

Public Chapter 162

SENATE BILL NO. 1257

By Springer

Substituted for: House Bill No. 1098

By Kernell

AN ACT To amend Tennessee Code Annotated, Title 4, Chapter 5, relative to declaratory orders.

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

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 5, is amended by inserting the following section after Section 223, and by renumbering the sections thereafter:

4-5-224. (A) Whenever an agency is petitioned for a declaratory order, that agency shall:

(1) Transmit written notice of the hearing to the Secretary of State for publication in the notice section of the monthly administrative register and, if a statute applicable to the specific agency or a specific rule or class of rules under consideration requires some other form of publication, publish notice as required by that statute in addition to publication in the notice section of the monthly administrative register; and

(2) Take such other steps as it deems necessary to convey effective notice to other agencies and professional associations that are likely to have an interest in the declaratory order proceedings.

(B) Such notices shall include specific information relating to the declaratory order request, including but not limited to:

(1) Name of petitioner and an explanation of who he, she, or the entity purports to represent;

(2) A summary of the relief requested, including the specific nature of the requested order, and the conclusion(s) the petitioner requests that the agency reach following the declaratory proceeding; and

(3) A detailed outline and summary of the statute(s) or regulation(s) that the agency is called upon to interpret or upon which it is to rule.

(C) Notwithstanding the provisions of Tennessee Code Annotated, Section 4-5-223(a)(c), except in the case of an emergency proceeding that meets the conditions of Tennessee Code Annotated, Section 4-5-208, no declaratory order proceeding that calls for a Title 63 agency to rule on the meaning of any provision of a licensee's professional licensing act may be set until at least 45 days after the notice required by this subsection has been promulgated.

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