



State of Tennessee

PUBLIC CHAPTER NO. 917

HOUSE BILL NO. 2500

By Representatives Sargent, McCormick

Substituted for: Senate Bill No. 2597

By Senator Norris

AN ACT to amend Tennessee Code Annotated, Title 4; Title 5; Title 6; Title 8; Title 9; Title 10; Title 11; Title 12; Title 13; Title 16; Title 17; Title 18; Title 29; Title 33; Title 36; Title 37; Title 38; Title 39; Title 40; Title 41; Title 43; Title 45; Title 47; Title 48; Title 49; Title 50; Title 53; Title 54; Title 55; Title 56; Title 57; Title 58; Title 59; Title 60; Title 62; Title 63; Title 64; Title 65; Title 66; Title 67; Title 68; Title 69; Title 70 and Title 71, relative to statutory revisions required for implementation of the annual appropriations act.

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

SECTION 1. Tennessee Code Annotated, Section 9-1-103(a), is amended by deleting the period at end of the subsection and adding the following:

; provided, however, that any provision of law authorizing an agency, board, or entity to sue or be sued shall not constitute a waiver of sovereign immunity.

SECTION 2. Tennessee Code Annotated, Section 9-1-103(b), is amended by deleting the period at end of the subsection and adding the following:

; provided, however, that any provision of law authorizing an institution or program of higher education to sue or be sued shall not constitute a waiver of sovereign immunity.

SECTION 3. Tennessee Code Annotated, Section 9-4-5113(b), is amended by inserting the language, "attorney general and reporter," after the language "state court system,".

SECTION 4. Tennessee Code Annotated, Title 12, Chapter 2, Part 1, is amended by adding the following section:

12-2-122. Notwithstanding any provision of law to the contrary, proceeds from the sale and conveyance of surplus real property or improvements used for state forestry or other operations of the department of agriculture, if not managed as state office buildings and support facilities revolving fund property, shall be deposited in a reserve for forestry facilities, which hereby is created in the general fund, to be used for capital outlay for replacement facilities of the department and other capital outlay of the department.

SECTION 5. Tennessee Code Annotated, Section 4-3-1016, is amended in subsection (d) by deleting the word "and" after the date "2010" and inserting the language "and June 30, 2014" immediately after the date "2011".

SECTION 6. Tennessee Code Annotated, Section 4-3-1016, is amended in subsection (d) by adding the following as a new subdivision (33) and by renumbering existing subdivision (33) and subsequent subdivisions accordingly:

(33) Department of economic and community development, job skills fund, created or referenced in title 50, chapter 7, part 4;

SECTION 7. Tennessee Code Annotated, Section 68-203-104(d), is amended by deleting the subsection in its entirety and substituting instead the following:

(d) For each division of the department that administers one (1) or more of the statutes listed in § 68-203-101(b), no promulgating authority shall establish a fee

schedule that results in a ratio between state appropriations and environmental protection fees, exclusive of penalties and damages, in which the environmental protection fees constitute a higher percentage of the total funds expended by the division than the following ratios, which represents an approximation of the time spent by the divisions in activity that protects the public and the environment generally to that spent addressing a particular entity such as in technical assistance, permitting, inspection or enforcement:

(1) For the divisions of air pollution control, radiological health and solid waste management: the percentage of environmental protection fees shall not constitute a higher percentage of the total fees and appropriations than they did in the fiscal year 1994-1995, as follows:

(A) For the division of air pollution control: environmental protection fees, eighty-nine and nine-tenths percent (89.9%); state appropriations, ten and one-tenth percent (10.1%);

(B) For the division of radiological health: environmental protection fees, ninety-one and five-tenths percent (91.5%); state appropriations, eight and five-tenths percent (8.5%);

(C) For the division of solid waste management: environmental protection fees, seventy-seven and one-tenth percent (77.1%); state appropriations, twenty-two and nine-tenths percent (22.9%); and

(2) For the division of water resources: environmental protection fees, fifty-eight percent (58%); state appropriations, forty-two percent (42%).

SECTION 8. Tennessee Code Annotated, Section 4-3-1016, is amended in subsection (f) by deleting the word "and" after the language "2009," and inserting the language "and June 30, 2014" immediately after the date "2011".

SECTION 9. Tennessee Code Annotated, Section 4-3-1016, is further amended in subsection (f) by deleting all language following "or programs:" and by substituting instead the following:

(1) Department of transportation funds, reserve accounts and programs in the highway fund or other funds created or referenced in titles 54, 55, 57, 65 and 67, except as otherwise provided by law;

(2) Department of commerce and insurance, state board of accountancy fund, created or referenced in title 62, chapter 1, part 1;

(3) Department of commerce and insurance, division of regulatory boards fund, created or referenced in title 56, chapter 1, part 3; and

(4) Department of health, health-related boards fund, created or referenced in title 63, chapter 1, part 1.

SECTION 10. If any provisions of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which 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 11. This act shall take effect upon becoming a law, the public welfare requiring it.

HOUSE BILL NO. 2500

PASSED: April 15, 2014



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 13th day of May 2014



BILL HASLAM, GOVERNOR