



UNDERGROUND STORAGE TANKS
AND
SOLID WASTE DISPOSAL CONTROL BOARD

BOARD ORIENTATION MANUAL

Last Revised September 2024

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Tab 1

Underground Storage Tanks and Solid Waste Disposal Control Board

Board Characteristics:

Fourteen (14) members: twelve appointed by the Governor for four-year terms upon expiration of initial appointments; two ex officio non-voting members.

Members include:

- one person engaged in a field directly related to agriculture;
- one person employed by, or is the owner of, a private petroleum concern with at least ten (10) years of experience owning or operating a wholesale or retail gasoline business with management responsibility for at least 15 underground storage tanks;
- one person who is employed by a private manufacturing concern in Tennessee who shall have a college degree in engineering or the equivalent and at least eight (8) years of combined technical training and experience in permit compliance and management of solid wastes or hazardous wastes;
- one person employed by a private manufacturing concern in Tennessee who shall have a college degree in engineering or the equivalent and at least eight (8) years of combined technical training and experience in the management of petroleum underground storage tanks and hazardous materials;
- one person who is a registered engineer, geologist, or qualified land surveyor with knowledge of management of solid wastes, hazardous materials, or the management of underground storage tanks, from the faculty of an institution of higher learning;
- one person knowledgeable of the management of solid wastes, hazardous materials, or underground storage tanks to represent environmental interests;
- one representative of county governments;
- one representative of municipal governments;
- one person who is a small generator of solid wastes or hazardous materials representing automotive interests;
- one person employed by a private petroleum concern with experience in the management of petroleum;
- one person engaged in the business of management of solid wastes or hazardous materials;
- one person who is employed by, or is the owner of, a private petroleum concern with at least five (5) years of experience owning or operating a wholesale or retail gasoline business with management responsibility for no more than five (5) underground storage tanks;
- Commissioners of Economic and Community Development and Environment and Conservation (or their designees).

Commissioned under Tenn. Code Ann. Section 68-211-111.

Board Members

Member	Term Expires	Representation
Daphne Berry	9-30-2026	Petroleum Business with at least 15 Underground Storage Tanks
Stacey Cothran	9-30-2023	Solid/Hazardous Waste Management Industry
Jeff McCormick	9-30-2024	Municipal Government
Patrick Flood	Ex-Officio	Commissioner's Designee, Dept. of Environment & Conservation
Dr. George Hyfantis, Jr.	9-30-2026	Institution of Higher Learning
Vacant	---	Single Facility with less than 5 Underground Storage Tanks
Vacant	---	Environmental Interests
Jared Lynn	9-30-2025	Manufacturing experienced with Solid/Hazardous Waste
Doug Giles, Jr.	9-30-2025	Working in a field related to Agriculture
William (Will) E. Ownby, Jr.	9-30-2026	Manufacturing, experienced with Underground Storage Tanks/Hazardous Materials
Steve Perry	9-30-2025	Petroleum Management Business
Mayor Bob Rial	9-30-2023	County Government
Jimmy West	Ex-Officio	Commissioner's Designee, Economic & Community Development
Mark Williams	9-30-2024	Small Generator of Solid/Hazardous Materials representing Automotive Interests

Board Resources

[illegible]

Tab 3

ROBERT'S RULES IN SHORT: A GUIDE TO RUNNING AN EFFECTIVE MEETING

"Where there is no law, but every man does what is right in his own eyes, there is the least of real liberty." Henry M. Robert.

Importance of Rules to an Effective Meeting:

While groups sometimes proceed informally or by consensus, it is generally accepted that deliberative bodies operate much more effectively when they follow known rules of procedure.

In most instances and except as changed by the deliberative body, the rules to be followed are **Robert's Rules of Order** (hereinafter referred to as RR). These rules were first established by General Henry M. Robert in 1876. The latest edition of RR is the 11th edition.

A complete copy of RR runs nearly 700 pages. Even abridged versions, which are quite useful, often run 200 pages. Thus it is clear that this is a very brief summary.

RR defines the role of the chair, of members of the body, and establishes rules of procedure. These rules have been crafted and adjusted over the years to assist in effective meetings, and to balance carefully the rights of the majority to act and the rights of the minority to be heard, and in some cases, prevent action.

Robert's Rules of Order / Common Motions

- A. Proceed by Motion. The most basic element of RR is that matters come before the body by motion. A board member makes a motion simply by saying "I move that" or "Move adoption of," or "Move referral of," or "move to amend." It is not the form of the motion, but the substance of it which governs.
- B. Role of the Chair. It is the obligation of the Chair to run an orderly meeting. Members of the board should not speak until they have been recognized by the Chair. Except for a limited class of motions, a member may not interrupt another member when they have the floor. The Chair also rules on any votes and rules on any questions of proper procedure. In the event of a disruption in the meeting, the Chair may call on the "sergeant at arms" or others to return the meeting to order. Generally, under RR, the Chair does not participate in debate or vote unless the chair's vote affects the outcome of the motion. Some committees have changed this by rule to always allow the chair to vote.
- C. Types of Motions. Under RR, motions generally fall into one of four classes. These are:

1. The Main Motion: This is the matter that is before the body at that moment. Nearly all other motions bear some relation to the main motion.
2. Subsidiary Motions: These are a series of motions which propose to do something to or with the main motion. Examples include amendment, referral, laying on the table, calling the question. These motions are all subject to an order of precedence which will be discussed below.

Note that what is the "main motion" for application of the rules of precedence may change during the course of consideration of a matter: For example, if the main motion is to adopt a resolution, and a member offers a subsidiary motion to amend the resolution, the proposal for amendment becomes the main motion for purposes of consideration of the order of precedence of other motions. That is, the motion to amend is subject to further amendment, referral, laying on the table, etc. It is only when that motion has been disposed of that the motion to adopt is then back before the body for consideration.

3. Incidental Motions: Incidental motions relate to the pending matter, but generally relate to it in a procedural way such that the incidental motion must be dealt with before the body may return to either the main or subsidiary motion before it. Incidental motions take precedence over whatever motion is before the body, and in some instances, may be made when the mover does not have the floor. Examples of incidental motions are a point of order or procedure, appeal of a ruling on a point of order or procedure, a point of information, call for a roll call (division of the assembly), or a suspension of the rules.
4. Privileged Motions: These are very few motions that take precedence over all other motions. They include motion to recess, question of privilege, and a motion to adjourn.

D. Common Motions. An almost limitless number of motions may be made. RR lists at least 84 potential motions. This section will discuss some common motions; the reader is also referred to the accompanying "cheat sheet" attached as an appendix to this manual.

1. Adjourn: To end the meeting. Not debatable.
2. Adoption: This is to adopt the matter before the body.
3. Amendment: To modify the main motion before the body.
4. Division of Assembly / Roll Call: A call for division is the same as calling for a roll call vote. Any member may do this and the motion need not be seconded; it is simply granted when asked for. It is not debatable.
5. Division of the Question / Separation: This is a request to have separate votes on different paragraphs or portions of the proposal before the body. It is not debatable,

but does require a second.

6. Lay on the Table / Take off the Table: This is a motion to temporarily defer consideration of a matter and then to ask that the matter be taken up again. It is often used, when, for some reason, information necessary for consideration is temporarily unavailable. Motions to lay on the table or take off the table are not debatable. The motion is often made simply as a motion to "table." The motion should not be used if the intent is essentially to kill a proposal.
7. Place on File / Postpone Indefinitely: This is a common motion and is the equivalent of a motion to postpone or defer indefinitely. This is the motion to be used if the intent is to not adopt the matter before the board, without explicitly voting it down.
8. Point of Information: This is an incidental motion in which a member of the board desires some information prior to proceeding to a vote on the matter before the board. It does not require a second and no vote is actually taken on the point of information. A member simply says "I rise to a point of information" or "Point of Information?" It is proper when another has the floor.
9. Point of Order or Procedure: This is another incidental motion and again is not subject to a second or a debate. It raises a question about the procedure being followed by the body. The ruling on the Point of Procedure is committed to the Chair of the board. If a member of the body disagrees with the ruling, they may appeal the ruling of the Chair to the full body. An appeal does require a second, and a majority of the body must disagree with the Chair's ruling for it to be reversed.
10. Point of Privilege: This is one of the privileged motions, and again does not require a second, nor is it debatable. This normally relates to some personal matter or something relating to the operation of the body, such as a room that is too hot, too cold, too loud, some confidential information which should not be discussed before the body, etc.
11. Previous Question: This is a motion requesting that the board immediately vote on whatever matter is otherwise before it; it cuts off debate and proceeds to an immediate vote. The motion can be made either by "calling the question", "moving the previous question," or simply stating "Question." The motion requires a second and is non-debatable and requires a two-thirds vote.
12. Recess. The motion asks that the board take a short break. The length of time of the recess should be established. This is a privileged motion, in that it takes precedence over almost all other pending motions. It requires a second, it is not debatable, and requires a majority vote.
13. Reconsideration: A motion for reconsideration asks that the body reconsider something it has already acted upon. It must be made either at the same meeting at which the matter was considered, or at the next succeeding meeting. If it is to be

made at the next succeeding meeting, it must be on the official agenda of the meeting.

A motion to reconsider may only be made by a member who voted on the winning side of the prior question. This normally will be a member in the majority, but if a matter fails because it does not reach the required majority, it may be that the motion for reconsideration may be made by a member who actually is less than a majority. For example, if a matter needing a 2/3 vote falls one vote short of 2/3, reconsideration may only be moved by a member of the minority. If the motion to reconsider is approved, the prior proposal is then again before the board.

14. Motion to Refer/Commit: This is a subsidiary motion which asks that a matter be referred to another body, or to another meeting of the same board. It is called a motion to commit in RR.

15. Suspension of the Rules: This is an incidental motion because it relates to the manner in which the board will take up an issue. It requires a two-thirds majority, but is not debatable.

E. Debate. Once a debatable motion is before the body, members of the body proceed to debate. In both the making of motions and in debating the motions, members should wait to be recognized by the Chair. The standing rules of a board may limit the number of times and length of time that a member of the board may participate in debate.

F. Unanimous Consent. Asking for unanimous consent is a quick way to dispose of non-controversial items. The board may do this by proposing a "consent agenda" near the beginning of a meeting. Items that no member of the board objects to can be disposed of by unanimous approval. The Chair may ask for unanimous consent, or a member may ask for it on any pending matter. The Chair may do this by asking: "Is there any objection to recording a unanimous vote on item _____?"

Precedence of Motions

Some common motions are listed in descending order of precedence, that is, a motion is not in order if it has a higher number than the pending matter.

Undebatable Motions

1. Adjourn
2. Recess
3. Question of Privilege
4. Lay on the Table
5. Previous Question
6. Limit or Extend Debate

Debatable Motions

1. Postpone to a Definite Time
2. Refer or Commit
3. Amend
4. Postpone Indefinitely/ Place on File
5. Main Motion

Incidental Motions (e.g., Point of Order, Point of Information, Suspend the Rules, Division of the Assembly or of the Question) take precedence over whatever matter is pending.

Parliamentary Motions Guide

Based on *Robert's Rules of Order Newly Revised (11th Edition)*

The motions below are listed in order of precedence. Any motion can be introduced if it is higher on the chart than the pending motion.

YOU WANT TO:	YOU SAY:	INTERRUPT?	2 ND ?	DEBATE?	AMEND?	VOTE?
§21 Close meeting	I move to adjourn	No	Yes	No	No	Majority
§20 Take break	I move to recess for	No	Yes	No	Yes	Majority
§19 Register complaint	I rise to a question of privilege	Yes	No	No	No	None
§18 Make follow agenda	I call for the orders of the day	Yes	No	No	No	None
§17 Lay aside temporarily	I move to lay the question on the table	No	Yes	No	No	Majority
§16 Close debate	I move the previous question	No	Yes	No	No	2/3
§15 Limit or extend debate	I move that debate be limited to ...	No	Yes	No	Yes	2/3
§14 Postpone to a certain time	I move to postpone the motion to ...	No	Yes	Yes	Yes	Majority
§13 Refer to committee	I move to refer the motion to ...	No	Yes	Yes	Yes	Majority
§12 Modify wording of motion	I move to amend the motion by ...	No	Yes	Yes	Yes	Majority
§11 Kill main motion	I move that the motion be postponed indefinitely	No	Yes	Yes	No	Majority
§10 Bring business before assembly (a main motion)	I move that [or "to"] ...	No	Yes	Yes	Yes	Majority

Parliamentary Motions Guide

Based on *Robert's Rules of Order Newly Revised (11th Edition)*

Incidental Motions - No order of precedence. Arise incidentally and decided immediately.

YOU WANT TO:	YOU SAY:	INTERRUPT?	2 ND ?	DEBATE?	AMEND?	VOTE?
§23 Enforce rules	Point of order	Yes	No	No	No	None
§24 Submit matter to assembly	I appeal from the decision of the chair	Yes	Yes	Varies	No	Majority
§25 Suspend rules	I move to suspend the rules which ...	No	Yes	No	No	2/3
§26 Avoid main motion altogether	I object to the consideration of the question	Yes	No	No	No	2/3
§27 Divide motion	I move to divide the question	No	Yes	No	Yes	Majority
§29 Demand rising vote	I call for a division	Yes	No	No	No	None
§33 Parliamentary law question	Parliamentary inquiry	Yes (if urgent)	No	No	No	None
§33 Request information	Request for information	Yes (if urgent)	No	No	No	None

Motions That Bring a Question Again Before the Assembly - no order of precedence. Introduce only when nothing else pending.

§34 Take matter from table	I move to take from the table ...	No	Yes	No	No	Majority
§35 Cancel or change previous action	I move to rescind/ amend something previously adopted...	No	Yes	Yes	Yes	2/3 or maj. w/ notice
§37 Reconsider motion	I move to reconsider the vote ...	No	Yes	Varies	No	Majority

**ETHICS AND CONFLICT OF INTEREST STATEMENT
FOR
MEMBERS OF THE UNDERGROUND STORAGE TANKS AND SOLID WASTE DISPOSAL
CONTROL BOARD**

1. Pursuant to Tennessee Code Annotated section 68-211-111(i), “No member of the board shall participate in making any decision of a permit or upon a case in which the municipality, firm, or organization which the member represents, or by which the member is employed, or in which the member has a direct substantial financial interest, is involved.”
2. Each board member shall read and comply with all applicable portions of Executive Order No. 2, *An Order Concerning Ethics Policies Applicable to, and Ethics Disclosures Required of, Executive Branch Employees*, issued January 24, 2019 (attached), and any subsequent applicable Executive Order concerning ethics or conflicts of interest.
3. Each board member shall avoid all known applicable conflicts of interest, and to the extent the board member becomes aware of such a conflict of interest in connection with any matter brought before the board, the board member shall disclose such conflict to the other board members, Administrative Law Judge, and/or other appropriate person(s) and shall further recuse him or herself from participating in any consideration of the matter.
4. No board member shall participate in discrete decisions or actions specifically impacting individuals in his or her immediate family, individuals in their capacity as an employee of the board member, or the board member’s personal business.
5. A conflict of interest for purposes of this Statement is a conflict on the part of a board member between his or her private interests and the official responsibilities inherent in membership on a board, an office of public trust. It is recognized that the composition of the board is statutorily mandated to include representatives of specified groups in order to assure that views and interests of the specified groups are represented. Therefore, an applicable conflict of interest does not exist when a board member participates in the discharge of his or her official duties, including participation in the promulgation of rules, if such participation will not substantially affect a direct or indirect financial interest, as described in Executive Order No. 2 or any subsequent applicable Executive Order, of the board member, or an entity with which he or she is associated, in a manner different from the manner in which it affects the other members of the class to which he or she, or the associated entity, belongs.
6. When a board member is in doubt as to the proper interpretation of this conflict of interest statement, he or she is expected to seek the advice of the Commissioner of Environment and Conservation or the Commissioner’s designee, which will be one or more persons impartial to the interpretation issue in question.
7. All members of the board must annually:
 - (a) Review the Ethics and Conflict of Interest Statement; and
 - (b) Submit a signed and dated Ethics and Conflict of Interest Statement Acknowledgement to the Technical Secretary.

THIS ETHICS AND CONFLICT OF INTEREST STATEMENT DATED JANUARY 25, 2021, REPLACES AND SUPERSEDES ANY PREVIOUS SUCH STATEMENTS PROVIDED TO OR EXECUTED BY BOARD MEMBERS.



RECEIVED
2019 JAN 29 AM 10:22
SECRETARY OF STATE
PUBLICATIONS

STATE OF TENNESSEE
EXECUTIVE ORDER
BY THE GOVERNOR

No. 2

**AN ORDER CONCERNING ETHICS POLICIES APPLICABLE TO, AND ETHICS
DISCLOSURES REQUIRED OF, EXECUTIVE BRANCH EMPLOYEES**

WHEREAS, establishing, communicating, complying with, and enforcing a robust and comprehensive ethics policy within the Executive Branch of the State of Tennessee is essential to maintaining public trust in government and ensuring the proper performance of government; and

WHEREAS, disclosure is an indispensable element of an effective ethics policy; and

WHEREAS, this Administration is committed to simplifying and streamlining government processes, systems, and policies to a point understandable by Tennessee citizens;

WHEREAS, this Executive Order No. 2 underscores, expands, and enhances the commitment of this Administration to the highest standards of ethics and transparency by employees of the Executive Branch.

NOW THEREFORE, I, Bill Lee, Governor of the State of Tennessee, by virtue of the power and authority vested in me by the Tennessee Constitution and the laws of Tennessee, do hereby direct and order that:

1. Except where otherwise noted, this Order applies to the following employees of the Executive Branch of the State of Tennessee: the Governor, members of the Governor's staff, members of the Governor's Cabinet, and all other Executive Branch employees.
2. Each employee shall avoid any action, whether or not specifically prohibited by statute, regulation, or this Order, which might result in or create the appearance of:
 - a. Using public office for private gain;
 - b. Giving preferential treatment to any person;
 - c. Impeding government efficiency or economy;
 - d. Losing complete independence or impartiality;

- e. Making a government decision outside of official channels; or
 - f. Affecting adversely the confidence of the public in the integrity of the government.
3. Each employee is expected to comply with the following ethical principles and policies governing financial interests, use of information, and use of government property:
- a. Financial interests.
 - i. No employee shall enter into or derive any benefit, directly or indirectly, from any contractual arrangement with the State or any of its agencies. In recognition of the fact that many spouses have separate careers, the normal employment compensation of a spouse whose regular, ongoing employer or business has a contractual arrangement with the State shall not be considered a “benefit” to the employee, provided the contract with the State was procured without any participation, assistance, or influence by the employee.
 - ii. No employee shall have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his or her government duties or responsibilities. “Indirect financial interest” in this case includes a substantial interest on the part of a member of the employee’s household. This subsection shall not apply to interests that have been placed into a “blind trust” arrangement pursuant to which the employee does not have knowledge of the retention or disposition of such interests. This subsection also shall not apply to ownership of publicly traded stocks or bonds where such ownership constitutes less than two percent (2%) of the total outstanding amount of the stocks or bonds of the issuing entity. If, at the time the employee begins employment with the State or at any subsequent time during State employment, the employee possesses such direct or indirect financial interests, the employee shall divest such interest within a reasonable time.
 - b. Use of Information.
 - i. No employee shall directly or indirectly use, disclose, or allow the use of official information obtained through or in connection with the employee’s government employment and not available to the general public for the purpose of furthering the private interest of personal profit of any person, including the employee; or
 - ii. Engage in a financial transaction as a result of, or primarily relying upon, information obtained through the employee’s government employment.
 - c. Use of government property.

- i. No employee shall make use of the facilities, equipment, personnel, or supplies of the State or its agencies for private use or gain, except to the extent that the use is incidental or de minimis or is lawfully available to the general public.

4. Gifts.

- a. No Executive Branch employee shall solicit or accept, directly or indirectly, on behalf of himself or herself or any member of the employee's household, any gift, including but not limited to any gratuity, service, favor, food, beverage, refreshment, entertainment, lodging, transportation, loan, loan guarantee, or any other thing of monetary value, from any person or entity that: (i) has, or is seeking to obtain, contractual or other business or financial relations with the department or agency of the State of Tennessee in which the individual is employed; (ii) conducts operations or activities that are regulated by the department or agency of the State of Tennessee in which the employee is employed; or (iii) has interests that may be substantially affected by the performance or nonperformance of the employee's official duties.
- b. Exceptions. The prohibition on accepting gifts in paragraph 4 does not apply in the following circumstances:
 - i. A gift given by a member of the employee's immediate family or by an individual if the gift is given for a nonbusiness purpose and is motivated by a close personal friendship and not by the position of the employee. In determining whether a gift falls within this subdivision, the factors contained in Tenn. Comp. R. & Regs. 0580-01-05-.04(2) shall apply;
 - ii. Informational materials in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication;
 - iii. Sample merchandise, promotional items, and appreciation tokens, if they are routinely given to customers, suppliers, or potential customers or suppliers in the ordinary course of business;
 - iv. Unsolicited tokens or awards of appreciation, honorary degrees, or bona fide awards in recognition of public service in the form of a plaque, trophy, desk item, wall memento, and similar items; provided that any such item shall not be in a form which can be readily converted to cash;
 - v. Food, refreshments, foodstuffs, entertainment, or beverages provided as part of a meal or other event, if the value of such items does not exceed, per occasion, the dollar amount provided in Tenn. Code Ann. § 3-6-305(b)(8), as updated via posting on the Tennessee Ethics Commission's website to account for changes in the average consumer price index; provided further, that the value of a gift made pursuant to this subsection may not be reduced below the monetary limit by

dividing the cost of the gift among two or more persons or entities identified in paragraph 4;

- vi. Food, refreshments, meals, foodstuffs, entertainment, beverages, or interstate travel expenses that are provided in connection with an event where the employee is attending a scheduled meeting of an established or recognized membership organization which holds regular meetings; and
 - vii. Loans from an established financial institution made in the ordinary course of business on usual and customary terms, so long as there are no guarantees or collateral provided by any person described in paragraph 4.
- c. There may be circumstances where refusal or reimbursement of a gift such as a lunch or dinner may be awkward and contrary to the larger interests of the State. In such circumstances, the employee is to use the employee's best judgment and disclose the gift, including a description, estimated value, the person or entity providing the gift, and any explanation necessary within fourteen (14) days to the Chief Ethics Officer on the form titled "Gift Prohibition Exception Disclosure" provided by the Department of Finance and Administration for that purpose.

5. Disclosures.

- a. The Commissioner of Finance and Administration shall prepare forms that should be utilized to report the information described in this Order and shall make those forms available to each individual on or before January 1 of each year. Such forms and statements can be located on the Commissioner of Finance and Administration's website and shall be completed and filed by the respective employees as follows:
 - i. The Governor and Governor's Cabinet and Cabinet Level Staff.
 - 1. Pursuant to Tenn. Code Ann. § 2-10-115 and §§ 8-50-501 and -502 the Governor and the Governor's Cabinet and Cabinet level staff shall file annually the "Statement of Disclosure of Interest Form" with the Tennessee Ethics Commission and the Counsel to the Governor on or before April 15th of each year.
 - a. The disclosure shall exceed the statutory requirements of Tenn. Code Ann. §§ 8-50-501 and -502 in one respect. Subsequent to appointment, each covered employee shall file annually the complete form required upon appointment (as set forth in Tenn. Code Ann. § 8-50-501), and may not file a letter simply indicating any, or no, changes from the initial filing as is currently authorized by Tenn. Code Ann. § 8-50-504.

2. The Governor and the Governor's Cabinet and Cabinet level staff shall file annually the "Ethics Policy Compliance Certification and Conflict of Interest Statement" with the Chief Ethics Officer on or before April 15th of each year.
- ii. All other employees listed on Attachment A of this Order.
 1. All other employees listed on Attachment A of this Order shall file annually the "Statement of Disclosure of Interest Form" and the "Conflict of Interest and Ethics Policy Receipt Statement" with the Chief Ethics Officer on or before April 15th of each year.
6. I appoint the Counsel to the Governor to serve as the Chief Ethics Officer for the Executive Branch charged with administering the provisions of this Order and maintaining all records related to the ethics policy.
 7. The Chief Ethics Officer shall convene a meeting of the Chief of Staff, the Commissioner of Finance and Administration, and the Commissioner of Human Resources to take any action necessary or convenient to determine or enforce the ethics policy and address any request for exemptions.
 8. When an employee is in doubt as to the proper interpretation of this Order, the employee is expected to seek the advice of the Chief Ethics Officer.
 9. The Chief Ethics Officer shall make the disclosures and statements required by this Order available for inspection by the public during normal working hours.
 10. This Executive Order is intended only to improve the internal management of the Executive Branch of the State of Tennessee and does not create any right to administrative or judicial review, or any other right or benefit, substantive or procedural, enforceable at law or equity by a party against the State of Tennessee, its agencies or instrumentalities, its officers or employees, or any other person.
 11. This Executive Order No. 2 supersedes and rescinds Governor Haslam's Executive Order No. 20, dated August 31, 2012, and all other directives and memoranda concerning ethics policies applicable to the Executive Branch, and all previous executive orders, the terms of which are inconsistent with the terms of this Executive Order No.2, are hereby repealed.

IN WITNESS WHEREOF, I have subscribed my signature and caused the Great Seal of the State of Tennessee to be affixed this 24th day of January, 2019.

Brian Lee
GOVERNOR

ATTEST:

Lee Wright
SECRETARY OF STATE



ATTACHMENT A TO EXECUTIVE ORDER 2
POSITIONS COVERED

Office of the Governor

Governor
Deputy to the Governor
Chief of Staff
Chief Operating Officer
Counsel to the Governor
Senior Advisor to the Governor
Special Assistant to the Governor
Deputy Counsel to the Governor
Director of External Affairs
Legislative Director
All legislative liaisons
Communications Director
Policy Director

All Executive Branch Departments, Except for Department of Military

Commissioner
All deputy commissioners
All assistant commissioners
All chiefs of staff
All general counsels
All chief operating officers
All chief financial officers and budget directors
All chief medical officers
All senior advisors to the commissioner
All special assistants to the commissioner
All legislative directors or liaisons or the equivalent thereof

Department of Military

Adjutant General
All assistant adjutant generals
Director of TEMA
General Counsel
All legislative directors or liaisons or the equivalent thereof

Division of TennCare

Deputy Commissioner/Director
Deputy Directors
All assistant commissioners
Chief of Staff
Chief Medical Officer
General Counsel
Legislative director or legislative liaisons or the equivalent thereof

UNDERGROUND STORAGE TANKS AND SOLID WASTE DISPOSAL CONTROL BOARD

**ACKNOWLEDGEMENT
OF
ETHICS AND CONFLICT OF INTEREST STATEMENT**

The member has received and read a copy of the attached ETHICS AND CONFLICT OF INTEREST STATEMENT dated January 25, 2021. The member affirms that he/she understands that the Governor considers compliance with the STATEMENT a condition of service.

Signature of Board Member

Date

Please Print Name

Board Orientation Session

Powers and duties of the Commissioner and Board

The legislature has given both the Board and the Commissioner certain authority and duties under the Act.

There is a clear dichotomy between the powers and duties of the Boards and the Powers and duties of the Commissioner.

This dichotomy of powers and duties stems from the constructional separation of powers between the legislative branch of government and the executive branch of government.

If you have ever had a "civics" or "government" course, and even if you did not, you likely know that we have three branches of government - judicial, legislative, and executive- each had separate and distinct powers and duties.

The legislature makes laws and the executive carries out the law.

Similarly, the boards make rules (which have the force of law) and the Department carries out the rules

The primary duties of the Board include the:

- (1) promulgation of rules, Tenn. Code Ann. section 68-211-111(d);
- (2) interpretation of regulations, Tenn. Code Ann. section 4-5-223; and,
- (3) hearing appeals of permitting and enforcement actions pursuant to the Solid Waste Management Act and the Underground Storage Tank Act and the regulations promulgated under each of these Acts, Tenn. Code Ann. section 68-211-111(f) and title 68, chapter 215.

The primary duty of the Commissioner and the Department is implementation of these Acts and regulations: This includes:

1. Inspections or site investigations for regulatory purposes;
2. Conduct monitoring, collection of samples and testing, records review;
3. Conduct emergency response actions, cleanup, or other remedial actions;
4. Issue permits and accept registrations; and
5. Take enforcement actions, including issuance of orders for collection of civil penalties and for correcting violations.

What is a "Policy" and what is a "Rule"? Below are the definitions found in the Uniform Administrative Procedures Act.

T. C. A. § 4-5-102

§ 4-5-102. Definitions

As used in this chapter, unless the context otherwise requires:

- (10) "Policy" means any statement, document, or guideline prepared or issued by any agency pursuant to its delegated authority that merely defines or explains the meaning of a statute or a rule. "Policy" also means any statement, document, or guideline concerning only the internal management of state government that does not affect private rights, privileges, or procedures available to the public. For purposes of this subdivision (10), "internal management" means the administration of an agency's internal operations for the purpose of facilitating operational effectiveness and efficiency;

Tenn. Code Ann. § 4-5-102

- (12) "Rule" means any agency regulation, standard, statement, or document of general applicability that is not a policy as defined in subdivision (10) that:
- (A) Describes the procedure or practice requirements of an agency; or
 - (B) Implements, prescribes, or interprets an enactment of the general assembly or congress or a regulation adopted by a federal agency. "Rule" includes the establishment of a fee and the amendment or repeal of a prior rule. "Rule" does not include:
 - (i) Declaratory orders issued pursuant to § 4-5-223;
 - (ii) Intra-agency memoranda;
 - (iii) General policy statements that are substantially repetitious of existing law;
 - (iv) Agency statements that:
 - (a) Relate to the use of the highways and are made known to the public by means of signs or signals; or
 - (b) Relate to the curriculum of individual state-supported institutions of postsecondary education or to the admission or graduation of students of such individual institutions but not to the discipline or housing of students;
 - (v) Rate filings pursuant to title 56, chapters 5 and 6; or
 - (vi) Statements concerning inmates of a correctional or detention facility, or statements concerning offenders who are serving a sentence under probation or parole in the community;

Solid Waste Disposal, Tenn. Code Ann. §§ 68-211-101 to -124; 68-211-801 to -874; 68-211-901 to -925

Title 68 Health, Safety, and Environmental Protection, Chapter 211 Solid Waste Disposal,

Part 1 Tennessee Solid Waste Disposal Act

- [68-211-101. Short title.](#)
- [68-211-102. Public policy.](#)
- [68-211-103. Part Definitions.](#)
- [68-211-104. Unlawful methods of disposal.](#)
- [68-211-105. Supervision over construction of disposal facilities.](#)
- [68-211-106. Registration — Variances, waivers, and exemptions — Permits-by-rule — Public Notice — Denial of permit — Liability or obligation for cleanup or remediation.](#)
- [68-211-107. Supervision over operation — Rules and regulations.](#)
- [68-211-108. Delegation of duties to local health officers.](#)
- [68-211-109. Federal grants to counties and municipalities — Review and approval.](#)
- [68-211-110. Disposal on own land.](#)
- [68-211-111. Underground storage tanks and solid waste disposal control board — Members and terms — Vacancies — Termination due to vacancy — Notice of hearings — Public comment — Rules and regulations — Meetings — Compensation.](#)
- [68-211-112. Orders for correction — Preliminary conference with alleged violator.](#)
- [68-211-113. Review of correction order or plan disapproval — Hearing — Appeal.](#)
- [68-211-114. Criminal Penalties.](#)
- [68-211-115. Injunctions restraining violations.](#)
- [68-211-116. Performance bond — Solid waste disposal site restoration fund — Contract of obligation.](#)
- [68-211-117. Civil penalties.](#)
- [68-211-118. No permits for landfills violating § 11-13-111 — Exemptions.](#)
- [68-211-119. Baled waste — Disposal in landfills with permits — Exceptions.](#)
- [68-211-120. Manifest.](#)
- [68-211-121. Landfills and processing facilities — Inspection of waste.](#)
- [68-211-122. Approval for establishment of landfill through eminent domain.](#)
- [68-211-123. No permits by rule for certain sites for sewage sludge composting.](#)
- [68-211-124. Use of treated ash aggregate as a building material.](#)

Part 8 Solid Waste Management Act of 1991

- [68-211-801. Short Title.](#)
- [68-211-802. Part definitions.](#)
- [68-211-803. Public policy.](#)
- [68-211-804. Applicability.](#)
- [68-211-805. Liberal construction.](#)
- [68-211-806. Research and development regarding using solid waste materials as raw materials to create jobs, businesses and compost.](#)
- [68-211-807 through -810. \[Reserved\].](#)
- [68-211-811. Municipal solid waste planning district — District needs assessment.](#)

- [68-211-812. \[Reserved\].](#)
- [68-211-813. Municipal solid waste regions — Board — Plan for disposal capacity and waste reduction — Regional municipal solid waste advisory committee.](#)
- [68-211-814. Municipal solid waste region plans — Authority of region or solid waste authority after approval.](#)
- [68-211-815. Municipal solid waste region plans — Contents.](#)
- [68-211-816. Municipal solid waste regions — Failure to submit adequate plan — Noncompliance with part — Sanctions and penalties.](#)
- [68-211-817. Publicly owned landfills or incinerators — Exclusion of certain solid waste.](#)
- [68-211-818 through -820. \[Reserved\].](#)
- [68-211-821. Solid waste management fund — Funding — State-wide comprehensive goals for solid waste management programs.](#)
- [68-211-822. Annual grants to agencies by department — Guidance for regional needs assessments and development of plans.](#)
- [68-211-823. Annual plan maintenance grants — Planning assistance grants.](#)
- [68-211-824. Matching grant assistance to establish or upgrade convenience centers.](#)
- [68-211-825. Matching grant program — Recycling collection site equipment — State surcharge on tipping fee — Rebate.](#)
- [68-211-826. Office of cooperative marketing for recyclables — Duties.](#)
- [68-211-827. \[Reserved\].](#)
- [68-211-828. Competitive grants for collection of household hazardous waste.](#)
- [68-211-829. Household hazardous wastes — Mobile collection units.](#)
- [68-211-830. Matching grants for promoting new technologies.](#)
- [68-211-831. Investigation and clean-up of unpermitted waste tire disposal sites and other unpermitted solid waste disposal sites. \[Effective until July 1, 2025.\]](#)
- [68-211-831. Investigation and clean-up of unpermitted waste tire disposal sites and other unpermitted solid waste disposal sites. \[Effective on July 1, 2025.\]](#)
- [68-211-832. Grants for investigation and corrective action at landfills causing contamination of ground water.](#)
- [68-211-833. Disposal of hazardous waste in public schools.](#)
- [68-211-834. \[Reserved\]](#)
- [68-211-835. Tipping fee — Amount — Collection — Expenditure of revenues — Joint ventures — Surcharges — Solid waste disposal fees — Collection — Penalty for nonpayment — Use of fee.](#)
- [68-211-836 through -841. \[Reserved\]](#)
- [68-211-842. Education program — Guidelines — Funding.](#)
- [68-211-843. Information clearinghouse — Regional workshops and conferences.](#)
- [68-211-844. Educational and training programs.](#)
- [68-211-845. Promotion of education concerning solid waste management.](#)
- [68-211-846. Education programs — Awards.](#)
- [68-211-847. Matching grants to implement education program.](#)
- [68-211-848. Recognition of university and college programs — Awards program.](#)
- [68-211-849 and -850. \[Reserved\]](#)
- [68-211-851. Municipal solid waste collection and disposal systems — Convenience centers — Technical assistance — Separate receptacles.](#)
- [68-211-852. \[Reserved\]](#)
- [68-211-853. Landfills — Certification of operators, attendants and participating persons — Training — Suspension or revocation of operating license or operator's certification.](#)
- [68-211-854. Contracting with private entities.](#)
- [68-211-855 through -860. \[Reserved\]](#)
- [68-211-861 State waste reduction and diversion goal — Credit — Basis for goal — Sanction for failure to meet goal — Rule promoting recycling and waste reduction.](#)
- [68-211-862. Records of origin and amount of solid waste received at transfer stations, disposal facilities, and incinerators — Exclusion — Measurement of amount of solid waste received.](#)

- [68-211-863. Sites for collection of recyclable materials — Annual reports.](#)
- [68-211-864. Technical assistance.](#)
- [68-211-865. Duties of the department of general services and of the department of environment and conservation.](#)
- [68-211-866. Whole waste tires — Lead-acid batteries — Used oil — When acceptance for disposal prohibited — Storage sites.](#)
- [68-211-867. Waste tire disposal.](#)
- [68-211-868 through -870. \[Reserved\]](#)
- [68-211-871. Annual report — Contents — Annual progress report — Sanctions for noncompliance — Annual reports by recovered materials facilities.](#)
- [68-211-872. Solid waste planning and management data base — Guidelines and best practices.](#)
- [68-211-873. Annual report to governor and general assembly.](#)
- [68-211-874. Accounting for financial activities — Funds — Uniform solid waste financial accounting system — Development — Approval — Requirement for state funds.](#)

Part 9 Solid Waste Authority Act of 1991

- [68-211-901. Short title.](#)
- [68-211-902. Part definitions.](#)
- [68-211-903. Solid waste authority — Creation — Resolutions — Agreements among creating counties and municipalities — Name.](#)
- [68-211-904. Board of directors — Members — Compensation.](#)
- [68-211-905. Board of directors — Officers — Quorum — Vacancies — Removal of members.](#)
- [68-211-906. Solid waste authorities — Public instrumentalities — Powers — Exclusive jurisdiction and right to control collection of solid waste within boundaries — Disposal of waste by manufacturing firms.](#)
- [68-211-907. Exclusion or regulation of waste.](#)
- [68-211-908. Power of condemnation.](#)
- [68-211-909. Counties and municipalities — Assignment or loan of employees and provision of facilities to authority.](#)
- [68-211-910. Bonds — Issuance — Execution — Sale — Negotiability — Refunding bonds — Amount — Notice of issuance — Application of proceeds.](#)
- [68-211-911. Principal and interest on bonds — Security — Guarantees.](#)
- [68-211-912. Counties and municipalities — Liability.](#)
- [68-211-913. Revenues and income of authority — Directors and employees.](#)
- [68-211-914. Authority as public instrumentality — Exemption from taxation — Bonds deemed to be securities.](#)
- [68-211-915. Annual audit — Cost — Copies of audit available to public.](#)

- [68-211-916. Contracts with governmental entities authorized — Duration — Payments to authority — Funding.](#)
- [68-211-917. Powers of authorities cumulative — Powers of governmental entities.](#)
- [68-211-918. Counties and municipalities — Powers — Violation of ordinances or resolutions — Penalty — Injunctive relief.](#)
- [68-211-919. Acquisition of project sites — Method — Authorization.](#)
- [68-211-920. Contracts with solid waste authorities — Municipal corporations and counties — With taxing power — Without taxing power.](#)
- [68-211-921. Execution of written instruments by authorities.](#)
- [68-211-922. Joint exercise of power by authorities.](#)
- [68-211-923. Cumulative powers of authorities — Police powers of governmental entities — Projects.](#)
- [68-211-924. Dissolution of authority — Procedure — Allocation of assets.](#)
- [68-211-925. Liberal construction.](#)

Tennessee Petroleum Underground Storage Tank Act, Tenn. Code Ann. §§ 68-215-101 to - 204

Part 1 General Provisions

- [68-215-101. Short title.](#)
- [68-215-102. Legislative intent.](#)
- [68-215-103. Chapter definitions in addition to the definitions in § 68-215-201.](#)
- [68-215-104. Unlawful actions.](#)
- [68-215-105. Minimum requirements for tanks.](#)
- [68-215-106. Notification as to tanks in use and tanks taken out of operation — Authorized actions of commissioner upon failure to pay fees or penalties or for violation of rules — Penalty for removal of affixed notice or tag — Unlawful use of tanks identified or not identified by notice or tag.](#)
- [68-215-107. Supervision, inspection, and enforcement responsibilities.](#)
- [68-215-108. Proprietary information.](#)
- [68-215-109. Annual fees — Failure to pay — Petition for reduction of penalties — Petition for refund of annual fee.](#)
- [68-215-110. Petroleum underground storage tank fund — Environmental assurance fee.](#)
- [68-215-111. Use of fund.](#)
- [68-215-112 through -113. \[Reserved\]](#)
- [68-215-114. Order for correction — Liability](#)
- [68-215-115. Recovery of costs by state — Apportionment of liability.](#)
- [68-215-116. Failure to take proper action.](#)
- [68-215-117. Immunity from liability — Exceptions.](#)
- [68-215-118. Compliance by governmental entities.](#)
- [68-215-119. Review of orders.](#)
- [68-215-120. Criminal penalties.](#)

- [68-215-121. Civil penalty — Assessment.](#)
- [68-215-122. Injunctions.](#)
- [68-215-123. Complaints — Hearings — Appeals.](#)
- [68-215-124. Exemptions.](#)
- [68-215-125. Fund not deemed to be insurance.](#)
- [68-215-126. Preemption of local regulation — Exception.](#)
- [68-215-127. Exclusivity of provisions.](#)
- [68-215-128. \[Reserved\]](#)
- [68-215-129. Cleanup contracts — Requirements.](#)

Part 2 Indicia of Ownership

- [68-215-201. Chapter definitions in addition to the definitions in § 68-215-103.](#)
- [68-215-202. Ownership of petroleum site or petroleum underground storage tank or property on which a petroleum site or petroleum underground storage tank is located.](#)
- [68-215-203. Operating a petroleum underground storage tank or UST prior to or after foreclosure.](#)
- [68-215-204. “Participation in the management” defined.](#)

Uniform Administrative Procedures Act, Tenn. Code Ann. §§ 4-5-101 to -502

Title 4 State Government, Chapter 5 Uniform Administrative Procedures Act

Part 1 General Provisions

- [4-5-101. Short title.](#)
- [4-5-102. Chapter definitions.](#)
- [4-5-103. Construction of chapter.](#)
- [4-5-104. Suspension of provisions when necessary to avoid loss of federal funds.](#)
- [4-5-105. Informal settlements.](#)
- [4-5-106. Application.](#)
- [4-5-107. Majority needed to determine rules or contested cases — Exceptions.](#)
- [4-5-108. Legislative proposals affecting administrative procedure — Prior study.](#)
- [4-5-109 — 4-5-133. \[Transferred or Repealed.\]](#)

Part 2 Rulemaking and Publications

- [4-5-201. Petitions for or against rules.](#)
- [4-5-202. When hearings required.](#)
- [4-5-203. Notice of hearing.](#)
- [4-5-204. Conduct of hearings.](#)
- [4-5-205. Consideration of arguments — Reasons given for agency action — Advisory committees.](#)
- [4-5-206. Filing of rules.](#)
- [4-5-207. Effective dates of rules.](#)
- [4-5-208. Emergency rules.](#)
- [4-5-209. Reference to public necessity rules deemed references to emergency rules.](#)
- [4-5-210. Promulgation of rules relating to guides to practice.](#)
- [4-5-211. Approval of rules by attorney general and reporter.](#)
- [4-5-212. Remand of rule that may constitute potentially unreasonable restraint of trade.](#)
- [4-5-213. \[Reserved.\]](#)
- [4-5-214. Withdrawal of rules.](#)
- [4-5-215. Stay of effective date of rules.](#)
- [4-5-216. Invalidity of improperly adopted rules.](#)
- [4-5-217. Rules of practice required.](#)
- [4-5-218. Public inspection and copying of agency rules, final orders and decisions.](#)
- [4-5-219. Model rules of procedure.](#)
- [4-5-220. Publication of rules on the secretary of state's website — Contents of website.](#)
- [4-5-221. Powers of secretary of state regarding publication — Certification of rules — Website and its contents prima facie evidence of regulatory law — Delegation of duties and powers.](#)
- [4-5-222. Record of voting on policy or rule adoption.](#)
- [4-5-223. Declaratory orders.](#)
- [4-5-224. Declaratory order request — Notices.](#)
- [4-5-225. Declaratory judgments.](#)
- [4-5-226. Expiration of rules — Review by general assembly.](#)
- [4-5-227. Designation of date for automatic termination of rule.](#)
- [4-5-228. Statement by proposing agency projecting whether new rule or regulation to have financial impact on local governments.](#)
- [4-5-229. Effective date of new fees or fee increases promulgated by state agency rule.](#)

- [4-5-230. Submission of list of adopted policies.](#)
- [4-5-231. Rules or policies that infringe on agency member's free speech prohibited — Power to remove member.](#)

Part 3 Contested Cases

- [4-5-301. Conduct of contested cases.](#)
- [4-5-302. Disqualification of judge, hearing officer, etc. — Substitutions.](#)
- [4-5-303. Separation of functions.](#)
- [4-5-304. Ex parte communications.](#)
- [4-5-305. Representation.](#)
- [4-5-306. Prehearing conferences.](#)
- [4-5-307. Notice of hearing.](#)
- [4-5-308. Filing pleadings, briefs, motions, etc. — Service.](#)
- [4-5-309. Default.](#)
- [4-5-310. Intervention.](#)
- [4-5-311. Discovery — Subpoenas — Protective orders.](#)
- [4-5-312. Procedure at hearing.](#)
- [4-5-313. Rules of evidence — Affidavits — Official notice.](#)
- [4-5-314. Final order — Initial order.](#)
- [4-5-315. Review of initial order.](#)
- [4-5-316. Stay.](#)
- [4-5-317. Reconsideration.](#)
- [4-5-318. Effectiveness of new order.](#)
- [4-5-319. Agency record.](#)
- [4-5-320. Proceedings affecting licenses.](#)
- [4-5-321. Administrative procedures division — Manual of policies and procedures — Code of conduct.](#)
- [4-5-322. Judicial review.](#)
- [4-5-323. Appeals to court of appeals.](#)
- [4-5-324. Training program for administrative judges or hearing officers.](#)
- [4-5-325. Payment of costs to cited party.](#)

Part 4 Regulatory Flexibility Act of 2007

- [4-5-401. Short title.](#)
- [4-5-402. Analysis of impact on small business.](#)
- [4-5-403. Preparation of economic impact statement.](#)
- [4-5-404. Application.](#)

Part 5 Right to Earn a Living Act

- [4-5-501. Part definitions.](#)
- [4-5-502. Submission of entry regulations — Review — Disapproval.](#)

Tennessee Open Meetings Law

The Tennessee General Assembly has declared “that the formation of public policy and decisions is public business and shall not be conducted in secret.” Tenn. Code Ann. § 8-44-101(a). Laws passed in furtherance of this aim are generally referred to as the “Sunshine Law” or the “Tennessee Open Meetings Act.” The Sunshine Law requires that “[a]ll meetings of any governing body are declared to be public meetings open to the public at all times, except as provided by the Constitution of Tennessee.” Tenn. Code Ann. § 8-44-102(a). A “governing body” means “[t]he members of any public body . . . with the authority to make decisions for or recommendations to a public body on policy or administration[.]” Tenn. Code Ann. § 8-44-102(b)(1)(A). The Tennessee Supreme Court has refined the definition of a “governing body” to include:

[A]ny board, commission, committee, agency, authority or any other body, by whatever name, whose origin and authority may be traced to State, City or County legislative action and whose members have authority to make decisions or recommendations on policy or administration affecting the conduct of the business of the people in the governmental sector.

Dorrier v. Dark, 537 S.W.2d 888, 892 (Tenn. 1976). Therefore, the Board qualifies as a governing body and is subject to Sunshine Law. This means the Board is required to give adequate public notice of its meetings,¹ record minutes, and make its operations open to public inspection. Tenn. Code Ann. § 8-44-103. Although the Sunshine Law does not explicitly define “adequate public notice,” the Tennessee Supreme Court has held that it means “adequate public notice under the circumstances, or such notice based on the totality of the circumstances as would fairly inform the public.” *Memphis Publishing Co. v. City of Memphis*, 513 S.W.2d 511 (Tenn. 1974). In an unpublished opinion, the Tennessee Court of Appeals provided additional guidance:

First, the notice must be posted in a location where a member of the community could become aware of such notice. Second, the contents of the notice must reasonably describe the purpose of the meeting or the action proposed to be taken. And, third, the notice must be posted at a time sufficiently in advance of the actual meeting in order to give citizens both an opportunity to become aware of and to attend the meeting.

Englewood Citizens for Alternate B v. Town of Englewood, 1999 WL 419710, at *2 (Tenn. Ct. App. June 24, 1999).

¹ Under the Sunshine Law, a “meeting” means “the convening of a governing body of a public body for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter.” Tenn. Code Ann. § 8-44-102(b)(2). In *Metro. Air Research Testing Auth., Inc. v. Metro. Gov’t of Nashville & Davidson Cty.*, 842 S.W.2d 611, 618 (Tenn. Ct. App. 1992), the Tennessee Court of Appeals held that a group of city officials assembled in a mayor’s office to discuss the city’s procurement of goods and services—absent a required quorum—was not a “meeting” under the Sunshine Law.

Notice requirements are less stringent for meetings not expected to be of interest to the general public. *See UT Guidance Regarding Open Meetings Act Compliance*, County Technical Assistance Service,

https://www.tn.gov/content/dam/tn/agriculture/documents/landwaterstewardship/SCD_R03.pdf.

For example, adequate public notice was found when a city council posted notice for a meeting reviewing a police officer's dismissal inside city hall (where water bills were paid), the police department, and post office. *Kinser v. Town of Oliver Springs*, 80 S.W.2d 681 (Tenn. Ct. App. 1994). However, the same court found that the issue of clustering students in the same grade by learning level at one school was of "pervasive importance" and notice was held to have been inadequate under the circumstances because the public was not notified that clustering would be discussed. *Neese v. Paris Special School District*, 813 S.W.2d 432 (Tenn. Ct. App. 1990).

As a matter of practice, the Board's notices (including agendas and supporting documents) are posted by TDEC staff on the [Board's website](#).

Ex Parte Communications

An ex parte communication is any material oral or written communication relevant to the merits of an adjudicatory proceeding that was neither on the record nor on reasonable prior notice to all parties that takes place between (1) an interested person outside the Board (including such person's counsel) and (2) the administrative law judge handling that proceeding, a member of the Board, or a decisional employee.

During the pendency of any contested case proceeding, no interested person shall make an ex parte communication to a member of the Board, the administrative law judge, or a decisional employee (e.g., a staff member who assists the Board). A request for status of the proceeding does not constitute an ex parte communication.

Tenn. Code Ann. § 4-5-304

- (a) Unless required for the disposition of ex parte matters specifically authorized by statute, an administrative judge, hearing officer or agency member serving in a contested case proceeding may not communicate, directly or indirectly, regarding any issue in the proceeding, while the proceeding is pending, with any person without notice and opportunity for all parties to participate in the communication.
- (b) Notwithstanding subsection (a), an administrative judge, hearing officer or agency member may communicate with agency members regarding a matter pending before the agency or may receive aid from staff assistants, members of the staff of the attorney general and reporter, or a licensed attorney, if such persons do not receive ex parte communications of a type that the administrative judge, hearing officer or agency members would be prohibited from receiving, and do not furnish, augment, diminish or modify the evidence in the record.
- (c) Unless required for the disposition of ex parte matters specifically authorized by statute, no party to a contested case, and no other person may communicate, directly or indirectly, in connection with any issue in that proceeding, while the proceeding is pending, with any person serving as an administrative judge, hearing officer or agency member without notice and opportunity for all parties to participate in the communication.
- (d) If, before serving as an administrative judge, hearing officer or agency member in a contested case, a person receives an ex parte communication of a type that may not properly be received while serving, the person, promptly after starting to serve, shall disclose the communication in the manner prescribed in subsection (e).
- (e) An administrative judge, hearing officer or agency member who receives an ex parte communication in violation of this section shall place on the record of the pending matter all written communications received, all written responses to the communications, and a memorandum stating the substance of all oral communications received, all responses made, and the identity of each person from whom the person received an ex parte communication, and shall advise all parties that these matters have been placed on the record. Any party desiring to rebut the ex parte communication shall be allowed to do so, upon requesting the opportunity for rebuttal within ten (10) days after notice of the communication.

- (f) An administrative judge, hearing officer or agency member who receives an ex parte communication in violation of this section may be disqualified if necessary to eliminate the effect of the communication.
- (g) The agency shall, and any party may, report any willful violation of this section to appropriate authorities for any disciplinary proceedings provided by law. In addition, each agency by rule may provide for appropriate sanctions, including default, for any violations of this section.

Open Meetings Act, Tenn. Code Ann. §§ 8-44-101 to -112

Title 8 Public Officers and Employees, Chapter 44 Public Meetings, Part 1

General Provisions

- [8-44-101. Policy - Construction.](#)
- [8-44-102. Open Meetings - "Governing body" defined - "Meeting" defined.](#)
- [8-44-103. Notice of Public Meetings.](#)
- [8-44-104. Minutes Recorded and open to public - Secret votes prohibited.](#)
- [8-44-105. Action nullified - Exception.](#)
- [8-44-106. Enforcement - Jurisdiction.](#)
- [8-44-107. Board of directors of Performing Arts Center Management Corporation.](#)
- [8-44-108. Participation by electronic or other means.](#)
- [8-44-109. Electronic communication via internet forum.](#)
- [8-44-110. Public accessibility of legislative body agency - Withholding items prohibited - Posting on website.](#)
- [8-44-111. Open meetings - Development of educational program required - Materials.](#)
- [8-44-112. Reserved period for public comment - Reasonable restrictions allowed - Notice to public commenters - Applicability.](#)

Board Member Travel Overview

September 2023

Reimbursement of travel expenses for board members traveling to and from official board meetings must be in accordance with the **State of Tennessee, *Department of Finance and Administration Comprehensive Travel Regulations (Policy 8)***.

All claims for travel reimbursement must be made on the **State of Tennessee Claim for Travel Expenses form**.

Current Travel Regulations and Reimbursement Rate Schedule are available at:

https://www.tn.gov/content/dam/tn/finance/documents/fa_policies/policy8.pdf

Mileage Reimbursement:

- Reimbursement for the use of personally owned cars is at the standard mileage rate, as reflected in the Reimbursement Rate Schedule (currently \$0.655 per mile).

Meals:

- Per Diem rates, as reflected in the Reimbursement Rate Schedule, include a fixed allowance for meals and incidentals.
- No itemization of expenses is required.
- No receipts are required.
- Reimbursement for meals and incidentals for the day of departure and day of return is three-fourths of the appropriate per diem rate.
- Reimbursement of meals is allowed only when overnight travel is involved.

Parking:

- No receipt is required for daily parking fee of \$8.00 or less.
- Receipt is required for daily parking fee greater than \$8.00.

Lodging:

- Will be reimbursed for actual lodging costs plus tax up to the applicable maximum amounts listed on the Reimbursement rate Schedule.
- Receipts are required.
- Receipts must itemize room charges and taxes by date.

Department of Finance and Administration
Policy 8 - Comprehensive Travel Regulations
(Revised September, 2018)

Introduction

1. It is the intent of these regulations that employees not suffer additional cost as a result of travel incurred to carry out assigned duties. Employees shall be reimbursed for such expenses subject to the limitations provided in this travel policy and the accompanying Reimbursement Rate Schedule.

2. When traveling, state employees should be as conservative as circumstances permit. The lower cost should be selected whenever practical. Reimbursement for travel will be based upon the most direct or expeditious route possible. Employees traveling by an indirect route must assume any extra expense incurred. It is the responsibility of the employee to be familiar with and adhere to established state travel policies. Deliberate disregard of these regulations while traveling on state business or the filing of an intentionally misleading or fraudulent travel claim is grounds for disciplinary action including termination of employment.

3. The Commissioner of Finance & Administration will establish and maintain the maximum rates of reimbursement.

Travel Authorization

4. Travel may not be undertaken unless it is authorized in advance by proper authority. Approved state travel is the basis for reimbursement in accordance with these provisions. The employee is considered to be on official travel status, and eligible for reimbursement, at the time of departure from his/her official station or residence, whichever is applicable. When completing an Edison travel authorization, the destination should always be entered under "default location," to ensure appropriate work-flow for the authorization form.

5. The department head is authorized to approve all travel for state business, including meeting expenses, registration fees for conferences or seminars, etc. The Department head is responsible for determining the most cost-effective means of meeting the State's business objective considering the use of state meeting rooms, park convention centers, video conferencing, etc. The use of virtual meetings as an alternative to holding a conference or meeting in real life should be actively encouraged as a cost-savings tool. Video conferencing is a green technology, allowing departments to mitigate energy use by dramatically reducing the need to travel.

6. The Commissioner of Finance and Administration, through the Division of Accounts, shall approve exceptions to the travel policy. Department heads are authorized to approve any necessary travel by a non-state employee. Such travel should be conducted and reimbursed in accordance with these Travel Regulations. Department heads are authorized to approve occasional exceptions to lodging and meal rates when necessity requires and reasonable alternatives are not available (i.e. lodging unavailable at CONUS rates).

7. Approval for out-of-state employee travel is processed through the Edison Travel Authorization workflow. Once approved by the department head, Executive Level Travel Authorizations for out-of-state travel will be routed to the Department of Finance and Administration for review and approval. During periods of extreme budget stress, additional executive level review may occur.

8. The Commissioner of Finance and Administration retains the authority to change the approval process as circumstances require.

9. If an employee travels into another state and back in the same day and such travel is less than fifty (50) miles one way, such travel will be considered in-state for approval and reimbursement purposes.

Official Station

10. The official station is designated by the department head of the employing agency, and the designation must be in the best interests of the State. The official station shall be a location where the employee regularly works and the work activities of the employee's position are based. The employee's home shall not be designated as the official station without documentation establishing that the employee's home office is the employee's principal place of business within the meaning of 26 USC § 280A (c)(1)(A). The department head should consider IRS regulations on the deductibility of travel expenses as well as wage and hour laws when designating an official station for employees, particularly in mobile work situations, and may want to consult with legal counsel.

11. An important purpose of an official station is to establish when the employee is in travel status and eligible for reimbursement of travel expenses. Travel between the employee's home (place of residence) and official station is considered commuting and is not reimbursable.

12. Employees who are authorized to participate in the alternative workplace arrangement may be assigned their residence (or alternative approved location) as their official designated reporting station for the days he or she works away from their regularly assigned State government office location. The employee's official station will be designated by their department head pursuant to paragraph 10, and the employee will not

receive reimbursement for travel incurred between his or her official designated reporting station and official station.

13. In the event that an employee is reassigned to a temporary work location, which is generally defined as a place where the work assignment is realistically expected to last (and does in fact last) one year or less, the employee will not be eligible for reimbursement unless he/she can demonstrate that by commuting to the temporary location he/she has incurred additional expense over the cost of the commute to his/her official station. However, an employee shall be eligible for reimbursement of mileage for travel to a temporary work location for travel at times other than the employee's normal working hours (i.e. nights or weekends).

14. If an employee does not have an official station due to a mobile work arrangement, the employee will not be entitled to reimbursement for mileage between the employee's home and temporary work locations within the metropolitan area where the employee lives, even if the travel occurs at times other than the employee's normal working hours. Generally, a metropolitan area includes the area within the city limits and the suburbs that are considered part of that metropolitan area.

Reimbursement Procedures

15. Submission of an expense report by an employee or his proxy initiates the travel reimbursement process with approvals handled electronically through the Edison role-mapping structure. Employees must authorize the set-up of a proxy in Edison prior to the submission of an initial expense claim by a proxy. Proxy-submitted travel claims must include the attached paper version of the travel claim, signed and dated by the employee, along with appropriate receipts.

16. Employees should submit claims for reimbursement through the Edison system as soon as possible following completion of travel. Employees on regular travel status should consider filing an expense report weekly or biweekly. Departments and agencies should review expense reports as rapidly as possible to ensure prompt payment to their employees. In accordance with Internal Revenue Service guidance (IRS Publication 463), reimbursement paid sixty (60) days after the date of travel may be considered as taxable income.

17. Expense reports prepared to request reimbursement of business related expenses incurred while on official travel must include the actual amount of all state paid expenses associated with the trip, even though the employee will not be reimbursed for these amounts (for example, airfare and registration fees). State paid expenses include amounts that are initially paid by the state and subsequently reimbursed or funded through federal, local or private sources.

Travel Advances

18. Travel advances are available only under extraordinary circumstances. Advances are subject to the approval of the Division of Accounts and will be allowed (a) only if the employee can justify extraordinary circumstances that warrant an advance, and (b) the employee has provided Accounts with a payroll deduction authorization form which will allow the state to recover the advance from any salary owed the employee in the event of termination of employment or failure to submit an expense report.

19. The amount of the travel advance will be based on eighty percent (80%) of the total estimated cost of travel. Advances will not be issued for less than one hundred dollars (\$100). Immediately upon return the employee must submit an expense report regardless of whether he/she owes advance moneys back to the state or is due additional reimbursement.

Honorariums

20. For those employees who receive honorariums for appearing at meetings while on official state business, the employee may, at his/her option, accept the honorarium as full payment for travel expenses including airfare, or choose to surrender the honorarium to the State, and be reimbursed in accordance with established travel policy.

Air Travel

21. Departments may set their own policy as to how their employees may make reservations for air travel, for example, through the state travel agency, or directly through an on-line booking service. Advantage of discount fares and advance booking should be taken whenever practical, and fares should not exceed the regular tourist or coach fares offered the general public for both domestic and international flights. When making reservations directly through an on-line booking service, a print-out of the booking must accompany the employee's expense claim. Employees who have unused tickets that were booked on-line should inform their departmental fiscal office and make use of such tickets if additional travel is required.

Taxi Fares - Airport Transportation

22. Reasonable taxi fares are allowed from airports. It is expected that bus, limousine or light rail service to or from airports will be used when available and practical. In traveling between hotels or other lodging and meeting or conference sites, reasonable taxi fares will be allowed. No receipt is required for reimbursement of reasonable taxi fares.

State Contracted Vehicles and Rental Cars

23. The Department of General Services may provide a contract or contracts providing vehicles to state employees. Employees are expected to make use of these contracts when

available, and to follow guidance provided by the Department of General Services for the use of these vehicles and for the payment of fuel, maintenance, and repairs. State-owned and state-contracted vehicles should be used only for official business. Only properly authorized State of Tennessee employees may operate a State vehicle or state-contracted vehicle, and employees must possess a valid driver's license for the type of vehicle being operated. Employees should follow the instructions provided with the vehicle in the event of breakdown, emergency repairs, etc. Reimbursement for such expenses will be made when necessary and must be accompanied by proper receipt itemizing the services.

24. Car rental for out-of-state travel can be made through contracts with the Department of General Services. Reservations made through the General Services contract can ensure travelers of any negotiated rates. Car rental should be used only when necessary, i.e. when other forms of transportation such as hotel shuttle service are inconvenient, expensive, or not available. Charges for insurance for rental automobiles are not reimbursable costs. The State is self-insured for certain liability through the Department of Treasury, Division of Claims Administration. Charges for car rental and fuel receipts should be scanned and attached to the Edison Expense report for reimbursement.

Travel - Personally-Owned Automobile

25. Department head authorization is required for the use of personally owned automobiles in the daily performance of duties. Unnecessary expenses which result from the use of an automobile for reasons of personal convenience will not be allowed.

26. Reimbursement for the use of personally owned cars is at the standard mileage rate. Reasonable tolls and ferry fees will be allowed when necessary; no receipt is required for reimbursement.

27. Only mileage on official state business may be claimed for reimbursement. Reasonable vicinity mileage will be allowed. The Edison system will automatically calculate point to point mileage. If the point to point mileage calculation by Edison appears incorrect or excessive, employees may make changes to the expense report in accordance with procedures established by the Division of Accounts.

28. Procedures for calculating mileage are based on the fact that the State is prohibited from reimbursing employees for normal commuting mileage.

- a) If an employee begins or ends a trip at his/her official station, reimbursable mileage will be the mileage from the official station to the destination.
- b) If work is performed by an employee in route to or from his/her official station, reimbursable mileage is computed by deducting the employee's normal commuting mileage from the actual mileage driven.

- c) If an employee begins or ends his/her trip at his/her residence without stopping at his/her official station, reimbursable mileage will be the lesser of the mileage from the employee's residence to his/her destination or his/her official station to the destination. On weekends and holidays, the employee may typically be reimbursed for actual mileage from his/her residence to the destination.
- d) If an employee travels between destinations without returning to his/her official station or his/her residence, reimbursable mileage is the actual mileage between those destinations.

29. Employees who utilize the work from home and mobile work alternative arrangements shall not receive mileage for commuting to their official station from their residence (or alternative approved location) or vice versa (regardless of whether the trip is for reporting to a meeting, briefing, or special assignment).

Parking

30. Charges for routine parking while on travel status will be reimbursed. Receipts are required if the parking charge exceeds the allowance stated in the rate schedule. Charges for routine parking at the official work station will not be reimbursed. Long-term airport parking is reimbursed at the standard rate offered by the airport's long-term or economy parking facility.

31. If travel is by air the employee will be reimbursed for the lesser of: (a) the allowable mileage reimbursement for one round trip and long-term airport parking; or (b) the cost of one round trip taxi fare from the employee's official work station (or residence on weekends/evenings). The employee may also be allowed the appropriate mileage reimbursement for two round trips from home when driven by a friend or relative, at the employee's option.

Promotional Materials and Airline Baggage Fees

32. Fees for the handling of promotional materials or equipment will be allowed up to the maximum indicated in the Reimbursement Rate Schedule. Airline baggage fees for up to two (2) bags will be reimbursed.

Lodging

33. The employee will be reimbursed for actual lodging costs plus tax incurred up to the applicable maximum amounts as indicated on the Reimbursement Rate Schedule. This schedule includes state parks. Lodging receipts are required and must itemize room charges and taxes by date. If a convention rate exceeds the maximum reimbursement rate

and is documented by a convention brochure or registration form, a higher reimbursement rate will be allowed. Miscellaneous lodging expenses such as energy or utility surcharges are fully reimbursable and should be added to the lodging cost, in a manner similar to local hotel or sales taxes.

34. The maximum reimbursement rates for out-of-state travel are the same as those maintained by the U.S. General Services Administration for federal employees within the continental United States (CONUS). The CONUS list, available on the General Services Administration web site, contains a standard reimbursement rate for lodging and meals and incidentals, and several pages of exceptions. Most destinations for out-of-state travel fall within the list of exceptions.

35. If a room is shared with other than a state employee, actual costs subject to the applicable maximum rate in the reimbursement rate schedule apply. In the event of double occupancy for state employees on official travel, both employees should attach an explanation to his/her travel claim detailing dates and other employees with whom the room was shared. The lodging cost may be claimed by the employee who incurred the cost, or one half the double occupancy charges may be allowable for each employee.

Per Diem Rates for Meals and Incidentals

36. The maximum per diem rates include a fixed allowance for meals and incidental expenses (M & I). The M & I rate, or fraction thereof, is payable to the traveler without itemization of expenses or receipts. Incidentals are intended to include miscellaneous costs associated with travel such as tips for baggage handling, phone calls to home, etc. Reimbursement is made only when overnight travel is required. Generally, the applicable maximum per diem rate for each calendar day of travel shall be determined by the location of lodging for the traveler.

37. The per diem rates for meals and incidentals are established on the Reimbursement Rate Schedule. The M & I rates for out-of-state travel are the same as those for federal employees, and are available on the General Services Administration's web site. As with lodging, there is a standard rate for the continental United States (CONUS), and a list of exceptions. Please note that these rates may change effective October 1 of each year.

38. Reimbursement for meals and incidentals for the day of departure shall be three-fourths of the appropriate M & I rate (either the in-state rate or CONUS rate for out-of-state travel) at the rate prescribed for the lodging location. Reimbursement for M & I for the day of return shall be three-fourths of the M & I rate applicable to the preceding calendar day. Note that the Edison System defaults to the standard CONUS meal rate for a day and the employee must enter the three-fourths rate for the day of departure and day of return. To assist in this calculation, a table indicating three-fourths of the per diem rate accompanies the Standard Reimbursement Rates at the end of this document.

39. Employees who receive maintenance in the form of meals provided by their employing agency at their official work station shall be eligible for reimbursement if they are away from their official work station on state business and do not receive the maintenance meal.

40. Reimbursement for a single meal (or meals) for employees on one-day travel status with no overnight stay is not permitted. While on travel status if more than a single full meal is provided as part of a state-sponsored training session or conference, the employee should deduct the cost of those meals from the per diem for that day, using the schedule provided below. This also applies to the day of departure and the day of return. In those instances where all meals are provided, only the incidental rate should be claimed. For non-state sponsored training or conferences the employee is not required to deduct from the per diem the cost of a meal or meals provided through a conference fee. A schedule indicating the allocation for the breakfast, lunch, and dinner meals accompanies the Standard Reimbursement Rates at the end of this document.

Non-Standard Shift Hours

41. Employees who are scheduled to work nonstandard shifts (official work hours begin before 7:00 a.m. or end after 5:30 p.m.) and are eligible for meal reimbursement shall be reimbursed at one-third (1/3) of the daily M & I rate for each reimbursable meal. Total reimbursement is limited to the full day M & I allowance listed in the Reimbursement Rate Schedule.

Extended Travel

42. Extended travel status applies to those employees on continuous travel for a period of more than two (2) weeks. Employees on extended travel status may elect to rent an apartment rather than live in a motel or hotel. While this option is left to the discretion of the employee and the employing department, department head approval is required prior to renting an apartment. The monthly rental allowance shall include rental furniture and payment of utilities and shall not exceed the standard CONUS rate for thirty (30) days.

43. Employees on extended travel status working in-state are authorized to travel to and from his/her home station once a week at the mileage rate for personal vehicles. Those employees on extended travel status working out-of-state are authorized to take one trip to the home station by common carrier once every two (2) weeks. Employees authorized to use personal automobiles in out-of-state travel may be reimbursed at the personal mileage rate. The employee may also be reimbursed for local transportation to conduct state business.

Telecommunications Costs While on Travel Status

44. Local phone calls, fax charges and long distance calls for state business will be reimbursed. Employees must provide a statement furnishing the date, name and location called for long distance calls and fax charges. Hotel Internet access charges may be reimbursed when approved in advance and when it is anticipated the employee will be working from a hotel room on official state business.

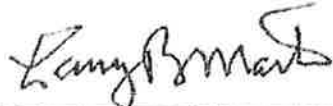
45. Department heads may authorize an employee to use his personal cellular phone in conducting state business. Authorized employees shall be reimbursed for any additional cost incurred in using their personal cellular phones on official business. An itemized statement indicating the date, name, location, and cost of each call plus a billing statement indicating that additional cost was incurred above the standard monthly charge is required for reimbursement. In some instances employees may be able to obtain lower cellular rates by purchasing a package that offers lower per minute rates for a higher threshold of minutes per month. Reimbursement is acceptable for such billing packages subject to review by fiscal officers. In such situations, the state would typically reimburse the employee for a portion of the monthly package used for business calls.

Exceptions

46. The Commissioner of Finance and Administration shall have the authority to grant exception from any part or all of these rules and regulations when deemed appropriate for an employee or group of employees on official state travel. Approved exceptions other than those for individual trips shall be maintained in a central file by the Department of Finance and Administration. Policy exceptions, which have state-wide implications, shall be approved through established procedures in accordance with the provisions of T.C.A. § 4-3-1008(3).

Statutory Authority

47. In accordance with the provisions of T.C.A. § 4-3-1008(3), these travel regulations, effective when signed, supersede and rescind all previous promulgated travel regulations and shall remain in effect until subsequently modified or rescinded.

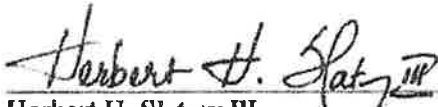


Larry B. Martin, Commissioner
Department of Finance and Administration

9/13/18

Date

APPROVED:



Herbert H. Slatery III
Attorney General and Reporter

9/19/2018

Date

Department of Finance and Administration
Standard Reimbursement Rate Schedule
Lodging Revised October 1, 2021
Mileage Revised August 1, 2011

General Reimbursement Rates

Standard Mileage Rate effective August 1, 2011	\$	0.47/mile
Maximum Parking Fee Without Receipt		8.00/day
Fees for Handling Equipment/Promotional Materials		20.00/hotel

Out-of-State Reimbursement Rates

Employees should utilize the U.S. General Services Administration CONUS (Continental United States) rates provided by the federal government. To view the CONUS rates, access the Department of Finance and Administration web page at: <https://www.tn.gov/finance>. Click the "Financial" heading and then "Travel Information." Then, click on "Per Diem Rates" where there is a direct link to the GSA CONUS rates. There is also a link on the Finance and Administration Intranet Travel Page Site at: <https://teamtn.gov/finance/>. Click on "Travel Information" and then click on "Comprehensive Travel Regulations" and then "Per Diem Rates."

Use the CONUS standard rates for all locations within the continental United States not specifically shown on the CONUS web page as a listed point. Both in-state and out-of-state meals and incidentals are reimbursed at 75% for day of departure and/or day of return.

In – State Travel Reimbursement Rates

In –state lodging and meal rates follow the CONUS rates for Tennessee. The standard lodging rate of \$96.00 and the standard rate of \$59.00 for meals and incidentals should be used for all in-state locations not listed below.

Counties	Maximum Lodging	Maximum Meals & Incidentals	75% of Meals & Incidentals
Davidson (Nashville)			
September – November	\$234	\$79	\$59.25
December - January	\$187		
February - June	\$230		
July – August	\$207		
Shelby (Memphis)	\$123	\$69	\$51.75
Williamson (Brentwood/Franklin)	\$125	\$69	\$51.75
Hamilton (Chattanooga)	\$109	\$64	\$48.00
Knox (Knoxville)	\$102	\$64	\$48.00

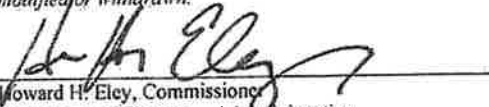
**In-State and Out-of State
Meals & Incidentals - Allocated By Meal
Effective October 1, 2021**

Per Diem	\$59	\$64	\$69	\$74	\$79
Continental					
Breakfast/Breakfast	\$13	\$14	\$16	\$17	\$18
Lunch	\$15	\$16	\$17	\$18	\$20
Dinner	\$26	\$29	\$31	\$34	\$36
Incidentals	\$5	\$5	\$5	\$5	\$5

**Per Diem Rates-
Three-Fourths Calculations
For Partial Day of Travel
Effective October 1, 2021**

Total	First & Last Day of Travel
\$59	\$44.25
\$64	\$48.00
\$69	\$51.75
\$74	\$55.50
\$79	\$59.25

In accordance with the provisions of TCA 4-3-1008 and the Comprehensive Travel Regulations, the above travel rates supersede and rescind all previous promulgated travel rates. These rates are effective upon approval and shall remain in effect until subsequently modified or withdrawn.


Howard H. Eley, Commissioner
Department of Finance and Administration

9/17/21
Date

General Reimbursement Rates	
Standard Mileage Rate effective August 1, 2011	\$ 0.47/mile
Maximum Parking Fee Without Receipt	8.00/day
Fees for Handling Equipment/Promotional Materials	20.00/hotel

Employees should utilize the U.S. General Services Administration CONUS (Continental United States) rates provided by the federal government. To view the CONUS rates, access the Department of Finance and Administration web page at: <https://www.tn.gov/finance>. Click the “Financial” heading and then “Travel Information.” Then, click on “Per Diem Rates” where there is a direct link to the GSA CONUS rates. There is also a link on the Finance and Administration Intranet Travel Page Site at: <https://teamtn.gov/finance/>. Click on “Travel Information” and then click on “Travel Regulations” and then “Per Diem Rates.”

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**In-State and Out-of State
Meals & Incidentals - Allocated by Meal
Effective October 1, 2020**

Per Diem	\$55	\$56	\$61	\$66	\$71	\$76
Breakfast	\$13	\$13	\$14	\$16	\$17	\$18
Lunch	\$14	\$15	\$16	\$17	\$18	\$19
Dinner	\$23	\$23	\$26	\$28	\$31	\$34
Incidentals	\$5	\$5	\$5	\$5	\$5	\$5

**Per Diem Rates-
Three-Fourths Calculations
For Partial Day of Travel
Effective October 1, 2020**

Total	First & Last Day of Travel
\$55	\$41.25
\$56	\$42.00
\$61	\$45.75
\$66	\$49.50
\$71	\$53.25
\$76	\$57.00

In accordance with the provisions of T.C.A. 4-3-1-008 (3) and the Comprehensive Travel Regulations, the above travel rates supersede and rescind all previous promulgated travel rates. These rates are effective upon approval and shall remain in effect until subsequently modified or withdrawn.


Howard H. Eley, Commissioner
Department of Finance and Administration

8/21/20
Date

Department of Finance and Administration
Department Head and Board Member - Travel Reimbursement Rate Schedule
Lodging Revised October 1, 2021
Mileage Revised August 1, 2011

General Reimbursement Rates

Standard Mileage Rate effective August 1, 2011	\$	0.47/mile
Maximum Parking Fee/Without Receipt		8.00/day
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Out-of-State Reimbursement Rates

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Use the CONUS standard rates for all locations within the continental United States not specifically shown on the CONUS web page as a listed point. Both in-state and out-of-state meals and incidentals are reimbursed at 75% for day of departure and/or day of return.

Department Head and Board Member - In-State Travel Reimbursement Rates

The department head lodging rate of \$106.00 and the standard rate of \$59.00 for meals and incidentals should be used for all in-state locations not listed below.

Counties	Maximum Lodging	Maximum Meals & Incidentals	75% of Meals & Incidentals
Davidson (Nashville)			
(September-November)	\$244	\$79	\$59.25
(December-January)	\$197		
(February-June)	\$240		
(July-August)	\$217		
Shelby (Memphis)	\$133	\$69	\$51.75
Williamson (Brentwood/Franklin)	\$135	\$69	\$51.75
Hamilton (Chattanooga)	\$119	\$64	\$48.00
Knox (Knoxville)	\$112	\$64	\$48.00

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Meals & Incidentals - Allocated By Meal
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Per Diem	\$59	\$64	\$69	\$74	\$79
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In accordance with the provisions of TCA 4-3-1008 and the Comprehensive Travel Regulations, the above travel rates supersede and rescind all previous promulgated travel rates. These rates are effective upon approval and shall remain in effect until subsequently modified or withdrawn.


Howard H. Eley, Commissioner
Department of Finance and Administration

9/17/21
Date

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Knox (Knoxville)	\$112	\$56	\$42.00

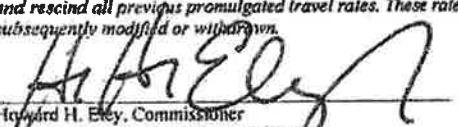
**In-State and Out-of State
Meals & Incidentals - Allocated by Meal
Effective October 1, 2020**

Per Diem	\$55	\$56	\$61	\$66	\$71	\$76
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Lunch	\$14	\$15	\$16	\$17	\$18	\$19
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For Partial Day of Travel
Effective October 1, 2020**

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\$61	\$45.75
\$66	\$49.50
\$71	\$53.25
\$76	\$57.00

In accordance with the provisions of TCA 4-3-1-008 (3) and the Comprehensive Travel Regulations, the above travel rates supersede and rescind all previous promulgated travel rates. These rates are effective upon approval and shall remain in effect until subsequently modified or withdrawn.


Howard H. Eley, Commissioner
Department of Finance and Administration

8/21/20
Date

The Department of Finance and Administration
Special Travel Regulation One
Travel to Promote the State of Tennessee

Unless specifically addressed by the provisions contained herein, the Comprehensive Travel Regulations shall apply to all expenses or travel incurred under this regulation.

1. The Commissioner of the Department of Agriculture, the Commissioner of the Department of Economic and Community Development and the Commissioner of the Department of Tourist Development may authorize a special travel status that will allow the reimbursement of expenses incurred to promote the State of Tennessee.
2. This may include expenses incurred by an employee in traveling with a prospect or when the employee is involved in a business activity directly related to the department's mission during which the employee is required to dine with or accompany a prospect's representative, or those persons who can make a direct contribution to the marketing, promotion, or economic development of the State.
3. Covered expenses may also include costs incurred at the official station of an employee at a time when the employee is working with a prospect or when the employee is involved in a business activity directly related to the department's mission.
4. Covered expenses may also include entertainment expenses for business and community leaders for the purpose of state business. These include but are not limited to meals, refreshments, hors' d'oeuvres, floral arrangements, and gratuities provided by a hotel, motel caterer, or other establishment providing similar services.
5. The determination of such expenses shall be made by the Commissioner of the respective department.
6. Business class airfare is permitted for travel to another continent when the traveler is expected to work on the day of arrival.
7. Expenses or travel incurred to promote the State of Tennessee are not subject to the limits established in the Reimbursement Rate Schedule. Reimbursement for exception expenses shall be allowed only if authorized in advance by proper authority. Receipts are required for all expenses reimbursed under this specific regulation. Reimbursements for exception expenses are limited to the time during which appropriate business activities occur. Meetings when state employees are working together exclusively do not qualify under this special regulation.
8. State officials engaged in business activities to promote the State should be mindful in these situations of their obligations under Tennessee State ethics laws.

Statutory Authority

9. In accordance with the provisions of T.C.A. § 4-3-1008(3), this travel exception, effective when signed, supersedes and rescinds all previously promulgated exceptions of this title and shall remain in effect until subsequently modified or rescinded.



Mark A. Emkes, Commissioner
Department of Finance and Administration

8/20/12

Date

APPROVED:



Robert E. Cooper, Jr.
Attorney General and Reporter

8-24-12

Date

**The Department of Finance and Administration
Special Travel Regulation Two
Travel in the Company of the Governor**

Unless specifically addressed by the provisions contained herein, the Comprehensive Travel Regulations shall apply to all expenses or travel incurred under this regulation.

1. Employees traveling in the company of the Governor or those persons directed in writing by the Governor to represent that office are hereby granted special travel status. Expenses or travel incurred shall not be subject to the limits set forth in the Reimbursement Rate Schedule.
2. This travel regulation shall not apply to normal daily expenses incurred at official duty stations unless accompanying the Governor to official meetings, luncheons, conventions, conferences, etc.
3. Expenses shall include all costs incurred by the Governor and any others traveling as members of the Governor's official party except for those costs of a purely personal nature such as laundry, valet service, theater, recreation, etc.
4. Each employee shall submit a claim for reimbursement detailing individual expense. When group expenses occur, the security personnel assigned to the Governor may claim reimbursement for the total group and identify on the claim persons incurring such expense.
5. In accordance with the provisions of TCA -4-3-1008(3), this travel exception, effective August 1, 1998, supersedes and rescinds all previous promulgated exceptions regarding travel in the company of the Governor, and shall remain in effect until subsequently modified or rescinded.

The Department of Finance and Administration
Special Travel Regulation Three
Travel by Department Heads

Unless specifically addressed by the provisions contained herein, the Comprehensive Travel Regulations shall apply to all expenses or travel incurred under this regulation.

1. Special Travel status is authorized for department heads, for state employees traveling in the company of department heads, or state employees representing a department head.
2. The Commissioner of Finance and Administration in consultation with the Comptroller of the Treasury shall designate persons as department heads for the purpose of traveling under the provisions of this regulation.
3. In addition, the following persons may, in consultation with the Comptroller of the Treasury, designate persons to travel under the provisions of this regulation: the Attorney General, the Chairpersons of the Senate and House Finance, Ways and Means Committees, the Chairpersons of the Fiscal Review Committee, and the Chief Justice of the Supreme Court.
4. The Commissioner of Finance and Administration has established a separate schedule for the maximum rate of reimbursement for department heads to accompany this regulation.
5. First class travel on common carrier shall be allowed at the option of the department head when accompanying others not employed by the State who are traveling in first class accommodations.
6. Department heads are authorized to hold group breakfasts, luncheons, or dinners for business purposes. Such events should be occasioned by a meeting of long duration or by circumstances where it is more feasible to provide such meals than to recess the meeting. Expenses incurred under this regulation may be reimbursed to the sponsoring department head or charged directly to the department. Expenses for meals for employees occasioned by meetings called by the department head are allowed. A receipt or other satisfactory evidence of payment is required for reimbursement.
7. Department heads are authorized to receive reimbursement of meals and related costs when acting as hosts to guests of the State or other official business functions. Department heads may be reimbursed for the actual expenses incurred. Authority granted by this item may be delegated by the department head to members of the department head's staff provided it is in writing and accompanies any claim for reimbursement, along with appropriate receipts. The propriety of such expenses shall be left solely to the discretion of the department head.

Statutory Authority

8. In accordance with the provisions of TCA § 4-3-1008 (3), this travel exception, effective when signed, supersedes and rescinds all previous promulgated travel exceptions concerning travel by department heads and shall remain in effect until subsequently modified or rescinded.



Mark. A. Emkes, Commissioner
Department of Finance and Administration

8/20/12

Date

APPROVED:



Robert E. Cooper, Jr.
Attorney General and Reporter

8-24-12

Date

**The Department of Finance and Administration
Special Travel Regulation Four
Travel by Board and Commission Members**

Unless specifically addressed by the provisions contained herein, the Comprehensive Travel Regulations shall apply to all expenses or travel incurred under this regulation.

1. Special travel status is authorized for members of Boards, Authorities, Commissions or Committees of the Executive Branch, and when designated, by the appropriate authority through law, rule, regulation, and/or policy, to those of the Judicial and Legislative Branches (excluding elected officials of the Judicial and Legislative Branches). The provisions of this travel status are also applicable to non-state members.
2. The Commissioner of Finance and Administration has established a maximum of reimbursement authorized by this special travel regulation for board and commission members.
3. Members of boards and commissions are eligible for reimbursement regardless of any per diem paid to said member unless stated otherwise in law, rule, regulation and/or policy.
4. Reimbursement for all travel shall be claimed in accordance with the Comprehensive Travel Regulations.
5. To comply with the provisions of TCA 4-3-1—8(3), departments should report quarterly out-of-state travel by board and commission members to the Department of Finance and Administration, Budget Office.
6. In accordance with the provisions of TCA 4-3-1008(3), these travel regulations, effective August 1, 1998, supersede and rescind all previous promulgated travel exceptions concerning board and commission members, and shall remain in effect until subsequently modified or rescinded.

**The Department of Finance and Administration
Special Travel Regulation Five
Pilot and Air Crew Travel**

Unless specifically addressed by the provisions contained herein, the Comprehensive Travel Regulations shall apply to all expenses or travel incurred under this regulation.

1. Persons serving as pilot, co-pilot or crew member, including maintenance personnel serving in any of these capacities, on state-owned or leased aircraft used for the purpose of transporting passengers on state business are granted travel authorization without regard to the provisions Sections 4 through 6 of the Comprehensive Travel Regulations.
2. Expenses or travel incurred under this provision are not subject to the reimbursement limits set forth in the Reimbursement Rate Schedule.
3. Reimbursement for these expenses shall be limited to the time during which the state duties are being performed and shall not apply to other travel. Receipts or other satisfactory evidence of payment are required for reimbursement.
4. Employees shall be considered on travel status one hour before actual takeoff and one hour after actual landing.
5. In addition to overnight lodging costs, lodging shall be allowed when it is necessary for crew members to wait for passengers, or when due to excessive hours of work crew members need a location to obtain rest.
6. In accordance with the provisions of TCA 4-3-1008(3), these travel regulations, effective August 1, 1998, supersede and rescind all previous promulgated travel exceptions concerning pilot and air crew travel, and shall remain in effect until subsequently modified or rescinded.

Public Comment at TDEC Board and Commission Meetings Office of General Counsel		Policy Number: OGC-01-Public Comment
		Effective Date: July 1, 2024
Supersedes (if applicable): N/A		Review Frequency: Five-years
Drafted By:	Name Stephanie A. Durman, Deputy General Counsel	Signature 
Approved By:	Name David W. Salyers, P.E., Commissioner	Signature 
Point of Contact:	Name Stephanie A. Durman, Deputy General Counsel	Email stephanie.durman@tn.gov
Summary of Policy (2-3 Sentences): This policy implements Public Chapter 300 (2023), which requires a public comment period at meetings of governing bodies subject to Tennessee Code Annotated Title 8, Chapter 44, Part 1 that include actionable agenda items. Public Chapter 300 authorizes reasonable restrictions on this public comment period, which are described in this policy. This policy applies to meetings of governing bodies supported by the Department of Environment and Conservation.		
Number(s) and Name(s) of Referenced Files (forms, templates, etc.): N/A		

I. JUSTIFICATION OR AUTHORITY

This policy is adopted in accordance with Public Chapter 300 (2023), codified at Tennessee Code Annotated section 8-44-112.

II. PURPOSE

This Policy establishes reasonable restrictions on public comments at meetings of governing bodies supported by the Department of Environment and Conservation (Department).

III. DISCLAIMER

The guidelines under this policy are a basis for internal administrative review and guidance only. They are not intended to, do not, and may not be relied upon to create any substantive or procedural rights.

IV. SCOPE

This policy applies to all open meetings of governing bodies supported by the Department of Environment and Conservation. This policy does not apply to public hearings conducted by the

Department, such as permit hearings or rulemaking hearings, because such hearings do not constitute meetings of governing bodies.

V. POLICY

The Department is committed to facilitating a meaningful, full, and fair opportunity for the public to comment at meetings of government boards, while also ensuring the orderly conduct of such meetings.

Accordingly, when supporting its governing bodies, the Department will apply the following policy:

1. The agenda for any open meeting that includes actionable items will reserve one or more opportunities for public comment. Agendas for meetings that do not include actionable items may, but are not required to, include a public comment period or periods. Agendas should provide information about obtaining access to language interpretation.
2. "Actionable items" are agenda items that require a vote, except for procedural votes such as adopting minutes, adopting a determination of necessity, or voting to adjourn. Reports, updates, and disciplinary matters do not constitute "actionable items."
3. Members of the public should be given the opportunity to comment in advance of a vote on that item.
4. Members of the public may indicate their desire to comment by filling out a form at the meeting if they are present in-person, or by indicating that intent through the videoconferencing platform used for that meeting, if applicable. Specific instructions will be provided in advance of each meeting.
5. Comments are limited to three minutes per person. Commenters may not yield time to each other to extend this period. Commenters should identify themselves at the beginning of their allotted time, including their affiliation if applicable.
6. Commenters should conduct themselves in a respectful manner. The chair has the discretion to end a speaker's time if speakers are disruptive or off-topic.
7. The time period for public comment may be extended by majority vote of the governing body.
8. The public comment period provides the public with an opportunity to speak about items appearing on meeting agendas. However, this public comment period does not allow for discussion between board members and the speaker, nor a time for obtaining either answers to questions raised or responses to requests made for information or action.