

Amendment No. _____

Signature of Sponsor

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

AMEND Senate Bill No. 631*

House Bill No. 749

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-120-101, is amended by deleting subdivision (a)(5) and substituting:

Shall not discriminate against or in favor of particular construction materials, techniques, or practices;

SECTION 2. Tennessee Code Annotated, Section 68-120-101(b), is amended by adding the following as a new subdivision:

(7)

(A) Regulations, codes, and ordinances adopted by a local government shall not discriminate against or in favor of particular construction materials, techniques, or practices.

(B)

(i)

(a) Notwithstanding this subdivision (b)(7), a local government may adopt a regulation, code, or ordinance pertaining to construction materials, techniques, or practices by ordinance or resolution with an affirmative two-thirds (2/3) vote on final reading.

(b) If passage of the ordinance or resolution requires two (2) readings, then the requirement may only be adopted after reading it in open session of the legislative body at meetings



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specially called on two (2) different days and that are no less than two (2) weeks apart.

(c) If passage of the ordinance or resolution requires three (3) readings, then the last two (2) readings must occur on two (2) different days that are no less than two (2) weeks apart.

(ii) A requirement pertaining to construction materials, techniques, or practices must be voted on in an ordinance or resolution separate from any other ordinance or resolution addressing construction standards.

(iii) If a local government seeks to modify a regulation, code, or ordinance adopted pursuant to this subdivision (b)(7), then the local government shall make the modification in the same manner as required to adopt a requirement under this subdivision (b)(7).

(iv) A regulation, ordinance, or code adopted pursuant to this subdivision (b)(7)(B) shall not prohibit a particular building material, technique, or practice.

(v) A regulation, ordinance, or code adopted pursuant to this subdivision (b)(7)(B) must contain a provision allowing for the waiver, in whole or in part, of the adopted regulation, ordinance, or code pertaining to construction materials, construction practices, and construction techniques during the development approval process.

(C) As used in this subdivision (b)(7), "construction practice" means the construction, installation, or use of certain mechanical systems, energy sources, energy types, or utilities in commercial or residential buildings.

SECTION 2. For purposes of local government adoption of an ordinance or resolution relating to construction materials, techniques, or practices, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect September 1, 2021, the public welfare requiring it.