

HOUSE BILL 189

By Richey

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 8; Title 58 and Title 68, relative to the
governor's emergency powers.

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

SECTION 1. Tennessee Code Annotated, Section 58-2-107, is amended by deleting subdivision (b)(2) and substituting:

(A) These two (2) types of threats may be declared by the governor if the governor finds an emergency has occurred or the occurrence or threat thereof is imminent. Except as otherwise provided in subdivision (b)(2)(B), the state of emergency continues until the governor finds that the threat or danger has been dealt with to the extent that the emergency conditions no longer exist and the governor terminates the state of emergency by executive order or proclamation. All executive orders or proclamations issued under this section must indicate the nature of the emergency, the area or areas threatened, and the conditions which have brought the emergency about or which make possible its termination. An executive order or proclamation must be promptly disseminated by means calculated to bring its contents to the attention of the general public and, unless the circumstances attendant upon the emergency prevent or impede such filing, the order or proclamation must be filed promptly with the department of state and in the office of the chief executive officer in each county to which the order or proclamation applies.

(B) An executive order or proclamation issued under subdivision (b)(2)(A) expires not later than forty-five (45) days after its initial issuance. If the emergency continues or is likely to continue beyond the forty-five-day period during which an

executive order is in effect, the governor or the general assembly may call the general assembly into extraordinary session to address the emergency through the passage of a bill. If a bill addressing the emergency is passed into law during extraordinary or regular session, the executive order or proclamation immediately ceases to be operative upon passage. If the general assembly is not convened into extraordinary or regular session, or does not address the emergency through the passage of a bill while in session, the executive order expires in accordance with this subdivision (b)(2)(B) and must not be renewed by the governor until the later of:

(i) One (1) year after the expiration of the executive order; or

(ii) One (1) year after the general assembly adjourned sine die from an extraordinary session called under this subdivision (b)(2)(B).

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