Senate

Amendment Packet

Wednesday, April 13, 2022

Senate Finance, Ways, and Means 1

Amendment No. 1 to SB0882

Watson
Signature of Sponsor

AMEND Senate Bill No. 882* **House Bill No. 1188**

by deleting the effective date section and substituting the following:

SECTION 4. This act takes effect July 1, 2022, the public welfare requiring it, and applies to offenses committed on or after that date.

Amendment No. 1 to SB1005

Briggs
Signature of Sponsor

AMEND Senate Bill No. 1005* House Bill No. 1201

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

SECTION 1. Tennessee Code Annotated, Section 2-10-110, is amended by adding the following as a new subsection:

(g) The registry shall not accept a settlement in which the aggregate amount of assessed civil penalties exceeds twenty-five thousand dollars ($25,000) unless the settlement proposal is considered at either a regular meeting or, notwithstanding § 2-10-203(f), a special meeting called by the chair in which at least twenty-four (24) hours' notice is given to each member of the registry and each party seeking a settlement proposal. If a special meeting is called pursuant to this subsection (g), an agenda for the meeting must be placed on the registry's website at least twenty-four (24) hours prior to the meeting. The agenda must include the style of any matter to be considered, and the special meeting must be limited to consideration of only the matters listed on the agenda.

SECTION 2. Tennessee Code Annotated, Section 2-10-203, is amended by adding the following as a new subsection:

(l) Each regular meeting agenda must be published on the registry's website at least five (5) business days prior to the date of the meeting.

SECTION 3. Tennessee Code Annotated, Section 3-6-103, is amended by adding the following as a new subsection:

(l) Each regular meeting agenda must be published on the commission's website at least five (5) business days prior to the date of the meeting.

SECTION 4. Tennessee Code Annotated, Section 3-6-205, is amended by adding the following as a new subsection:

(c) The commission shall not accept a settlement in which the aggregate amount of assessed civil penalties exceeds twenty-five thousand dollars ($25,000) unless the settlement proposal is considered at either a regular meeting or, notwithstanding § 3-6-103(f), a special meeting called by the chair in which at least twenty-four (24) hours' notice is given to each member of the commission and each party seeking a settlement proposal. If a special meeting is called pursuant to this subsection (c), an agenda for the meeting must be placed on the home page of the commission's website at least twenty-four (24) hours prior to the meeting. The agenda must include the style of any matter to be considered, and the special meeting must be limited to consideration of only the matters listed on the agenda.

SECTION 5. Tennessee Code Annotated, Section 4-55-101, is amended by adding the following as a new subsection:

(e) Each regular meeting agenda must be published on the bureau's website at least five (5) business days prior to the date of the meeting.

SECTION 6. Tennessee Code Annotated, Section 2-10-117, is amended by deleting the section in its entirety.

SECTION 7. Tennessee Code Annotated, Section 2-10-107, is amended by deleting subsection (a) and substituting instead the following:

(a) A statement filed under § 2-10-105 or § 2-10-106 shall consist of either:

(1) A statement that neither the contributions received nor the expenditures made by a candidate for local office or a political campaign committee participating in a local election during the period for which the statement is submitted exceeded one thousand dollars ($1,000). Any statement filed pursuant to § 2-10-106 shall indicate whether an unexpended balance of

contributions, continuing debts and obligations, or an expenditure deficit exists; or

(2)

(A)

(i) A statement setting forth, under contributions, a list of all the contributions received, including the full name, complete address, occupation, and employer of each person who contributed during the period for which the statement is submitted, and the amount contributed by that person;

(ii) When a candidate or the treasurer of a political campaign committee shows that best efforts have been used to obtain, maintain, and submit the complete address, occupation, and employer required for contributors, the statement shall be considered in compliance with this subdivision (a)(2)(A). "Best efforts" includes notifying the contributor by first class mail that further information concerning such contributor is required under state law, or by including on a written solicitation for contributions a clear request for the contributor's name, address, occupation, and employer and by accurately stating that such information is required under state law for all contributors. Further definitions and guidelines, if any, for what is also considered "best efforts" shall be set by rule promulgated pursuant to § 4-55-103(1); and

(iii) The statement of each candidate shall include the date of the receipt of each contribution and the statement of a political campaign committee shall include the date of each expenditure that is a contribution to a candidate. "Date of the receipt," as used in this subdivision (a)(2)(A)(iii), means the date when the

contribution was received by the candidate, candidate's committee, or treasurer; and

(B) A statement setting forth, under expenditures, a list of all expenditures made, including the full name and address of each person to whom an expenditure was paid during the period for which the statement is submitted, the total amount paid to that person, and the purpose of the payment which shall clearly identify that it is an allowable expenditure under § 2-10-114. The words "reimbursement," "credit card purchase," "other" and "campaign expense" shall not be considered acceptable descriptions for "purpose." Any purchase made with a credit card shall also be disclosed as a payment to the vendor providing the item or service. Credit card payments to separate vendors shall be disclosed as separate expenditures. The statement must list the expenditures by category and amount.

SECTION 8. Tennessee Code Annotated, Section 2-10-107(c), is amended by deleting subdivision (1) and substituting instead the following:

(1) When filing a statement under § 2-10-105 or § 2-10-106, a contribution, as defined in § 2-10-102, for which no monetary consideration is paid or promised, referred to as an in-kind contribution in this part, shall be listed separately in the disclosure statement and excluded from the lists of contributions and expenditures. The in-kind contribution list shall include:

(A)

(i) In-kind contributions of any amount including the category of the contribution, and the name, address, occupation, and employer of each person who made an in-kind contribution; and

(ii) When a candidate or the treasurer of a political campaign committee shows that best efforts have been used to obtain, maintain and

submit the complete address, occupation, and employer required for contributors, the statement shall be considered in compliance with this subdivision (c)(1)(A). "Best efforts" includes notifying the contributor by first class mail that further information concerning such contributor is required under state law, or by including on a written solicitation for contributions a clear request for the contributor's name, address, occupation, and employer and by accurately stating such information is required under state law for all contributors. Further definitions and guidelines, if any, for what is also considered "best efforts" shall be set by rule promulgated pursuant to § 4-55-103(1); and

(B) For the statement of each candidate, the date of the receipt of each in-kind contribution, and for the statement of a political campaign committee, the date of each expenditure that is an in-kind contribution to a candidate.

SECTION 9. Tennessee Code Annotated, Section 2-10-212(i), is amended by designating the existing language as subdivision (1) and adding the following subdivision (2):

(2) Subdivision (i)(1) does not apply to reports covering periods beginning on and after January 16, 2023.

SECTION 10. Tennessee Code Annotated, Section 2-10-105, is amended by deleting subsection (h) and substituting instead the following:

(h)

(1) During the period beginning at twelve o'clock (12:00) midnight of the tenth day prior to a primary, general, runoff or special election or a referendum and extending through twelve o'clock (12:00) midnight of such election or referendum day, each candidate or political campaign committee shall, by telegram, facsimile machine, hand delivery, overnight mail delivery, or electronically, file a report with the registry of election finance or the county election commission, whichever is required by subsections (a) and (b), of:

(A) The full name and address of each person or political campaign committee from whom the candidate or committee has received and accepted a contribution, loan, or transfer of funds during such period and the date of the receipt of each contribution that, in the aggregate, equals or exceeds the following amounts:

(i) For a committee participating in the election of a candidate for any statewide office, five thousand dollars ($5,000);

(ii) For a committee participating in the election of a candidate for senate, three thousand dollars ($3,000); and

(iii) For a committee participating in the election of any other state or local public office, one thousand dollars ($1,000); and

(B) The full name and address of each person or recipient entity who was paid or who owes an obligation during the period equal to or exceeding the following amounts:

(i) For a committee participating in the election of a candidate for any statewide office, five thousand dollars ($5,000);

(ii) For a committee participating in the election of a candidate for senate, three thousand dollars ($3,000); and

(iii) For a committee participating in the election of any other state or local public office, one thousand dollars ($1,000).

(2) Any report filed pursuant to subdivision (h)(1) must include the amount, date, and a brief description of each such contribution, expenditure, or loan reported, and a valuation of each in-kind contribution. If a loan is reported, the report shall contain the name and address of the lender, of the recipient of the proceeds of the loan, and of any person who makes any type of security agreement binding such person or such person's property, directly or indirectly,

for the repayment of all or any part of the loan. For an independent expenditure, the report must include the name of the candidate or measure supported or opposed.

(3) Each report required by subdivision (h)(1) shall be filed by the end of the next business day following the day on which the contribution or expenditure to be reported is received or made.

(4) The registry shall develop appropriate forms for the report required by subdivision (h)(1) and make such forms available to the candidates and the county election commissions.

(5)

(A) Each report filed under subdivision (h)(1) with the registry of election finance must be posted on the website of the registry as soon as practicable. The registry shall develop an electronic filing system for reports required under subdivision (h)(1).

(B) Each report filed under subdivision (h)(1) with a county election commission must be posted on the website of the commission as soon as practicable, if the commission otherwise posts campaign finance reports. A county election commission may develop an electronic filing system for reports required under subdivision (h)(1).

(6) An expenditure or contribution reported under this subsection (h) must not be omitted or excluded from applicable reports filed pursuant to subsection (c).

SECTION 11. Tennessee Code Annotated, Section 2-10-110(f), is amended by deleting subdivision (1) and substituting instead the following:

(1)

(A) For any civil penalty levied by the registry against a multicandidate political campaign committee under this section or § 2-10-308, any person who directly controlled expenditures is personally liable for the penalty.

(B) Notwithstanding subdivision (f)(1)(A), for any civil penalty authorized by this section or § 2-10-308 and levied against a multicandidate political campaign committee that named or certified one (1) or more candidates as a treasurer or officer at the time an offense occurred, or was constructively controlled or directed by one (1) or more candidates in the commission of an offense, the candidate, or candidates, and any person who directly controlled expenditures for the committee are personally liable for the penalty. Any such civil penalty must not be paid using funds from a multicandidate political campaign committee.

SECTION 12. Tennessee Code Annotated, Section 2-10-106(b), is amended by deleting the subsection and substituting instead the following:

(1) A candidate or political campaign committee that complies with the requirements of § 2-10-105(a) and (b), as applicable, and § 2-10-131(a), shall ensure that all funds in a campaign account remain separate and segregated at all times from other funds, including from personal funds.

(2) Funds maintained in a separate, segregated campaign account in accordance with subdivision (b)(1) are not the personal property of a candidate or other individual. Such funds are not subject to garnishment or any type of execution to satisfy the debts or obligations of an individual that are not campaign debts or obligations.

(3) A candidate or political campaign committee found to be in violation of subdivision (b)(1) commits a Class 2 offense and is subject to a civil penalty by the registry of election finance of not more than twenty-five dollars ($25.00) per day up to a maximum of not more than ten thousand dollars ($10,000).

SECTION 13. Tennessee Code Annotated, Section 2-10-132, is amended by designating the existing language as subsection (a) and adding the following as a new subsection (b):

(b) Notwithstanding another law to the contrary, an organization that is tax exempt under United States Internal Revenue Service Code § 501(c)(4) (26 U.S.C. § 501(c)(4)) is deemed to be a political campaign committee for purposes of reporting expenditures in accordance with § 2-10-105(c)(1) and (h) and for filing an appointment of treasurer form if:

(1) The organization expends an aggregate total of at least five thousand dollars ($5,000) in organizational funds, moneys, or credits for communications that expressly contain the name or visually depict the likeness of a state or local candidate in a primary or general election; and

(2) Such expenditures or communications occur within sixty (60) calendar days immediately preceding a primary or general election in which the named or visually depicted candidate appears on the ballot.

SECTION 14. Tennessee Code Annotated, Section 2-10-203, is amended by deleting subdivisions (c)(2) and (3) and substituting:

(2) The senate shall appoint two (2) members, with one (1) member to be chosen by the members of the senate democratic caucus and one (1) member to be chosen by the members of the senate republican caucus. If either caucus fails to appoint a member within one hundred twenty (120) days after receiving written notice of a vacancy from the registry or after receiving written notice of the expiration of a term from the registry, the speaker of the senate shall appoint a democrat or republican, as applicable, to fill the vacancy or make the appointment; and

(3) The house of representatives shall appoint two (2) members, with one (1) member to be chosen by the members of the house of representatives democratic caucus and one (1) member to be chosen by the members of the house of

representatives republican caucus. If either caucus fails to appoint a member within one hundred twenty (120) days after receiving written notice of a vacancy from the registry or after receiving written notice of the expiration of a term from the registry, the speaker of the house of representatives shall appoint a democrat or republican, as applicable, to fill the vacancy or make the appointment.

SECTION 15. Tennessee Code Annotated, Section 2-10-203, is amended by adding the following as subsection (j):

(j) Subsection (h) is applicable for one (1) year subsequent to the removal, vacancy, or termination of the term of office of a member of the registry.

SECTION 16. Tennessee Code Annotated, Section 2-10-212, is amended by adding the following sentence at the end of subdivision (b)(3):

The registry shall strive to complete and release its findings within such odd-numbered year or another odd-numbered year.

and is further amended by deleting subsection (c) and substituting instead the following:

(c) In order to comply with an audit, candidates, campaigns, and political campaign committees shall retain copies of all checks, money orders, wire or account transfer statements, withdrawal statements, credit or debit statements, bank statements, vendor receipts, and other documentation directly resulting from a financial transaction involving the receipt or disbursement of any funds subject to disclosure under part 1 of this chapter for two (2) years after the date of the election to which the records refer.

SECTION 17. Tennessee Code Annotated, Section 2-10-125, is amended by adding the language "or campaign services" immediately following the language "consulting services" wherever it appears; and by adding the following new subsections:

(e) If a person or entity contracts to pay a member of the general assembly or a staff person or employee of the general assembly a fee, commission, or other form of compensation, for the provision of campaign services, the person or entity shall make the disclosures required under subdivisions (a)(1)-(5) with respect to the campaign

services provided. A copy of any disclosure submitted to the Tennessee ethics commission under this subsection (e) shall be sent by the commission to the registry of election finance.

(f) As used in this section, "campaign services" means services to advise or assist a candidate, political campaign committee, affiliated political campaign committee, or multicandidate political campaign committee in affecting the result of an election, including, without limitation, campaign work, paper and electronic advertising, producing mailers and fliers, and distributing mailers and fliers.

SECTION 18. Tennessee Code Annotated, Section 2-10-125(d), is amended by deleting subdivision (d)(1) and substituting instead the following:

(1) It is a Class A misdemeanor for a person or entity to knowingly fail to file a disclosure or to knowingly provide false, incomplete, or misleading information on the disclosure form.

SECTION 19. Tennessee Code Annotated, Section 2-10-126, is amended by adding the language "or campaign services" immediately following the language "consulting services" wherever it appears; and by adding the following new subsections:

(e) If a member of the general assembly or a staff person or employee of the general assembly contracts to receive a fee, commission, or other form of compensation, for the provision of campaign services to a person or entity, the member, staff person, or employee shall make the disclosures required under § 2-10-125(a)(1)-(5) with respect to the campaign services provided. A copy of any disclosure submitted to the Tennessee ethics commission under this subsection (e) shall be sent by the commission to the registry of election finance.

(f) As used in this section, "campaign services" means services to advise or assist a candidate, political campaign committee, affiliated political campaign committee, or multicandidate political campaign committee in affecting the result of any election,

including, without limitation, campaign work, paper and electronic advertising, producing mailers and fliers, and the distribution thereof.

SECTION 20. Tennessee Code Annotated, Section 2-10-126(d)(1), is amended by deleting the subdivision and substituting instead the following:

(1) It is a Class A misdemeanor for a person or entity to knowingly fail to file a disclosure or to knowingly provide false, incomplete, or misleading information on the disclosure form.

SECTION 21. Tennessee Code Annotated, Section 2-10-125(a), is amended by deleting subdivision (1) and substituting instead the following:

(1) The person to whom the fee was paid, including the full names and identities of any person or other entity through which payment flowed to or from the person making the disclosure;

SECTION 22. Tennessee Code Annotated, Section 2-10-123(a) and (b), are amended by deleting the language:

member of the general assembly, member-elect of the general assembly, governor, member of the governor's staff, secretary of state, treasurer, or comptroller of the treasury

and substituting instead the following language:

member of the general assembly, member-elect of the general assembly, governor, member of the governor's cabinet, member of the governor's staff, secretary of state, treasurer, or comptroller of the treasury

SECTION 23. Tennessee Code Annotated, Section 8-50-502, is amended by adding the following new subdivision:

(11)

(A) By any member of the general assembly or candidate for the general assembly, the name of any multicandidate political committee established or

controlled by the member or candidate within the immediately preceding five (5) years of the date of the disclosure;

(B) Disclosure under this subdivision (11) must be made annually beginning with the candidate or official's next statement due after January 1, 2023.

SECTION 24. Tennessee Code Annotated, Section 8-50-501(a), is amended by deleting subdivision (6) and substituting:

(6) Each supreme court justice, judge of the court of criminal appeals, judge of the court of appeals, chancellor, circuit court judge, criminal court judge, or judge of a state trial court of record;

SECTION 25. Tennessee Code Annotated, Title 8, Chapter 50, Part 5, is amended by adding the following new section:

8-50-507.

Each disclosure statement or amendment to a disclosure statement filed under this part must be signed either in writing or electronically under penalty of perjury, and contain substantially the following language:

I understand that, pursuant to T.C.A. § 8-50-507, submitting a disclosure or amendment to a disclosure form which contains false or incomplete information may subject me to the penalties of perjury. The information contained in this disclosure or amendment to a disclosure form is true, complete, and correct to the best of my knowledge, information, and belief.

_____ Signature _____ Date

SECTION 26. Tennessee Code Annotated, Title 2, Chapter 10, Part 1, is amended by adding the following as a new section:

A candidate or political campaign committee, in soliciting and receiving a contribution from a person, shall not utilize pre-checked or pre-marked boxes in a solicitation authorizing or requiring continuing future contributions to that candidate or

committee from the credit card or another form of payment provided by the person from whom a contribution is requested. Such a request for a continuing future contribution from a potential contributor must be accepted and acknowledged in writing by the potential contributor in clear and precise language evidencing the intent of the contributor to authorize a continuing contribution. Such continuing contributions must not exceed the contribution limits established in part 3 of this chapter.

SECTION 27. Tennessee Code Annotated, Section 2-10-105(e), is amended by deleting subdivision (2) and substituting instead the following new subdivisions:

(2) In addition to the requirements in subdivision (e)(1), a multicandidate political campaign committee shall also certify the name and address of all officers of such committee and of all persons who directly control expenditures to the registry of election finance. A multicandidate political campaign committee must have at least one (1) officer, not including the treasurer of such committee, and must have at least one (1) person who directly controls expenditures.

(3)

(A) Any multicandidate political campaign committee that registers on or after July 1, 2022, must submit to the registry of election finance evidence of identification for each, officer, person who directly controls expenditures, and treasurer of the multicandidate political campaign committee prior to the committee making expenditures or receiving contributions. For any multicandidate political campaign committee in existence on the effective date of this act, the committee must submit any such required evidence of identification by January 31, 2023.

(B) After a multicandidate political campaign committee submits evidence of identification under subdivision (e)(3)(A), if the committee designates a new person as designated in subdivision (e)(3)(A), the committee shall submit

evidence of identification for such person within thirty (30) days of the designation.

(C) As used in this subdivision (e)(3), "evidence of identification" has the same meaning as such term is used in § 2-7-112(c) except that when a Tennessee identification is specified in that section, any other equivalent identification issued by another state may be used for purposes of this section.

SECTION 28. Tennessee Code Annotated, Section 3-6-103(c)(1), is amended by adding the following language after the language "appear on the second list of candidates" in subdivisions (B) and (C):

. If a caucus fails to give the speaker a list of candidates within one hundred twenty (120) days after receiving written notice of a vacancy from the ethics commission, receiving written notice of the expiration of a term from the ethics commission, or requesting a second list of candidates, the speaker shall appoint a member of the majority party or member of the minority party, as applicable

SECTION 29.

(a) Sections 1-6 and 26 of this act take effect upon becoming a law, the public welfare requiring it.

(b) Sections 7 and 8 of this act take effect January 16, 2023, the public welfare requiring it.

(c) All other sections of this act take effect July 1, 2022, the public welfare requiring it.

Amendment No. 1 to SB1158

Lundberg
Signature of Sponsor

AMEND Senate Bill No. 1158 House Bill No. 751*

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

SECTION 1. Tennessee Code Annotated, Section 49-10-1402(3)(A), is amended by adding the following as a new subdivision:

A specific learning disability;

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

Amendment No. 1 to SB1165

Bell
Signature of Sponsor

AMEND Senate Bill No. 1165 House Bill No. 1214*

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

SECTION 1. Tennessee Code Annotated, Section 40-39-202, is amended by deleting subdivision (31)(N) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 40-39-207, is amended by adding the following as a new subsection:

(k)

(1) An offender who is required to register pursuant to this part because the offender was convicted of the offense of criminal exposure of another to human immunodeficiency virus (HIV) under § 39-13-109(a)(1) and the offense was committed prior to July 1, 2022, may file a request for termination of registration requirements with TBI headquarters in Nashville, if the offender would not be required to register if the offense was committed on or after July 1, 2022.

(2) Upon receipt of the request for termination, the TBI shall review documentation provided by the offender and contained in the offender's file and the SOR to determine whether the offender would not be required to register if the offender committed the same offense on or after July 1, 2022. In addition, the TBI shall conduct fingerprint-based state and federal criminal history checks to determine whether the offender has been convicted of any additional sexual offenses or violent sexual offenses.

(3) If the TBI determines that the offender would not be required to register if the offense was committed on or after July 1, 2022, that the offender has not been convicted of any additional sexual offenses or violent sexual offenses, and that the offender has substantially complied with this part and any previous versions of this part, then the TBI shall remove the offender's name from the SOR and notify the offender that the offender is no longer required to comply with this part.

(4) If the TBI determines that the offender would be required to register even if the offense had been committed on or after July 1, 2022, or that the offender has been convicted of any additional sexual offenses or violent sexual offenses during the period of registration, then the TBI shall not remove the offender's name from the SOR and shall notify the offender that the offender continues to be required to comply with this part.

(5) An offender whose request for termination of registration requirements is denied by a TBI official may petition the chancery court of Davidson County or the chancery court of the county where the offender resides, if the offender resides in this state, for review of the decision. The review shall be on the record used by the TBI official to deny the request. The TBI official who denied the request for termination of registration requirements may submit an affidavit to the court detailing the reasons the request was denied.

SECTION 3. This act takes effect July 1, 2022, the public welfare requiring it.

Amendment No. 1 to SB1610

Bell
Signature of Sponsor

AMEND Senate Bill No. 1610 House Bill No. 978*

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

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 8, Part 2, is amended by adding the following as a new section:

(a) It is unlawful for a person to engage in camping:

(1) On the shoulder, berm, or right-of-way of a state or interstate highway; or

(2) Under a bridge or overpass, or within an underpass, of a state or interstate highway.

(b) Notwithstanding § 39-14-414, a violation of this section is a Class C misdemeanor, punishable only by a fine of fifty dollars ($50.00) and community service work not less than twenty (20) hours nor more than forty (40) hours; except, that a person who violates this section must receive a warning citation for a first offense. In lieu of a fine and community service, the court may require a person convicted under this section to remove litter from the state or local highway system, public playgrounds, public parks, or other appropriate public locations for not less than twenty (20) hours nor more than forty (40) hours.

(c) For purposes of this section, "camping" means:

(1) Erecting, placing, maintaining, or using temporary structures, such as tents, tarps, and other temporary shelters, for living accommodation activities, such as sleeping or making preparations to sleep;

(2) Carrying on cooking activities, whether by fire or use of artificial means, such as a propane stove or other heat-producing portable cooking equipment; or

(3) Sleeping outside of a motor vehicle or making preparations to sleep outside of a motor vehicle, including laying down a sleeping bag, blanket, or other material used for bedding.

SECTION 2. Tennessee Code Annotated, Section 39-14-414(c), is amended by deleting the language "state-owned land" and substituting instead the language "public property".

SECTION 3. Tennessee Code Annotated, Section 39-14-414(d)(1), is amended by deleting the language "on property owned by the state" and substituting instead the language "on public property".

SECTION 4. Tennessee Code Annotated, Section 39-14-414(e), is amended by deleting the language "state custody" and substituting instead the word "custody"; is amended by deleting the language "state agency" wherever it appears and substituting instead the word "agency"; and is amended by deleting the language "state and its employees" and substituting instead the language "state, or local government, and its employees".

SECTION 5. Tennessee Code Annotated, Section 39-14-414(g), is amended by deleting the language "state property" wherever it appears and substituting instead the language "public property"; and is further amended by deleting the language "state department" and substituting instead the word "department".

SECTION 6. This act takes effect July 1, 2022, the public welfare requiring it.

Amendment No. 1 to SB1792

Bell
Signature of Sponsor

AMEND Senate Bill No. 1792* **House Bill No. 1855**

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

SECTION 1. Tennessee Code Annotated, Section 39-13-518, is amended by deleting subdivision (a)(2) and substituting:

(2) "Sexual abuse of a child" means to commit an act upon a minor child that is a violation of:

(A) Aggravated rape pursuant to § 39-13-502, if the child is more than thirteen (13) but less than eighteen (18) years of age;

(B) Rape pursuant to § 39-13-503, if the child is more than thirteen (13) but less than eighteen (18) years of age;

(C) Aggravated sexual battery pursuant to § 39-13-504;

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

(E) Sexual battery by an authority figure pursuant to § 39-13-527;

(F) Soliciting sexual exploitation of a minor pursuant to § 39-13-529(a);

(G) Aggravated rape of a child pursuant to § 39-13-531;

(H) Statutory rape by an authority figure pursuant to § 39-13-532;

(I) Trafficking for a commercial sex act pursuant to § 39-13-309, if the victim is a minor; or

(J) Promoting prostitution pursuant to § 39-13-515, if the victim is a minor.

SECTION 2. Tennessee Code Annotated, Section 39-13-518(c), is amended by deleting the subsection in its entirety and substituting instead the following:

(c)

(1) A violation of subsection (b) is a Class A felony if three (3) or more of the acts of sexual abuse of a child constitute violations of the following offenses:

(A) Aggravated rape pursuant to § 39-13-502, if the child is more than thirteen (13) but less than eighteen (18) years of age;

(B) Rape pursuant to § 39-13-503, if the child is more than thirteen (13) but less than eighteen (18) years of age;

(C) Aggravated sexual battery pursuant to § 39-13-504;

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

(E) Soliciting sexual exploitation of a minor pursuant to § 39-13-529(a);

(F) Aggravated rape of a child pursuant to § 39-13-531;

(G) Trafficking for a commercial sex act pursuant to § 39-13-309, if the victim is a minor; or

(H) Promoting prostitution pursuant to § 39-13-515, if the victim is a minor.

(2) A violation of subsection (b) is a Class B felony if two (2) of the acts of sexual abuse of a child constitute violations of offenses listed in subdivision (c)(1).

(3) A violation of subsection (b) is a Class C felony if one (1) of the acts of sexual abuse of a child constitutes a violation of an offense listed in subdivision (c)(1).

(4) A violation of subsection (b) is a Class C felony if at least three (3) of the acts of sexual abuse of a child constitute violations of the offenses of sexual battery by an authority figure pursuant to § 39-13-527 or statutory rape by an authority figure pursuant to § 39-13-532.

SECTION 3. This act takes effect July 1, 2022, the public welfare requiring it, and applies to offenses committed on or after that date.

Amendment No. 1 to SB1866

Briggs
Signature of Sponsor

AMEND Senate Bill No. 1866 House Bill No. 1913*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 41-21-221, is amended by deleting the section and substituting:

(a) Whenever an inmate dies in the penitentiary, the warden shall forthwith notify the commissioner of correction, if practicable, and summon at least one (1) licensed physician of the county of the prison to examine the body of the deceased, whose duty it is to attend and ascertain, as nearly as may be, the cause of death, and report the cause to the commissioner. The warden shall also notify the county medical examiner or the state chief medical examiner in accordance with title 38, chapter 7.

(b) Disposition of the body must be consistent with the provisions for the disposition of dead bodies in accordance with title 68, chapter 4.

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

Amendment No. 1 to SB1902

Crowe
Signature of Sponsor

AMEND Senate Bill No. 1902* **House Bill No. 2849**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 6, Part 2, is amended by adding the following as a new section:

(a) The board of medical examiners may issue to an eligible physician or medical graduate from a foreign country or foreign territory a short-term visitor clinical training license for a period of time not to exceed ninety (90) days.

(b) To be eligible for a short-term visitor clinical training license under this section, an applicant physician or medical graduate must provide to the board, in a manner and form prescribed by the board by rule:

(1) Proof that the applicant holds a medical degree from an institution recognized in the World Directory of Medical Schools;

(2) Proof of written acceptance to a clinical professional development or short-term clinical training program in this state;

(3) Proof that the applicant is able to lawfully enter and remain in the United States during the period of the clinical professional development or short-term clinical training program;

(4) Evidence that the host institution or the Educational Commission for Foreign Medical Graduates (ECFMG) has verified the applicant's credentials;

(5) Evidence that the applicant:

(A) Has an unrestricted license to practice medicine in the applicant's country or territory of origin or country or territory of practice; or

(B) Is enrolled in an accredited resident training program in the applicant's country or territory of origin;

(6) A written statement that the applicant does not have, as determined by the board:

(A) A disqualifying criminal history; or

(B) A history of disqualifying disciplinary action by an educational or training institution, employer, or foreign licensing authority;

(7) Proof of medical liability insurance coverage; and

(8) A written statement signed by the applicant acknowledging that a short-term visitor clinical training license cannot be used to:

(A) Obtain or hold a position in a residency program in the United States;

(B) Satisfy United States graduate medical education requirements; or

(C) Remain in this state to practice medicine beyond the expiration date of the license.

(c) A short-term visitor clinical training licensee:

(1) Shall not assume independent responsibility for patient care;

(2) May only engage in training activities under the supervision and control of a physician licensed under this chapter or chapter 9 of this title; and

(3) To the extent permitted by the board based upon the licensee's education and training, and by compliance with subdivision (c)(2), may engage in direct interaction with a patient, including, but not limited to:

(A) Taking medical history;

(B) Conducting a physical examination;

(C) Reading a radiologic study;

(D) Administering anesthesia; and

(E) Performing a surgical procedure.

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 9, is amended by adding the following as a new section:

(a) The board of osteopathic examination may issue to an eligible physician or medical graduate from a foreign country or foreign territory a short-term visitor clinical training license for a period of time not to exceed ninety (90) days.

(b) To be eligible for a short-term visitor clinical training license under this section, an applicant physician or medical graduate must provide to the board, in a manner and form prescribed by the board by rule:

(1) Proof that the applicant holds a medical degree from an institution recognized in the World Directory of Medical Schools;

(2) Proof of written acceptance to a clinical professional development or short-term clinical training program in this state;

(3) Evidence that the host institution or the Educational Commission for Foreign Medical Graduates (ECFMG) has verified the applicant's credentials;

(4) Evidence that the applicant:

(A) Has an unrestricted license to practice medicine in the applicant's country or territory of origin or country or territory of practice; or

(B) Is enrolled in an accredited resident training program in the applicant's country or territory of origin;

(5) A written statement that the applicant does not have, as determined by the board:

(A) A disqualifying criminal history; or

(B) A history of disqualifying disciplinary action by an educational or training institution, employer, or foreign licensing authority;

(6) Proof of medical liability insurance coverage; and

(7) A written statement signed by the applicant acknowledging that a short-term visitor clinical training license cannot be used to:

(A) Obtain or hold a position in a residency program in the United States;

(B) Satisfy United States graduate medical education requirements; or

(C) Remain in this state to practice medicine beyond the expiration date of the license.

(c) A short-term visitor clinical training licensee:

(1) Shall not assume independent responsibility for patient care;

(2) May only engage in training activities under the supervision and control of a physician licensed under this chapter or chapter 6 of this title; and

(3) To the extent permitted by the board based upon the licensee's education and training, and by compliance with subdivision (c)(2), may engage in direct interaction with a patient, including, but not limited to:

(A) Taking medical history;

(B) Conducting a physical examination;

(C) Reading a radiologic study;

(D) Administering anesthesia; and

(E) Performing a surgical procedure.

SECTION 3. The board of medical examiners and the board of osteopathic examination are authorized to promulgate rules to effectuate the purposes of 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 4. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to SB2071

Crowe
Signature of Sponsor

AMEND Senate Bill No. 2071 House Bill No. 2096*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 5, Part 3, is amended by adding the following as a new section:

(a)

(1) The department shall submit a report to the general assembly no later than October 31, 2022, and annually thereafter, to include the following:

(A) Information from the preceding federal fiscal year related to all instances in which the department sought, applied for, accepted, or renewed a waiver of or exemption to work requirements under the supplemental nutrition assistance program (SNAP) during that federal fiscal year, including details about why the waiver or exemption was sought, applied for, accepted, or renewed, the duration of the waiver or exemption, and the location where the waiver or exemption was applicable; and

(B) Information from the preceding federal fiscal year related to the number of recipients receiving SNAP benefits in this state, the amount of benefits received, the number of recipients subject to the work requirements of SNAP, and the number of recipients participating in the SNAP employment and training program.

(2) The report may be submitted electronically.

(b) The department shall not provide an exemption under 7 U.S.C. § 2015(o)(6)(E) from the work requirements applicable to able-bodied adults without dependents (ABAWDs) if the individual:

(1) Refuses, at the time of application and every twelve (12) months thereafter, to register for employment in a manner prescribed by the United States department of agriculture;

(2) Refuses, without good cause, to participate in an employment and training program to the extent required by the department;

(3) Refuses, without good cause, to provide the department with sufficient information to allow the department to determine the employment status or the job availability of the individual; or

(4) Voluntarily and without good cause quits a job or reduces work effort and, after the reduction, the individual is working less than thirty (30) hours per week.

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

Amendment No. 1 to SB2146

Briggs
Signature of Sponsor

AMEND Senate Bill No. 2146* House Bill No. 2616

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

SECTION 1. Tennessee Code Annotated, Section 4-51-124(a)(7), is amended by inserting the language "name," between the language "including, but not limited to," and the language "home and work addresses".

SECTION 2. Tennessee Code Annotated, Section 4-51-124(a)(7)(B), is amended by deleting the subdivision and substituting instead the following:

(B) After ninety (90) days from the date a lottery prize is claimed when the lottery prize exceeds one million dollars ($1,000,000), the corporation may disclose a lottery prize winner's name, home state, hometown, and, if authorized by the prize winner, any other information for marketing, advertising, or promotional purposes. The corporation may disclose such information earlier if necessary for the notification of prize winners; and

SECTION 3. This act takes effect July 1, 2022, the public welfare requiring it.

Amendment No. 1 to SB2399

Massey
Signature of Sponsor

AMEND Senate Bill No. 2399 House Bill No. 2146*

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

SECTION 1. Tennessee Code Annotated, Section 55-50-102(11), is amended by adding the language "or 'CDL'" after the language "Commercial driver license".

SECTION 2. Tennessee Code Annotated, Section 55-50-102, is amended by adding the following as new subdivisions:

( ) "Commercial learner's permit" or "CLP" means a permit issued to an individual by the department that, when carried with a valid driver license issued by the department, authorizes the individual to operate a class of a commercial motor vehicle when accompanied by a holder of a valid CDL for purposes of behind-the-wheel training. When issued to a CDL holder, a CLP serves as authorization for accompanied behind-the-wheel training in a commercial motor vehicle for which the holder's current CDL is not valid;

( ) "FMCSA" means the federal motor carrier safety administration, an agency within the United States department of transportation;

SECTION 3. Tennessee Code Annotated, Title 55, Chapter 50, Part 4, is amended by adding the following as new sections:

55-50-415. Third-party skill testing program.

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

(1) "Entity" means:

(A) A private corporation with at least one (1) employee, licensed to do business by the secretary of state, but not an individual person; or

(B) A local, county, or state government, or subdivision thereof, including, but not limited to, kindergarten through grade twelve (K-12) public schools and institutions of higher education;

(2) "Third-party skills test" means the skills test required to obtain a commercial driver license that is administered by a third-party skills test examiner and that includes, but is not limited to, the pre-trip inspection, basic skills, and road skills;

(3) "Third-party skills test company" means an entity that contracts with and is certified by the department to provide third-party skills tests performed by third-party skills test examiners; and

(4) "Third-party skills test examiner" means an individual who has been authorized by the department to perform third-party skills tests.

(b) There is established a third-party skills testing program administered by the department for the purpose of facilitating the testing and licensure of commercial drivers. In furtherance of the program:

(1) The department may contract with one (1) or more third-party skills test companies, subject to applicable contracting statutes and regulations; and

(2) The department may charge a third-party skills test company an annual fee not to exceed five hundred dollars ($500) to cover the costs of administering the program. The department shall establish the annual fee by rule in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. The department may allow the fee to be waived for a public entity that becomes a third-party skills test company.

(c) An entity applying to be a third-party skills test company:

(1) Must have access to an appropriate testing area within this state that the department approves for conducting third-party skills tests;

(2) Must agree to charge a test taker no more than two hundred fifty dollars ($250) per third-party skills test, including the test itself and all associated fees and charges;

(3) Must agree to issue to a successful test taker an indicator of passage on the skills test, either on a form developed by the department or by other means authorized by the department, which may include electronic means;

(4) Must initiate and maintain a bond in an amount determined by the department to be sufficient to pay for retesting drivers in the event that the third-party skills test company or one (1) or more of its third-party skills test examiners working for the company is involved in fraudulent activities related to testing applicants for a CDL. A third-party skills test company that is a government entity is not required to maintain a bond; and

(5) Must satisfy other eligibility criteria as the department may establish by rule in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(d) An individual applying to be a third-party skills test examiner:

(1) Must be at least twenty-one (21) years of age;

(2) Must possess a valid CDL with the classification and endorsement commensurate with the third-party skills test that the individual is applying to administer;

(3) Must possess a valid medical card or certificate;

(4) Must provide the individual's ten-year driving history. If the individual's entire driving history is shorter than ten (10) years, then the individual must provide the individual's entire driving history;

(5) Must not have been convicted of:

(A) A misdemeanor within the past ten (10) years resulting from the applicant driving while intoxicated;

(B) A felony within the past ten (10) years; or

(C) A crime involving fraudulent activities;

(6) Must complete the department's initial training program; and

(7) Must satisfy other eligibility criteria as the department may establish by rule in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(e) An application to become a third-party skills test company or a third-party skills test examiner must be submitted to the department on a form and in a manner as the department may prescribe.

(f) A CDL applicant shall remit payment for the administration of a third-party skills test to the third-party skills test company, regardless of whether the skills test was administered by a third-party skills test examiner who is an employee of the company or a contractor for the company.

(g)

(1) A third-party skills test examiner must perform a minimum of thirty (30) third-party skills tests per year. A third-party skills test counts toward this requirement whether or not the test was administered to a person employed by or attending a training program sponsored by the third-party skills test company with which the examiner is associated. If a third-party skills test examiner does not meet this requirement, then the third-party skills test examiner must either take a refresher training course administered by the department or have a state-employed CDL examiner co-score the next third-party skills test that the third-party skills test examiner administers.

(2)

(A) Notwithstanding subdivision (g)(1), a third-party skills test examiner who is unable to perform the required thirty (30) third-party skills

tests per year may apply to the department of safety for a waiver of this requirement.

(B) The commissioner or the commissioner's designee may grant the waiver upon good cause shown.

(C) If the waiver is denied, then compliance with subdivision (g)(1) is required.

(h) Each third-party skills test company and each area where third-party skills tests are administered must be inspected by the department on initial application. Thereafter, inspections may occur at the discretion of the department or the FMCSA.

(i) Third-party skills test companies and third-party skills test examiners must keep accurate records of all skills tests administered and the results of the tests administered, including whether an applicant passed or failed each portion of the skills test. These records must be available during normal business hours for audit or inspection by the department or the FMCSA. Failure to comply with department records requirements may result in disciplinary action up to and including termination of the third-party testing company's contract with the department. A CDL driver whose testing cannot be verified because a third-party skills test company or a third-party skills test examiner failed to keep or produce accurate records may be required to undergo a re-examination of one (1) or more aspects of the skills test by the department.

(j) A third-party skills test examiner may apply to the department to be authorized to perform school bus (S) endorsement skills testing pursuant to rules promulgated by the department in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(k)

(1) A third-party skills test company is not an agent of the department.

(2) A third-party skills test examiner must be an employee or a contractor of a third-party testing company, and a third-party skills test examiner is not an agent or employee of the department for any purpose.

55-50-416. Entry-level driver training.

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

(1) "Approved FMCSA training provider" means an entity that is listed on the FMCSA training provider registry; and

(2) "Entry-level driver training" means training that a driver receives from an entity listed on the FMCSA training provider registry prior to the driver:

(A) Taking a skills test required to receive a Class A or Class B driver license for the first time;

(B) Taking a skills test required to upgrade to a Class A or Class B driver license;

(C) Taking a skills test required to obtain a passenger (P) endorsement for the first time;

(D) Taking a skills test required to obtain a school bus (S) endorsement for the first time; or

(E) Taking a test required to obtain a hazardous materials (H) endorsement for the first time.

(b)

(1)

(A) Prior to being issued a Class A or Class B driver license for the first time or upgrading to a Class A or Class B driver license, an applicant must complete entry-level driver training that includes driving theory and behind-the-wheel instruction on an open range and on public roads.

(B) Prior to being issued a passenger (P), school bus (S), or hazardous materials (H) endorsement for the first time, an applicant must complete the entry-level driver training appropriate for that endorsement.

(C) Except for a driver seeking a hazardous materials (H) endorsement for the first time, the theory instruction and the behind-the-wheel instruction portions of the driver's entry-level driver training must be completed within one (1) year of each other.

(2) The following applicants are not required to comply with the requirements of subdivision (b)(1):

(A) An applicant who is eligible for a skills test waiver pursuant to § 55-50-322(b)(2); and

(B) An applicant who is seeking to remove a restriction in accordance with 49 CFR 383.135(b)(7).

(3) An applicant for a CDL, CLP, or an endorsement for a CDL or CLP must comply with the requirements of 49 CFR § 380.600 et seq. in addition to other federal or state regulations, and all subsequent amendments promulgated, approved, and adopted by the FMCSA.

55-50-417. Federal clearinghouse.

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

(1) "CDLIS" means the commercial driver license information system maintained by the FMCSA;

(2) "Clearinghouse" means the drug and alcohol clearinghouse maintained by the FMCSA; and

(3) "Downgrade":

(A) Means:

(i) To change a driver's self-certification to interstate, but operating exclusively in transportation or operations excepted

from 49 CFR Part 391, as provided in 49 CFR 390.3(f), 49 CFR 391.2, 49 CFR 391.68, or 49 CFR 398.3;

(ii) To change a driver's self-certification to intrastate only, if the driver qualifies under the department's physical qualification requirements for intrastate only;

(iii) To change a driver's self-certification to intrastate, but operating exclusively in transportation or operations excepted from all or part of the driver qualification requirements; or

(iv) To remove a CLP or CDL privilege from a driver license; and

(B) Includes recording the change on the driver's CDLIS driver record.

(b) Beginning November 1, 2024, and prior to the issuance of a new CLP or CDL, a renewal of a CLP or CDL, a transfer of a CLP or CDL to another state, or an upgrade to a different class of CDL, the department shall request the driver's record from the clearinghouse.

(c) If the department receives notification from the clearinghouse that pursuant to federal regulations the driver is prohibited from operating a commercial motor vehicle, regardless of whether that notification is received in response to a request under subsection (b), then the department shall not issue, renew, transfer, or upgrade the driver's CLP or CDL. The department shall downgrade a driver's CLP or CDL within sixty (60) days of the department's receipt of the notification.

(d)

(1) If the department receives notification from the clearinghouse that a driver is no longer prohibited from operating a commercial motor vehicle before the department has finished downgrading the driver's CLP or CDL, then the department shall not downgrade the driver's CLP or CDL.

(2) If the department receives notification from the clearinghouse that a driver is no longer prohibited from operating a commercial motor vehicle after the department has finished downgrading the driver's CLP or CDL, then the department shall make the driver eligible for reinstatement of the driver's CLP or CDL privilege.

(3) If the department receives notification from the clearinghouse that the driver was erroneously identified as being prohibited from operating a commercial motor vehicle after the department has finished downgrading the driver's CLP or CDL, then the department shall:

(A) Reinstate the CLP or CDL privilege to the driver's license as expeditiously as possible; and

(B) Expunge any reference related to the driver's erroneous prohibited status from the CDLIS driver record and, if applicable, the driver's motor vehicle record.

55-50-418. Audits; research partnership.

(a) The department shall periodically audit CDL skills tests conducted by department employees. The audit may include, but is not limited to, overt observation of skills examinations, covert observations of skills examinations, and co-scoring of skills examinations.

(b) By January 1, 2023, the department shall prepare informational materials for individuals preparing to take the CDL skills tests.

(c) The department is authorized to partner with institutions of higher education to conduct research related to commercial drivers and CDLs, strategies to promote driving careers in the commercial trucking industry, and strategies to better enable drivers to obtain and retain CDLs.

SECTION 4. Tennessee Code Annotated, Section 55-50-302(c)(1), is amended by deleting the subdivision and substituting instead:

(1)

(A) The applicant must be at least twenty-one (21) years of age; provided, however, the department is authorized to issue interstate CDLs to persons at least eighteen (18) years of age but less than twenty-one (21) years of age if such issuance is approved and authorized by the FMCSA and the department follows all FMCSA regulations regarding the issuance of interstate CDLs to persons at least eighteen (18) years of age but less than twenty-one (21) years of age; or

(B) Notwithstanding subdivision (c)(1)(A), an applicant who is at least eighteen (18) years of age is eligible for a Class A or B license if:

(i) The applicant does not require a special endorsement;

(ii) A commercial vehicle operated by the applicant will be operated solely within this state;

(iii) The applicant has met all other requirements for a CDL under this chapter; and

(iv) Issuing a Class A or B license to the applicant is not prohibited under 49 CFR Parts 383 and 391, or federal rules;

SECTION 5. Tennessee Code Annotated, Title 41, Chapter 21, Part 5, is amended by adding the following as a new section:

41-21-517. Commercial driver license training.

The department of correction, in consultation with the department of safety, is authorized to create a commercial driver license training program for purposes of training offenders who, upon release from incarceration, may be suitable for careers in the transportation industry. A person who has been convicted of any of the following offenses is ineligible to participate in the training program created pursuant to this section: a human trafficking offense as defined in § 39-13-314, or an equivalent offense in another jurisdiction; a sexual offense, a violent sexual offense, or a violent juvenile

sexual offense, as such terms are defined by § 40-39-202, or equivalent offenses in another jurisdiction; two (2) or more offenses of driving under the influence of an intoxicant under § 55-10-401, or equivalent offenses in another jurisdiction; or vehicular assault under § 39-13-106, aggravated vehicular assault under § 39-13-115, vehicular homicide under § 39-13-213(a)(2), or aggravated vehicular homicide under § 39-13-218, or equivalent offenses in another jurisdiction. A training program created pursuant to this section must conform to the requirements in title 55, chapter 50; rules promulgated by the department of safety; and rules promulgated by the federal motor carrier safety administration. The departments of correction and safety are authorized to promulgate rules to effectuate this section, in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 6. Tennessee Code Annotated, Section 55-50-302, is amended by adding the following as a new subsection:

( ) An individual who holds a school bus (S) endorsement must attend annual training as required by the department in order to maintain the endorsement.

SECTION 7. Tennessee Code Annotated, Section 12-2-403, is amended by adding the following as a new subsection:

( ) Notwithstanding any law to the contrary, a surplus commercial motor vehicle in possession of a state agency may, with payment of reasonable financial consideration and following notice to the commissioner of general services, be transferred to the department of safety for use in the department's commercial driver license testing program. A surplus vehicle transferred under this section must be sold as provided in this section when the vehicle is no longer in use by the department of safety.

SECTION 8. Tennessee Code Annotated, Section 49-6-2107(e)(1), is amended by deleting the language "no person shall be issued a certificate to drive a school bus in this state who, within five (5) years of the person's request for a certificate" and substituting instead the language "a person shall not be issued a certificate to drive a school bus in this state or

authorized as a third-party skills test examiner for a school bus (S) endorsement pursuant to § 55-50-415 who, within the preceding five (5) years".

SECTION 9. Tennessee Code Annotated, Section 49-6-2107, is amended by adding the following as a new subsection:

( ) Notwithstanding subsection (a), an individual authorized as a third-party skills test examiner for school bus (S) endorsement skills testing pursuant to § 55-50-415 is not required to submit a certificate from the county board of education, unless the individual is also providing transportation services for a school.

SECTION 10. Tennessee Code Annotated, Section 55-50-407, is amended by adding the following as a new subsection:

( ) An applicant for renewal of a CDL whose license has been expired for more than one (1) renewal cycle as set forth in § 55-50-337 must successfully complete all appropriate examinations for the issuance of a new CDL.

SECTION 11. The headings to sections, chapters, and parts 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 12. If any provision of this act or the application of any provision of this act to any person or circumstance is held invalid or non-compliant with federal regulations, 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 declared to be severable.

SECTION 13. For the 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, 2022, the public welfare requiring it.

Amendment No. 1 to SB2457

Bailey
Signature of Sponsor

AMEND Senate Bill No. 2457* **House Bill No. 2660**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 56-7-3101, is amended by designating the existing language as subsection (a) and adding the following new subsection :

(b)

(1) The commissioner of commerce and insurance shall promulgate rules to effectuate the purposes of this part and part 32 of this chapter, including, but not limited to, rules to:

(A) Implement pharmacy benefits manager audits that are necessary to ensure compliance with this part and part 32 of this chapter;

(B) Provide for additional requirements for pharmacy benefits managers to obtain licensure pursuant to § 56-7-3113;

(C) Implement a complaint and administrative hearing process to effectuate § 56-7-3110; and

(D) Provide for such fees as the commissioner determines are reasonably necessary to administer this part and part 32 of this chapter, including, but not limited to, a fee to cover the cost of supervising compliance with this part and part 32 of this chapter, payable by a pharmacy benefits manager upon being the subject of an audit pursuant to this section.

(2) Rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. A violation of any rule issued pursuant to this section is a violation of this part.

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

Senate Commerce and Labor 2

Amendment No. 2 to SB2457

Bailey
Signature of Sponsor

AMEND Senate Bill No. 2457* **House Bill No. 2660**

by adding the following language before the semicolon at the end of (b)(1)(A) in Section 1:

, provided such audits shall not occur more than once every three (3) years

Amendment No. 3 to SB2457

Roberts
Signature of Sponsor

AMEND Senate Bill No. 2457* **House Bill No. 2660**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 56-7-3101, is amended by designating the existing language as subsection (a) and adding the following new subsection :

(b)

(1) The commissioner of commerce and insurance shall promulgate rules to effectuate the purposes of this part and part 32 of this chapter, including, but not limited to, rules to:

(A) Implement pharmacy benefits manager audits that are necessary to ensure compliance with this part and part 32 of this chapter;

(B) Provide for additional requirements for pharmacy benefits managers to obtain licensure pursuant to § 56-7-3113;

(C) Implement a complaint and administrative hearing process to effectuate § 56-7-3110; and

(D) Provide for such fees as the commissioner determines are reasonably necessary to administer this part and part 32 of this chapter, including, but not limited to, a fee to cover the cost of supervising compliance with this part and part 32 of this chapter, payable by a pharmacy benefits manager upon being the subject of an audit pursuant to this section.

(2) Rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. A violation of any rule issued pursuant to this section is a violation of this part.

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

Senate Finance, Ways, and Means 1

Amendment No. 4 to SB2457

Watson
Signature of Sponsor

AMEND Senate Bill No. 2457* **House Bill No. 2660**

by deleting subdivision (b)(1)(A) in SECTION 1 and substituting:

(A) Implement pharmacy benefits manager audits that are necessary to ensure compliance with this part and part 32 of this chapter; provided, such audits must not occur more than once every three (3) years unless the commissioner determines there is a need to investigate the financial condition of or legality of conduct by a pharmacy benefits manager;

Amendment No. 1 to SB2487

Briggs
Signature of Sponsor

AMEND Senate Bill No. 2487 House Bill No. 2483*

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

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

(a) As used in this section:

(1) "County election official" means the county election commission, administrator of elections, or county election commission staff; and

(2) "State official" means the governor, the secretary of state, the coordinator of elections, a member of the state election commission, or other official of a state entity authorized to act under this title.

(b) State officials and county election officials shall consult with the speaker of the senate and the speaker of the house of representatives prior to entering into consent decrees to change state election laws or rules.

(c) The general assembly has legal standing to file an action against state officials and county election officials for violating this section.

SECTION 2. This act takes effect July 1, 2022, the public welfare requiring it.

Amendment No. 1 to SB2489

Briggs
Signature of Sponsor

AMEND Senate Bill No. 2489 House Bill No. 2600*

by deleting subsection (d) from SECTION 1 and substituting instead the following:

(d) For purposes of this section, a "full-time purchasing agent" means a person who devotes the whole of the person's working time to the demands and duties of the office of purchasing agent.

Amendment No. 1 to SB2672

Briggs
Signature of Sponsor

AMEND Senate Bill No. 2672 House Bill No. 2723*

by adding the following as a new subsection (d) in Section 1:

(d) The department of human resources shall develop the policies and procedures necessary to implement this section.

Amendment No. 1 to SB2692

Briggs
Signature of Sponsor

AMEND Senate Bill No. 2692 House Bill No. 2534*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 13-3-402(a)(1), is amended by deleting the language "no more than two (2) lots" and substituting "no more than twenty-five (25) lots if the development received preliminary plan approval through the regional planning commission, or five (5) lots if the development did not require preliminary plan approval through the regional planning commission"; and is further amended by deleting the language "upon certification by the planning staff of the regional planning commission" and substituting "and upon certification by the regional planning commission, or by the planning staff of the regional planning commission if the commission has delegated this responsibility to its planning staff pursuant to subsection (c),".

SECTION 2. Tennessee Code Annotated, Section 13-3-402(b), is amended by deleting the first sentence and substituting:

> A county register shall not receive, file, or record a plat of a subdivision, or an amendment, modification, or correction to a recorded plat of a subdivision, without the approval of the regional planning commission, or the planning staff of the regional planning commission if this responsibility has been delegated to the planning staff pursuant to subsection (c), when and as required by this part.

SECTION 3. Tennessee Code Annotated, Section 13-3-402(c), is amended by designating the existing language as subdivision (c)(1) and adding the following new subdivisions:

(2) A regional planning commission may only delegate the responsibility for approval of a subdivision plat that includes:

(A) No more than twenty-five (25) lots and only if the development received preliminary plan approval through the regional planning commission; or

(B) No more than five (5) lots if the development did not require preliminary plan approval through the regional planning commission; provided, that:

(i) The subdivision complies with such regulations governing a subdivision of land as adopted by the regional planning commission pursuant to § 13-3-403;

(ii) No request for a variance from such regulations has been requested; and

(iii) A division of land requiring new road or utility construction is not approved by the planning staff under this subsection (c) unless the plan received preliminary approval by the regional planning commission.

(3) A regional planning commission shall not delegate to its planning staff the authority to preliminarily approve, finalize approval of, or certify a subdivision plat, regardless of the number of lots proposed for the subdivision plan, consistent with the parameters of this section, unless each county and municipal legislative body, lying in whole or in part within, and subject to, the jurisdiction of the regional planning commission, approves such delegation by a majority vote of their respective legislative bodies.

SECTION 4. Tennessee Code Annotated, Section 13-4-302(a), is amended by deleting the language "no more than two (2) lots" and substituting "no more than twenty-five (25) lots if the development received preliminary plan approval through the municipal planning commission, or five (5) lots if the development did not require preliminary plan approval through the municipal planning commission"; and is further amended by deleting the language "upon

certification by the planning staff of the municipal planning commission" and substituting "upon certification by the municipal planning commission, or by the planning staff of the municipal planning commission if the commission has delegated this responsibility to its planning staff pursuant to subsection (d),".

SECTION 5. Tennessee Code Annotated, Section 13-4-302(c), is amended by deleting the first sentence and substituting:

A county register shall not file or record a plat of a subdivision of land, or an amendment, modification, or correction to a recorded plat of a subdivision, within the municipality without the approval of the municipal planning commission, or the planning staff of the municipal planning commission if this responsibility has been delegated to the staff as provided in subsection (d), as required by this part.

SECTION 6. Tennessee Code Annotated, Section 13-4-302, is amended by adding the following new subsection (d):

(d)

(1) A municipal planning commission may delegate the responsibility for approval of a subdivision plat to the planning staff of the municipal planning commission by a majority vote of the municipal planning commission that is taken at a public meeting after being placed on the municipal planning commission's meeting agenda and notice being provided as required for other matters before the municipal planning commission.

(2) This delegation may only include subdivision plats that include:

(A) No more than twenty-five (25) lots and only if the development received preliminary plan approval through the municipal planning commission; or

(B) No more than five (5) lots if the development did not require preliminary plan approval through the municipal planning commission; provided, that:

(i) The subdivision complies with such regulations governing a subdivision of land as adopted by the municipal planning commission pursuant to § 13-4-303;

(ii) No request for a variance from such regulations has been requested; and

(iii) A division of land requiring new road or utility construction is not approved by the planning staff under this subsection (d) unless the plan received preliminary approval by the municipal planning commission.

(3) A municipal planning commission shall not delegate to its planning staff the authority to preliminarily approve, finalize approval of, or certify a subdivision plat, regardless of the number of lots proposed for the subdivision plan, consistent with the parameters of this section, unless the municipal legislative body approves such delegation by a majority vote of the legislative body.

SECTION 7. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to SB2695

Briggs
Signature of Sponsor

AMEND Senate Bill No. 2695 House Bill No. 2597*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 67, Chapter 5, Part 5, is amended by adding the following new section:

(a) An assessor of property may display "UNLISTED" for the first and last name in the ownership field of an online searchable database of property when the following conditions are met:

(1) The residential property owner files a written request with the assessor to display the ownership field for their property as "UNLISTED"; and

(2) The written request includes sufficient information to clearly demonstrate to the assessor that the subject property is the primary residence of the residential property owner making the request pursuant to subdivision (a)(1).

(b) This section does not prohibit an assessor from responding to an open records request regarding the subject property or from providing other information otherwise available for public inspection through an open records request.

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

Amendment No. 1 to SB2769

Briggs
Signature of Sponsor

AMEND Senate Bill No. 2769 House Bill No. 2875*

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 new part:

41-51-201. As used in this part:

(1) "Correctional environment" means a physical location, whether a facility or transport vehicle, in which an inmate must be under custody and control of a correctional officer in accordance with recognized correctional standards;

(2) "Correctional institution" means a facility under the authority of this state, a county, or a municipal government that has the power to detain or restrain, or both, a person under the laws of this state;

(3) "Extraordinary circumstance" means that an inmate presents a substantial flight risk or some other extraordinary medical, mental health, or security circumstance;

(4) "Inmate" means a person incarcerated or detained in a correctional institution who is accused of, convicted of, sentenced for, or adjudicated delinquent for violations of criminal law or the terms and conditions of parole, probation, pretrial release, or a diversionary program;

(5) "Labor" means the period of time before a birth during which contractions are of sufficient frequency, intensity, and duration to bring about effacement and progressive dilation of the cervix; and

(6) "Restraints" means a physical or mechanical device used to control the movement of an inmate's body, limbs, or both.

41-51-202.

(a) Except as provided in subsection (b), beginning on the date on which a pregnancy is known to a law enforcement agency and confirmed by a healthcare professional, an inmate in the custody of a correctional institution must not be placed in restraints.

(b) The prohibition under subsection (a) does not apply if:

(1) An inmate is restrained solely by handcuffs in front of her body during internal escort or at any time outside of the incarceration facility;

(2) An appropriate corrections officer makes a determination that:

(A) The inmate is an immediate and credible flight risk that cannot reasonably be prevented by other means;

(B) The inmate poses an immediate and serious threat of harm to herself, the unborn child, or others that cannot reasonably be prevented by other means; or

(C) The custody or classification level of the inmate requires the use of restraints; or

(3) A healthcare professional responsible for the health and safety of the inmate determines that the use of restraints is appropriate for the medical safety of the inmate or the unborn child.

(c) If restraints are used pursuant to an exception under subsection (b), only the least restrictive restraints may be used that are necessary to prevent harm to the inmate, unborn child, or others, or to prevent the risk of escape.

(d) The exceptions under subsection (b) must not be applied:

(1) To place restraints around the ankles, legs, or waist of an inmate who is in labor or delivery;

(2) To restrain an inmate's hands behind her back; or

(3) To attach an inmate to another inmate.

(e) If restraints are used on a pregnant inmate in extraordinary circumstances pursuant to subsection (b) that are outside of necessary restrained movement in a correctional environment, the corrections official shall, within seventy-two (72) hours, document in writing the extraordinary circumstances that dictated the use of the restraints to ensure the safety and security of the inmate, the unborn child, the staff of the correctional institution or medical facility, other prisoners or detainees, or the public.

(f) The commissioner of correction and the sheriffs, superintendents, and jail administrators of each local correctional facility shall require annual training of staff members who transport or supervise female inmates on the requirements of this part.

(g) All inmates potentially affected by this part must be advised in a separate, clear, and concise writing of the requirements of this part, and of § 41-21-227(h), upon admission to the correctional institution and when known to be pregnant.

(h) Notwithstanding subsection (b), upon the request of a healthcare professional who is responsible for the health and safety of an inmate, a corrections officer must refrain from using restraints on the inmate or must remove restraints used on the inmate.

SECTION 2. This act takes effect July 1, 2022, the public welfare requiring it.

Amendment No. 1 to SB2819

Roberts
Signature of Sponsor

AMEND Senate Bill No. 2819 House Bill No. 1760*

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

SECTION 1. Tennessee Code Annotated, Section 10-7-504(f), is amended by adding the following new subdivisions:

(10) As used in this subsection (f), "records and information" means employment records containing information listed in subdivisions (f)(1)(A)-(H) that has been collected by the employing governmental entity.

(11) For the purposes of this subsection (f), this state or a local governmental entity, as applicable, is considered to be the "employing governmental entity" regardless of which department, branch, agency, or other recognized part of state government or local government keeps or maintains the requested employment records and information.

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

Amendment No. 2 to SB2819

Briggs
Signature of Sponsor

AMEND Senate Bill No. 2819 House Bill No. 1760*

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

SECTION 1. Tennessee Code Annotated, Section 10-7-504(f), is amended by adding the following new subdivisions:

(10) As used in this subsection (f), "records and information" means employment records containing information listed in subdivisions (f)(1)(A)-(H) that has been collected by the employing governmental entity.

(11) For the purposes of this subsection (f), this state or a local governmental entity, as applicable, is considered to be the "employing governmental entity" regardless of which department, branch, agency, or other recognized part of state government or local government keeps or maintains the requested employment records and information.

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