



HOUSE BILL 2560

By Lamberth

AN ACT to amend Tennessee Code Annotated, Title 4; Title 9; Title 13; Title 16; Title 39; Title 55; Title 58; Title 62; Title 65; Title 68 and Title 71, relative to emergency management.

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

SECTION 1. Tennessee Code Annotated, Section 58-2-104(c), is amended by deleting "During emergency conditions, the agency and director shall report" and substituting "During emergency conditions, the agency and director shall report in writing, in addition to any other means,".

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

Amendment No. 3 to HB2560

Hicks G
Signature of Sponsor

AMEND Senate Bill No. 2248*

House Bill No. 2560

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 4-3-101, is amended by adding the following as a new subdivision:

() Department of the Tennessee emergency management authority ("TEMA");

SECTION 2. Tennessee Code Annotated, Section 4-3-111, is amended by adding the following as a new subdivision:

() Commissioner of the Tennessee emergency management authority ("TEMA");

SECTION 3. Tennessee Code Annotated, Section 4-3-1017(a)(1), is amended by deleting "emergency management agency" and substituting "department of TEMA".

SECTION 4. Tennessee Code Annotated, Title 4, Chapter 3, is amended by adding the following as a new part:

Part 29. Department of the Tennessee emergency management authority ("TEMA").

4-3-2901. Creation.

There is created the department of the Tennessee emergency management authority ("TEMA").

4-3-2902. Commissioner.

The department of TEMA is under the charge and general supervision of the commissioner of TEMA.

4-3-2903. Powers and duties.

The commissioner of TEMA is vested with such powers and required to perform such duties as are set forth in title 58, chapter 2, and is charged with the administration of such laws as the general assembly from time to time may enact.

4-3-2904. Continuing effect of contracts and leases.

(a) Contracts or leases entered into prior to the effective date of this act, with respect to any program or function transferred to the department of TEMA with any entity, corporation, agency, enterprise, or person, continue in full force and effect as to all essential provisions in accordance with the terms and conditions of the contracts in existence on the effective date of this act, to the same extent as if such contracts had originally been entered into by and between such entity, corporation, agency, enterprise, or person and the department of TEMA, unless and until such contracts or leases are amended or modified by the parties thereto or until the expiration of such contract.

(b) This part must not be implemented in any manner that violates the prohibition against impairment of contract obligations as contained in the Constitution of Tennessee, Article I, § 20.

4-3-2905. Continuing effect of current rules, orders, decisions, and policies.

All current rules, orders, decisions, and policies issued or promulgated by the Tennessee emergency management agency under title 58, chapter 2, remain in full force and effect and must be administered and enforced by the department of TEMA. To this end, the department of TEMA, through its commissioner, may, consistent with the statutes and rules pertaining to the programs and functions transferred by this section, modify or rescind orders, rules, decisions, or policies so issued and to adopt, issue, or promulgate new orders, rules, decisions, or policies as may be necessary for the administration of the programs or functions transferred by this section.

SECTION 5. Tennessee Code Annotated, Section 4-29-250(a), is amended by deleting subdivision (32) and by adding the following as a new subdivision:

() Department of TEMA, created by § 4-3-2901;

SECTION 6. Tennessee Code Annotated, Section 9-4-215(a), is amended by deleting "Tennessee emergency management agency" wherever it appears and substituting "department of TEMA".

SECTION 7. Tennessee Code Annotated, Section 9-4-216, is amended by deleting "Tennessee emergency management agency" wherever it appears in subsections (a), (d), and (e) and substituting "department of TEMA".

SECTION 8. Tennessee Code Annotated, Section 16-3-818(a)(18), is amended by deleting the subdivision and substituting:

(18) Commissioner of TEMA or a designee; and

SECTION 9. Tennessee Code Annotated, Section 39-13-902, is amended by deleting "Tennessee emergency management agency" wherever it appears in subdivision (a)(22) and subsection (c) and substituting "department of TEMA" and by deleting the language "created in § 58-2-104" in subdivision (a)(22) and substituting "created in § 4-3-2901".

SECTION 10. Tennessee Code Annotated, Section 39-17-1315(a)(1)(A)(ii), is amended by deleting the subdivision and substituting:

(ii) Any commissioner or full-time employee of the department of TEMA in the performance of the commissioner's or employee's duty;

SECTION 11. Tennessee Code Annotated, Section 55-8-199(d)(4), is amended by deleting "agency".

SECTION 12. Tennessee Code Annotated, Section 58-1-114, is amended by deleting "and the emergency management agency,".

SECTION 13. Tennessee Code Annotated, Section 58-2-101, is amended by deleting subdivision (1), by deleting "TEMA" in subdivision (9) and substituting "the department", by deleting "the agency" in subdivision (11) and substituting "the department", and by adding the following as new subdivisions:

() "Commissioner" means the commissioner of TEMA;

() "Department" means the department of TEMA;

SECTION 14. Tennessee Code Annotated, Section 58-2-103(a)(1), is amended by deleting the subdivision and substituting:

(1) Create a state emergency management department, to be known as the department of the Tennessee emergency management authority ("TEMA"), to authorize the creation of local organizations for emergency management in the political subdivisions of the state, and to authorize cooperation with the federal government and the governments of other states;

SECTION 15. Tennessee Code Annotated, Section 58-2-103(a)(2), is amended by deleting "TEMA" and substituting "the department".

SECTION 16. Tennessee Code Annotated, Section 58-2-104, is amended by deleting the section and substituting:

(a) The department shall authorize the creation of local organizations for emergency management in the political subdivisions of this state, and authorize cooperation with the federal government and the governments of other states.

(b) The commissioner, subject to the direction and control of the governor, is the executive head of the department and is responsible to the governor for carrying out the program for the department for this state. The commissioner shall coordinate the activities of all organizations for the department within this state and shall maintain liaison with and cooperate with emergency management agencies and organizations of other states and of the federal government. The department of the military is a resource for this state as with all other departments and agencies; further, the commissioner shall make recommendations to the governor for the use of the national guard and other state resources as disaster conditions mandate, including, but not limited to, the assistance of local and private agencies. The commissioner shall coordinate with the governor's office on the activation or the potential activation of any mutual aid agreement or compact.

(c) The commissioner may employ such area directors and professional, technical, clerical, and other personnel, and the commissioner shall fix their

compensation and may make expenditures from available funds appropriated for the department or from funds made available to the commissioner for purposes of emergency management, as may be necessary to carry out this chapter. The commissioner must be provided with necessary and appropriate office space, furniture, supplies, printing, and equipment, including, but not limited to, radio, radiological, and any and all other proper equipment necessary to carry out the emergency management program for this state. The necessary mileage, office expenses, salaries of personnel, postage, telephone, and expressage must be chargeable to any funds available for emergency management.

SECTION 17. Tennessee Code Annotated, Section 58-2-106, is amended by:

(1) Deleting "director of the agency" in subsection (a) and substituting "commissioner";

(2) Deleting "The agency is responsible for carrying out this chapter. In performing its duties under this chapter, the agency" and substituting "The department is responsible for carrying out this chapter. In performing its duties under this chapter, the department";

(3) Deleting "the agency" in subdivisions (b)(1) and (b)(1)(D) and substituting "the department"; and

(4) Deleting "agency is" wherever it appears in subsection (a) and substituting "department is".

SECTION 18. Tennessee Code Annotated, Section 58-2-107, is amended by deleting "agency" in subsections (h) and (i) and substituting "department".

SECTION 19. Tennessee Code Annotated, Section 58-2-107(k), is amended by deleting the subsection and substituting:

(k) The governor may delegate to the commissioner the authority to declare a state of emergency in order that certain commercial vehicles engaged in the distribution of electric power, the supply of fuel, or telecommunications services to residences and

businesses may be considered to be participating in an emergency relief effort for the purpose of the federal hours-of-service regulations promulgated by the federal motor carrier safety administration. Pursuant to the delegation of authority granted by this subsection (k), the commissioner may declare a state of emergency prospectively in anticipation of an emergency.

SECTION 20. Tennessee Code Annotated, Section 58-2-108, is amended by:

(1) Deleting "director of TEMA" in subsections (b) and (f) and substituting "commissioner";

(2) Deleting "TEMA must define" and substituting "The department must define" in subsection (a);

(3) Deleting "TEMA, in consultation with" and substituting "The department, in consultation with" in subsection (f);

(4) Deleting "TEMA may" and substituting "The department may" in subsection (f);

(5) Deleting "TEMA" and substituting "the department" wherever it appears in subsections (b), (c), (d), and (e); and

(6) By deleting "director's" in subsection (b) and substituting "commissioner's".

SECTION 21. Tennessee Code Annotated, Section 58-2-109, is amended by deleting "a state emergency management agency" in subsection (b) and substituting "the department" and by deleting "the agency" wherever it appears in subsection (d) and substituting "the department".

SECTION 22. Tennessee Code Annotated, Section 58-2-110, is amended by deleting "TEMA" in subdivisions (1)(A) and (1)(B) and substituting "the department".

SECTION 23. Tennessee Code Annotated, Section 58-2-111, is amended by deleting the section and substituting:

Notwithstanding another law to the contrary, a person being housed in a camp or shelter organized or maintained by the federal emergency management agency, the

department, or a local emergency management agency, or pursuant to an action taken by such entities, may possess a mobile telephone.

SECTION 24. Tennessee Code Annotated, Section 58-2-113, is amended by deleting "TEMA is" in subsection (a) and substituting "The department is", by deleting "of TEMA" in subsection (a) and substituting "of the department", and by deleting "TEMA" in subdivision (b)(3) and substituting "the department".

SECTION 25. Tennessee Code Annotated, Section 58-2-114, is amended by deleting "director of TEMA" and substituting "commissioner" and by deleting "to the director" and substituting "to the commissioner".

SECTION 26. Tennessee Code Annotated, Section 58-2-115, is amended by deleting "TEMA" in subsections (b) and (e) and substituting "the department" and by deleting "agency" wherever it appears in subsection (d) and substituting "department".

SECTION 27. Tennessee Code Annotated, Section 58-2-116, is amended by deleting "TEMA" in subsections (b) and (c) and substituting "the department" and by deleting "agency" in subdivision (c)(3) and substituting "department".

SECTION 28. Tennessee Code Annotated, Section 58-2-118(a), is amended by deleting "TEMA" and substituting "the department" and by deleting "the agency" and substituting "the department".

SECTION 29. Tennessee Code Annotated, Section 58-2-121, is amended by deleting "TEMA" and substituting "the department".

SECTION 30. Tennessee Code Annotated, Section 58-2-123, is amended by deleting "TEMA" in subsection (c) and substituting "the department", by deleting "director of the agency or the director's" in subsection (d) and substituting "commissioner or the commissioner's", by deleting "agency" in subdivision (d)(1) and substituting "department", and by deleting "director" in subdivision (d)(4) and substituting "commissioner".

SECTION 31. Tennessee Code Annotated, Section 58-2-124, is amended by deleting "Tennessee emergency management agency" and substituting "department".

SECTION 32. Tennessee Code Annotated, Section 58-2-127, is amended by deleting "the TEMA" wherever it appears in subdivision (f)(2) and substituting "the department" and by deleting "TEMA" wherever it appears in subdivisions (e)(4), (f)(1), and (f)(2) and substituting "the department".

SECTION 33. Tennessee Code Annotated, Section 58-2-501(b), is amended by deleting "director of the Tennessee emergency management agency" and substituting "commissioner".

SECTION 34.

(a) Tennessee Code Annotated, Section 58-2-601, is amended by deleting the section and substituting:

Notwithstanding another law to the contrary, in addition to any reports required by law, any person who is transporting hazardous materials and placarded as carrying such materials as required by rules of the department of safety or department of transportation, or both, shall report any accident or incident in which such materials are released from the container in which such materials are being transported to the department of TEMA as soon as practicable after such accident or incident. Any other person having knowledge of such accident or incident shall also report such accident or incident to the department of TEMA.

(b) The Tennessee code commission is requested to revise the heading for Tennessee Code Annotated, Section 58-2-601, to more accurately reflect the change made pursuant to SECTION 34(a).

SECTION 35. Tennessee Code Annotated, Section 58-2-602, is amended by deleting "such agency" and substituting "the department".

SECTION 36. Tennessee Code Annotated, Section 58-2-603, is amended by deleting "Tennessee emergency management agency" and substituting "department".

SECTION 37. Tennessee Code Annotated, Section 58-2-802, is amended by deleting "the department or TEMA" in subdivisions (a)(4)(A) and (a)(4)(B) and substituting "the department of health or the department of TEMA" and by deleting subdivision (a)(19).

SECTION 38. Tennessee Code Annotated, Section 58-2-804, is amended by deleting "TEMA" in subsection (a) and subdivision (c)(1) and substituting "the department".

SECTION 39. Tennessee Code Annotated, Section 58-2-805, is amended by deleting "TEMA" wherever it appears in subdivision (a)(4)(D) and subsection (b) and substituting "the department".

SECTION 40. Tennessee Code Annotated, Section 58-2-808(c), is amended by deleting "TEMA" and substituting "The department".

SECTION 41. Tennessee Code Annotated, Section 58-2-809(b), is amended by deleting "TEMA" and substituting "The department".

SECTION 42. Tennessee Code Annotated, Section 58-2-810, is amended by deleting the section and substituting:

The department of TEMA may promulgate emergency rules to implement this part in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. In doing so, the department of TEMA shall consult with the department of health and shall consult with and consider the recommendations of any other entity established to coordinate the implementation of the emergency management assistance compacts and shall also consult with and consider rules promulgated by similarly empowered agencies in other states to promote uniformity of application of this part and make the emergency response systems in the various states reasonably compatible.

SECTION 43. Tennessee Code Annotated, Section 58-2-904(e), is amended by deleting "the director" and substituting "the commissioner".

SECTION 44. Tennessee Code Annotated, Section 58-2-905, is amended by deleting "agency" wherever it appears and substituting "department".

SECTION 45. Tennessee Code Annotated, Section 58-8-111(f), is amended by deleting "the Tennessee emergency management agency (TEMA)" in subsection (f) and substituting "the department of TEMA" and by deleting "the request of TEMA" and substituting "the request of the department of TEMA".

SECTION 46. Tennessee Code Annotated, Section 58-8-112, is amended by deleting "the request of TEMA" and substituting "the request of the department of TEMA".

SECTION 47. Tennessee Code Annotated, Section 58-8-113, is amended by deleting "TEMA" and substituting "the department".

SECTION 48. Tennessee Code Annotated, Section 58-9-104(2), is amended by deleting "the emergency management agency" and substituting "the department of TEMA".

SECTION 49. Tennessee Code Annotated, Section 62-2-109(c)(3), is amended by deleting "director or the director's assistants of the emergency management agency" and substituting "commissioner of TEMA and employees of the department of TEMA acting at the specific direction of the commissioner of TEMA".

SECTION 50. Tennessee Code Annotated, Section 65-15-114, is amended by deleting "emergency management agency" in subsection (b) and substituting "department of TEMA" and by deleting "Tennessee emergency management agency" in subdivision (c)(3) and substituting "department of TEMA".

SECTION 51. Tennessee Code Annotated, Section 68-202-104(c), is amended by deleting "Tennessee emergency management agency" and substituting "department of TEMA".

SECTION 52. Tennessee Code Annotated, Section 68-212-311, is amended by deleting "Tennessee emergency management agency" and substituting "department of TEMA".

SECTION 53. Tennessee Code Annotated, Section 71-4-2103(a), is amended by deleting "Tennessee Emergency Management Agency" and substituting "department of TEMA".

SECTION 54. The headings in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee code commission is requested to include the headings in any compilation or publication containing this act.

SECTION 55. This act takes effect July 1, 2026, the public welfare requiring it.