



OFFICE *of*
LEGAL
SERVICES

LEGISLATIVE
DRAFTING GUIDE

114TH GENERAL ASSEMBLY

Our Mission:

To provide to the members of the General Assembly legal analysis and advice; as well as research, drafting, library, and codification services; all in a professional, confidential, and non-partisan manner.

Upon request, OLS will provide an outside drafter with an electronic template to use when drafting.

Requests for electronic templates or any questions regarding formatting legislation should be sent to:

Brian Heath, brian.heath@capitol.tn.gov

John Pinardo, john.pinardo@capitol.tn.gov

Julie Smith, julie.smith@capitol.tn.gov

If you have questions regarding the Tennessee Code Commission, please contact:

Jamie Shanks, jamie.shanks@capitol.tn.gov

© 2024 by Office of Legal Services, Tennessee General Assembly. All rights reserved.

Cordell Hull Building

Nashville, TN 37243-0059

TABLE OF CONTENTS

INTRODUCTION.....	1
CHAPTER 1: PREPARATION	2
CHAPTER 2: FORM AND STYLE	6
(a) Introduction.	6
(b) Names of departments.....	6
(c) Capitalization rules.	7
(d) Rules for numerals.....	8
(e) Punctuation rules.	10
(f) Legal action verbs.....	18
(g) Other guidelines.	22
CHAPTER 3: PLAIN LANGUAGE.....	27
(a) Simplicity.....	27
(b) Clarity.....	28
(c) Consistency.....	31
(d) Commonly misused words and phrases.	32
(e) Archaic and outdated language.....	33
CHAPTER 4: CODE PROVISIONS.....	34
CHAPTER 5: GENERAL BILLS	50
(a) Introduction.	50
(b) Caption.....	50
(c) Preamble.	54
(d) Enacting clause.....	54
(e) Body.....	54
CHAPTER 6: AMENDMENTS	65
CHAPTER 7: REVIEW	69
APPENDIX A: SAMPLE BILL	71
APPENDIX B: SAMPLE AMENDMENT	72
APPENDIX C: BILL FORMATTING INSTRUCTIONS.....	73
APPENDIX D: DEPARTMENTS OF THE STATE OF TENNESSEE.....	74
APPENDIX E: GENERAL ASSEMBLY DESIGNATION BY YEAR	75

INTRODUCTION

(a) This guide. This guide is intended to assist drafters in preparing bills and amendments for consideration by the Tennessee General Assembly (the general assembly). It is not intended to be a comprehensive treatise on the subject of legislative drafting. Examples are provided throughout this guide to aid drafters. However, there are times when emphasis is added to examples by underlining, while underlining or bolding would not always be appropriate in a draft. In the appendices are font and word processing guidelines to follow when drafting legislation. The information contained in this guide reflects the current practice of the Office of Legal Services (OLS) as of November 1, 2024, and replaces all previous OLS drafting guides. OLS's practices and procedures, including preferred form and style guidelines, are updated periodically.

(b) Drafter's checklist. There is a [drafter's checklist](#) in chapter 7. Each item on the checklist is linked to the location in the guide where a more detailed discussion of the subject may be found. The checklist is intended to encourage thoroughness in drafting and reviewing legislation.

(c) Office of legal services. The Office of Legal Services is created by Tennessee Code Annotated § 3-12-101. OLS attorneys draft legislation on a nonpartisan basis for members of the general assembly. Additionally, OLS attorneys review proposed legislation as to form and style prior to its filing. While performing these duties, OLS attorneys maintain an attorney-client relationship with respect to communications between a member of the general assembly and the OLS attorney.

(d) Tennessee code commission. The Tennessee Code Commission (the code commission) is responsible for the publication of the Tennessee Code Annotated (the code). The code commission's role is limited by Tennessee Code Annotated § 1-1-108, which prohibits the code commission from altering the sense, meaning, or effect of any act of the general assembly, and requires the commission to copy the exact text of the public chapters. Although the code commission is authorized to "correct manifest misspelling and typographical errors," the code commission narrowly interprets this power. Every effort is made by OLS attorneys in their capacities as drafters, reviewers, and committee staff to correct any deficiencies in the legislation prior to its passage.

CHAPTER 1: PREPARATION

(a) Filing deadlines.

(1) About. Drafters should be aware of the various filing deadlines for each house of the general assembly. In preparation for filing, each bill is entered into the general assembly's electronic database by OLS and assigned a barcode for proper identification by each clerk's office. OLS is required by Tennessee Code Annotated § 3-12-101(5) to "review all proposed legislation as to form and style, prior to its introduction." The weeks leading up to the bill filing deadlines are extremely busy. As filing deadlines approach, the time available for OLS review is limited. Drafters are strongly encouraged to work with OLS well in advance of the bill filing deadlines to allow adequate time to ensure a quality bill and to reduce the need for amendments after a bill is filed.

(2) Bills requiring later amendments. Drafters may find, due to unavoidable circumstances, that the final draft of a bill is not ready by a filing deadline, and the drafter may need to use a bill that will require an amendment to incorporate the final draft. A bill that requires an amendment should include substantive content that is relevant to the anticipated amendment. If the drafter makes only cosmetic changes of no substance to the code in the body of a filed bill, then the question may arise as to whether the body provides notice of a bill's content sufficient to comply with the Constitution of Tennessee, Article II, § 17.

(b) Purpose. The first and most important step in preparing a bill is to gain a thorough understanding of what the legislation is intended to accomplish. Generally, the purpose of legislation is to direct behavior. The legislation will prohibit, authorize, or require some form of behavior. In addition to these three directives, the legislation may set forth conditions under which a directive applies and consequences for failure to follow a directive. A drafter should strive to be as specific as possible when setting forth these directives, conditions, and consequences, as generality may lead to ambiguity and confusion.

(c) Research.

(1) About. The second step is to conduct the research necessary to ensure a sound bill. This research should include a thorough review of relevant state and federal constitutional provisions to determine the constitutionality of the proposed bill. Additionally, research should include a review of relevant state and federal statutes, regulations, and case law. Tennessee courts presume that when the general assembly enacts laws, it (1) knows the "state of the law," including common law affecting the subject matter; (2) is aware of and has considered its own previous enactments; and (3) is aware of how the courts have interpreted enacted statutes. Therefore, a complete understanding of the legal context of a proposed bill is required before drafting.

(2) Annual update of the code. If a drafter prepares a bill prior to the annual update of the code, then the drafter will need to review the research and draft after the annual update. The code commission updates the code every year to include changes that were made in the prior legislative session. During codification, not only will new law be integrated into the code, but changes may be made that alter designations. Tennessee Code Annotated § 1-1-108(a) authorizes the code commission to "rearrange, regroup and renumber the titles, chapters, sections and parts of sections of the statutes, codes and code supplements." Updating research and legislation drafted prior to the code commission's annual update is required to verify that the language in the bill accurately amends the current code.

(d) Organization. The third step in preparing to draft a bill is to develop a plan for logically and systematically organizing and arranging the proposed content, such as an outline, timeline, chart, or other organizational aid. For legislation that is more complex, working with a thoughtfully conceived plan will promote clarity, consistency, and accuracy.

(e) Electronic format.

(1) Microsoft Word documents. If possible, outside drafters should submit an electronic version of a bill to OLS in Microsoft Word. When electronic drafts are submitted in Microsoft Word, the process of entering the bill into the general assembly's electronic database is expedited, and the potential for error when retyping or scanning a bill is eliminated.

CHAPTER 1(e)(2)-(f)(1)

(2) Electronic template. Upon request, OLS will provide an outside drafter with an electronic template to use when drafting. Requests for electronic templates should be sent to Brian Heath, brian.heath@capitol.tn.gov, John Pinardo, john.pinardo@capitol.tn.gov, or Julie Smith, julie.smith@capitol.tn.gov.

(3) Guidelines. If the OLS template is not used, then the following guidelines should be followed:

- The bill should only be in Arial 11 point font;
- The bill should be double spaced, except for the bill's caption, which should be single spaced;
- Italic font should only be used if required for a subdivision designation;
- Bold font should not be used, except as otherwise provided in this guide;
- The "indent" and "tab" format in Appendix C should be followed;
- "Left justification" should be used;
- There should be no headers, footers, footnotes, margin changes, or other similar word processing features; and
- Two spaces should be placed between the section and the beginning of text, and between a subsection or subdivision designation and the beginning of text.

(4) Appendices. For additional help, please review the sample bill, sample amendment, and bill formatting instructions located in appendices A-C.

(f) Correct version.

(1) Working drafts. When an OLS attorney and an outside drafter are both working on editing a bill, it is important to ensure that the most recent version is being edited; otherwise, edits and corrections previously made by OLS may be lost and not reflected in subsequent drafts, causing OLS to perform duplicate formatting and review. Drafts of bills should be saved with an updated name reflecting the most recent version of the draft before transmittal.

(2) Final version. The OLS attorney may be able to provide an outside drafter with a final PDF version of the bill. However, PDF versions that contain barcodes are treated as jacketed bills or amendments ready to be filed with the applicable chief clerk. Therefore, PDF versions containing barcodes are only provided to outside drafters if the legislator or the legislator's staff give express permission.

CHAPTER 2: FORM AND STYLE

(a) Introduction. OLS has its own form and style guidelines unique to the general assembly and set out in this chapter. However, if this chapter does not address a question of form or style, then the drafter should consult The Redbook: A Manual on Legal Style, the preferred legal style manual of OLS. If there is a conflict between The Redbook and this guide, then the guidelines set out in this guide should be followed.

(b) Names of departments.

(1) When a department is added as a definition. If a drafter defines a department in a definition section for a particular title, chapter, or part, then the drafter should use "the department" for all subsequent references in the title, chapter, or part. The department's full name need not be written out, except when confusion would result from references to other departments. A drafter should apply this rule for "commissioner" as well.

IF: "Department" means the department of financial institutions;

THEN: The department shall promulgate rules.

EXCEPTION: The department of financial institutions, in consultation with the department of safety, shall prepare a report on this topic. The department of financial institutions shall submit the report by August 15.

(2) When a department is not added as a definition. If a drafter does not define a department in a definition section for a particular title, chapter, or part, then the drafter must write out the name of the department the first time it appears in each section and use "the department" each subsequent time when in the same section. A drafter should apply this rule for "commissioner" as well.

(3) Of the department. A drafter should not use "of the department" in a reference to a commissioner.

CORRECT: the commissioner of financial institutions

INCORRECT: the commissioner of the department of financial institutions

CHAPTER 2(b)(4)-(c)(4)

(4) Table of current departments. A drafter should consult the table in Appendix D of all department names if the drafter is uncertain of the full name of the applicable department. For example, drafters should remember to refer to the department of safety and homeland security as the department of safety because the full name has yet to be codified as the official name of the department in the code.

(c) Capitalization rules.

(1) Public/private entities. A drafter should use lower case for federal, state, and local public entities but should capitalize private entities.

the environmental protection agency
the Audubon Society
the American Psychiatric Association

(2) Public officials. A drafter should use lower case for titles of public officials.

the governor
the commissioner of revenue
the speaker of the house

(3) Schools and multi-jurisdictional places or programs. A drafter should capitalize the names of schools and proper names used in connection with places or programs in more than one country, state, county, or city.

the John S. Wilder development center
the University of Memphis
Pell grants

(4) Short titles. A drafter should capitalize short titles of acts.

Comprehensive Alcohol and Drug Treatment Act

CHAPTER 2(d)(3)-(d)(9)

(3) **Hyphenation.** A drafter should hyphenate numbers from twenty-one to ninety-nine.

(4) **Numerals as adjectives.** A drafter should not insert a parenthetical numeral in hyphenated adjectives, unless the adjective is a fraction.

CORRECT: a two-thirds (2/3) majority
CORRECT: a nine-member commission
INCORRECT: a nine (9)-member commission

(5) **Dates.** A drafter should write dates in the form of "month" then "day." If a drafter uses a month, day, and year as a date in a sentence, then the drafter should use a comma after the day and the year. See subdivision (e)(2)(B) for more information on writing dates.

CORRECT: July 1
CORRECT: On March 1, 2008, the procedures become effective.
INCORRECT: July 1st, July First, first of July

(6) **Range of years.** If a drafter uses a range of years, then the drafter should not shorten or abbreviate the year range.

CORRECT: 2017-2018 **INCORRECT:** 2017-18

(7) **Time expressions.** A drafter should write out time expressions and include a parenthetical translation at the end.

five o'clock p.m. (5:00 p.m.) twelve o'clock (12:00) noon

(8) **First, second, and third.** A drafter should use "first," "second," or "third," instead of "1st," "2nd," or "3rd."

(9) **Decimals.** If a fraction can easily be expressed as a decimal, then a drafter should use a decimal.

USE DECIMAL: one-tenth of one percent (0.1%)
USE FRACTION: three-eighths of one percent (3/8 of 1%)

CHAPTER 2(d)(10)-(e)(1)(A)

(10) Amounts of money. If a drafter is identifying amounts of money, then the drafter should use decimals for numbers less than one hundred dollars or if cents are indicated. However, a drafter should not use decimals for numbers equal to one hundred dollars or more.

CORRECT:

ninety-nine dollars (\$99.00)
one dollar and fifty cents (\$1.50)
one hundred fifty dollars (\$150)

INCORRECT:

ninety-nine dollars (\$99)
one hundred and fifty dollars (\$150.00)

(11) Years of age. A drafter should use "years of age" when stating a person's age.

CORRECT: twelve (12) years of age

INCORRECT: twelve (12) years old

INCORRECT: the age of twelve (12)

(12) Measurements. A drafter should use the following format for writing measurements in inches, feet, and miles.

INCHES: eight inches (8")

FEET: five feet (5')

MILES: ten miles (10 mi.)

(e) Punctuation rules.

(1) Hyphen rules.

(A) General rule. A drafter should not use a hyphen when use of a hyphen is optional.

CORRECT: firefighter

INCORRECT: fire-fighter

CORRECT: service member

INCORRECT: service-member

CHAPTER 2(e)(1)(B)-(e)(1)(F)

(B) Full time/part time. A drafter should hyphenate "full-time" and "part-time" when the terms are used as an adjective or an adverb. A drafter should not hyphenate "full time" or "part time" when the terms are used as a noun.

CORRECT: all full-time candidates

CORRECT: a candidate who works part-time

CORRECT: This section does not apply to a candidate for office for which the service is part time.

(C) Vice president, vice chair, and attorney general. A drafter should never hyphenate "vice president," "vice chair," or "attorney general."

(D) Adjectives that incorporate numbers. A drafter should hyphenate adjectives that incorporate numbers.

CORRECT: a three-way intersection

INCORRECT: a three way intersection

(E) Fractions. A drafter should always hyphenate fractions.

CORRECT: two-thirds (2/3) of the members

CORRECT: one-fourth (1/4) of the time

CORRECT: five-eighths (5/8) of the membership

CORRECT: a two-thirds (2/3) majority

(F) Pre, non, and re. Generally, a drafter should not hyphenate words beginning with "pre," "non," or "re."

CORRECT: predetermined, nonmalignant, reelected

(2) Comma rules.

(A) Commas in a series. A comma should follow each element of a series containing three or more elements connected by a final conjunction. Although newspapers and other publications omit the last comma, in order to avoid confusion and ambiguity, a drafter should adhere to the closed-punctuation rule. However, a drafter should think carefully before adding a comma to a series written by another drafter. In rare cases, such a sentence may be ambiguous and the addition of a comma could be a substantive change.

CORRECT: The information may be obtained from the committees overseeing education, commerce and insurance, and health.

INCORRECT: The information may be obtained from the committees overseeing education, commerce and insurance and health.

It may be clearer for the drafter to redraft the entire sentence rather than just inserting or removing a comma.

2 PEOPLE ASSIGNED: The commissioner shall assign to the case two managers, a program specialist and a family visitor.

4 PEOPLE ASSIGNED: The commissioner shall assign to the case two managers, a program specialist, and a family visitor.

(B) Commas in dates. In a full date that is written month-day-year, a drafter should put a comma between the day and the year. Unless the date is being used as an adjective, a drafter should place a comma after the year if the sentence continues. A drafter should not use a comma with the style day-month-year or month-year.

CORRECT: Beginning July 1, 2017, the commission is composed...

INCORRECT: Beginning July 1, 2017 the commission is composed...

(C) Commas after cross-references. There is no requirement that a cross-reference to a code provision be followed by a comma unless the cross-reference is in a phrase that requires a comma according to these guidelines or other grammar rules that do not conflict with these guidelines.

CORRECT: An employer who violates § 50-2-202 is liable to the employee or employees affected in the amount of their unpaid wages.

INCORRECT: An employer who violates § 50-2-202, is liable to the employee or employees affected in the amount of their unpaid wages.

(D) Commas used with "which", but not "that". A drafter should use "that," not preceded by a comma, to introduce a restrictive clause. A restrictive clause or phrase limits or identifies which of several possible things or ideas the clause or phrase refers; therefore, the restrictive clause is essential to the meaning of the sentence. On the other hand, a drafter should use "which," preceded by a comma, to introduce a nonrestrictive clause. A nonrestrictive clause or phrase provides additional or parenthetical information about the thing or idea to which the clause or phrase refers. A discussion of other commonly misused words can be found in Chapter 3, subsection (d).

(E) Commas used with provisos. The phrase "provided, however" should be preceded with a semi-colon and followed by a comma. However, the drafter should consult the discussion of provisos in Chapter 3, subdivision (b)(3) prior to drafting one.

CORRECT: ; provided, however, that

CORRECT: ; provided, that

(3) Subdividing and using lists. In order to avoid dense blocks of text and draft statutes that are relatively easy to read and understand, a drafter may find it helpful to subdivide a section, subsection, or subdivision into additional subsections or subdivisions as applicable or appropriate.

(A) Two ways to subdivide. There are two ways to subdivide, as a list of items or as items that are related but not as a list.

LIST

(14) "Food" means:

- (A) Articles used for food or drink for humans or other animals;
- (B) Chewing gum; and
- (C) Articles used for components of an article listed in subdivisions (14)(A) and (B);

NON-LIST

(a)

(1) The administrator shall appoint a medical advisory committee comprised of practitioners in the medical community having experience in the treatment of workers' compensation injuries, representatives of the insurance industry, employer representatives, and employee representatives to assist the administrator in the development of treatment guidelines and advise the administrator on issues relating to medical care in the workers' compensation system.

(2) The medical director serves as a nonvoting ex-officio member of the committee.

(B) Using subdivisions. When subdividing as a list using subdivisions, a drafter should separate the subdivisions by a semicolon, not a comma. Except in limited circumstances where context clearly indicates intent, it is necessary to use coordinating conjunctions to indicate the relationship of items in the list.

LIST

(a) A person commits the offense of involuntary labor servitude who knowingly subjects, or attempts to subject, another person to forced labor or services by:

- (1) Causing or threatening to cause serious bodily harm to the person;
- (2) Abusing or threatening to abuse the law or legal process;
- (3) Using blackmail or using or threatening to cause financial harm for the purpose of exercising financial control over the person; or
- (4) Facilitating or controlling the person's access to an addictive controlled substance.

(C) Subdividing a list within a sentence. When subdividing as a list within a sentence and not as separate subdivisions, a drafter should use a colon to introduce the list of items, and use commas to separate items in the list unless commas are used within an item. If commas are used within an item, then a drafter should use semicolons to separate items within the list. This is a different punctuation rule than used for subdividing by using separate subdivisions. In contrast, a drafter may use commas and complete sentences within an item in a list that is subdivided as subdivisions, as each item is a separate subdivision separated by a semicolon.

LISTS OF ITEMS NOT IN SUBDIVISIONS

(c) In addition to the periodic interest rate authorized in subsection (b), a licensee may charge and collect a customary fee to defray the ordinary costs of opening, administering, and terminating a flex loan plan, including, but not limited to, costs associated with: underwriting and documenting the account; securing and maintaining account information; validating customer information; offering electronic and phone access to accounts; and all other services or activities conducted by the licensee under the flex loan plan.

LIST OF ITEMS IN SUBDIVISIONS

(a) In addition to other powers conferred upon the commissioner by law, the commissioner may require persons subject to this chapter to be licensed through a multi-state automated licensing system. Pursuant to this authority, the commissioner may:

- (1) Promulgate rules that are reasonably necessary for participation in, transition to, or operation of a multi-state automated licensing system;
- (2) Enter into agreements that are reasonably necessary for participation in, transition to, or operation of a multi-state automated licensing system;
- (3) Require that applications for licensing under this chapter and renewals of the licenses be filed with a multi-state automated licensing system; and
- (4) Take further actions as are reasonably necessary to give effect to this section.

(D) Introducing a list with an appositive. When introducing a list of items, a drafter may consider using an appositive to indicate to the reader the manner in which the items in the list are related, such as "all of the following" or "one (1) of the following." An appositive is not required, but may be helpful. However, when using an appositive, make sure that the coordinating conjunctions and the meaning of the appositive are the same. See *also* the discussion in Chapter 3, subdivision (b)(1)(D), which requires that a drafter use a parallel sentence structure when elements in a sentence are joined by coordinating conjunctions, which would include a list of items. While not required, for purposes of simplicity, a drafter should place terms that are shared by each item in the list as the lead-in to the list.

(E) Subdividing as a non-list. When subdividing as a non-list, a drafter may use subsections or subdivisions with a period at the end of each subsection or subdivision. There is no need to use coordinating conjunctions when subdividing as a non-list. The drafter should structure subsections and subdivisions in logical order, such as an order in which the subsections or subdivisions may occur in time.

CHAPTER 2(e)(4)-(e)(5)(C)

(4) Parentheses/bracket rules. A drafter should avoid using parentheses, except when designating subsections, subdivisions, or numerals. A drafter should not use brackets.

(5) Quotation mark rules.

(A) Directory language. When setting out language in a directory sentence, a drafter should use quotations to identify the language; however, when setting out language below a directory clause, a drafter should not use quotations.

SETTING OUT LANGUAGE IN A DIRECTORY SENTENCE

Tennessee Code Annotated,
Sections 12-4-405(5) and 12-4-406(a),
are amended by deleting "contractors"
wherever it appears and substituting
"highway contractors".

SETTING OUT LANGUAGE BELOW A DIRECTORY CLAUSE

Tennessee Code Annotated, Section 2-1-
101, is amended by deleting the section and
substituting:

This title may be cited as the
"Election Code."

(B) Quotation marks when defining terms. A drafter should use quotation marks when defining a word or phrase.

"Department" means the department of education;

(C) Punctuation inside and outside of quotation marks. A drafter should place periods and commas inside quotation marks and place colons and semicolons outside quotation marks, unless the language is amendatory language that is being repeated for purposes of identifying language to be deleted. In that case, the only punctuation that would be placed inside the quotation marks would be punctuation in the language of the code provision being amended.

**NO PUNCTUATION WITHIN THE TEXT
BEING DELETED**

Tennessee Code Annotated, Section 71-5-110(c)(1), is amended by deleting "thirty (30)" and substituting "fifteen (15)".

**PUNCTUATION WITHIN THE TEXT
BEING DELETED**

Tennessee Code Annotated, Section 55-4-236(a), is amended by deleting "the Congressional Medal of Honor," and "the Air Medal,".

(f) Legal action verbs. When stating the legislative objective, the drafter must pay particular attention to the verb forms used to establish a duty or declare a legal status. Most legislatures avoid the overuse and misuse of "shall." Similar to other legislatures, this office discourages the routine use of "shall," unless the drafter is creating a duty to act or a duty to refrain from acting. Because modern drafting has changed how "shall" is used, the drafter will find older laws that routinely use "shall" without much precision. Therefore, if amending existing law, the drafter should exercise discretion when selecting the appropriate action verb to use, considering the implications of updating archaic and outdated language discussed in Chapter 3, subsection (e). The following chart may be helpful when determining which verb best suits the drafter's needs.

Shall	A duty to act
Shall Not	A duty not to act
Must	Creates or recognizes a condition precedent to act
May	Has discretion to act
Present-tense verb (e.g., is, means)	Declares

(1) Expressing a duty. The drafter's goal is to reduce the use of "shall" by using it only to impose a duty to act or refrain from acting. That is, the drafter should only use "shall" to say a person or a body of people "has a duty to" do or not do something.

CORRECT: The commissioner shall adopt rules.

INCORRECT: The commissioner must adopt rules.

CHAPTER 2(f)(2)-(f)(5)

(2) Expressing a negative duty. When expressing a negative duty (i.e., a duty not to do something), the drafter should use "shall not." A drafter should not use "no person shall," as it could be construed to mean no person has such a duty, rather than a person has a duty not to do act.

CORRECT: The commissioner shall not discriminate.

INCORRECT: The commissioner must not discriminate.

INCORRECT: No commissioner shall discriminate.

(3) Conditions precedent. A drafter should not use "shall" in a sentence that requires an action to achieve an end (i.e., a condition precedent). "Must," rather than "shall," is the proper action verb to use when the action is only required to achieve an end.

CORRECT: To be eligible for parole, a prisoner must demonstrate...

INCORRECT: To be eligible for parole, a prisoner shall demonstrate...

(4) Using may. A drafter should use "may" to express permission to do something or preserve authority to do something. "May" authorizes or permits, leaving the actor with discretion to act, rather than commands action. When using "shall" to mandate an action in which the outcome is in the discretion of the actor but some action shall be taken, a drafter may include alternative actions the actor may take.

CORRECT: The commissioner shall approve or deny an application within thirty (30) days.

INCORRECT: The commissioner shall approve an application within thirty (30) days.

(5) When shall or may could both be used. If the drafter finds "shall" or "may" could both be used, then the drafter should redraft the sentence to avoid ambiguity.

CORRECT: The appointee qualifies for office by taking the official oath and filing the required bond.

INCORRECT: The appointee shall qualify for office by taking the official oath and filing the required bond.

INCORRECT: The appointee may qualify for office by taking the official oath and filing the required bond.

CHAPTER 2(f)(6)-(f)(7)(C)

(6) Declarations. A declaration creates a legal status by declaring it. A declaration usually combines "is, "are," or another present-tense verb with a predicate noun or clause that expresses the declaration's effect. A drafter should avoid using "shall" to confer a right. If "shall be" can be replaced with "is" or "are," then the drafter should make the replacement.

CORRECT: The director is entitled to compensation of twelve thousand dollars (\$12,000) a year.

CORRECT: Compensation for the director is twelve thousand dollars (\$12,000) a year.

INCORRECT: The director shall receive compensation of twelve thousand dollars (\$12,000) a year.

(7) False imperatives.

(A) General rule. A common problem in legislative drafting is that the word "shall" is often used to indicate a legal result rather than a command. This is known as a "false imperative." Except as otherwise provided in subdivision (f)(7)(B), a drafter should avoid using false imperatives.

CORRECT: The governor shall appoint nine (9) members to the board.

CORRECT: The board is composed of nine (9) members.

INCORRECT: The board shall be composed of nine (9) members as follows:

(B) Exception when actor is obvious. A false imperative may be used in a sentence that does not identify the actor if the actor is obvious from another sentence.

The commissioner is authorized to promulgate rules to effectuate this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(C) Using shall/must. If using a false imperative, a drafter should ask whether "shall" or "must" should be used. The drafter should refer back to other style guidelines for legal action verbs to determine which verb is appropriate (i.e., whether there is a duty or a condition precedent). See subdivisions (f)(1) and (f)(3). If the actor has a duty to do something, then the drafter should use "shall." If there is a condition precedent to the action, then the drafter should use "must."

CHAPTER 2(f)(7)(C)-(f)(8)

No later than March 1, the commissioner shall report the findings. The report must include the following:

The commissioner has a duty to report and a duty to include the following items in the report:

To request additional funding, the commissioner must report the findings. The report must include the following:

The commissioner does not have a duty to report findings. The commissioner reports findings only if the commissioner requests additional funding.

This becomes a more complicated drafting question when the actor is authorized to act, but the false imperative is a negative duty (i.e., the actor is authorized to do an act, but not authorized or prohibited from doing another act). If this is the case, then the drafter should consider redrafting the sentence. In the first example box, the language lacks the clarity and precision needed in statutory drafting. What happens if the commissioner requests funding, submits the report, but the report contains the following? Did the commissioner make a valid request for funding? A drafter should consider redrafting the language as provided in the second example box.

To request additional funding, the commissioner must report the findings.
The report shall not include the following:

To request additional funding, the commissioner must report the findings
in a report that does not include the following:

(8) Step-by-step analysis. A drafter may find the following step-by-step analysis helpful when determining the correct legal action verb to use.

- (a) Determine whether the sentence is:
 - (1) Creating a duty to act or not to act;
 - (2) Providing authority or discretion to act; or
 - (3) Declaring a legal status.
- (b) If the sentence is creating a duty to act or not to act, then draft the sentence in active voice. Whoever has the duty should be the subject of the sentence. Attempt to place the verb as close to the subject as possible. There are two verb choices here:
 - (1) "Shall" if there are no conditions to act or not act; or
 - (2) "Must" if there is a condition precedent to the action.
- (c) If the sentence is giving authority or the discretion to act, use "may."
- (d) If the sentence is declaring a legal status, use a present-tense verb.
- (e) If the sentence is an authorized false imperative, use the sentence that identifies the actor to determine the appropriate verb using the steps in (a) – (c).

(g) Other guidelines.

(1) **'Of Tennessee' in official or department titles.** A drafter should delete "of Tennessee" or "of the state of Tennessee" from the end of official or department titles.

<u>CORRECT:</u>	department of financial institutions	secretary of state
<u>INCORRECT:</u>	department of financial institutions of Tennessee	secretary of the state of Tennessee

However, if there is a federal department with the same name as a state department, then the drafter should use the federal or state department designations to avoid ambiguity.

The state department of education shall deliver the documents to the federal department of education.

(2) **'Of this state' when referencing a county in Tennessee.** A drafter should not include the words "Tennessee" or "of this state" when referencing a county within Tennessee, as the general assembly does not enact legislation affecting another state.

<u>CORRECT:</u> Hamilton County	Nashville
<u>INCORRECT:</u> Hamilton County, Tennessee	Nashville, Tennessee

(3) **This state v. the state.** A drafter should recognize the difference between using "this state" and "the state". "This state" is used to describe, such as residents of this state. Whereas, "the state" is used as an actor, such as the annual budget produced by the state.

(4) **United States.** A drafter should use "United States" rather than "United States of America."

(5) **General assembly.** A drafter should use "general assembly" rather than "legislature," and use "house of representatives" rather than "house."

(6) **Standing committees.** For Senate standing committees, a drafter should use the complete name of a standing committee. For example, a drafter should use "senate commerce and labor committee" rather than "senate commerce committee." However, for standing committees of the House of Representatives, a drafter should say "the committee having jurisdiction over [insert subject matter]".

(7) **Such/said.** A drafter should not use the words "such" or "said" as a substitute for the words "the," "that," "it," "those," "them," or similar words. The use of "such" or "said" as a substitute for these words can cause confusion. However, a drafter should use "such" to express "for example" or "of that kind." A drafter should avoid using the word "said" completely, except as a verb.

CHAPTER 2(g)(8)-(g)(13)(A)

(8) Any/each/all/some. A drafter should not use "any," "each," "all," or "some" if "a," "an," or "the" can be used with the same result.

<u>CORRECT:</u> A document found to be...	A person who..
<u>INCORRECT:</u> Any document found to be...	Each person who...

(9) Sunset as a verb. A drafter should not use "sunset" as a verb. Appropriate alternatives include "terminate," "expire," or "is repealed."

<u>CORRECT:</u> This section is repealed on June 30, 2023.
<u>INCORRECT:</u> This section sunsets June 30, 2023.

(10) Singular/plural designations. Generally, singular and plural designations are unnecessary, as Tennessee Code Annotated § 1-3-104(c) states the "singular includes the plural and the plural the singular, except when the contrary intention is manifest." However, if a drafter needs to indicate both singular and plural, then the drafter should not place the "s" in parentheses. Instead, the drafter should write out the term in singular and plural.

<u>CORRECT:</u> the subcommittee or subcommittees
<u>INCORRECT:</u> the subcommittee(s)

(11) Plural of district attorney general. The plural of "district attorney general" is "district attorneys general".

(12) Website and email. "Website" should be one word, and "email" should not be hyphenated. The drafter should consult subdivision (c)(6) for applicable capitalization rules.

(13) Healthcare/health care.

(A) General rule. There has been confusion over whether to spell "healthcare" as one or two words. The modern rule is that "health care" should be used when using the term as a noun and "healthcare" should be used when the term is used as an adjective.

<u>ADJECTIVE:</u> the healthcare practitioner	<u>NOUN:</u> as it pertains to health care
--	---

(B) Exception. However, the drafter should be aware of the different meanings associated with "healthcare" and "health care," as well as the various ways the words are used within the statutory text being amended and make the determination of whether the modern rule should be followed according to the legal context in which the term is being used. It is ultimately up to the drafter to decide which term should be used. If the drafter decides not to follow the modern rule, then the drafter should indicate on the draft to identify to OLS that the drafter reviewed the legal context and determined that the term used was most appropriate.

(14) Gender neutral language. The drafter should strive to use gender-neutral language. The words "he," "she," "him," or "her" should not be used, except in those rare instances when the topic is gender-specific. An example may be a bill dealing with ovarian cancer. However, when changing language to make it gender-neutral, the drafter should not sacrifice clarity or intent. The drafter should make every effort to follow accepted principles of grammar, punctuation, and usage and applicable rules of statutory construction.

(A) New provisions. If the drafter adds a new provision to existing law, then the drafter should check the portions not being amended to assure that gender-neutral language is consistent or compatible with those unamended portions. The underlying question the drafter should consider is whether the changes to gender-neutral language would create an ambiguity or conflict in the remaining portions of the statute that are not being amended.

(B) Gender-specific nouns. A drafter should avoid using nouns that are gender-specific in favor of the use of substitutes that are generally accepted by recognized authorities on correct English usage.

(C) Gender-specific pronouns. A drafter should avoid gender-specific pronouns. The following are a number of different alternatives a drafter may use. The drafter should evaluate each alternative and select one that assures clarity and avoids ambiguity.

CHAPTER 2(g)(14)(C)(i)-(g)(14)(C)(v)

(i) **Repeat the subject or word.** A drafter can repeat the subject of the sentence or the word that would have been the pronoun's antecedent reference. In some instances, the possessive noun may be repeated.

CORRECT: The applicant shall sign the applicant's name.

INCORRECT: The applicant shall sign his name.

(ii) **Substitute a noun.** A drafter can substitute a noun for the pronoun.

CORRECT: If a person submits an application...

INCORRECT: If he submits an application...

(iii) **Omit the pronoun or phrase.** A drafter can omit the pronoun, or the phrase that would include the pronoun, if the pronoun or phrase is not essential.

CORRECT: The director holds office until a successor is appointed.

INCORRECT: The director shall hold his office until a successor is appointed.

(iv) **Use an article.** A drafter can use an article such as "a," "an," "the," or "that" instead of a pronoun.

CORRECT: An applicant shall include with the application a copy of the applicant's permit.

INCORRECT: An applicant shall include with his application a copy of his permit.

(v) **Rewrite the sentence.** A drafter can restructure or rewrite the sentence to avoid the need for a pronoun altogether.

CHAPTER 3: PLAIN LANGUAGE

(a) Simplicity.

(1) General rules.

(A) Short and familiar words and phrases. A drafter should select short and familiar words and phrases to best express an intended meaning according to common and approved usage. A drafter should use ordinary English and avoid "legalese." Also, a drafter should avoid using a complicated word when a simple word would convey the same concept.

(B) Unnecessary words. A drafter should not include material that has no legal effect in a bill. For example, "aforesaid," "whatsoever," or similar words should be avoided as those words only provide unnecessary emphasis.

(C) Verbose expressions. A drafter should avoid superfluous and verbose expressions. The following is a list of terms to avoid and the preferred substitutes for each:

<u>Superfluous or Verbose</u>	<u>Preferred</u>	<u>Superfluous or Verbose</u>	<u>Preferred</u>
null and void and of no effect	void	is directed to	shall
adequate number of	sufficient	is empowered to	may
by means of	by	is entitled to	may
by virtue of	by, under	is required to	shall
during such time as	while	it is the duty	shall
during the course of	during	make application	apply
each and every	each	make payment	pay
for a period of	for	make provision for	provide
for the purpose of	to	shall be construed to mean	means
give consideration to	consider	state of Tennessee	this state
give recognition to	recognize	under the provisions of	under
in accordance with	under	until such time as	until
is applicable	applies		

CHAPTER 3(a)(1)(D)-(b)(1)(A)

(D) Of this section/subsection. When referring to a subsection or subdivision, a drafter should not use "of this section" or "of this subsection."

CORRECT: this subdivision (a)(2)

this subsection (b)

INCORRECT: subdivision (2) of this subsection (a)

subsection (b) of this section

(2) 'Provisions of' rule. A drafter should omit the phrase "the provisions of" when the phrase is superfluous. However, a drafter should use "the provisions of" when the phrase adds meaning to the sentence.

CORRECT:

Notwithstanding subdivision (a)(2) to the contrary, a precinct boundary established, consolidated, or changed pursuant to subdivision (a)(2) may coincide with a line that divides a census block if...

INCORRECT:

Notwithstanding the provisions of subdivision (a)(2) to the contrary, a precinct boundary established, consolidated, or changed pursuant to subdivision (a)(2) may coincide with a line that divides a census block if...

(b) Clarity.

(1) General rules.

(A) Gaps between subject, verb, and object. A drafter should avoid wide gaps between the subject, verb, and object.

CORRECT:

An injured party may file a claim with the claims commission that does not exceed five hundred dollars (\$500) for negligent misconduct or one thousand dollars (\$1,000) for intentional misconduct.

INCORRECT:

A claim, which in the case of negligent misconduct must not exceed five hundred dollars (\$500), and in the case of intentional misconduct must not exceed one thousand dollars (\$1,000), may be filed with the claims commission by an injured party.

CHAPTER 3(b)(1)(B)-(b)(1)(D)

(B) And/or. A drafter should not use "and/or," as the conjunctions have very different meanings and may cause confusion when used together. Instead, a drafter should use "or" when one or more is sufficient, and use "and" when all are required. However, this does not prohibit the use of connectors when used at the end of subdivisions.

(12) "Partnership agreement" means an agreement, written or oral, of the partners as to the affairs of a limited partnership and the conduct of limited partnership's business. A written partnership agreement:

(A) May provide that a person be admitted as a limited partner of a limited partnership:

(i) If the person executes the partnership agreement; or

(ii) Without execution, if the person complies with other conditions for becoming a limited partner; and

(B) Is not unenforceable by reason of the agreement not having been signed by a person being admitted as a limited partner or becoming an assignee as provided in subdivision (12)(A);

(C) Positively/negatively. If a concept can be expressed either positively or negatively, then the drafter should express the concept positively.

POSITIVE:

The commission shall approve a renewal application if the application is complete.

NEGATIVE:

The commission shall not reject a renewal application if the application is complete.

(D) Parallel sentence structure. A drafter should use grammatically parallel sentence structure when elements in a series are joined by coordinating conjunctions.

CORRECT:

A person may obtain a copy by mail or by appearing personally.

INCORRECT:

A copy may be obtained by mail or if a person appears personally.

CHAPTER 3(b)(1)(E)-(b)(3)

(E) Notwithstanding any law to the contrary. Although the phrase "notwithstanding any law to the contrary" has frequently been used in the past, modern drafters should avoid using the phrase. The term "law" in the phrase lacks clarity, and the reader will likely be unable to determine the specific code provision referenced. If a drafter uses "notwithstanding", then the word should be followed by a specific code provision, such as "notwithstanding § 56-5-401."

(F) Active voice. A drafter should use the active voice. The active voice typically requires fewer words to express an idea, and when used, it is easier for a reader to discern the subject and verb of the sentence.

ACTIVE:

The department of commerce and insurance shall promulgate rules consistent with this section.

PASSIVE:

Rules must be promulgated consistent with this section.

(G) Finite verbs. If possible, a drafter should use finite verbs rather than their corresponding participles, infinitives, gerunds, or other noun or adjective forms.

CORRECT: consider

applies

INCORRECT: given consideration by

is applicable to

(H) Etc., i.e., e.g., viz. A drafter should not use "etc.," "i.e.," "e.g.," or "viz.," as the abbreviations are considered shorthand and lack a clear and distinct meaning.

(2) Cross-references. Whenever possible, a drafter should be specific when cross-referencing. Words such as "herein," "hereinafter," "above," "below," or similar words should be avoided. For example, if "herein" is used, then it is unclear if the reference is to the subdivision, subsection, or section. Instead, a drafter should use the exact citation to cross-reference a provision.

(3) Provisos. The purpose of a proviso is to exempt a case from a general statutory declaration and to provide for it specially. It should be confined exclusively to that function. Provisos are all too frequently used indiscriminately, being freely tacked on to sentences and sections, introduced by phrases such as "; provided, that," or "; provided, however, that," or ";

CHAPTER 3(b)(3)-(c)(3)

provided, further, that." Many times, the material added may be an additional declaration, a new idea not necessarily connected with the preceding clause. This misuse of a proviso creates ambiguity. Therefore, provisos should best be avoided altogether. If an exception, a limitation, or a qualification is called for, then the drafter should introduce it with the proper language, such as "except that," "but," or "however." Sometimes, the exception may be more conveniently stated as a condition at or near the beginning of the sentence. Additionally, if there are many conditions or exceptions, then they may be placed in a list at the end of the sentence. Finally, it is often better to simply start a new sentence. For example, in the proviso in the incorrect example below, does the proviso mean that no list may contain original nominees, or does the proviso mean that the governor is unable to request a general list if the second list contains nominees from the original list?

CORRECT: The governor may request a second list of nominees. Nominees from the original list of nominees must not appear on the second list of nominees.

INCORRECT: The governor may request a second list of nominees; provided, however, nominees from the original list of nominees must not appear on the second list of nominees.

(c) Consistency.

(1) Terms. A drafter should use terms consistently throughout the legislation. A drafter should not use the same word or phrase to convey different meanings, or a word and its synonym.

(2) Singular/plural. If a section begins with a singular subject or noun, then the drafter should use the singular throughout the section. If a section begins using a plural subject or noun, then the drafter should use plural throughout the section.

CORRECT:

The court shall give the defendant time to consider the allegations and an opportunity to be heard by the court.

INCORRECT:

The defendant shall be given time to consider the allegations, and the accused shall be given an opportunity to be heard in court.

(3) Number agreement. Verbs and their subjects must agree in number.

(4) Pronoun/antecedent. A pronoun must have a clear antecedent and must agree with its antecedent in number.

(d) Commonly misused words and phrases.

(1) Ensure v. insure. Ensure means to make certain or to guarantee. While insure means to procure insurance for someone or for something.

(2) Affect v. effect. Affect (as a verb) means to influence or to have an effect on. The term when used as a noun has no modern meaning other than as a psychological term. The term when used as an adjective means artificially or falsely assumed. While effect (as a verb) means to cause to come into being or to bring about a result. The term when used as a noun means a result.

(3) Farther v. further. Farther applies to actual distance, while further means additional or more advanced.

(4) Less v. fewer. Less denotes an amount or quantity among things that are measured. While fewer denotes a number among things that are counted.

(5) Capital v. capitol. Capital means a capital city, money or assets, or related to physical improvements. Capitol means the statehouse.

(6) Means v. includes. Means indicates that the following is identical or synonymous. Includes indicates that the following is part of the first but the following is not exhaustive.

(7) Principal v. principle. Principal (as a noun) means a leader, chief, or head; a capital sum placed at interest, due as a debt, or used as a fund; of the main body of a decedent's estate. The term when used as an adjective means a chief or main. While principle (as a noun) means a fundamental truth or a governing law of conduct. The term should never be used as an adjective.

(8) Among v. between. Among is used for more than two, whereas between is used for two.

CHAPTER 3(d)(9)-(e)(2)

(9) Bimonthly v biweekly. A drafter should avoid using bimonthly as it could be construed to mean twice a month or every other month. A drafter should also avoid using biweekly as it could be construed to mean twice a week or every other week.

(10) That v. which. That is not preceded by a comma and is used to introduce a restrictive clause. A restrictive clause or phrase limits or identifies which of several possible things or ideas the clause or phrase refers; therefore, the restrictive clause is essential to the meaning of the sentence. Which is preceded by a comma and is used to introduce a nonrestrictive clause. A nonrestrictive clause or phrase provides additional or parenthetical information about the thing or idea to which the clause or phrase refers. [See Chapter 2, subdivision \(e\)\(2\)\(D\)](#) for more information on the usage of commas with that or which.

(e) Archaic and outdated language.

(1) List. There are terms that were once used by drafters that may now be considered outdated and possibly offensive. The following is a list of terms that should give a drafter pause prior to usage:

insane	defective person	retarded
crippled	feeble-minded	retardation
idiot	handicapped person	handicap
senile	mental defect	physical defect

(2) Exception. The form and style guidelines contained in this guide should always be followed when drafting new code provisions, including avoiding the use of outdated language. However, when amending current law, updating outdated terms may not be the best approach due to certain considerations, such as prior judicial constraints, model language, or the complexity of the language.

CHAPTER 4: CODE PROVISIONS

(a) The code's designation system.

(1) Basic code designation system.

§ 3-12-112	=	3 -	12 -	1	12
		Title	Chapter	Part	Section

(2) Sections, subsections, and subdivisions. Sections contain provisions of law and are always grammatically complete without any aid from a prior or subsequent section. A section may be divided into subsections and subdivisions. The first level "(a)" is referred to as a subsection; all subsequent levels are referred to as subdivisions. There are no subchapters, subparts, paragraphs, subparagraphs, items, or subitems in the code. The first group of designations of (a) - (i) are in regular font, while the second group of designations of (a) - (i) are in italics. The following example shows the proper order for subsection and subdivision designations.

(a)(1)(A)(i)(a)(1)(A)(i)

(3) Sub-designation's substance related to higher designation. Generally, the substance within a sub-designation should relate to the higher designation. That is, the substance contained within a designation would have some logical connection to the designation above it. For example, the offense of "aggravated assault" is in a section located within the part labeled "assaultive offenses," that is located within the chapter labeled "offenses against persons," that is located within the "criminal offenses" title of the code. This organizational structure applies not only to sections, parts, chapters, and titles but may also be used to organize designations within a section.

(4) The rule of two. There should be at least two parts in order to refer to a part. If there is only one part, then the drafter should refer only to a chapter. Similarly, there should be at least two subsections or subdivisions in order to use the designated subsection or subdivision. For example, if there is an "(a)," there must be a "(b)"; there should never be an "(a)" without a "(b)." If there is only one subsection in a section but several subdivisions, such as in a definition section, then the subsection designation does not need to be written out, and the first designation is subdivision (1). The following is an example.

1-3-105. As used in this code:

- (1) "Age of majority" means eighteen (18) years of age or older;
- (2) "Code" includes the Tennessee Code and all amendments and revisions to the code and all additions and supplements to the code; and
- (3) "Collector" includes a person entrusted with the collection of public revenue.

(5) Undesignated language. If subsections and subdivisions are used, then a drafter should avoid undesignated language. All language should be attached to the appropriate designation. Failure to attach text to a designation makes referring or citing to the text difficult.

CORRECT:

(a) The claims commission may make an emergency award to the claimant pending a final decision in the case if it appears to the claims commission, prior to a hearing on a claim, that:

- (1) The claim is one with respect to which an award will probably be made; and
- (2) Undue hardship will result to the claimant if immediate payment is not made.

(b) The claims commission shall not make an award that exceeds five hundred dollars (\$500).

(c) The claims commission shall deduct the amount of an emergency award from any final award made to the claimant.

INCORRECT:

(a) The claims commission may make an emergency award to the claimant pending a final decision in the case if it appears to the claims commission, prior to a hearing on a claim, that:

- (1) The claim is one with respect to which an award will probably be made; and
- (2) Undue hardship will result to the claimant if immediate payment is not made.

The amount of the emergency award must not exceed five hundred dollars (\$500).

(b) The amount of an emergency award must be deducted from a final award made to the claimant.

CHAPTER 4(a)(6)-(b)(2)

(6) Section headings. Legislation should not be drafted to amend the language of section headings (also called catch lines), as the headings are not considered law. Instead, if a drafter would like to request in the legislation that the code commission insert certain headings, then the drafter should use the language found in the 'correct' example box below.

CODIFIED VERSION OF THE STATUTE:

3-2-101. Engrossment and enrollment.

All bills and resolutions of the general assembly shall be engrossed or enrolled in type, or on a typewriter, by the engrossing clerks, and a copy made at the time and furnished to the

CORRECT:

SECTION __. 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.

INCORRECT:

SECTION __. Tennessee Code Annotated, Section 3-2-101, is amended by deleting "Engrossment and enrollment" and substituting "Engrossment or enrollment".

(b) Referencing.

(1) Constitution of Tennessee. A drafter should use the following format to cite the Constitution of Tennessee:

Constitution of Tennessee, Article XI, § 5

(2) United States Constitution. A drafter should use the following format to cite the United States Constitution:

United States Constitution, Article I, § 8

CHAPTER 4(b)(3)-(b)(5)(A)

(3) Citing to the code. If a drafter cites to the code within language that will be codified, then the drafter should not use "Tennessee Code Annotated," or a similar phrase. However, if the drafter cites to the code within language that will not be codified, such as in a preamble, severability clause, or effective date section, then the drafter should use "Tennessee Code Annotated," or a similar phrase identifying the code.

CODIFIED TEXT: § 8-36-102

UNCODIFIED TEXT: as provided in Tennessee Code Annotated, Section 8-36-102

(4) Statutes.

(A) At the beginning of a sentence. A drafter should use the following format to cite a Tennessee statute or statutes that appears at the beginning of a sentence within text that will be codified:

Section 8-36-108

Sections 8-36-108, 8-36-109, and 8-36-114

Section 8-36-108, § 8-36-109, or § 8-36-114

(B) Not at the beginning of a sentence. A drafter should use the following format to cite a Tennessee statute or statutes that does not appear at the beginning of a sentence within text that will be codified:

§ 8-36-108

§§ 8-36-108, 8-36-109, and 8-36-114

§ 8-36-108, § 8-36-109, or § 8-36-114

(5) Pinpoint citations.

(A) General rule. A drafter should use pinpoint citations to subsections and subdivisions when cross-referencing:

as described in § 32-4-101(a)

(B) Definitions.

(i) General rule. Definitions are kept in alphabetical order. When a definition section is amended, the subdivision designation may change. Therefore, a drafter should not use a pinpoint citation when cross-referencing a definition unless absolutely necessary.

<u>CORRECT:</u>	person, as defined in § 32-1-101
<u>INCORRECT:</u>	person, as defined in § 32-1-101(1)

(ii) Exception. An exception to the general rule of no pinpoint citation for definitions occurs when a term has multiple definitions within a subdivision.

the definition of "business" in § 67-6-102(8)(B) <i>["Business" has several definitions in § 67-6-102(8)]</i>
--

(6) Cross-referencing.

(A) General rule. If there is a need to cross-reference a provision that does not share any of the same designations as the provision being drafted, then the cross-reference should appear in full form. Except for the exception set out in subdivision (b)(5)(B)(ii), the drafter should use the citation that most accurately pinpoints the provision being referenced. There is a chart in subdivision (b)(6)(G) that contains additional information regarding the proper citation form to be used.

(B) Within the provision being drafted. If there is a need to reference a specific title, chapter, part, or section being drafted, then the drafter should not use "title ____, "chapter ____, "part ____, " or "section ____"; instead, the drafter should use "this title," "this chapter," "this part," or "this section."

§ 5-6-104

<u>CORRECT:</u>	(a) The agency shall reimburse claims in accordance with this chapter.
<u>CORRECT:</u>	(b)(1) ...The agency shall reimburse claims in accordance with the requirements set out in this subdivision (b)(1).
<u>INCORRECT:</u>	(a) The agency shall reimburse claims in accordance with title 5, chapter 6.

CHAPTER 4(b)(6)(C)-(b)(6)(E)

(C) Multiple parts within a chapter. If there are multiple parts within a chapter, then the drafter should be mindful of the provisions in which the drafter intends to cross-reference. If the drafter intends to direct the reader to the provisions contained throughout various parts in the chapter, then the drafter should cross-reference the chapter. However, if the drafter intends to direct the reader to a specific part within a chapter, then the chapter cross-reference should not be used; instead, the drafter should use "part ___ of this chapter."

(D) This subsection/subdivision. If there is a need to reference a subsection, or a subdivision within the subsection or subdivision, being drafted, then the drafter should not use "this subsection" or "this subdivision"; instead, the drafter should use "this subsection ___" or "this subdivision ___." Additionally, the drafter should include the entire subdivision reference and not just the last designation. However, if there is only one subsection but several subdivisions, as seen in a definition section, then the drafter should only include the subdivision designation, as there would be no subsection.

CORRECT: (b)(1) ...The agency shall reimburse claims in accordance with this subdivision (b)(1).

INCORRECT: (b)(1) ...The agency shall reimburse claims in accordance with this subdivision (1).

(E) Of this title/chapter. If there is a need to reference another chapter or part within the same title, then the drafter should use "of this title" or "of this chapter." If there is a need to reference another subsection or subdivision within the same section, then the drafter should not use "of this section."

CORRECT: Reimbursements paid from the fund pursuant to subdivision (b)(3) are benefits for the purpose of this chapter.

CORRECT: Reimbursements paid from the fund pursuant to part 5 of this chapter are benefits for the purpose of this chapter.

INCORRECT: Reimbursements paid from the fund pursuant to subdivision (b)(3) of this section are benefits for the purpose of this chapter.

CHAPTER 4(b)(6)(F)-(b)(6)(G)

(F) Subdivision tiers. If the drafter is cross-referencing a subdivision that is contained in a section with multiple subdivision tiers, then the drafter should be mindful of the subdivision tier in which the drafter intends to direct the reader. For example, the drafter may intend to direct the reader to all provisions in subdivision (a)(1), or the drafter may intend to direct the reader to only the provisions in subdivision (a)(1)(A) or subdivision (a)(1)(B). The drafter should use the citation that most accurately pinpoints the provision the drafter intends to cross-reference.

(G) Chart. The following is a chart that the drafter may find helpful when determining the correct citation form to be used for the cross-reference.

Cross Reference	Provision Being Drafted and Cross-Referenced Are Not Within Any of the Same Designations	Cross Reference is Within the Provision Being Drafted	Cross-Reference and Provision Being Drafted Share a Higher Designation
Title	title 1	this title	N/A (do not use "of this code")
Chapter	title 1, chapter 2	this chapter	chapter 2 of this title
Part	title 1, chapter 2, part 3	this part	part 3 of this chapter
Section	§ 1-2-103	this section	N/A (do not use "of this part")
Subsection	§ 1-2-103(a)	this subsection (a)	subsection (a)
Single Subdivision Tier	§ 1-2-103(a)(1)	this subdivision (a)(1) (exception for multiple subdivisions and no subsection)	subdivision (a)(1) (exception for all definitions)

(7) Short titles.

(A) Provision to be codified. A drafter should use the following format when referencing a short title in a provision that will be codified:

Uniform Administrative Procedures Act, compiled in title 4, chapter 5

(B) Provision not to be codified. A drafter should use the following format when referencing a short title in a provision that will not be codified.

Uniform Administrative Procedures Act, compiled in
Tennessee Code Annotated, Title 4, Chapter 5

(C) Basic form. Generally, if a drafter is cross-referencing a short title act in a statute, then the short title needs to be capitalized and reflect the complete short title.

CORRECT: Tennessee Consumer Protection Act of 1977
INCORRECT: the Consumer Protection Act

(D) First time referenced. The first time the drafter refers to the short title in a section, the drafter should include the full citation to the act.

Uniform Administrative Procedures Act, compiled in title 4, chapter 5

(E) Subsequent references in the same section. If the drafter refers to the act again in the same section, then the drafter does not include the full citation again, just the name of the act.

Uniform Administrative Procedures Act

(F) Lengthy short titles. If the short title is too long to be efficiently referenced within the section, then the drafter may choose to reference the section of the code in which the act is compiled instead of the short title.

OPTION 1: The board may exercise all powers authorized pursuant to the More Jobs and Revenue, Less Hassle and Expenses, Help Businesses and Taxpayers Act of 2009, compiled in § 50-7-107.

OPTION 2: The board may exercise all powers authorized pursuant to § 50-7-107.

(8) Use of a hyphen when cross-referencing.

(A) Range. A drafter should use a hyphen instead of "through" in statutory references to a citation range.

CORRECT: subsections (a)-(c)

CORRECT: subsection (a) or (c)

INCORRECT: subsections (a) through (c)

(B) Exception. If the drafter is referring to just two consecutive items, then the drafter should use "and" and not the hyphen.

CORRECT: subsections (a) and (b)

INCORRECT: subsections (a)-(b)

(C) Em/en dash. Generally, the drafter should use the hyphen on the keyboard instead of inserting an em dash or en dash. The drafter may have to turn off some autocorrect and auto format options that change hyphens to a dash. If the drafter is citing to a range of sections, then the drafter should not shorten the citation.

CORRECT: §§ 1-1-102 - 1-1-109

INCORRECT: §§ 1-1-102 - 109

(9) Federal code provisions.

(A) United States Code. References to federal code provisions should include, if available, citations to the United States Code.

26 U.S.C. § 501(c)(4)

(B) Public laws. If the federal code provision has not yet been codified, a drafter should use a citation to the public law.

Pub. L. No. 92-75, § 2

(C) Short title/popular name.

(i) Basic form. If a federal code provision has a short title or popular name, then the drafter may use the title or name in the citation. A citation following a short title or popular name should be placed in a parenthetical following the title or name.

Fair Credit Reporting Act (15 U.S.C. §§ 1681-1697)
Clean Water Act of 1977 (Pub. L. No. 97-300)

(ii) Specific portions of the act. A short title or popular name may also be used, even if the reference is to specific portions of the act. If citing to only specific sections of a short title or popular name, the sections should be indicated prior to the short title or popular name.

Sections 203(b) and (k), National Housing Act (12 U.S.C. §§ 1709(b) and (k))

(10) Code of federal regulations. A drafter should cite to the Code of Federal Regulations as follows:

14 CFR Part 121
14 CFR Part 121, Subpart J
14 CFR 121.221(a)

(c) Directory language. The body of a bill or amendment is composed of directory language and amendatory language. The directory language of a bill directs the reader to the applicable code provision that is being amended and describes how the code provision is to be changed.

[See Chapter 6, subsection \(c\) for a description of directory language](#) in amendments.

CHAPTER 4(c)(1)-(c)(2)(C)

(1) Basic format. The following are examples of some of the various ways to draft directory language.

Tennessee Code Annotated, Section 50-6-623, is amended by deleting the section.

Tennessee Code Annotated, Section 3-6-306(a)(1)(A), is amended by deleting "twenty-five dollars (\$25.00)" and substituting "fifty dollars (\$50.00)".

Tennessee Code Annotated, Title 12, Chapter 4, Part 1, is amended by adding the following as a new section:

Tennessee Code Annotated, Section 4-29-233, is amended by deleting subdivision (a)(2).

Tennessee Code Annotated, Section 4-29-235(a), is amended by adding the following as a new subdivision:

(2) Removing provisions. The purpose of a bill or amendment may be to direct that a code provision be removed. There are various ways to remove a code provision.

(A) Repeal. A code provision may be removed by stating "the provision is repealed." This method of removing a code provision is sometimes referred to as 'an express repeal.' If expressly repealing a code provision, the Constitution of Tennessee, Article II, § 17, requires that "repeal" be set out in the caption. However, if "repeal" is set out in the caption, then the bill may only be used to repeal, or to repeal and amend cross-references to the repealed provision. The bill may not be used to amend other code provisions.

(B) Altering/amending. A code provision may be removed by altering or amending it. If deleting and substituting, then the Constitution of Tennessee, Article II, § 17, requires that "to amend" be set out in the caption.

(C) Deleting entirely. A code provision may also be removed by deleting the code provision in its entirety. The practice has been that if the drafter is deleting without substitution, then the drafter should set out "to amend" in the caption.

CHAPTER 4(c)(2)(D)-(d)(1)

(D) General repealing clause. A general repealing clause, such as "all acts or parts of acts in conflict with this section are repealed," is a greatly disfavored form of drafting, as the clause lacks express direction to the public or a court. A general repealing clause does not direct the code commission to codify a repeal of, or to delete, any additional code provisions; therefore, the public and the courts are left to determine the exact provisions of law the general assembly intended to remove. If an existing law needs to be deleted, then the drafter should expressly repeal the law, delete by substitution, or delete without substitution.

(3) Further amended. It is not necessary to use "further amended" in the directory language of a bill; its usage is discouraged.

CORRECT: Tennessee Code Annotated, Section 45-3-809, is amended by deleting subsection (b) and redesignating the remaining subsections.

INCORRECT: Tennessee Code Annotated, Section 45-3-809, is further amended by deleting subsection (b) and redesignating the remaining subsections.

(d) Best practices. It is important for a drafter to be mindful of certain codification practices when using directory language so that the drafter can craft directory language that accomplishes its purpose. Additionally, when a drafter is using directory language, there are some instances when the code's designation system and certain directory language may be ambiguous. The following are examples of codification practices to understand, and potential areas of ambiguity that should be avoided, when using directory language.

(1) Tombstones. If a drafter decides to repeal a section, subsection, or subdivision, the provision is replaced by what is commonly referred to as a 'tombstone.' In the case of a section, the tombstone remains until it is replaced by a subsequent section. In the case of a subsection or subdivision, the tombstone remains until the volume is replaced or until the section is subsequently rewritten. Therefore, it is not necessary for the drafter to ever include direction to redesignate, as a tombstone will be put in the provision's place. Accordingly, the drafter would not need to amend any cross-references within the section. The only time a cross-reference would need to be changed would be if there is a cross-reference in other sections to the deleted provision.

As used in this chapter:

(1) **[Deleted by 2024 amendment]**

(2) "Annual event" means an event:

(A) Authorized by two-thirds (2/3) vote of all members elected to each house of the general assembly;

(B) Operated for the benefit of a nonprofit organization located in this state;

(C) Conducted with a single type of lottery game;

(D) Conducted on an event date; and

(E) Conducted at a location within a county where the organization maintains a physical presence or in a county that is contiguous to a county where the organization maintains a physical presence;

(2) When to include section numbers. It is not necessary for the drafter to include section numbers when the drafter is creating a new section. However, there may be a need to include section numbers if there is a need to avoid confusion, including, referencing the section in subsequent sections in the legislation.

SECTION NOT LISTED

SECTION 1. Tennessee Code

Annotated, Title 71, Chapter 3, is amended by adding the following as a new section:

SECTION LISTED

SECTION 1. Tennessee Code

Annotated, Title 71, Chapter 3, is amended by adding the following as a new section:

71-3-105.

(3) Exercise caution when adding a new provision. A drafter should be mindful that using directory language that states "insert a new provision" when there is already a provision with the same designation could cause confusion. The following example best explains this problem. In the example, the code commission may question whether the drafter intended a new subsection (c) because there is already a subsection (b), or if the drafter intended to replace the existing subsection (b) with the new language. The drafter should attempt to avoid this type of ambiguity.

AMENDATORY LANGUAGE

SECTION 1. Tennessee Code Annotated, Section 49-9-701, is amended by adding the following as a new subsection (b):

(b) The qualified family practitioner described in subsection (a) must be in good standing.

STATUTE

(a) The University of Tennessee school of medicine shall include in the curriculum a department of general practice of medicine under the direction and supervision of a qualified family practitioner.

(b) The minimum requirements for the department must include courses of study in family care, including clinical experience, a program of preceptorships, a program of internships or general practice residences in a hospital and other teaching techniques that prepare students for the general practice of medicine.

(c) The University of Tennessee may use that portion of the funds appropriated to it by the general assembly to establish and operate a department of general practice of medicine in the school of medicine.

(4) Directory language that changes references throughout the code. There are times when a drafter would like to change references that appear throughout the code in multiple provisions with one directory statement. Although the directory language in the following example is not incorrect, it can be imprecise if not checked. Oftentimes, a drafter will not individually check all references to assure that the change is appropriate in every instance and would remain grammatically correct. Therefore, each instance, no matter the number, should be individually checked by the drafter, and the drafter should maintain a list of each such instance if the drafter uses this method of drafting.

SECTION 1. Tennessee Code Annotated, Title 55, is amended by deleting "trial court" wherever it appears and substituting "the court of workers' compensation".

(5) Population exclusions.

(A) About. There are times when a drafter needs to specifically include or exclude an area from a law. This is most frequently done by using a population exclusion. There are times when the drafter should research the constitutional implications of drafting the population exclusion. The following is an example of a population exclusion.

This section applies to any county having a population of not less than _____, nor more than _____, according to the 2020 federal census or any subsequent federal census.

(B) Population tables. Population tables can be found in Volume 13 – the tables volume of the code.

(C) Population exclusions applicable to existing law. The population exclusion remains somewhat simple if the new law is a completely new law. However, ambiguity may arise when the law to which the exclusion will apply is actually a change to an existing law. How the population inclusion or exclusion is inserted within the existing law can cause confusion as it is sometimes not clear whether the exclusion applies only to the existing law or the new law. If the population exclusion applies to a change in the existing law, then the drafter should include clear direction as to what part or parts of the law the exclusion applies.

(6) Redesignations by the code commission. The code commission may redesignate sections, parts, or chapters during the codification process. The code commission is always the final arbiter of where new law will be codified, not the drafter. However, it is best for the drafter to attempt to place the new law in the code where it will ultimately be codified to give notice to the public and all parties involved in the legislative process. Keeping this goal in mind, the drafter should observe the following guidelines.

CHAPTER 4(d)(6)-(d)(6)(B)

(A) Empty/available designations. As a general rule, a drafter should attempt to use section designations that may be 'empty' or available, unless placement of the new law in the empty designation would be illogical.

EXAMPLE: 53-11-417 - 53-11-450. [Reserved.]

(B) Repealed tombstones. A drafter should not use a repealed tombstone if the tombstone is recent. Generally, 'recent' means within three or five years of a tombstone being placed. However, this is not a firm rule because it depends on the context or substance of the section. When considering using a repealed tombstone, the drafter should first consult with the Revisor of Statutes to determine if it is appropriate to use the tombstone. See subdivision (d)(1) for a discussion on tombstones.

EXAMPLE: 16-21-101. [Repealed.]

CHAPTER 5: GENERAL BILLS

(a) Introduction.

(1) Uniform electronic format. There is a uniform electronic format for bills drafted for introduction to the general assembly. The drafting program is set to default to the uniform format template. Bills are in Arial 11 font, double spaced (except for the caption), and justified to the left. For additional information on formatting, a drafter can review the samples and formatting instructions located in appendices A-C.

(2) Organization of a bill. There are potentially four parts of a bill: caption, preamble (optional), enacting clause, and body (which includes the effective date). Within the body of the bill, there may be two or more sections. There is a general organization of the body of a bill that a drafter may find useful to follow. Additionally, there are unique drafting concerns involved for particular types of bills. All of these topics are discussed in this chapter.

(b) Caption.

(1) General requirements. The Constitution of Tennessee, Article II, § 17, requires that all bills contain a caption. It states "[n]o bill shall become law which embraces more than one subject, that subject to be expressed in the title." The purpose of this provision is to provide notice. Generally, the function of the caption is to describe the nature of the legislation and to give notice of the contents of the bill. Drafting a caption is one of the most important parts of the initial drafting process because the caption cannot be amended after the bill is filed. OLS strives to adhere to the caption opinions in Tennessee Attorney General Opinion No. [10-121](#) and No. [10-122](#). These opinions should be consulted by a drafter as the most substantive statement of the views of the Attorney General on caption questions. The following is an example of a caption.

AN ACT to amend Tennessee Code Annotated, Title 45, relative to financial institutions.

AN ACT to amend Tennessee Code Annotated, Title 6; Title 7; Title 13 and Chapter 100 of the Public Acts of 2024, relative to comprehensive growth plans.

CHAPTER 5(b)(2)-(b)(3)(A)

(2) Captions with provisions of law. The first portion of a caption contains the code provisions, or the public or private chapters, that a bill amends or that may be amended in order to carry out the purpose of the bill. The code provisions should be set out as title, chapter, and part. However, if amending one or more sections, only the specific sections should be in the caption, and the section number should be used in the caption and not "title, chapter, part."

- CORRECT:** AN ACT to amend Tennessee Code Annotated, Title 10, Chapter 4, Part 5, relative to public records.
- CORRECT:** AN ACT to amend Tennessee Code Annotated, Section 10-7-503, relative to public records.
- CORRECT:** AN ACT to amend Tennessee Code Annotated, Title 67, Chapter 2, relative to taxation of income received from stock dividends and interest on bonds.
- CORRECT:** AN ACT to amend Tennessee Code Annotated, Title 55, Chapters 1 and 6, to remove waiting periods for abortion.
- CORRECT:** AN ACT relative to possession of small amounts of marijuana.
- INCORRECT:** AN ACT to amend Tennessee Code Annotated, Title 10, Chapter 7, Part 5, Section 501, relative to public records.

(3) Captions without provisions of law. There are times when a drafter may choose not to include titles or other provisions of law in the caption. Although this may be constitutionally permissible, the drafter should exercise caution. If no titles or provisions of law are placed in the caption, more effort should be given to include a clearly identifiable subject. The drafter should consult Tennessee Attorney General Opinion No. [10-121](#) and No. [10-122](#). As an example, "governmental endeavors" fails to state a subject, as the term could cover virtually any legislation. However, "transportation" states a clear subject.

- CORRECT:** AN ACT relative to transportation.
- INCORRECT:** AN ACT relative to governmental endeavors.

(A) Searching for cross-references. When drafting a caption, the drafter should conduct an electronic code search to find any cross-references in the code to the provision or provisions that are amended by the bill. If the text in the cross-referenced code provisions needs to be amended in order to be consistent with the bill's text, then the drafter must include the cross-referenced code provisions in the caption.

CHAPTER 5(b)(3)(B)-(b)(4)(B)

(B) Removing a code provision. Similarly, if the bill removes a code provision, then cross-references to the code provision must also be removed. A drafter should perform an electronic text search in the code for the citation. Because an electronic search of a citation may not catch references to the subject of a deleted section, the drafter should also conduct a search of subject references in the code and include any applicable code provision containing the subject reference in the caption.

Amendatory Language of the Bill:

Tenn. Code Ann. § 3-15-201, is amended by deleting the section.

Search of Citation Would Catch:

The select committee on children and youth created by § 3-15-201...

Search of Citation Would Not Catch:

The select committee on children and youth is responsible for...

This Additional Subject Search Required:

"children and youth"

(C) Title 4. Title 4 should be included in the caption of a bill if the bill pertains to an entity that is subject to sunset review or creates a new entity that may be subject to sunset review.

(4) Subject.

(A) One subject rule. The Constitution of Tennessee, Article II, § 17, requires that a bill contain only one subject. Although there are various acceptable phrases that may be used to introduce the subject, the most common phrase is "relative to."

(B) Broad/narrow. A drafter should give consideration to whether the caption should be broad or narrow in context of the subject matter that the bill addresses and the legislative environment. Specifically, a drafter may need to address the potential of unwanted amendments by limiting the scope of the code provisions set out in the caption or by narrowly tailoring the subject. When drafting the subject, a drafter may find words describing what the bill is about, rather than what the bill does, most helpful. Because bills are often amended, a statement of what a bill is about is more likely to remain accurate than a statement of what the bill does.

NARROW SUBJECT (bill does):

relative to requiring state agencies to sell surplus motor vehicles at public auction.

BROAD SUBJECT (bill is about):

relative to the disposition of surplus motor vehicles owned by state agencies.

(C) Conjunctions. A drafter should avoid using conjunctions, such as "and" or "or," in describing the subject of the bill because conjunctions suggest a violation of the one subject requirement. However, a drafter may use a conjunction when the phrase that includes the conjunction describes only one subject.

SINGLE SUBJECT:

Labor and Workforce Development
Children and Youth

MULTIPLE SUBJECTS:

Teachers and Contracts

(D) Converting multiple subjects into a single subject. Typically, if multiple subjects need to be made into a single subject, then the drafter should consider a subject that is broader and includes both.

ORIGINAL MULTIPLE SUBJECTS:

Contractors and Architects

NEW SINGLE SUBJECT:

Professions

(5) Effect of codification bill ("code bill")'s passage. The drafter should be aware that the passage of the code bill, the codification of all acts passed during the last general assembly, cures defects that may have existed in the original caption. Although this reading represents settled law, the drafter should be aware that this fact does not satisfy the practice of the legislative process. Additionally, there are limits to this curative power found in case law, such as when a criminal offense occurs before codification.

(6) Unique captions. The drafter should also be aware that there are specific caption issues relative to particular types of bills, such as bills making appropriations or bills expressly repealing code provisions. The drafter may need to conduct additional research when drafting a caption depending on the type of bill.

CHAPTER 5(c)-(e)

(c) Preamble. A preamble is not a required part of the bill. Generally, a preamble is used to demonstrate the legislature's intent. If a preamble is used, then it does not become part of the enacted law and is not codified, however, the preamble is referenced in an uncodified compiler's note. The preamble is placed between the caption and the enacting clause. When drafting a preamble, each clause should begin with "WHEREAS," and end with "; and", except the final clause, which ends with "; now, therefore,". The following is an example of the format of a preamble:

WHEREAS, throughout the years, the intrepid and valiant members of the United States armed forces have continued to inspire our confidence, loyalty, and support; and

WHEREAS, from Valley Forge to Iraq, Afghanistan, and the war-torn nations of Africa, Eastern Europe, and the Middle East, our armed forces have unselfishly paid the price of freedom for their friends and families and for all of us; and

WHEREAS, it is most appropriate that we should honor those courageous men and women who have made many sacrifices to preserve the blessed freedoms we enjoy today and that our progeny will hopefully continue to cherish for generations to come; and

WHEREAS, this General Assembly wishes to name the remaining portion of U.S. Highway 27 in the City of Dayton and Rhea County that is not otherwise designated in memory of those brave sons and daughters who sacrificed personal concerns and their safety, with many of them giving their lives, so that we may enjoy the many bounties of democracy and the American way of life; now, therefore,

(d) Enacting clause. The enacting clause is required by the Constitution of Tennessee, Article II, § 20, and must be written as follows:

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

(e) Body. The body of a bill varies greatly depending on the type of bill. A bill that makes only one small change may only have two sections in the body. However, a bill that creates a new area of law may have many sections within the body. This section focuses on the possible and most common section used when creating a new area of law and drafting a larger bill.

CHAPTER 5(e)(1)-(e)(2)(A)

(1) Catch lines/section headers. Catch lines/section headers in the substantive body of the bill are not considered law. A drafter does not need to include them in a bill. However, if a drafter is preparing a lengthy bill, then the drafter might consider their inclusion for organizational purposes and to make the bill more reader-friendly. If the drafter does include them, then the drafter should follow the appropriate style for catch lines/section headers in the code. Generally, the first letter of each word in a clause is not capitalized, only the first letter of the first word of each clause (if there is more than one). As always, there may be exceptions for proper nouns, short titles, and similar situations. Additionally, the drafter should separate clauses with a dash, not a semi colon. [See Chapter 4, subdivision \(a\)\(6\) for more information of headers.](#)

68-120-205. Enforcement of part - Date for compliance - Waivers as to particular buildings and provisions.

46-1-108. Purchase and subdivision of land – Sale of lots – Approval of location for cemetery use – Purchase contract – Attachment or levy of execution.

55-4-259. Distinguished Service Cross, Navy Cross, Air Force Cross, Silver Star, Distinguished Flying Cross, Bronze Star (Valor), and Air Medal (Valor) recipients.

47-1-107. Relation to Electronic Signatures in Global and National Commerce Act.

(2) Definitions.

(A) About. One of the best tools for drafting bills is the proper use of well-written statutory definitions. Statutory definitions that are poorly drafted or improperly used may quickly destroy a bill by adding unnecessary complexities and confusion, by prescribing too broadly or too narrowly the scope of the bill, or by creating unintended loopholes and exemptions. A drafter should be mindful of when to define a term and when not to define a term. The following are some factors a drafter may want to consider when deciding whether a definition is needed.

A DEFINITION SHOULD BE USED:

1. To attain specificity and conciseness;
2. For a word that is used in a sense that may not reflect its common dictionary meaning; or
3. When failure to define the word would result in uncertainty as to its meaning.

A DEFINITION SHOULD NOT BE USED IF:

1. The common dictionary definition of the word is adequate;
2. The word is defined in Tennessee Code Annotated for use throughout the title, chapter, or part being amended for use throughout the title, chapter, or part; or
3. The word is used only once or very few times or in only one section. In these cases, it is better to use modifiers to limit the meaning of the word rather than to define it.

(B) Drafting considerations. The reader and the courts must be able to keep a statutory definition in mind and rely on it confidently whenever the defined word appears in the text of the law. Therefore, a drafter should consider the following.

(i) Introductory language. The introductory language of a definition should be as follows, with the blank being the applicable code provision, such as a section, part, chapter, or title. The drafter may substitute "act," if the drafter has not designated the location in the code where the act will be placed.

As used in this _____:

(ii) Means/includes. When drafting a definition section, a drafter should remember the difference between the words "means" and "includes." "Means" indicates that the following is identical or synonymous, while "includes" indicates that the following is part of the first. A drafter should use "means" instead of "shall mean," and use "includes" instead of "shall include."

(iii) Single word/phrases. It may be best to elect a single word or phrase to receive a given meaning. Giving two words the same meaning may sacrifice conciseness and confuse the reader. If the drafter defines the term "records and reports" and uses both words jointly, then the reader may stumble over two unnecessary words wherever the term is used. If, in one instance, the

CHAPTER 5(e)(2)(B)(iii)-(e)(2)(B)(vi)

drafter uses the word "records" and, in another, the word "reports," then the reader is confused and will likely assume that each word has a different meaning and that perhaps neither has the meaning ascribed to the term "records and reports."

(iv) Existing defined terms. A drafter should avoid redefining a word that is already defined for use throughout the code or within the law being amended; and avoid defining a word by using the same definition given to a different word within the code. Doing either may confuse the reader and sacrifice conciseness. In the first case, a drafter should select a different word, and in the second case, the drafter should use the already-defined word.

(v) Clear and concise. A drafter should define the term clearly and concisely. The elements of a definition should be selected as carefully as if they were the elements of a crime. The following example breaks down the multiple elements found in the definition.

DEFINITION

"Record" means written information that pertains to a student and is maintained by a public school.

ELEMENTS

In this case, the elements of a "record" are that the record is:

- (1) Information;
- (2) Written;
- (3) Pertaining to a student; and
- (4) Maintained by a public school.

(vi) Overly broad definitions. A drafter should avoid defining a word more broadly than its ordinary meaning or to be something that it is not. For example, it would be confusing if the definition of the word "motorboat" included sailboats because doing so might conceal the fact that the bill regulates sailboats. If the title provides notice that the bill regulates only "motorboats," then the regulation of sailboats by the bill may be unconstitutional. It would be better to define the word "boat," so as to limit it to motorboats and sailboats.

CHAPTER 5(e)(2)(B)(vii)-(e)(4)

(vii) **Substantive law in a definition.** A drafter should not put substantive law in a definition. Doing so hides the substance and can lead to unintended constructions. In the following example, the last clause expresses another element of the definition. Thus, rather than requiring records to be open for inspection, it excludes from the definition of "records" those that are not open and consequently exempts them from the act.

INCORRECT: "Records" means all materials produced by the department, and all records must be open for public inspection.

(viii) **Using the defined term in the definition.** A drafter should avoid using the word being defined in its definition.

INCORRECT: "Airplane" means an airplane, helicopter, or hot-air balloon.

(3) **Substantive sections.** The substantive sections of a bill are not arranged according to mandatory rules, but the drafter should use some logical arrangement of bill sections within the body of the bill. A bill that amends or creates sections of Tennessee Code Annotated may be arranged so that the statute sections appear in numerical order; bill sections could be placed in order of topics; or the most important provisions may be placed at the beginning of the bill, and provisions that are subordinate or ancillary to the main substantive provisions may be placed near the end of the bill.

(4) **Promulgation of rules.** Oftentimes, there is a need for a department or agency to promulgate rules to effectuate the purpose, or certain parts, of the act. The following is a general example of a rule promulgation section.

(a) The commissioner is authorized to promulgate rules to effectuate this chapter. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(5) Criminal offenses.

(A) Defining conduct as an offense. Pursuant to Tennessee Code Annotated § 39-11-102, conduct does not constitute an offense unless it is defined as an offense. Therefore, when drafting a provision that contains a criminal offense, a drafter should use the phrase "it is an offense" instead of language such as "it is unlawful" or "shall not." Each criminal offense should contain the elements of the crime. Examples of elements of a crime are an overt act and a mental state. There may be other provisions included within a criminal offense, such as definitions, exceptions to the offense, defenses to the offense, and aggravating factors. The following are examples of language a drafter may use to make conduct criminal.

It is an offense to...

A person commits...if...

(B) Designating the offense classification. When drafting criminal offenses, the drafter should designate the offense classification. A criminal offense is either a felony or a misdemeanor. Tennessee Code Annotated § 40-35-111 sets out the authorized terms of imprisonment and fines for felonies and misdemeanors. There are three classifications for misdemeanor offenses: Class A, Class B, and Class C. If an offense is punishable as a misdemeanor, but the drafter does not specify a classification, then, by operation of Tennessee Code Annotated § 39-11-114, the offense is considered a Class A misdemeanor. There are five classifications for felony offenses: Class A, Class B, Class C, Class D, and Class E. If an offense is punishable as a felony, but the drafter does not specify a classification, then, by operation of Tennessee Code Annotated § 39-11-113, the offense is considered a Class E felony. If conduct is made criminal, but the drafter does not specify whether the offense is a misdemeanor or a felony, then, pursuant to Tennessee Code Annotated § 39-11-111, the offense is considered a misdemeanor. The following is an example of language that may be used to draft a penalty for a criminal offense.

CORRECT:

A first violation of this section is a Class B misdemeanor. A second or subsequent violation of this section is a Class A misdemeanor.

CHAPTER 5(e)(5)(C)-(e)(6)

(C) Addressing Article VI, § 14. The Constitution of Tennessee, Article VI, § 14, provides that fines exceeding fifty dollars are to be assessed by a jury. The drafter should note that municipal and general sessions courts do not have the authority to impanel juries. Therefore, an offense punishable by a fine greater than fifty dollars must be tried by a court of record, unless the defendant waives the right to a jury trial.

(D) Addressing Article I, § 11. The Constitution of Tennessee, Article I, § 11, provides that no *ex post facto* law shall be made. Generally, an *ex post facto* law retroactively changes the legal consequences of actions that were engaged in before the enactment of the law. The drafter should be mindful that *ex post facto* may apply not only when conduct is made criminal but also when a penalty is increased, or certain sentencing credits are reduced.

(E) Addressing Article I, § 8. The Constitution of Tennessee, Article I, § 8, provides that no person shall be taken, imprisoned, or in any other way deprived of life, liberty, or property but by judgment of the person's peers or the "law of the land." The "law of the land" has been interpreted to mean a general and public law operating equally upon every citizen of the state. The general assembly is generally considered to be prohibited from making conduct criminal only in specific geographical areas within the state or allowing a specific geographical area within the state to declare conduct to be criminal.

(6) Promulgation of rules. Oftentimes, there is a need for a department or agency to promulgate rules to effectuate the purpose, or certain parts, of the act. The following is a general example of a rule promulgation section.

(a) The commissioner is authorized to promulgate rules to effectuate this chapter. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(7) Saving and severability clauses.

(A) Saving clause. Generally, the provisions of a bill enacted into law take effect on the date stated in the effective date section of the act. When a new act would affect existing rights, obligations, and procedures, a saving clause may be included to limit the application of the bill when enacted into law. The saving clause differs from the applicability clause in that the saving clause "saves" existing law while the applicability clause provides that new law will apply to certain events and transactions after a specified date.

This act does not affect rights and duties that matured, penalties that were incurred, or proceedings that began before its effective date.

(B) Severability clause. A drafter may want to include a severability clause in the legislation. If a severability clause is included, it is not codified. A severability clause provides that if any part of an act is held unconstitutional, then the remainder will not be affected. It is a type of saving clause in that it "saves" parts of an act if any other parts of the act are declared unconstitutional by court action. If the drafter determines that a severability clause is necessary, then the drafter should use the language in the following example box.

SECTION _____. If any provision of this act or the application of any provision of this act to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

(C) Title 1 general severability clause for the entire code. In Title 1, there is a general severability clause for the entire code as shown in the following example box. It would seem that the general severability clause would be adequate since it applies to all statutes. Nevertheless, a severability clause is sometimes included, especially in long or controversial bills or when a member specifically requests its inclusion in a bill. However, a severability clause should not be used indiscriminately since it serves no particular purpose in most bills.

CHAPTER 5(e)(7)(C)-(e)(8)(A)

It is hereby declared that the sections, clauses, sentences and parts of the Tennessee Code are severable, are not matters of mutual essential inducement, and any of them shall be excised if the code would otherwise be unconstitutional or ineffective. If any one (1) or more sections, clauses, sentences or parts shall for any reason be questioned in any court, and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provision or provisions so held unconstitutional or invalid, and the inapplicability or invalidity of any section, clause, sentence or part in any one (1) or more instances shall not be taken to affect or prejudice in any way its applicability or validity in any other instance. ***[Note: These provisions are not drafted according to modern drafting principles.]***

(D) Reverse severability clause. Instead of a severability clause, a drafter may want to include a reverse severability clause in the legislation. If a reverse severability clause is included, then it is not codified. In some cases, the general assembly may request a "reverse severability" clause. This clause declares that the general assembly would not have enacted the bill without all the provisions in it; therefore, if a provision is held to be invalid, then the entire act is invalid. The following is an example of a "reverse severability" clause.

SECTION ____. If any provision of this act or the application of any provision of this act to any person or circumstance is held invalid, then all provisions and applications of this act are to be invalid and void.

(8) Effective date.

(A) About. Typically, the effective date section is the last section of a bill. The Constitution of Tennessee, Article II, § 20, states that "no law of a general nature shall take effect until forty days after its passage unless the same or the caption thereof shall state that the public welfare requires that it should take effect sooner." Therefore, if the intent is for a bill to take effect sooner, then the drafter must include the language "the public welfare requiring it." Even when the effective date is more than forty days, many drafters will always include the phrase as a matter of practice.

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

(B) When to use specific dates. There are certain instances in which a specific date should be used as the effective date rather than "upon becoming a law." For example, bills that include a criminal offense should have an effective date that specifies the act will take effect on a certain date so that the public has adequate notice of changes in the law that make certain behavior criminal.

SECTION _____. This act takes effect July 1, 2023, the public welfare requiring it.

(C) Later of two dates. A drafter may use the later of the two dates as the effective date. The most frequent situation in which it makes any sense to provide an effective date that is the later of two dates is when one of the dates is a specific date and the other is the date the act becomes law.

SECTION _____. This act takes effect September 1, 2025, or upon becoming a law, whichever is later, the public welfare requiring it.

(D) Different effective dates for different parts of a bill. Some parts of a bill may take effect on one date and other parts on a different date. The easiest way to accomplish this is to first make the bill effective generally on the earliest date and then exempt out those provisions that are to become effective later. Regardless of the method the drafter uses to express varied effective dates, the drafter must ensure that the effective date section in one way or another accounts for every provision of the draft.

SECTION _____. For purposes of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2025, the public welfare requiring it.

SECTION _____. This act takes effect upon becoming a law, the public welfare requiring it, except that sections 20 and 25 take effect one (1) year after this act becomes a law.

SECTION _____. This act takes effect January 1, 2026, except that section 25 takes effect July 1, 2026, the public welfare requiring it.

SECTION _____.

(a) For Sections 1-3, this act takes effect upon becoming law, the public welfare requiring it.

(b) For Sections 4-8, this act takes effect January 1, 2026, the public welfare requiring it.

(E) Effective date versus date bill becomes law. A drafter should be aware of the difference between the effective date of a bill and the date a bill becomes a law. An effective date is the date the law will be implemented, will start, or begin. However, the date the bill becomes law is the date the bill becomes a legislative enactment according to the Tennessee Constitution. A bill becomes law on a date determined under the Constitution of Tennessee, Article II, Section 18 and Article VIII. The determination is straight forward. The various possibilities are (1) the date the governor approves a bill; (2) a date ten days after a bill is presented to the governor if the governor neither approves nor vetoes the bill within the ten calendar days (Sunday excepted) after it is presented to the governor; or (3) the date the second house votes by a majority to override the governor's veto of a bill.

CHAPTER 6: AMENDMENTS

(a) Preparation.

(1) Filing deadlines. Typically, standing committees have filing deadlines for amendments. Additionally, there are filing deadlines for amendments to be properly considered on the floor of each chamber. Amendments, just as bills, must be entered into the general assembly's electronic database by OLS, assigned a barcode for proper identification by the clerk's office of either house, and reviewed by OLS. Drafters should allow time for a proper review of the amendment prior to the amendment being filed.

(2) Objectives of the amendment. Just as with a bill, the first and most important step in preparing an amendment is to comprehend the objectives and gain a thorough understanding of what the amendment is intending to accomplish. Not only does this include understanding the substance of the amendment but also how the amendment affects the bill and any other proposed amendments.

(b) Format.

(1) About. A bill may be amended by deleting language, adding language, deleting and substituting language, or rewriting a bill in its entirety. Currently, the rules of both houses of the general assembly prohibit amendments greater than the second degree, which means that amendments to amendments are permissible, but amendments to amendments to amendments are not permitted. As with bills, OLS is required by Tennessee Code Annotated § 3-12-101(5) to review all amendments prior to their introduction. A sample amendment is in Appendix B.

(2) Top of an amendment. The top of an amendment shows the bills to be amended as shown in the following example.

Amend Senate Bill No. ____ House Bill No. ____

(3) First directory language clause begins with "by". The drafter should use the word "by" to begin the directory language of the amendment. The drafter should note that the "by" begins with a lowercase "b."

by deleting "one (1)" in Section 3 and substituting "five (5)".

CHAPTER 6(b)(4)-(c)(1)

(4) Additional directory language clauses. Each additional clause containing directory language of an amendment should begin with "AND FURTHER AMEND". The drafter may find it useful to bold this language. Note that it is custom to use "AND FURTHER AMEND" for multiple amendatory clauses in an amendment. However, a drafter does not need to use "further amended" in the directory language of a bill when directing the code commission to amend the code. See Chapter 4, subdivision (c)(3) for examples.

by deleting "two (2)" in SECTION 1 and substituting "four (4)".

AND FURTHER AMEND by deleting "sheriff" in SECTION 2 and substituting "law enforcement officer".

(c) Directory language.

(1) Purpose. The directory language of an amendment is different from the directory language of a bill. A discussion of directory language of a bill can be found in Chapter 4, subsection (c). The purpose of directory language of an amendment is to direct the engrossing clerk when incorporating amendments into a final bill and is different than the directory language of a bill that directs the code commission when codifying laws. The code commission is authorized by statute to correct manifest errors and include designations that may have been omitted when codifying laws; however, this is not always the power that an engrossing clerk may exercise when engrossing legislation. Remember that when drafting directory language of an amendment for the engrossing clerk, the directory language should ultimately be drafted to reflect a complete and accurate public chapter.

CORRECT

AND FURTHER AMEND by deleting 66-29-104 of Section 1 and substituting:

66-29-104.

The treasurer may promulgate rules pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, to carry out this part.

INCORRECT

AND FURTHER AMEND by deleting 66-29-104 of Section 1 and substituting:

The treasurer may promulgate rules pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, to carry out this part.

CHAPTER 6(c)(2)-(d)

(2) Form. Depending on how the drafter wishes to amend the filed bill or prior adopted amendments, there are multiple ways to draft the directory language of an amendment. The following are examples.

by adding the following new section to the bill:
by adding the following language to the end of Section 1:

(3) Amending the preamble. Although the drafter is constitutionally prohibited from amending the caption of a bill, the drafter may amend everything that comes after the caption, including the preamble. The following are examples of directory language that amend the preamble. However, the drafter should be mindful that if all language after the caption is deleted, then the enacting clause must be replaced when substitute language is inserted.

by deleting all language after the caption and substituting:
by deleting the language between the caption and the enacting clause.

(4) Amending the bill's directory language. There may be separate sections within the amendment that contain directory language that directs where and how the actual substance of the bill should be placed in the code. Again, this directory language is not codified. The drafter should also note that directory language of a bill may also be in an amendment, as it generally appears at the beginning of a new section.

AND FURTHER AMEND by deleting " _____ " in the amendatory language of Section 1.
AND FURTHER AMEND by deleting " _____ " in the directory language of Section 2 and substituting " _____ ".

(d) Caption. An amendment to a bill must fall within the subject set forth within the bill's caption, which means the amendment should amend only code provisions that are set out in the bill's caption and relevant to the caption's subject. An amendment cannot amend the caption of a bill.

(e) Other amendments.

(1) Checking for other amendments. Before preparing an amendment, the drafter should be aware of any previously adopted amendments to determine whether the amendment to be drafted will work with or without prior amendments. Depending on whether a prior amendment was adopted by a committee or by one chamber, the drafter may need to remove the prior amendment. The language "by deleting all language after the enacting clause and substituting the following:" will not only delete the body of a bill but also all prior amendments on the bill, whether in committee or on a house floor.

(2) Making amendments work together. If there is a previously adopted amendment and the drafter would like the drafter's amendment to work with the previously adopted amendment, then the drafter should not only reconcile conflicts in the substance of the two amendments but should also draft the amendment's directory language to be consistent with the previously adopted amendment so that both amendments can be accurately engrossed.

CHAPTER 7: REVIEW

(a) Drafter review. A draft of legislation should undergo various edits by the drafter. Allowing the draft to lie over before additional editing may give a drafter a "fresh pair of eyes" for editing. During the editing process, the drafter's review should have the following focus.

- (1) There are no substantive errors in the legislation;**
- (2) Sections are numbered correctly;**
- (3) Internal code and bill or amendment section references are accurate;**
- (4) There are no spelling, grammar, or punctuation errors; and**
- (5) The bill or amendment ultimately accomplishes the intended objectives.**

(b) Second review. A review by a second or third drafter is also an invaluable tool in helping to produce quality legislation. A good reviewer may raise questions about apparent "loopholes" or other unintended consequences in the draft and suggest ways to enhance clarity and consistency. The drafter should carefully consider the reviewer's comments in polishing the final draft. The ability to accept and utilize constructive criticism to improve legislation is a prized quality in a drafter.

(c) Drafter's checklist. As a last step, before finalizing a bill or amendment, the drafter should review appropriate items on the drafter's checklist on the next page to verify that each item has been properly addressed.

(d) Other legislation. There are times when one bill amends the same section as another bill or adds new material, identically numbered, as another bill. Accordingly, the drafter should monitor all legislation on the same subject matter as the drafter's legislation. If two acts amending the same section are enacted in the same legislative session, the code commission will attempt to codify the language of both acts, to the extent possible. However, if the differences in the acts are irreconcilable, then, generally, the act with the later effective date will prevail, or neither act will be codified, depending on the nature of the conflict. To avoid an act failing to take effect due to an irreconcilable conflict, the drafter should closely monitor legislation for potential conflicts as part of the initial bill drafting review and throughout the legislative process.

BILL	AMENDMENT	DRAFTER'S CHECKLIST
		What is the filing deadline ?
		What is the purpose and does the legislation ultimately accomplish its purpose?
		Has the necessary research been conducted?
		Is there an organized structure for the proposed content?
		Is the proper electronic format being used? If multiple versions, is the most recent version sent from OLS being used?
	N/A	Is there a caption ? Are all code provisions that the bill amends or may amend in the caption? Is there a single subject? If the bill is removing a code provision, have other code provisions referring to the removed provision been included in the caption? Is there a need to include Title 4 in the caption?
N/A		Does the amendment fall within the caption of the bill?
		Is a preamble needed?
		Is there an enacting clause ?
		Is all directory language complete, accurate and "reader friendly"?
N/A		Does the amendment's directory language adequately inform the engrossing clerk?
N/A		Are there other amendments traveling with the bill, and, if so, have the amendments been considered or addressed?
		Is the proper code and section designating system used? Are there at least two subsection or subdivision designations for each type of designation being used?
		Has the legislation been reviewed for simplicity ? Is short and familiar language used? Are simplified words used? Has unnecessary language been removed?
		Has the legislation been reviewed for clarity ? Does every pronoun have a clear antecedent? Are conjunctions used properly? Are concepts expressed positively when possible? Is parallel sentence structure used? Are cross-references precise? Is active voice used?
		Has the legislation been reviewed for consistency ?
		Are all names for departments and commissions correct?
		Is correct capitalization used?
		Are numerals used correctly?
		Is correct punctuation used?
		Have commonly misused words been used correctly?
		Has archaic and outdated language been reviewed for possible update?
		Are citations to federal and state law in the correct form?
		Is there a definition section , and, if so, is it in the correct format?
		Is there a criminal offense , and, if so, is it in the correct format?
		Is a severability or reverse severability clause needed?
		Is a rules provision needed?
		Is there an effective date section , and is an applicability clause needed?
		Has other legislation on the same subject been tracked? Does the other legislation conflict with the bill or amendment? Have the conflicts been addressed?
		Has the legislation been edited by the drafter and subsequent general or team reviewer? Are internal code and legislation section references accurate? Is spelling correct? Is grammar correct?

APPENDIX A: SAMPLE BILL

PREAMBLE

CAPTION

AN ACT to amend Tennessee Code Annotated, Title 62, relative to limiting licensing requirements.

WHEREAS, the General Assembly seeks to promote the pursuit of occupations in this state without the impediment of burdensome licensing requirements; now, therefore,

ENACTING CLAUSE

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

SECTION 1. Tennessee Code Annotated, Title 62, Chapter 76, Part 1, is amended by adding the following as a new section:

SHORT TITLE

(a) This section is known and may be cited as the "Freedom to Prosper Act."

DEFINITIONS

(b) As used in this section:

(1) "Licensing requirement" means training, education, or fee that is required to engage in an occupation; and

(2) "Political subdivision" means a city, town, municipality, county, including a county having a metropolitan form of government, or other legally authorized local governmental entity with jurisdictional boundaries.

BODY

(c) A political subdivision of this state shall not impose licensing requirements on an occupation unless the political subdivision imposed licensing requirements on that occupation prior to July 1, 2025.

(d) This state may withhold funding from a political subdivision that violates this section.

SEVERABILITY CLAUSE

PENALTIES

SECTION 2. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

EFFECTIVE DATE

SECTION 3. This act takes effect July 1, 2025, the public welfare requiring it.

DRAFTING NUMBER



0806911643



019146

APPENDIX B: SAMPLE AMENDMENT

HEADER

FILED
Date: _____
Time: _____
Clerk: _____
Comm. Amdt. _____

DIRECTORY LANGUAGE

Amendment-No. _____

Signature of Sponsor

AMEND Senate-Bill-No.-1023 House-Bill-No.-1356

AMENDATORY LANGUAGE

by deleting the amendatory language of Section 28 and substituting the following:

On or before July 1, 2025, and annually thereafter, the division shall review the effect of the Workers' Compensation Reform Act of 2013 on the workers' compensation system and deliver a report of its findings to the general assembly.

AND FURTHER AMEND by deleting "five (5) business days" from the last sentence in subdivision (d)(2)(B) of Section 76 and substituting "three (3) business days".

AND FURTHER AMEND by deleting Sections 5, 10, 57, 58, and 93 and renumbering the remaining sections accordingly.

AND FURTHER AMEND by adding the following new section immediately preceding the last section and renumbering the subsequent section accordingly:

SECTION __. The division of workers' compensation created pursuant to this act terminates pursuant to title 4, chapter 29 on June 30, 2025.

DRAFTING NUMBER



APPENDIX C: BILL FORMATTING INSTRUCTIONS

All Font is Arial 11
Do not bold text
Align text to the left

The Caption is the only provision that is single spaced.

AN ACT to amend Tennessee Code Annotated ..., relative
to

Enacting Clause (do no change)

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

TAB

SECTION 1.

SECTION 2.

2 SPACES between each new section, subsection, or subdivision
designation and the text that follows.

INDENT + TAB

(a)

(b)

If there is only 1 subsection in a section, but multiple subdivisions, as
in a definition section then the first designation is subdivision (1).

2 INDENTS + TAB

(1)

(2)

3 INDENTS + TAB

(A)

(B)

4 INDENTS + TAB

(i)

(ii)

5 INDENTS + TAB

(a)

(b)

6 INDENTS + TAB

(1)

(2)

7 INDENTS + TAB

(A)

(B)

8 INDENTS + TAB

(i)

(ii)

SECTION 3.

The effective date is typically the final section of the bill.

APPENDIX D: DEPARTMENTS OF THE STATE OF TENNESSEE

DEPARTMENTS RELATED TO THE EXECUTIVE BRANCH

Department of Agriculture

Department of Children's Services

Department of Commerce and Insurance

Department of Correction

Department of Disability and Aging

Department of Economic and Community Development

Department of Education

Department of Environment and Conservation

Department of Administration

Department of Financial Institutions

Department of General Services

Department of Health

Department of Human Resources

Department of Human Services

Department of Labor and Workforce Development

Department of Mental Health and Substance Abuse Services

Department of Military

Department of Revenue

Department of Safety

Department of Tourist Development

Department of Transportation

Department of Veterans Services**

DEPARTMENTS RELATED TO THE LEGISLATIVE AND JUDICIAL BRANCHES

Department of Audit (the office of the Comptroller of the Treasury)

Department of State (the office of the Secretary of State)

Department of Treasury (the office of the State Treasurer)

Legal Department (the office of the Attorney General and Reporter)

*The Department of Safety is sometimes referred to as "The Department of Safety and Homeland Security." However, this is not the official name, as it is not in the statute.

**Formerly Tennessee Veterans Affairs. As is the case with the national organization, there is no apostrophe in "Veterans."

APPENDIX E: GENERAL ASSEMBLY DESIGNATION BY YEAR

G.A.	Years	G.A.	Years
1st	1796	*	1861-1862
2nd	1797-1798	*	1863-1864
3rd	1799-1800	34th	1865-1866
4th	1801-1802	35th	1867-1868
5th	1803-1804	36th	1869-1870
6th	1805-1806	37th	1871-1872
7th	1807-1808	38th	1873-1874
8th	1809-1810	39th	1875-1876
9th	1811-1812	40th	1877-1878
10th	1813-1814	41st	1879-1880
11th	1815-1816	42nd	1881-1882
12th	1817-1818	43rd	1883-1884
13th	1819-1820	44th	1885-1886
14th	1821-1822	45th	1887-1888
15th	1823-1824	46th	1889-1890
16th	1825-1826	47th	1891-1892
17th	1827-1828	48th	1893-1894
18th	1829-1830	49th	1895-1896
19th	1831-1832	50th	1897-1898
20th	1833-1834	51st	1899-1900
21st	1835-1836	52nd	1901-1902
22nd	1837-1838	53rd	1903-1904
23rd	1839-1840	54th	1905-1906
24th	1841-1842	55th	1907-1908
25th	1843-1844	56th	1909-1910
26th	1845-1846	57th	1911-1912
27th	1847-1848	58th	1913-1914
28th	1849-1850	59th	1915-1916
29th	1851-1852	60th	1917-1918
30th	1853-1854	61st	1919-1920
31st	1855-1856	62nd	1921-1922
32nd	1857-1858	63rd	1923-1924
33rd	1859-1860	64th	1925-1926

G.A.	Years	G.A.	Years
65th	1927-1928	98th	1993-1994
66th	1929-1930	99th	1995-1996
67th	1931-1932	100th	1997-1998
68th	1933-1934	101st	1999-2000
69th	1935-1936	102nd	2001-2002
70th	1937-1938	103rd	2003-2004
71st	1939-1940	104th	2005-2006
72nd	1941-1942	105th	2007-2008
73rd	1943-1944	106th	2009-2010
74th	1945-1946	107th	2011-2012
75th	1947-1948	108th	2013-2014
76th	1949-1950	109th	2015-2016
77th	1951-1952	110th	2017-2018
78th	1953-1954	111th	2019-2020
79th	1955-1956	112th	2021-2022
80th	1957-1958	113th	2023-2024
81st	1959-1960	114th	2025-2026
82nd	1961-1962		
83rd	1963-1964		
84th	1965-1966		
85th	1967-1968		
86th	1969-1970		
87th	1971-1972		
88th	1973-1974		
89th	1975-1976		
90th	1977-1978		
91st	1979-1980		
92nd	1981-1982		
93rd	1983-1984		
94th	1985-1986		
95th	1987-1988		
96th	1989-1990		
97th	1991-1992		

*All acts by the Confederate General Assembly were declared null and void.