish reasonable and necessary fees for certification and certification renewal that, in the aggregate, cover the cost of administering this part; and

(3) Maintain a list of persons holding certificates under this part, to be provided to any interested party upon written request.

(b) The advisory committee shall also:

(1) Review issues related to complaints and disciplinary actions involving certified professional music therapists;

(2) Review the qualifications of certification applications and issue certificates to individuals who meet the requirements for certification under this part;

(3) Establish guidelines and criteria for continuing education for the renewal of certificates; and

(4) Perform additional duties and responsibilities as requested by the board.

(c) The advisory committee may:

(1) Facilitate the development of materials to educate the public concerning music therapist certification, the benefits of music therapy, and utilization of music therapy by individuals and in facilities or institutional settings; and

(2) Facilitate the statewide dissemination of information between music therapists, the American Music Therapy Association or any successor organization, the Certification Board for Music Therapists or any successor organization, and the advisory committee chair.

(d) The rules promulgated by the advisory committee for the implementation of this part must:

(1) Provide for the requirements for certification as set forth in § 63-11-605;

(2) Take into consideration the standards of ethics and professional conduct of the code of ethics of the American Music Therapy Association and code of professional ethics of the Certification Board for Music Therapists in effect on January 1, 2024, or any successor organization.

63-11-605.

(a) Applicants for certification as a certified professional music therapist shall submit an application and fee to the advisory committee.

(b) The application must include evidence that the applicant meets the following requirements for certification:

(1) The applicant has attained the age of majority;

(2) The applicant is of good moral character and conducts the applicant's professional activities in accordance with accepted professional and ethical standards;

(3) The applicant has not had a professional credential refused, revoked, suspended, or restricted and does not have a complaint, allegation, or investigation pending in any regulatory jurisdiction in the United States or in another country for unprofessional conduct, unless the advisory committee finds that the conduct has been corrected or that mitigating circumstances exist that prevent resolution;

(4) The applicant:

(A) Holds a bachelor's degree or higher in music therapy, or its equivalent, including clinical training hours from a music therapy program within an accredited college or university;

(B) Provides proof of passing the examination for board certification offered by the certification board for music therapists or any

successor organization or provides proof of being transitioned into board certification; and

(C) Provides proof that the applicant is currently a board-certified music therapist.

63-11-606.

(a) The advisory committee may, at its discretion, grant a certificate to any person residing or employed in this state who is certified by a similar entity in another state whose standards, as determined by the advisory committee, are not less stringent than the standards required by this part.

(b) The advisory committee may enter into a reciprocal agreement with another state or jurisdiction that certifies individuals engaged in the practice of professional music therapy, if the advisory committee determines that the other state has substantially similar or more stringent certification requirements than this state.

63-11-607.

(a) A professional music therapist certification issued under this part is valid for twenty-four (24) months from the date of issuance.

(b) A certified professional music therapist requesting renewal of a certificate must provide the following to the advisory committee in advance of the expiration date of the certificate:

(1) A completed application on a form provided by the advisory committee and payment of the fee set by the advisory committee; and

(2) A certified or sworn statement to the advisory committee that the certified professional music therapist:

(A) Has completed at least forty (40) hours of continuing education prior to the expiration date of the certificate;

(B) Has not had a professional credential revoked, suspended, or restricted by the certification board for music therapists, and does not

have a complaint, allegation, or investigation pending in this state or in any regulatory jurisdiction for unethical or unprofessional conduct; and

(C) Has proof of maintenance of the certified professional music therapist's status as a board-certified music therapist.

(c) If a certified professional music therapist fails to submit an application for certificate renewal, to pay any fee required by the advisory committee, or to submit a certified or sworn statement as set forth in subdivision (b)(2) prior to the expiration date of the certificate, then the certificate is automatically revoked by the advisory committee without further notice or hearing, unless renewal is completed and all fees are paid prior to the expiration of sixty (60) days from the date of the expiration of the certificate.

(d) A person whose certificate is automatically revoked under this section may apply in writing to the advisory committee for reinstatement of the certificate. Upon the showing of good cause by the person and submitting documentation that all continuing education requirements have been satisfied, the advisory committee may reinstate the certificate upon the payment of all fees set by the advisory committee.

(e) Applicants and certified professional music therapists must notify the advisory committee of the following within thirty (30) days of their occurrence:

(1) A change of name, address, or other vital information;

(2) The filing of any criminal charge or civil action against the applicant or certified professional music therapist;

(3) The initiation of any disciplinary charges, investigations, findings, or sanctions by a healthcare organization, federal or state agency, or other professional association against the applicant or certified professional music therapist; and

(4) Any other change in information provided by the applicant or certified professional music therapist to the committee.

63-11-608.

(a) A person shall not use the title "certified professional music therapist," or "certified music therapist," or use any abbreviation to indicate or imply that the person is certified as a professional music therapist in this state unless the person holds a certificate issued by the advisory committee under this part.

(b) Subsection (a) does not prohibit:

(1) A person who is licensed, certified, or regulated under the laws of this state in another profession or occupation, including physicians, psychologists, psychoanalysts, registered nurses, marriage and family therapists, social workers, occupational therapists, professional or rehabilitation counselors, speech-language pathologists or audiologists, or personnel supervised by a licensed professional from performing work, including the use of music, that is incidental to the practice of the person's licensed, certified, or regulated profession or occupation, if the person does not represent their self as a music therapist;

(2) A person whose training and national certification attests to the individual's preparation and ability to practice their certified profession or occupation, if the person does not represent their self as a music therapist;

(3) A practice of music therapy as an integral part of a program of study for students enrolled in an accredited music therapy program, if the student does not represent their self as a music therapist; or

(4) A person who practices music therapy under the supervision of a certified professional music therapist, if the person does not represent their self as a music therapist.

63-11-609.

(a) A certified professional music therapist may practice independently for and with organizations that include, but are not limited to, addiction and rehabilitation centers, music studios and centers, behavioral health hospitals and outpatient settings,

cancer treatment centers, community centers, community services boards, correctional facilities, disability services, eating disorder clinics, government agencies, medical hospitals and outpatient settings, military bases and veterans and family services, museums, nonprofits, nursing homes, physical rehabilitation centers, residential treatment centers, schools, senior living facilities, state programs, and wellness centers.

(b)

(1)

(A) Before a certified professional music therapist provides music therapy services to a client for an identified clinical or developmental need, the certified professional music therapist shall review the client's diagnosis, treatment needs, and treatment plan with the healthcare providers involved in the client's care.

(B) During the provision of music therapy services to a client, the certified professional music therapist shall collaborate, as applicable, with the client's treatment team, including the client's physician, psychologist, licensed clinical social worker, or other mental health professional. During the provision of music therapy services to a client with a communication disorder, the certified professional music therapist shall collaborate and discuss the music therapy treatment plan with the client's audiologist or speech-language pathologist so that a music therapist may work with the client and address communication skills.

(2) Before a certified professional music therapist provides music therapy services to a student for an identified educational need in a special education setting, the certified professional music therapist shall review the student's diagnosis, treatment needs, and treatment plan with the individualized family service plan or individualized education program team.

(3) When providing educational or healthcare services, a certified professional music therapist shall not replace the services provided by an audiologist or a speech-language pathologist. Unless authorized to practice speech-language pathology, music therapists shall not evaluate, examine, or provide instruction or counsel on speech, language, communication, and swallowing disorders and conditions. An individual certified as a professional music therapist shall not represent to the public that the individual is authorized to treat a communication disorder. This subdivision (b)(3) does not prohibit a person certified as a professional music therapist from representing to the public that the person is qualified to work with clients with communication disorders and to address communication skills.

63-11-610.

In addition to any other authority granted under this part, certified professional music therapists may:

(1) Accept referrals for music therapy services from medical, developmental, mental health, or education professionals; family members; clients; caregivers; or others involved with and authorized to provide client services;

(2) Conduct a music therapy assessment of a client to determine if treatment is indicated. If treatment is indicated, then the certified professional music therapist may collect systematic, comprehensive, and accurate information to determine the appropriateness and type of music therapy services to provide for the client;

(3) Develop an individualized music therapy treatment plan for the client that is based upon the results of the music therapy assessment. The music therapy treatment plan should include individualized goals and objectives that focus on the assessed needs and strengths of the client and specify the music

therapy approaches and interventions to be used to address these goals and objectives;

(4) Implement an individualized music therapy treatment plan that is consistent with any other developmental, rehabilitative, habilitative, medical, mental health, preventive, wellness care, or educational services being provided to the client;

(5) Evaluate a client's response to music therapy and the music therapy treatment plan, documenting change and progress, and suggesting modifications, as appropriate;

(6) Develop a plan for determining when the provision of music therapy services is no longer needed in collaboration with the client, physician, or other provider of health care or education of the client, family members of the client, and any other appropriate person upon whom the client relies for support;

(7) Minimize barriers to ensure that the client receives music therapy services in the least restrictive environment;

(8) Collaborate with and educate the client and the family, caregiver of the client, or any other appropriate person regarding the needs of the client that are being addressed in music therapy and the manner in which the music therapy treatment addresses those needs; and

(9) Utilize their appropriate knowledge and skills to practice, which include the use of research, reasoning, and problem-solving skills in determining appropriate actions in the context of each clinical setting.

63-11-611.

This part does not permit a certified professional music therapist to engage in a psychological practice as described in part 2 of this chapter.

63-11-612.

(a) The advisory committee may deny a person's application for a certificate, restrict, suspend, or revoke an existing certificate, or take other action that the advisory committee deems proper.

(b) The grounds upon which the advisory committee may exercise the powers enumerated in subsection (a) include, but are not limited to:

(1) Obtaining or attempting to obtain a certificate by making a false or misleading statement, failing to make a required statement, or engaging in fraud or deceit in any communication to the advisory committee;

(2) Violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, a criminal statute of this state, a provision of this part, a rule promulgated by the advisory committee, or a lawful order of the advisory committee issued pursuant to rules;

(3) Gross or repeated negligence, incompetence, misconduct, or malpractice in professional work, including, but not limited to:

(A) A physical or mental condition that currently impairs a certified professional music therapist's competent professional performance or that poses a substantial risk to the recipient of music therapy services;

(B) Professional conduct that constitutes an extreme and unjustified deviation from the customary standard of practice accepted in the professional practice of music therapy;

(C) Abandonment of a service recipient resulting in the termination of imminently needed care without adequate notice or provision for transition;

(D) Professional recordkeeping or data collection that constitutes an extreme and unjustified deviation from the customary standard of practice for the field, or deceptively altering a service recipient's records or data; and

(E) Unauthorized disclosure of confidential client information, including, but not limited to, client records, music work, and artistic expressions; and

(4) Any other action deemed to be grounds for disciplinary action under rules promulgated by the advisory committee.

(c) All proceedings for disciplinary action against a certified professional music therapist under this part must be conducted in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

63-11-613.

To effectuate this part, the advisory committee is authorized to promulgate emergency rules pursuant to § 4-5-208(a)(5).

SECTION 3. For the purpose of appointing members and rulemaking, 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.

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

Amendment No._____

Patsy Hazlewood

Signature of Sponsor

AMEND Senate Bill No. 530* **House Bill No. 792**

by deleting from Section 71-3-1301 in SECTION 1 the language "First Lady's Children's Trust Fund Act" and substituting "Tennessee Children's Trust Fund Act".

AND FURTHER AMEND by deleting from Section 71-3-1302 in SECTION 1 the language "First Lady's children's trust fund" and substituting "Tennessee children's trust fund".

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

Amendment No._____

Patsy Hazlewood
_____
Signature of Sponsor

AMEND Senate Bill No. 530* **House Bill No. 792**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 3, is amended by adding the following as a new part:

71-3-1301.

This part is known and may be cited as the "Tennessee Children's Trust Fund Act."

71-3-1302.

(a) The Tennessee children's trust fund (the fund) is established to provide support to nonprofit organizations and agencies of local governments seeking funds to assist in the care of children in this state.

(b) The fund is an irrevocable trust that the state treasurer shall administer. The trust consists of the Tennessee children's trust account and the Tennessee children's special reserve account.

(c) The trustees of the trust are:

(1) The state treasurer or the treasurer's designee;

(2) The comptroller of the treasury or the comptroller's designee;

(3) The secretary of state or the secretary's designee; and

(4) The commissioner of finance and administration or the commissioner's designee.

(d) The state treasurer, or the treasurer's designee, serves as chair of the trustees and shall preside over all meetings and proceedings of the trustees.

71-3-1303.

In addition to the powers granted by this part, the trustees have the powers necessary or convenient to carry out this part and the purposes and objectives of the trust, including, but not limited to, the following express powers:

(1) To invest any funds of the trust in any instrument, obligation, security, or property in accordance with § 71-3-1304;

(2) To contract for the provision of all or any part of the services necessary for the management and operation of the trust;

(3) To contract with financial consultants, auditors, and other consultants as necessary to carry out its responsibilities under this part;

(4) To prepare financial reports, including financial statements, following the close of each fiscal year relative to the activities of the trust. The statements and reports must be prepared in accordance with the accounting standards of the governmental accounting standards board; and

(5) To adopt, in writing, an investment policy or policies authorizing how assets in the trust may be invested.

71-3-1304.

(a) The trust may invest in any security or investment permitted by applicable laws, rules, and regulations, and that is not otherwise prohibited by Article II, § 31 of the Constitution of Tennessee; provided, that investments made by the trust must be governed by the investment policies and guidelines adopted by the trustees of the trust in accordance with this part. The state treasurer is responsible for the investment and reinvestment of trust funds in accordance with the policies and guidelines established by the trustees.

(b) Subject to appropriation, the trust must be funded in fiscal year 2023-2024 by an initial deposit. Ninety percent (90%) of the initial deposit constitutes the principal of the trust, which must be placed in the Tennessee children's trust account. Ten percent

(10%) of the initial deposit must be placed in the Tennessee children's special reserve account.

(c)

(1) Trust income does not increase, or constitute an addition to, the principal of the trust, but must be placed in the Tennessee children's special reserve account; provided, that trust income may be used to pay expenses incurred in administering and investing the trust assets.

(2) As used in subdivision (c)(1), "trust income" means the income from the trust's investment of the funds in the Tennessee children's trust account or Tennessee children's special reserve account from whatever source derived, including, but not limited to, interest, dividends, and realized capital gains or losses.

(d) Subsequent transfers of funds to the trust after the initial deposit in subsection (a) shall not increase, or constitute an addition to, the principal of the trust, and must be placed in the Tennessee children's special reserve account of the trust. Such funds may include moneys appropriated by the general assembly, received from the United States or any agencies of the United States, or received from any other source, including contributions from public or private sources. The fund may request and receive gifts, contributions, bequests, donations, and grants from any legal and appropriate source, and any such funds received must be deposited into the Tennessee children's special reserve account; provided, that if any such items are not in the form of funds, then any income, rents, or proceeds generated from the items must be deposited into the Tennessee children's special reserve account.

(e) The principal of the trust in the Tennessee children's trust account, as described in subsection (b), shall not be expended for any purpose.

(f) The trustees shall annually determine the amount of funds in the Tennessee children's special reserve account that are available for appropriation and expenditure in

accordance with this part, but shall not determine how the funds in the Tennessee children's special reserve account are expended.

(g) The funds in the Tennessee children's special reserve account, as determined by the trustees in accordance with subsection (f), are available to the department of children's services for allocation and distribution, but such funds must be expended only for the care of children in this state.

(h) Unexpended funds remaining in the trust in any fiscal year, including, but not limited to, the principal, initial deposits, transfers, and interest in the Tennessee children's trust account and the Tennessee children's special reserve account, do not revert to the general fund, but must remain available for expenditure in accordance with this part.

(i) Subject to applicable laws and rules, the funds transferred to the trust, including funds in the Tennessee children's trust account and the Tennessee children's special reserve account, may be commingled with, co-invested with, and invested or reinvested with other assets transferred to the trust and other funds that are not part of the trust, including, but not limited to, the state pooled investment fund established pursuant to title 9, chapter 4, part 6. The state treasurer shall account for such trust funds in one (1) or more separate accounts in accordance with this part and other applicable law.

(j) The trust has the powers, privileges, and immunities of a corporation, and all of its business must be transacted, all of its funds invested, and all of its cash and securities and other property held in trust for the purpose for which it is received.

(k) Notwithstanding another law to the contrary, all assets, income, and distributions of the trust must be protected against the claims of creditors of the state, plan administrators, and plan participants, and are not subject to execution, attachment, garnishment, the operation of bankruptcy, and insolvency laws or other process whatsoever, and any assignment thereof is not enforceable in a court.

(l) All funds placed in the Tennessee children's special reserve account are available for allocation and distribution as authorized in this part only to the extent that funds are available in the Tennessee children's special reserve account. The state is not liable for any amount in excess of such sum. All requests for withdrawals for payment that are presented to the state treasurer must be used only to provide support to nonprofit organizations and agencies of local governments seeking funds to care for children in this state. Requests for withdrawals shall not be commingled with requests for withdrawals presented to the state treasurer for another purpose, and the individual or entity requesting the withdrawal of funds shall attest to that fact upon presentation of the request for withdrawal to the state treasurer.

71-3-1305.

The trustees shall prepare annual financial reports following the close of each fiscal year relative to the activities of the trust fund. The annual reports, books, accounts, and financial records of the trust fund are subject to audit by the comptroller of the treasury.

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

House Health Subcommittee Am. #1

Amendment No._____

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

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Signature of Sponsor

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.

(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.

House Health Subcommittee Am. #1

Amendment No._____

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Signature of Sponsor

AMEND Senate Bill No. 674* **House Bill No. 1315**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 63-10-217, is amended by adding the following as a new subsection:

( ) A collaborative pharmacy practice agreement may include the provision of weight management services, including management of anti-obesity medications and authorization to refer enrollees who meet criteria specified in the agreement to:

(1) A licensed dietitian, licensed nutritionist, or other licensed healthcare professional who is authorized to practice nutrition in this state;

(2) Evidence-informed exercise programs; or

(3) Other medically necessary services related to weight management.

SECTION 2. Tennessee Code Annotated, Title 71, Chapter 5, Part 1, is amended by adding the following as a new section:

The bureau of TennCare shall make available, or cause to be made available, anti-obesity medication to a recipient, regardless of the recipient's age, if anti-obesity medication is medically necessary pursuant to § 71-5-144.

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it.

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

Amendment No. _____

_____
Signature of Sponsor

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:

(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.

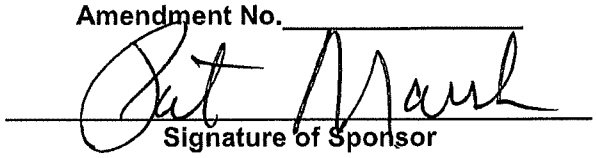
SECTION __. Tennessee Code Annotated, Section 13-7-301, is amended by deleting the language ", whose proposed subdivision is outside the corporate limits of any municipality located within the regional planning district,".

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 _____
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.

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

Amendment No._____

_____
Signature of Sponsor

AMEND Senate Bill No. 707* House Bill No. 1010

by deleting all language after the caption and substituting:

WHEREAS, Tennessee currently ranks 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

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" means plan reviews and inspections;

(5) "Building permit" means the approval given by a local governmental entity to proceed on a building or construction project;

(6) "Governmental approval" 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, construction of a building, or making utility or infrastructure improvements or repairs to property;

(7) "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;

(8) "Local government" means a county, municipality, incorporated city or town, metropolitan government, or other political subdivision of this state and any municipality providing electric services pursuant to § 7-52-101 or § 7-36-101;

(9) "Local governmental entity" means the components of a local government with the authority to issue, enforce, or collect fees for governmental approvals needed for the development, construction of a building, or making utility or infrastructure improvements to property;

(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 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 all of 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) business 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 the prescribed thirty-day period, the permit application is approved as a matter of law and the permit must be issued by the local government entity on the next business day.

(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 no less than twenty-five percent (25%) 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 (c).

(h) 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.

(i) 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 building 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. Only a local governing authority may issue a certificate of occupancy.

(j) 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.

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

Amendment No._____

Esther Helton-Haynes

Signature of Sponsor

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.

House Departments & Agencies Subcommittee Am. #1

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

Amendment No._____

_____
Signature of Sponsor

AMEND Senate Bill No. 293 House Bill No. 191*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following new subdivision:

( ) A commercially operated facility that:

(i) Operates a full-service restaurant established in 2021;

(ii) Is situated on approximately one and one-half (1 1/2) acres;

(iii) Contains approximately three thousand five hundred sixty square feet (3,560 sq. ft.);

(iv) Has seating for approximately ninety-five (95) patrons;

(v) Is located approximately two and six-tenths (2.6) miles from the Roan Mountain State Park Visitors Center; and

(vi) Is located in a county with a population of not less than fifty-six thousand three hundred (56,300) and not more than fifty-six thousand four hundred (56,400), according to the 2020 or a subsequent federal census;

SECTION 2. Tennessee Code Annotated, Section 57-4-102(28), is amended by deleting subdivision (A) and substituting:

(i) A commercially operated facility that:

(*a*) Was established in 1962;

(*b*) Is located on approximately one (1) or more acres contiguous to Gatlinburg Parkway that connects by way of a tramway to approximately one hundred fifty (150) or more acres;

(*c*) Operates a ski lodge, tramway over two (2) miles long, and tramway mall with over two hundred thousand square feet (200,000 sq. ft.);

(*d*) Operates multiple restaurants with seating for at least two hundred fifty (250) patrons;

(*e*) Maintains at least one (1) of the following types of sporting facilities for at least a portion of the year:

(*1*) Ten (10) or more ski runs;

(*2*) An ice skating rink; or

(*3*) An area for snow tubing;

(*f*) Operates a scenic chair lift to the top of Mount Harrison;

(*g*) Serves as an event venue for concerts, conferences, weddings, receptions, and similar events; and

(*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)(I)(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.

House Departments & Agencies Subcommittee Am. #1

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No._____

_____
Signature of Sponsor

AMEND Senate Bill No. 988 House Bill No. 384*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 57-3-202(f)(2), is amended by deleting the language "57-3-203," and substituting "57-3-203, 57-3-207,".

SECTION 2. Tennessee Code Annotated, Section 57-3-202, is amended by adding the following new subsections:

( ) A manufacturer licensed under this section may purchase wine from Tennessee wineries and Tennessee farm wine producers, licensed pursuant to § 57-3-207, and such wine, and any product that may result from the blending, distilling, or fortifying of such wine by the manufacturer, is the sole property of the manufacturer. The manufacturer, winery, or farm wine producer may transport the wine from the Tennessee winery or Tennessee farm wine producer. The transactions are not subject to taxation.

( ) A manufacturer licensed under this section may distill, blend, and fortify wine of a winery or farm wine producer on behalf of the winery or farm wine producer; provided, that the manufacturer does not add to the wine distilled spirits, as defined under federal law on the effective date of this act, that were derived from a type of grain or product other than wine, and such distilled, blended, or fortified wine is the sole property of the winery or farm wine producer. The manufacturer, winery, or farm wine producer may transport the wine from the Tennessee winery or Tennessee farm wine producer. The manufacturer, winery, or farm wine producer may transport the distilled,

blended, or fortified product back to the winery or farm wine producer. The transactions are not subject to taxation.

SECTION 3. Tennessee Code Annotated, Section 57-3-207(b), is amended by deleting the subsection and substituting:

(b) A winery license may be issued as provided in this section for the manufacture of wine, and as described in subsection (u), through the normal alcoholic fermentation of grapes and other suitable agricultural products, upon a verified, written application to the commission on the proper form authorized to be prescribed and furnished in this section, and the application may be granted by the commission, subject to the restrictions of this chapter. A winery licensed under this section may also blend wine manufactured by the winery with other wine, fortified wine, distilled wine, or non-alcoholic products; provided, that the winery does not add to the wine distilled spirits, as defined under federal law on the effective date of this act, that were derived from a type of grain or product other than wine. The winery license authorizes the holder of the license to place the wine in containers or bottles. Out-of-state residents may apply for and obtain a winery license issued in accordance with this section.

SECTION 4. Tennessee Code Annotated, Section 57-3-207(h)(2)(A)(i), is amended by deleting the language "Distilled spirits" and substituting "Alcoholic beverages other than wine, and as described in subsection (u)".

SECTION 5. Tennessee Code Annotated, Section 57-3-207(o)(4)(A), is amended by deleting the word "unfortified".

SECTION 6. Tennessee Code Annotated, Section 57-3-207, is amended by adding the following new subsection:

( ) Wineries and farm wine producers may have their wine distilled, blended, or fortified with distilled wine spirits made from their wine by manufacturers and may receive from manufacturers the wine created by such distilling, blending, or fortifying, and such distilled, blended, or fortified wine is the sole property of the winery or farm

wine producer; provided, that no distilled spirits, as defined under federal law on the effective date of this act, that were derived from a type of grain or product other than wine, were added to the wine. Wineries and farm wine producers may also sell wine to manufacturers licensed pursuant to § 57-3-202, and such wine, and a product that may result from the blending, distilling, or fortifying of such wine by the manufacturer, is the sole property of the manufacturer. The manufacturer, winery, or farm wine producer may transport the wine from the winery or farm wine producer and may transport the distilled, blended, or fortified wine owned by the winery or farm wine producer back to the winery or farm wine producer; provided, that no distilled spirits, as defined under federal law on the effective date of this act, that were derived from a type of grain or product other than wine, were added to the wine. The transactions are not subject to taxation.

SECTION 7. This act takes effect upon becoming a law, the public welfare requiring it.

House Departments & Agencies Subcommittee Am. #1

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No._____

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Signature of Sponsor

AMEND <SB> **House Joint Resolution No. 120***

by deleting the last resolving clause and substituting:

BE IT FURTHER RESOLVED, that we request the Tennessee Wildlife Resources Agency to erect a marker at Maness Swamp Refuge in Weakley County in remembrance of the lives of these two outstanding young sportsmen, Zackery Groom and Chance Black.

House Public Service Subcommittee Am. #1

Amendment No._____

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Signature of Sponsor

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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AMEND Senate Bill No. 1019* House Bill No. 1492

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 8, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Drone" has the same meaning as defined in § 39-13-609; and

(2) "Law enforcement agency" has the same meaning as defined in § 39-13-609.

(b) By January 1, 2024, each law enforcement agency shall develop and enforce a policy that prohibits an officer from using a drone or other substantially similar device as a weapon under any circumstances while in the exercise of the officer's official duties.

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

House Public Service Subcommittee Am. #1

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 990 House Bill No. 884*

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

SECTION 1. Tennessee Code Annotated, Section 8-35-206(i), is amended by deleting the subsection and substituting instead:

(i)

(1) A local government employer participating under this part that desires to establish a benefit improvement authorized under chapters 34-37 of this title shall pay the estimated increased pension liability created by the improvement; provided, however, that, in accordance with § 8-37-505, the failure to pay the liability may result in the withholding of the liability amount, in whole or in part, from any state-shared taxes that are otherwise apportioned to the local government. The retirement system or the retirement system's actuary shall determine the estimated increase to the pension liability and to the associated contribution rate for the employer. The employer shall not establish a benefit improvement unless the employer's funded status in the retirement system will be seventy percent (70%) or more after implementation of the benefit improvement. For the purposes of this subdivision (i)(1), the employer's funded status is measured by the percentage funding of the employer's market value of assets divided by the actuarially accrued liability in accordance with rules, standards, guidelines, and interpretations established by the governmental accounting standards board. After the participating employer's approval of the benefit

improvement by adoption of a resolution, the employer shall pay the estimated increased pension liability through one (1) of the following methods:

(A) A lump sum;

(B) An increase in the employer's contribution rate over the course of the fiscal year (July 1-June 30) following the adoption of the resolution by the employer; or

(C) Amortizing the unfunded accrued liability over a period of time not to exceed ten (10) years from the date of the adoption of the resolution by the employer.

(2) For benefit improvements funded pursuant to subdivisions (i)(1)(A) and (i)(1)(B), a former or current employee of the employer is not entitled to the benefit improvement until the estimated increased pension liability has been totally funded by the employer.

(3) In the event the liability is amortized in accordance with subdivision (i)(1)(C), the benefit improvement must be available at the commencement of the amortization period.

(4) For the purposes of this section, "benefit improvement" does not include the supplemental bridge benefit established pursuant to § 8-36-211 for members who are subject to mandatory retirement pursuant to § 8-36-205.

SECTION 2. Tennessee Code Annotated, Title 8, Chapter 35, Part 1, is amended by adding the following as a new section:

(a) The state shall pay the estimated increased pension liability resulting from a benefit improvement affecting general employees or employees at institutions of higher education participating in the retirement system by amortizing the unfunded accrued liability over a period of time not to exceed ten (10) years from the date that the benefit improvement is established.

(b) For the purposes of this section, "benefit improvement" does not include the supplemental bridge benefit established pursuant to § 8-36-211 for members who are subject to mandatory retirement pursuant to § 8-36-205.

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it, and applies to all benefit improvements adopted on or after July 1, 2023.

House Departments & Agencies Subcommittee Am. #1

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 643* House Bill No. 1102

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 57-3-406, is amended by adding the following new subsection:

( )

(1) A person or entity holding a license to sell wine or a permit to sell beer for off-premises consumption and that displays such wine or beer outside a clearly discernible location reserved solely for alcoholic beverages and beer:

(A) Shall not place wine or beer in an area immediately adjacent to nonalcoholic beverages containing the same or a similar brand name, logo, or packaging as an alcoholic beverage or beer product; and

(B) Shall equip such display with signage indicating that the product is an alcoholic beverage or beer available only to persons who are twenty-one (21) years of age or older. The signage must be clearly visible to customers and of sufficient size to notify the consumer of the products' alcohol content.

(2) This subsection ( ) does not prohibit the placement of nonalcoholic wine or beer in or near a display of alcoholic beverages or beer that contains the same or a similar brand name, logo, or packaging as the nonalcoholic wine or beer.

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

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 814* House Bill No. 1366

by deleting all language after the enacting clause and substituting:

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

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

(b)

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

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

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

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

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

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

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

(1) A copy of the vocational training record of the inmate, if applicable;

(2) A copy of the work record of the inmate, if applicable;

(3) A certified copy of the birth certificate of the inmate, if obtainable;

(4) A social security card or a replacement social security card of the inmate, if obtainable; and

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

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

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

House Departments & Agencies Subcommittee Am. #1

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 1371 House Bill No. 119*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 70-4-130, is amended by deleting the section.

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

House Public Service Subcommittee Am. #1

Amendment No._____

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Signature of Sponsor

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

responsible for the final selection of designers, contractors, and protests.

(C) Projects reported pursuant to this subdivision (a)(2) are not subject to disclosure beyond the inclusion of revenue bonds requested for such projects in the annual budget.

SECTION 2. Tennessee Code Annotated, Section 4-15-102(c)(1), is amended by adding the following new subdivision (D):

(D)

(i) For capital projects that do not utilize funds appropriated for capital maintenance or capital outlay, public institutions of higher education may select and contract with designers and complete up to fifty percent (50%) of schematic design work for capital projects prior to submission to the commission for review and approval.

(ii) Except for the exemptions provided by this subdivision (c)(1)(D), the higher education state procurement agency shall follow the policies adopted under the authority of the state building commission for capital projects under the state building commission's supervision and approval authority when the higher education state procurement agency selects the designer and contracts for construction. However, the higher education state procurement agency is responsible for final selection of designers, contractors, and protests.

SECTION 3. Tennessee Code Annotated, Section 4-15-102(e), is amended by adding the following as a new subdivision:

(3) Public institutions of higher education shall establish a transparent process to publicly disclose capital projects of ten million dollars ($10,000,000) or less and paid by current or residual funds directly to the state building commission. The disclosure required pursuant to this subdivision (e)(3) must consist of a description of the project and the project budget and funding source, as the project is approved by the board of the institution or the board's designee. Projects disclosed pursuant to this subdivision

(e)(3) are not subject to additional disclosure requirements.

SECTION 4. Tennessee Code Annotated, Section 4-15-107, is amended by inserting the following as a new appropriately designated subdivision:

"State procurement agency" means, as appropriate, the department of general services, state of Tennessee real estate asset management; University of Tennessee, department of capital projects; Tennessee board of regents, department of facilities development; East Tennessee State University, office of facilities management, planning, and construction; Austin Peay State University, capital planning, design and construction; Tennessee Technological University, office of capital projects and planning; Middle Tennessee State University, department of campus planning; and University of Memphis, department of campus planning and design, or the successors-in-interest to such departments;

SECTION 5. Tennessee Code Annotated, Section 4-15-107(3), is amended by deleting subdivisions (A) and (B) and substituting instead:

(A) Is being funded by direct appropriations for major maintenance;

(B) Will cost in excess of two hundred fifty thousand dollars ($250,000); or

(C) Will cost a public institution of higher education in excess of one million dollars ($1,000,000); and

SECTION 6. Tennessee Code Annotated, Section 49-7-132, is amended by deleting the section and substituting instead:

An expenditure or combination of separate expenditures in excess of one million dollars ($1,000,000), or a subsequent greater threshold established by the state building commission, made in a six-month period on a single building or structure owned or leased by a public institution of higher education or governing board of the institution is subject to the approval of the state building commission.

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

A public institution of higher education may prepare, amend, and update master plans for the institution. Preparations, amendments, and updates made pursuant to this section are subject to approval only by the institution's governing board.

SECTION 8. This act takes effect July 1, 2023, the public welfare requiring it.

House Public Service Subcommittee Am. #1

Amendment No._____

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Signature of Sponsor

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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AMEND Senate Bill No. 1173 House Bill No. 1164*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 3, Part 20, is amended by adding the following as a new section:

(a) The commissioner of safety, in consultation with the commissioner of human resources, shall ensure that a minimum of five (5) Tennessee highway patrol officers, and one (1) Tennessee highway patrol sergeant, are allocated to a county that:

(1) Is designated as a tier 3 or tier 4 enhancement county, in accordance with § 67-4-2109;

(2) Has a size that is greater than six hundred square miles (600 sq. mi.); and

(3) Has a population of not less than twenty thousand (20,000) and not more than fifty thousand (50,000), according to the 2020 federal census or a subsequent federal census.

(b) An allocation under this section must first fill vacant positions, if any, in the specified county. If no vacant position exists in the county, or if there are not enough vacant positions in the county, then the commissioner of safety, in consultation with the commissioner of human resources, shall reallocate or shift existing vacant positions across this state to such county, subject to subsection (d).

(c) An allocation made under this section must not be for a specialized unit.

(d) The commissioner of safety is not required to comply with subsection (a) if:

(1) The department of safety does not have the funding or vacant positions available to meet the requirements in subsection (a); or

(2) The positions required under subsection (a) are being used for other purposes within the department of safety and cannot be maintained in the designated county in subsection (a) due to the department's need to utilize the positions elsewhere.

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

House Departments & Agencies Subcommittee Am. #1

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No._____

_____
Signature of Sponsor

AMEND Senate Bill No. 497 House Bill No. 411*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 57-3-101(a)(25), is amended by deleting the subdivision and substituting instead:

(25) "Wine" means the product of the normal alcoholic fermentation of the juice of dried or fresh, sound, ripe grapes, fruit, or other agricultural products, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine, and seasonal conditions, including champagne, sparkling, and fortified wine of an alcoholic content not to exceed twenty-one percent (21%) by volume. No other product may be called "wine" unless designated by appropriate prefixes descriptive of the fruit or other product from which the same was predominantly produced, or as an artificial or imitation wine. With the exception of fortified wine, wine does not include a product to which distilled alcohol has been added, including, but not limited to, distilled spirits, as defined under federal law on the effective date of this act; and

SECTION 2. Tennessee Code Annotated, Section 57-3-101(a), is amended by adding the following as a new subdivision:

( ) "Fortified wine" means wine to which has only been added wine spirits derived from the fruit from which the wine was derived;

SECTION 3. Tennessee Code Annotated, Section 57-5-101(b), is amended by deleting the subsection and substituting instead:

(b) For purposes of this title, "beer" means products made from the normal alcoholic fermentation of malt or other cereal grains, sugar, or apple- or pear-based cider

having an alcoholic content of not more than eight percent (8%) alcohol by weight and that do not contain distilled spirits or wine as defined in § 57-3-101; provided, that at least fifty-one percent (51%) of the overall alcoholic content by weight in the finished product is obtained by the fermentation of malt, other cereal grains, sugar, apples, or pears, and no more than forty-nine percent (49%) of the overall alcoholic content by weight in the finished product is obtained by the addition of flavorings or other non-beverage ingredients containing alcohol. "Beer" does not include products or beverages containing less than one-half of one-percent (0.5%) alcohol by volume and such products are not subject to regulation or taxation pursuant to this title.

SECTION 4. Tennessee Code Annotated, Section 57-3-802(2), is amended by deleting the subdivision and substituting instead:

(2) "Wine":

(A) Has the same meaning as defined in § 57-3-101; and

(B) Does not include a product where the alcohol contained in the product is derived from distillation, other than from wine spirits used to fortify wine.

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

House Departments & Agencies Subcommittee Am. #1

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 184* House Bill No. 444

by deleting SECTION 1(15)(A)(i) and substituting:

(i) Seven hundred (700) or more, according to the 2010 federal census or a subsequent federal census; or