



State of Tennessee

PUBLIC CHAPTER NO. 434

SENATE BILL NO. 1100

By Bowling, Bailey, Hensley, Pody, Rose

Substituted for: House Bill No. 1025

By Butler, Davis, Tim Hicks, Sherrell, McCalmon, Littleton, Alexander, Todd, Moody

AN ACT to amend Tennessee Code Annotated, Section 4-1-412, relative to Tennessee heritage protection.

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

SECTION 1. Tennessee Code Annotated, Section 4-1-412(a)(1), is amended by deleting the subdivision and substituting:

(1) "Commission" means the Tennessee monuments and memorials commission established pursuant to this section;

SECTION 2. Tennessee Code Annotated, Section 4-1-412, is amended by adding the following as a new subsection ():

() (1) There is created the Tennessee monuments and memorials commission.

(2) The commission shall study, hear, and resolve petitions for waiver under this section.

(3)(A) The membership of the commission shall consist of nine (9) members, with three (3) members appointed by the governor, three (3) members appointed by the speaker of the senate, and three (3) members appointed by the speaker of the house of representatives.

(B) The executive director of the Tennessee historical commission shall serve as an ex officio non-voting member of the commission.

(C) Each appointing authority shall appoint one (1) member from each grand division of the state.

(D) Each appointing authority shall appoint one (1) individual to a four-year term, one (1) individual to a three-year term, and one (1) individual to a two-year term, beginning July 1, 2023. After the initial terms are served, all terms are four-year terms.

(E) The members serve without compensation, but may receive reimbursement for travel expenses in accordance with the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

(F) Vacancies must be filled by the respective appointing authority.

(4) The commission shall meet as needed with the first meeting to be called by the governor in July of 2023. At the first meeting, the commission shall elect a chair, who shall call all subsequent meetings.

(5) The commission is administratively attached to the department of environment and conservation for budgeting purposes.

(6) A majority of the members of the commission constitutes a quorum. All actions of the commission must be ratified by a majority vote of all members.

(7) No additional staff or resources, except for travel expenses for members of the commission, are required to accomplish the intent of this subsection (). The Tennessee historical commission shall provide all staff support required for the Tennessee monuments and memorials commission, and the executive director of the Tennessee historical commission shall serve as the executive director of the commission.

(8) The commission may promulgate rules and regulations to effectuate the purposes of this section. All rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 3. Notwithstanding another law to the contrary, petitions, complaints, and other matters filed pursuant to Tennessee Code Annotated, Section 4-1-412, must be resolved by the Tennessee historical commission until:

(1) All Tennessee monuments and memorials commission members have been appointed; and

(2) The Tennessee monuments and memorials commission, with the concurrence of the executive director of the Tennessee historical commission, adopts a resolution acknowledging that it has secured adequate staff, funding, and resources, and is prepared to carry out its responsibilities under § 4-1-412. All matters and proceedings related to the Tennessee Heritage Protection Act pending as of June 30, 2023, will be heard or otherwise disposed of by the Tennessee historical commission. Beginning July 1, 2023, such matters pertaining to the Tennessee Heritage Protection Act will be heard and disposed of by the Tennessee monuments and memorials commission.

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.

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PASSED: April 20, 2023



RANDY McNALLY
SPEAKER OF THE SENATE



CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 11th day of May 2023



BILL LEE, GOVERNOR