

**House Government Operations Committee 1**

**Amendment No. 1 to HB1124**

**Daniel  
Signature of Sponsor**

**AMEND Senate Bill No. 1000\***

**House Bill No. 1124**

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

SECTION 1. Tennessee Code Annotated, Section 4-5-102, is amended by inserting the following as a new subdivision:

( )

(A) "Public health" means the science of:

- (i) The prevention of disease, infection, injury, and disability;
- (ii) The promotion of sanitation and physical health; and
- (iii) Prolonging life; and

(B) "Public health" does not encompass the general welfare of society or of the community;

SECTION 2. Tennessee Code Annotated, Section 4-5-215, is amended by deleting the language "seventy-five (75) days" wherever it appears and substituting instead the language "ninety (90) days".

SECTION 3. Tennessee Code Annotated, Section 4-5-307(b), is further amended by adding the following as a new subdivision:

Unless otherwise provided by law, notice must be served either personally or by certified mail at the last address furnished to the agency by the person to be notified, or at any other address at which the person can be found, at least thirty (30) days prior to the hearing.

SECTION 4. Tennessee Code Annotated, Section 4-5-319(a), is amended by deleting the subsection and substituting instead the following:

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An agency shall maintain an official record of each contested case under this chapter. The record must be maintained for a period of not less than three (3) years. However, if an agency should, after three (3) years, elect to not maintain the official record of a case, the agency shall transfer the record to the secretary of state to maintain in the state library and archives.

SECTION 5. Tennessee Code Annotated, Section 4-5-322, is amended by inserting the following language as a new subsection (c) and redesignating the subsequent subsections accordingly:

(c)

(1) Notwithstanding § 4-5-308, briefs for appeals of contested case hearings must be filed in all cases heard by a chancery court upon the record from the state agency. If a petitioner-appellant fails to file a brief within the time prescribed in subdivision (c)(2) or within the time ordered by the court, the action may be dismissed and the final decision in the contested case hearing is affirmed. If the defendant-appellee has not filed a brief within the time prescribed in subdivision (c)(2) or within the time ordered by the court, the court may decide the case solely upon the record and the petitioner-appellant's brief.

(2) The petitioner-appellant must file and serve a brief within thirty (30) days after the record of the contested case hearing is filed with the chancery court. The defendant-appellee must file and serve a brief within thirty (30) days after service of the brief of the petitioner-appellant. Reply briefs may be filed at

the option of a party and, if filed, must be filed and served within fourteen (14) days after service of the preceding brief. Upon motion of a party or upon its own motion, the chancery court may enlarge or shorten the time for filing briefs.

(3)

(A) Hearings on an oral argument must be scheduled within ninety (90) days after the record of the contested case hearing is filed.

(B) Oral arguments may be waived by agreement of counsel. If oral argument is waived, counsel shall notify the chancery court clerk of such action in writing after all briefs are filed.

(4) If a petitioner-appellant alleges that the decision of the state agency in a contested case hearing unlawfully results in the prior restraint of the petitioner-appellant's rights guaranteed by the first amendment to the United States Constitution or the Tennessee Constitution, Article I, § 19, and either party requests an expedited hearing, the court shall establish an expedited briefing schedule and expedited hearing date to review the merits of the appeal.

(5) This section does not apply to chancery courts that adopt their own procedures for judicial review of contested cases.

SECTION 6. This act shall take effect July 1, 2019, the public welfare requiring it.