

HOUSE BILL 1677

By Lamberth

AN ACT to amend Tennessee Code Annotated, Title 4 and Title 12, relative to publications.

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

SECTION 1. Tennessee Code Annotated, Section 12-5-102, is amended by deleting the section in its entirety.

SECTION 2. Tennessee Code Annotated, Section 12-7-101, is amended by deleting the section in its entirety.

SECTION 3. Tennessee Code Annotated, Section 12-7-102, is amended by deleting the section and substituting the following:

(a) As used in this section, "publications":

(1) Means any of the following that is distributed outside of the department or agency for which it is produced, including material produced by or printed at facilities not operated by this state:

- (A) Newsletters;
- (B) Stationery;
- (C) Greeting cards;
- (D) Reports; or
- (E) Other material for distribution; and

(2) Does not include emails or letters.

(b) The commissioner of general services shall promulgate rules governing the printing and distribution of publications, including the approval of the design and branding of all publications issued by agencies and departments of this state. Rules set forth by the commissioner must be promulgated in accordance with the Uniform

Administrative Procedures Act, compiled in title 4, chapter 5. Rules of the publications committee in existence on May 1, 2008, are deemed to be rules of the commissioner for purposes of this part.

(c) The commissioner shall establish procedures for reviewing and approving all publications for compliance with this state's design and branding requirements.

(d) The commissioner may appoint a designee to fulfill the responsibilities established in this section.

SECTION 4. Tennessee Code Annotated, Section 12-7-103, is amended by deleting the section and substituting:

(a) A publication coming within the jurisdiction of the commissioner of general services under § 12-7-102 must not be distributed unless it has been approved in accordance with this part and rules promulgated by the commissioner.

(b) An authorization number must be assigned to each publication that has been approved as required by this part. The authorization number must be affixed to the publication adjacent to the identification of the agency responsible for the publication. A publication coming within the jurisdiction of the commissioner under § 12-7-102 must not be distributed unless the authorization number has been affixed as required by this subsection (b). A contract must not be entered into, nor a requisition issued, nor acted upon, by a state department or agency, including, but not limited to, the division of purchasing, for the printing of a publication coming within the jurisdiction of the commissioner under § 12-7-102 at a facility, unless an authorization number has been assigned and will be affixed to the publication as required by this subsection (b). All state contracts and grant agreements, including, but not limited to, contracts for personal, professional, and consultant services, that involve or may involve the printing of a publication coming within the jurisdiction of the commissioner under § 12-7-102,

must contain a provision whereby the contractor or grantee agrees that a publication must not be printed unless an authorization number has been obtained and will be affixed to the publication as required by this section.

SECTION 5. Tennessee Code Annotated, Section 12-7-104, is amended by deleting subdivisions (4)–(6).

SECTION 6. Tennessee Code Annotated, Section 12-7-107, is amended by deleting the language "printed" and substituting "distributed".

SECTION 7. Tennessee Code Annotated, Section 12-7-108, is amended by deleting the section and substituting:

The requirements of this part do not apply to:

- (1) A student newspaper, publication, annual, or yearbook;
- (2) Institutions of higher education;
- (3) The judicial branch of state government; or
- (4) State agencies and entities exempted from public purchase laws in § 12-3-102, excluding the office of the comptroller of the treasury and the office of the secretary of state.

SECTION 8. This act takes effect upon becoming a law, the public welfare requiring it.