

HOUSE BILL 1303

By Lamberth

AN ACT to amend Tennessee Code Annotated, Title 43, Chapter 1, Part 1; Section 43-10-118; Section 43-11-405; Section 43-8-104; Section 44-10-203; Section 44-11-105; Section 44-6-104; Section 47-26-1010; Section 53-1-204; Section 53-3-105; Section 53-3-106; Section 53-7-216 and Section 53-8-106, relative to authorization to engage in regulated activities.

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

SECTION 1. Tennessee Code Annotated, Title 43, Chapter 1, Part 1, is amended by adding the following as a new section:

(a) Subject to subsection (c) and notwithstanding another law to the contrary, a license, permit, or registration issued by the department of agriculture for licensing, permitting, or registration cycles of one (1) year or more expires on June 30 of the licensing, permitting, or registration cycle for which it was issued.

(b) An applicant for renewal of a license, permit, or registration that is subject to expiration under subsection (a) shall submit the appropriate fees and required application materials to the department of agriculture on or before July 1 of the year in which the license, permit, or registration expires.

(c) This section does not apply to any license, permit, registration, or certification issued by the division of forestry.

SECTION 2. Tennessee Code Annotated, Section 43-8-104(a), is amended by deleting the language "and their registration shall expire on June 30, following the date of issuance".

SECTION 3. Tennessee Code Annotated, Section 43-10-118, is amended by deleting the language "on or before July 1 of each calendar year".

SECTION 4. Tennessee Code Annotated, Section 43-11-405, is amended by deleting the section and substituting instead:

A manufacturer who distributes liming materials in this state shall submit annually an application for a license on forms furnished by the commissioner, accompanied by payment in the amount set by rule pursuant to § 43-1-703.

SECTION 5. Tennessee Code Annotated, Section 44-6-104(b), is amended by deleting the subsection and substituting instead:

(b) A person who is required to obtain a license shall submit annually an application for a license on a form provided by or approved by the commissioner, accompanied by payment in the amount set by rule pursuant to § 43-1-703 for each facility.

SECTION 6. Tennessee Code Annotated, Section 44-10-203, is amended by deleting the language ", and all annual licenses shall terminate and become void on June 30 in the calendar year following issuance of the license or renewal".

SECTION 7. Tennessee Code Annotated, Section 44-11-105(b), is amended by deleting the subsection and substituting instead:

(b) Licenses must be renewed annually according to the application procedure of the original license.

SECTION 8. Tennessee Code Annotated, Section 47-26-1010(b), is amended by deleting the subsection.

SECTION 9. Tennessee Code Annotated, Section 53-1-204(a)(2)(C), is amended by deleting the language "on July 1 of each year" and substituting "annually".

SECTION 10. Tennessee Code Annotated, Section 53-3-105, is amended by deleting the section and substituting instead:

(a) Samplers license and fee. A person receiving or buying milk or cream on the basis of its chemical or physical constituents shall be, or have in the person's employ, in or on each milk transport tank truck, a licensed milk sampler or tester. Application to become a licensed sampler must be made to the commissioner on forms the commissioner may prescribe. In order to qualify for a license, the applicant shall satisfy to the commissioner, either by a written examination or otherwise, that the applicant is honest and competent to do sampling work.

(b) Milk testers license and fee. A person receiving or buying milk or cream on the basis of its chemical or physical constituents shall be, or have in the person's employ, a licensed milk tester to make the official analysis, and no other person shall be allowed to make the tests in any creamery, cheese factory, milk depot, milk plant, ice cream factory, cream station, milk condensery, or similar plant where milk or cream is bought or received on a basis of its chemical or physical constituents. Application to become a licensed milk tester must be made to the commissioner on forms the commissioner may prescribe. If the applicant is found upon examination to be qualified and competent, the commissioner shall issue a license to the applicant. Licenses issued in accordance with this subsection (b) must be posted conspicuously in the tester's place of business. Licensed testers are also qualified and permitted to act as samplers.

(c) Milk sampler and tester licenses expire annually. Milk sampler and tester license fees must be set by rule pursuant to § 43-1-703.

SECTION 11. Tennessee Code Annotated, Section 53-3-106(b)(1)(D), is amended by deleting the subsection and substituting instead:

(D) All licenses issued pursuant to subsection (a) expire annually and are not transferable.

SECTION 12. Tennessee Code Annotated, Section 53-8-106(a), is amended by deleting the language "on or before July 1 of each year" and substituting "annually".

SECTION 13. Tennessee Code Annotated, Section 53-8-106(c), is amended by deleting the language "on June 30 following its issuance" and substituting "annually".

SECTION 14. This act takes effect upon becoming a law, the public welfare requiring it.