

INDEX OF ACTS  
RELATED TO COUNTY GOVERNMENT

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2007 EDITION

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## INTRODUCTION

The first regular session of the 105<sup>th</sup> General Assembly convened on Saturday, January 20, 2007, and adjourned on Tuesday, June 12, 2007. The second session of the 105<sup>rd</sup> General Assembly will convene on January 8, 2008.

At the time of publication of this index, there are 604 new designated public chapters and 61 new private acts. The acts that relate to county government have been summarized in this publication. As the table of contents outlines, the public acts of general application are summarized in Part 1. Public acts are arranged alphabetically under broad groupings of subject content. Within a particular subject, the acts are arranged numerically by public chapter. Part 2 contains summaries of public acts of local application, and Part 3 contains summaries of private acts. If your county does not appear in Part 2, no public acts of local application were passed during this session affecting your county. If your county does not appear in Part 3, then your county had no private acts passed during this session. The county names are arranged alphabetically in Parts 2 and 3, with the acts arranged numerically under the county listings.

Every attempt has been made to be accurate in these summaries and to be comprehensive in the review of the new laws. However, the actual text of the law should be consulted prior to taking action on the changes in the laws summarized in this publication. You should consult your county attorney to assist you in interpretation of the new laws. If you desire copies of the acts or have need of other information, please feel free to contact the CTAS county government consultant for your county.

**The full text of all acts summarized in this publication can be found on the Web site of the Tennessee Secretary of State: <http://tennessee.gov/sos/acts>.**

## TABLE OF CONTENTS

<b>PART I – PUBLIC ACTS OF GENERAL APPLICATION.....</b>	<b>1</b>
<b>ADULT-ORIENTED ESTABLISHMENTS.....</b>	<b>1</b>
Public Chapter 541    Location of Adult-Oriented Businesses.....	1
<b>ALCOHOLIC BEVERAGES.....</b>	<b>1</b>
Public Chapter 342    Alcoholic Beverages-Special Occasion License. ....	1
Public Chapter 433    Alcoholic Beverages-Wineries. ....	1
<b>ANIMAL CONTROL.....</b>	<b>2</b>
Public Chapter 128    Animal Cruelty Prosecutions.....	2
Public Chapter 276    Civil Liability for Dog Owners. ....	2
Public Chapter 466    Intentional Killing of Certain Animals. ....	2
Public Chapter 533    Dogs Roaming at Large.....	3
Public Chapter 535    Animal Cruelty Prosecutions.....	3
Public Chapter 555    Animal Fighting.....	3
Public Chapter 556    Dogs Roaming at Large.. ....	3
<b>COUNTY CLERKS.....</b>	<b>3</b>
Public Chapter 17    License Plates.....	3
Public Chapter 32    Penalty for Unauthorized Use of Disabled Parking Space..	4
Public Chapter 63    License Plates.....	4
Public Chapter 112    Handicapped Placard Requirements. ....	4
Public Chapter 142    Optional Trailer Registration Fee. ....	4
Public Chapter 194    Issuance of Driver Licenses.....	4
Public Chapter 205    Notary Public-Change of Name.....	5
Public Chapter 240    Disabled Drivers and Passengers.....	5
Public Chapter 254    Notary Public-Approval of Bond.....	5
Public Chapter 289    Motor Vehicle Titling and Registration.....	5
Public Chapter 484    Motor Vehicle Titling and Registration.....	5
Public Chapter 601    Antique Motor Vehicles.....	6
Public Chapter 604    Specialty License Plates.....	6
<b>COUNTY GOVERNMENT.....</b>	<b>6</b>
Public Chapter 3    Re-designation of County Mayor.....	6
Public Chapter 129    Firearms and Ammunition.....	6
Public Chapter 206    Local Government Instances of Fraud Reporting Act. ....	7
Public Chapter 207    Interlocal Agreements. ....	7
Public Chapter 325    Disqualification for Public Office. ....	7
Public Chapter 389    Port Authorities. ....	7
Public Chapter 410    Non-Smoker Protection Act.....	8
Public Chapter 460    Home Improvement Contractors Licensing Act. ....	8
Public Chapter 529    Employing Illegal Aliens.....	8
Public Chapter 582    Codes Inspector Certification.....	8
Public Chapter 595    Litter Control. ....	9
<b>COURTS &amp; COURT CLERKS.....</b>	<b>10</b>
Public Chapter 4    Commencement of Juvenile Cases. ....	10
Public Chapter 8    Probate Law.....	10
Public Chapter 13    Spouses Elective Share. ....	11
Public Chapter 22    Grandparent Visitation.....	11

Public Chapter 24	Trusts. . . . .	11
Public Chapter 26	Records of Guardianships and Conservatorships.. . . .	11
Public Chapter 32	Increase in Fine for Disabled Parking Violations. . . . .	11
Public Chapter 108	Bail Revocation. . . . .	12
Public Chapter 138	Paternity and Legitimation.. . . .	12
Public Chapter 143	Municipal Courts and Municipal Ordinances. . . . .	12
Public Chapter 167	Criminal Contempt. . . . .	13
Public Chapter 171	Authorized Uses for Restricted Driver License.. . . .	13
Public Chapter 176	Exemptions from Garnishment. . . . .	13
Public Chapter 187	Domestic Relations. . . . .	13
Public Chapter 239	Bail Bonds. . . . .	14
Public Chapter 241	Bad Checks. . . . .	14
Public Chapter 248	Removal of Motor Vehicles.. . . .	14
Public Chapter 255	Failure to Appear. . . . .	14
Public Chapter 257	HIV Testing. . . . .	14
Public Chapter 311	Alcohol and Drug Treatment for Certain Offenders. . . .	15
Public Chapter 331	Abatement of Nuisances. . . . .	15
Public Chapter 348	Orders of Protection.. . . .	15
Public Chapter 372	Adoption and Guardianship of Minors. . . . .	16
Public Chapter 375	Drug Court Treatment Program.. . . .	16
Public Chapter 442	Child Support.. . . .	17
Public Chapter 443	Judgments in Courts of General Sessions. . . . .	17
Public Chapter 452	Nuisances.. . . .	17
Public Chapter 502	Child Support.. . . .	18
Public Chapter 519	Domestic Relations. . . . .	18
Public Chapter 560	Garnishments - Homestead Exemption. . . . .	18
Public Chapter 214	Unattended Children in Motor Vehicle Safety Act. . . . .	18
<b>ECONOMIC DEVELOPMENT.</b> . . . .		19
Public Chapter 494	Central Business Improvements Districts. . . . .	19
Public Chapter 521	Development Districts. . . . .	19
Public Chapter 524	Convention Center and Tourism Financing.. . . .	20
Public Chapter 569	River Basin Development Authorities.. . . .	20
Public Chapter 593	Convention Center and Tourism Financing.. . . .	20
<b>EDUCATION.</b> . . . .		21
Public Chapter 99	School Resource Officers.. . . .	21
Public Chapter 163	Group Health Insurance. . . . .	21
Public Chapter 212	Closed Hearings.. . . .	21
Public Chapter 302	School District Police Departments.. . . .	21
Public Chapter 341	School Resource Officers.. . . .	22
Public Chapter 367	BEP Review Committee. . . . .	22
Public Chapter 369	Education Funding.. . . .	22
Public Chapter 376	Accountability-Schools/Systems on Probation. . . . .	23
Public Chapter 457	Student Misconduct. . . . .	23
Public Chapter 459	Cooperative Innovative High School Programs.. . . .	24
Public Chapter 475	Funding for Pre-K Pilot Programs.. . . .	24
Public Chapter 548	Schools Against Violence in Education Act. . . . .	24
Public Chapter 557	Eye Examinations for Children. . . . .	25

<b>ELECTIONS.</b>	25
Public Chapter 71	Date of Presidential Preference Primary. . . . . 25
Public Chapter 124	Run-off Elections. . . . . 25
Public Chapter 125	Elections Technical Corrections. . . . . 25
Public Chapter 151	Campaign Finance. . . . . 26
Public Chapter 152	Confidentiality of Absentee Ballot Records. . . . . 26
Public Chapter 190	Vacancies in Judicial Offices. . . . . 26
Public Chapter 325	Disqualification for Public Office. . . . . 27
<b>ENVIRONMENT.</b>	27
Public Chapter 153	Proceeds from Specialty Environmental Plates. . . . . 27
Public Chapter 362	TDEC Fees. . . . . 27
Public Chapter 462	Solid Waste Management. . . . . 27
Public Chapter 559	Open Burning of Wood Waste. . . . . 29
Public Chapter 584	Solid Waste Disposal Planning. . . . . 29
<b>ETHICS &amp; CONFLICTS OF INTEREST.</b>	29
Public Chapter 250	Regional Water/Wastewater Treatment Authority Act. . . 29
Public Chapter 290	Water and Wastewater Treatment Authority Act. . . . . 30
Public Chapter 405	Ethics Policies for Utilities. . . . . 30
<b>FIRE PROTECTION.</b>	31
Public Chapter 145	Fire Protection Services. . . . . 31
Public Chapter 237	Approval of Fire Services Training Materials. . . . . 31
Public Chapter 323	Background Checks on Fire Protection Personnel. . . . . 31
Public Chapter 527	Gender-Friendly Fire Stations. . . . . 31
Public Chapter 567	Firefighter Salary Supplement. . . . . 32
<b>HIGHWAYS.</b>	32
Public Chapter 456	Alternative Fuels. . . . . 32
<b>LAW ENFORCEMENT.</b>	32
Public Chapter 7	Motor Vehicles. . . . . 32
Public Chapter 28	False Identification Cards. . . . . 32
Public Chapter 46	Jails-Escape. . . . . 33
Public Chapter 56	Automated Victim Notification System. . . . . 33
Public Chapter 73	Alcoholic Beverages-Investigations. . . . . 33
Public Chapter 77	DNA Testing - Sexual Offenders. . . . . 33
Public Chapter 103	Presenting a False Claim for Payment to TennCare. . . . . 33
Public Chapter 106	Property Seizure by Campus Police. . . . . 33
Public Chapter 126	Sexual Offenders-Report of Material Changes. . . . . 34
Public Chapter 129	Firearms and Ammunition. . . . . 34
Public Chapter 134	Photographing Juveniles. . . . . 34
Public Chapter 139	Motor Vehicle Accident Reports. . . . . 34
Public Chapter 154	HIV Screening for Pregnant Women. . . . . 35
Public Chapter 158	Sexual Offenders. . . . . 35
Public Chapter 165	Enforcement of Federal Immigration Laws by THP. . . . . 35
Public Chapter 200	Juvenile Offenders-Notification of School Officials. . . . . 36
Public Chapter 209	Jails-Indecent Exposure. . . . . 36
Public Chapter 210	Use of Deadly Force. . . . . 36
Public Chapter 225	DNA and Genetic Testing. . . . . 37
Public Chapter 240	Disabled Drivers and Passengers. . . . . 37

Public Chapter 242	Transportation of Illegal Aliens into the State.....	37
Public Chapter 257	HIV Testing.....	38
Public Chapter 259	Law Enforcement Training.....	38
Public Chapter 262	Sexual Offenders-Incest.....	38
Public Chapter 298	Controlled Substances.....	38
Public Chapter 302	School District Police Department.....	38
Public Chapter 314	Juveniles Offenders-Notification of School Officials. . . .	38
Public Chapter 318	TEMA Handgun Carry.....	39
Public Chapter 341	School Resource Officers.....	39
Public Chapter 348	Orders of Protection.....	39
Public Chapter 355	Impersonation of Law Enforcement Officer.....	39
Public Chapter 412	Unlawful Carrying or Possession of a Weapon.....	40
Public Chapter 428	Revised Uniform Anatomical Gifts Act.....	40
Public Chapter 451	Sexual Offenders-Registration.....	40
Public Chapter 465	Sexual Offenders-Registration.....	41
Public Chapter 479	Towing and Wrecker Service.....	41
Public Chapter 481	Child Helmet Law.....	41
Public Chapter 501	Offense of Rape of a Child.....	41
Public Chapter 510	Criminal Offenses Against Animals.....	42
Public Chapter 511	Forensic Medical Examinations.....	42
Public Chapter 525	Child Sexual Predators.....	42
Public Chapter 526	Locksmith Licensing Act of 2006.....	42
Public Chapter 528	Sexual Offenders-Probation and Parole.....	43
Public Chapter 531	Sexual Offenders-Registration Information.....	43
Public Chapter 567	Police Salary Supplement.....	43
Public Chapter 586	Jail Booking Fee.....	43
	Forfeitures.....	43
	Board of Probation and Parole - Handgun Carry.....	44
Public Chapter 594	Use of Firearm/Deadly Weapon in Commission of Felony	44
Public Chapter 594	Statute of Limitations.....	44
Public Chapter 594	Sexual Offenders-Statutory Rape by Authority Figure. . .	45
Public Chapter 594	Statutory Rape.....	45
<b>PERSONNEL.....</b>		<b>45</b>
Public Chapter 184	County Officials Certificate Training Program.....	45
	Cafeteria Plans.....	45
Public Chapter 220	Form of Identification/Proof of Immigration Status. . . .	45
Public Chapter 312	Employer Responsibility for Withholding Child Support.	46
Public Chapter 360	Reservist Military Leave.....	46
Public Chapter 470	County Officials Minimum Compensation.....	46
Public Chapter 473	County Officials Certificate Training Program.....	46
Public Chapter 513	Unemployment Compensation Benefits.....	47
Public Chapter 587	Background Checks - Schools and Child Care.....	47
<b>PLANNING &amp; ZONING.....</b>		<b>47</b>
Public Chapter 76	Digital Billboards.....	47
Public Chapter 246	Regional Planning Commissions - Housing.....	48
Public Chapter 253	Regional Planning Commissions - Members.....	48
Public Chapter 426	Tennessee Regional Megasite Authority Act of 2007. . . .	48

<b>PURCHASING</b> .....	48
Public Chapter 122	Sale of Surplus Property. .... 48
Public Chapter 135	Bid Limit Increase. .... 49
Public Chapter 201	Construction Contracts - Retainage..... 49
Public Chapter 383	Purchase of Used or Secondhand Goods..... 49
<b>RECORDS</b> .....	50
Public Chapter 152	Confidentiality of Absentee Ballot Records. .... 50
Public Chapter 178	Confidentiality of Records - Critical Incident Counseling.50
Public Chapter 363	The Rosa Parks Act..... 50
Public Chapter 425	Personnel Records. .... 50
Public Chapter 476	Child Abuse/Child Sexual Abuse Confidential Records.. 51
<b>REGISTER OF DEEDS</b> .....	52
Public Chapter 116	Property - Scrivener’s Error Affidavits. .... 52
Public Chapter 137	Property - Plats..... 52
Public Chapter 180	Transfers of Real Estate to a Revocable Living Trust. . . . 52
Public Chapter 189	Lien Procedures for Improvements. .... 52
Public Chapter 192	Auctioneers. .... 53
Public Chapter 420	Uniform Real Property Electronic Recording Act..... 53
<b>RETIREMENT</b> .....	53
Public Chapter 131	Unfunded Pension Obligations-GO Bonds. .... 53
Public Chapter 184	Employment as K - 12 School Bus Driver..... 54
	Withholding Insurance Premiums for Retirees. .... 54
	Pre-Funding Non-Pension Post-Employment Benefits. . . . 54
Public Chapter 488	Group 1 Retirement - Supplemental Bridge Benefit. . . . 54
<b>TAXES</b> .....	55
Public Chapter 58	Tax Receivables..... 55
Public Chapter 368	Cigarette Tax. .... 56
Public Chapter 500	Local Tourism Development Zone Business Tax Act.... 56
Public Chapter 507	Sales Tax Exemption for Online Farmer’s Markets. . . . 56
Public Chapter 534	Sales and Use Tax. .... 57
Public Chapter 600	Sales Tax. .... 57
Public Chapter 602	Taxes. .... 57
<b>TAXES – PROPERTY</b> .....	58
Public Chapter 37	Amending Tangible Personal Property Schedules..... 58
Public Chapter 38	Reporting Deadline for Tangible Personal Property. . . . 58
Public Chapter 51	Revising Deadlines for Direct Appeals of Assessment. . . 58
Public Chapter 66	Local Approval of Property Tax Exemption. .... 58
Public Chapter 132	Property Tax Reporting Deadlines..... 59
Public Chapter 133	Appeal Requirements - Property Tax Appeals..... 59
Public Chapter 179	Correction of Forced Assessments..... 59
Public Chapter 256	Appeals to State Board of Equalization-Processing Costs.60
Public Chapter 292	Amended Personal Property Schedule..... 60
Public Chapter 292	Religious Use Exemption. .... 60
Public Chapter 332	Property Assessments Appeals. .... 61
Public Chapter 449	Reporting Requirements for Corporation Lessees..... 61
Public Chapter 514	Assessment of Open Space Easement. .... 61
Public Chapter 581	Property Tax Freeze Act. .... 62

Public Chapter 539	Property Tax Relief for Elderly Low-Income. . . . .	64
Public Chapter 553	Property Tax Relief for Disabled Veterans. . . . .	65
<b>UTILITIES</b> .....		65
Public Chapter 74	Utility Districts Commissioners - Compensation. . . . .	65
Public Chapter 86	Water - Boards.....	65
	Treatment Authorities. . . . .	65
Public Chapter 164	Utilities/Telecommunications. . . . .	65
Public Chapter 218	Utilities-Underground Utility Damage Prevention Act. . .	66
Public Chapter 243	Unaccounted for Water Loss. . . . .	66
Public Chapter 263	Energy Acquisition Corporations.....	66
<b>WORKERS' COMPENSATION</b> .....		66
Public Chapter 300	Death Benefits & Second Injury Fund.....	66
<b>PART II – PUBLIC ACTS OF LOCAL APPLICATION</b> .....		68
<b>ANDERSON</b> .....		68
Public Chapter 282	Issuance of Birth Certificates by County Clerks. . . . .	68
Public Chapter 520	Sales and Use Tax. . . . .	68
<b>BRADLEY</b> .....		68
Public Chapter 374	Bradley County Forensic Laboratory-Collection of Fees..	68
<b>CARROLL</b> .....		69
Public Chapter 146	Litigation Tax.....	69
<b>CHEATHAM</b> .....		69
Public Chapter 146	Litigation Tax.....	69
<b>DAVIDSON</b> .....		70
Public Chapter 141	Zoning - Special Provisions.....	70
Public Chapter 282	Issuance of Birth Certificates by County Clerks. . . . .	70
Public Chapter 422	Convention Center.....	70
Public Chapter 455	Alternative Schools Pilot Project.....	71
Public Chapter 461	Convention Center.....	71
Public Chapter 491	Teacher Dismissal Hearings.....	71
<b>DECATUR</b> .....		71
Public Chapter 98	Property Valuation Appeals.....	71
<b>DEKALB</b> .....		72
Public Chapter 107	Emergency Medical Services.....	72
Public Chapter 258	Alcoholic Beverages. . . . .	72
<b>FAYETTE</b> .....		72
Public Chapter 521	Memphis Area Association of Governments.....	72
<b>GRUNDY</b> .....		72
Public Chapter 203	Alcoholic Beverages. . . . .	72
Public Chapter 275	Juvenile Court Clerks.....	73
<b>HAMBLEN</b> .....		73
Public Chapter 282	Issuance of Birth Certificates by County Clerks. . . . .	73
<b>HAMILTON</b> .....		73
Public Chapter 111	Property Valuation Appeals.....	73
Public Chapter 282	Issuance of Birth Certificates by County Clerks. . . . .	73
<b>HARDEMAN</b> .....		74
Public Chapter 67	Child Curfew Law. . . . .	74



Public Chapter 586	Child Curfew Law. . . . .	74
<b>HARDIN.</b>		74
Public Chapter 107	Emergency Medical Services. . . . .	74
<b>HENDERSON.</b>		74
Public Chapter 107	Emergency Medical Services. . . . .	74
<b>HUMPHREYS.</b>		75
Public Chapter 602	Tennessee River Resort District. . . . .	75
<b>JOHNSON.</b>		75
Public Chapter 107	Emergency Medical Services. . . . .	75
<b>KNOX.</b>		75
Public Chapter 282	Issuance of Birth Certificates by County Clerks. . . . .	75
<b>LAUDERDALE.</b>		75
Public Chapter 521	Memphis Area Association of Governments. . . . .	75
<b>MADISON.</b>		76
Public Chapter 50	Community Redevelopment Act of 1998. . . . .	76
<b>MARSHALL.</b>		76
Public Chapter 107	Emergency Medical Services. . . . .	76
<b>MORGAN.</b>		76
Public Chapter 107	Emergency Medical Services. . . . .	76
<b>ROANE.</b>		76
Public Chapter 415	Sale of Surplus Property. . . . .	76
<b>SCOTT.</b>		77
Public Chapter 448	All Terrain Vehicles. . . . .	77
<b>SEVIER.</b>		77
Public Chapter 227	Heliports. . . . .	77
<b>SHELBY.</b>		77
Public Chapter 39	Appointment of Fire Chief. . . . .	77
Public Chapter 55	Emergency Communications District. . . . .	77
Public Chapter 107	Emergency Medical Services. . . . .	77
Public Chapter 161	Regulation by State Ethics Commission. . . . .	78
Public Chapter 279	Fees Related to Driver License Suspensions. . . . .	78
Public Chapter 282	Issuance of Birth Certificates by County Clerks. . . . .	78
Public Chapter 521	Memphis Area Association of Governments. . . . .	78
Public Chapter 492	Alcoholic Beverages–On-premises Consumption. . . . .	79
Public Chapter 550	Environmental Courts. . . . .	79
<b>STEWART.</b>		79
Public Chapter 602	Tennessee River Resort District. . . . .	79
<b>SULLIVAN.</b>		79
Public Chapter 146	Litigation Tax. . . . .	79
<b>TIPTON.</b>		80
Public Chapter 282	Issuance of Birth Certificates by County Clerks. . . . .	80
Public Chapter 521	Memphis Area Association of Governments. . . . .	80
<b>UNICOI.</b>		80
Public Chapter 146	Litigation Tax. . . . .	80
Public Chapter 282	Issuance of Birth Certificates by County Clerks. . . . .	80
<b>UNION.</b>		81
Public Chapter 275	Juvenile Court Clerks. . . . .	81

<b>WAYNE.</b>		81
Public Chapter 107	Emergency Medical Services.	81
<b>PART III – PRIVATE ACTS.</b>		82
<b>BRADLEY.</b>		82
Private Chapter 7	Bradley County Memorial Hospital.	82
Private Chapter 29	Bid Limits.	82
<b>COCKE.</b>		82
Private Chapter 44	Recreation Department.	82
<b>GIBSON.</b>		82
Private Chapter 59	Gibson County Special School District.	82
Private Chapter 60	Gibson County Special School District.	83
<b>HAMILTON.</b>		83
Private Chapter 55	Purchasing.	83
<b>HAWKINS.</b>		83
Private Chapter 9	Planning Commission Compensation.	83
Private Chapter 10	Bid Limits.	83
<b>HENRY.</b>		84
Private Chapter 54	Paris Special School District.	84
<b>MARSHALL.</b>		84
Private Chapter 61	Adequate Facilities Tax.	84
<b>MAURY.</b>		84
Private Chapter 26	Sheriff’s Civil Service Law.	84
Private Chapter 48	Human Resources Law.	84
<b>MEIGS.</b>		85
Private Chapter 28	Meigs County Financial Management Act.	85
<b>ROANE.</b>		85
Private Chapter 1	Re-designation of County Mayor.	85
Private Chapter 25	Mineral Severance Tax.	85
Private Chapter 51	Public Utilities Board.	85
<b>ROBERTSON.</b>		86
Private Chapter 2	Re-designation of County Executive.	86
<b>RUTHERFORD.</b>		86
Private Chapter 53	Administration and Purchasing.	86
<b>SEVIER.</b>		86
Private Chapter 12	Hotel/Motel Tax.	86
<b>WAYNE.</b>		86
Private Chapter 4	Re-designation of County Mayor.	86
Private Chapter 18	Sale of Surplus Highway Property.	86
<b>WEAKLEY.</b>		87
Private Chapter 43	Jurisdiction of General Sessions Court.	87
<b>WILLIAMSON.</b>		87
Private Chapter 34	Franklin Special School District Bonds.	87
<b>WILSON.</b>		87
Private Chapter 22	Exceptions to Adequate Facilities Tax.	87
Private Chapter 46	Division III, Court of General Sessions.	87

## **PART I – PUBLIC ACTS OF GENERAL APPLICATION**

### **ADULT-ORIENTED ESTABLISHMENTS**

#### **Public Chapter 541**

##### **Location of Adult-Oriented Businesses.**

SB 1263 (Burchett) HB 1678 (Montgomery)

Enacts 7-51-1407 to provide that adult-oriented establishments cannot be located within 1000 feet of child care facilities, public/private charter schools, public parks, residences or places of worship. Amends 7-51-1406 to provide that ordinances, regulations, restrictions or licenses lawfully issued or adopted prior to this act are not preempted.

Effective July 1, 2007.

### **ALCOHOLIC BEVERAGES**

#### **Public Chapter 342**

##### **Alcoholic Beverages - Special Occasion License.**

SB 1223 (Cooper) HB 1529 (Odom)

Amends 57-4-102(30)(D) to create an additional exemption under the special occasion license exemption for a bona-fide 501(c)(3) charitable organization which has been in continuous operation for at least 20 years and which has an annual budget of at least \$1,000,000. Such special occasion license authorizes the sale of wine in closed containers for consumption on or off the premises notwithstanding the restrictions of 57-4-203. Licensees under 57-3-202, 57-3-203, 57-3-204, 57-3-207, 57-3-605 or 57-4-101 may donate wine to an organization holding this special occasion license for events. Any resident of Tennessee may donate brands of wine registered under to 57-3-301 to an organization holding such special occasion license for sale or consumption at an organization event.

Effective June 5, 2007.

#### **Public Chapter 433**

##### **Alcoholic Beverages - Wineries.**

SB 1807 (Ketron) HB 2120 (Litz)

Amends 57-3-207(f)(6) and (h) to revise the exemption from volume restrictions for on-premises wine sales by wineries, applying the exemption to sales of wine 50 percent made from Tennessee "agricultural products." Revises the authorization for wineries to sell other items on-premises to include "other gift, tourism, or wine related items" as defined by state regulations.

Effective June 18, 2007.

## **ANIMAL CONTROL**

### **Public Chapter 128**

#### **Animal Cruelty Prosecutions.**

SB 1190 (Black) HB 914 (Maggart)

Amends 39-14-210(g) to provide if a court determines a person indigent who is requested to post security for the care of an animal pending the disposition of criminal charges, the court may suspend the posting of security. If a person from whom an animal is seized is the owner of the animal and does not post required security within 15 business days following the issuance of a security order, the animal will be deemed to have been abandoned and be forfeited. If the person from whom an animal was seized is not the owner of the animal and does not post the court-ordered security within 15 days, the court shall order the animal control agency to make all reasonable efforts to determine the owner of the animal and notify the owner of the proceeding. If the owner of the animal cannot be located or the owner is located and notified but does not post, within 10 business days, the court-ordered security plus the costs reasonably incurred by the animal control agency for housing and caring for the animal since its seizure, the animal shall be deemed to have been abandoned and be forfeited.

Effective July 1, 2007.

### **Public Chapter 276**

#### **Civil Liability for Dog Owners.**

SB 143 (Jackson) HB 108 (Shepard)

Amends Title 44, Chapter 8, Part 4 to enact the “Dianna Acklen Act of 2007.” Imposes civil liability on dog owners for injuries caused by the dog. Provides exception for military and police dogs.

Effective July 1, 2007.

### **Public Chapter 466**

#### **Intentional Killing of Certain Animals.**

SB 172 (McNally) HB 35 (Hackworth)

Amends 39-14-205(a) to provide that in determining the value of a police dog, fire dog, search and rescue dog, guide dog or police horse under 39-14-105, the court shall consider the value of the police dog, fire dog, search and rescue dog, service animal or police horse as both the cost of the animal and any specialized training such animal received.

Effective July 1, 2007.

**Public Chapter 533**

**Dogs Roaming at Large.**

SB 140 (Jackson) HB 107 (Shepard)

Amends 44-8-409 to enhance the punishment for persons who allow a dog to roam at large.

Effective July 1, 2007.

**Public Chapter 535**

**Animal Cruelty Prosecutions.**

SB 637 (Marrero) HB 422 (Briley)

Amends 39-14-202 to create new offense for persons who cause bodily injury to dogs by knowingly tying, tethering or restraining them.

Effective July 1, 2007.

**Public Chapter 555**

**Animal Fighting.**

SB 136 (Henry) HB 255 (Odom)

Amends 39-14-203 to add swine to the list of animals covered by the cock and animal fighting prohibition.

Effective July 1, 2007.

**Public Chapter 556**

**Dogs Roaming at Large.**

SB 139 (Jackson) HB 106 (Shepard)

Amends 44-8-408 to enhance the punishment for the offense of owning a dog running at large. Provides staggered punishments for depending upon the amount of damage or injury to another caused by the dog at large. Provides exception for military and police dogs.

Effective July 1, 2007.

**COUNTY CLERKS**

**Public Chapter 17**

**License Plates.**

SB 1673 (Ramsey) HB 279 (Mumpower)

Amends 55-4-202 to provide for redesign of "honorary consul" plates, but holders of these plates need not exchange them for the new design until expiration of their registration.

Effective July 1, 2007.

**Public Chapter 32**

**Penalty for Unauthorized Use of Disabled Parking Space.**

SB 263 (Haynes) HB 227 (Moore)

Amends 55-21-108 to increase the fine from \$100 to \$150 for illegally parking in any parking space designated with the wheelchair disabled sign.

Effective July 1, 2007.

**Public Chapter 63**

**License Plates.**

SB 0090 (Cooper) HB 215 (Odom)

Amends Title 55, Chapter 4, to authorize trauma nurses to receive emergency license plates upon submission of certification from a trauma center or emergency room and payment of all applicable fees.

Effective April 30, 2007.

**Public Chapter 112**

**Handicapped Placard Requirements.**

SB 2029 (Johnson) HB 1729 (Johnson P.)

Amends 55-21-103(f) to exempt persons with a permanent disability from furnishing a physician's statement upon renewal of a handicapped placard or tag.

Effective July 1, 2007.

**Public Chapter 142**

**Optional Trailer Registration Fee.**

SB1850 (Black) HB1219 (McDonald)

Amends 55-4-111 and 55-4-211 to allow the owner of a privately owned trailer that is not required to be registered to register the trailer for a fee of \$9.50. Amends 55-4-209 to make personalized plates available for such trailers for an additional fee of \$50, with the proceeds to be used to fund public horseback riding trails.

Effective July 1, 2007.

**Public Chapter 194**

**Issuance of Driver Licenses.**

SB 1968 (Kyle) HB 1827 (Mike Turner)

Amends Title 55 to remove provisions for certificates for driving and authorize issuance of a temporary driver license, temporary intermediate driver license, temporary photo identification, or temporary learner permit to persons whose presence in the United States has been authorized by the federal government.

Effective October 1, 2007 (May 21, 2007 for promulgation of regulations).

**Public Chapter 205**

**Notary Public - Change of Name.**

SB 650 (Henry) HB 1385 (Jones S.)

Amends 8-16-109 to require a notary public to report a change of name to the county clerk and pay \$7.00 fee in the same manner as reporting a change of address.

Effective July 1, 2007.

**Public Chapter 240**

**Disabled Drivers and Passengers.**

SB 889 (Ketrone) HB 365 (Rowland)

Amends 55-21-105(a) to provide that only disabled drivers, disabled passengers, and qualified operators acting under express direction of disabled persons who are present as passengers are allowed to use disabled parking spaces.

Effective July 1, 2007.

**Public Chapter 254**

**Notary Public - Approval of Bond.**

SB 651 (Henry) HB 1384 (Jones S.)

Amends 8-16-104(a) to remove any requirement that the corporate surety bond for a notary public be approved by the county legislative body. Personal sureties must still be approved by the county legislative body.

Effective July 1, 2007.

**Public Chapter 289**

**Motor Vehicle Titling and Registration.**

SB 1480 (Burchett) HB 2117 (Tidwell)

Amends 55-3-103(e) to allow a person to apply for a certificate of title to a vehicle lacking proper documentation if the vehicle is at least 30 years old and the person submits a certificate of ownership signed under penalty of perjury on a form prescribed by the department.

Effective July 1, 2007.

**Public Chapter 484**

**Motor Vehicle Titling and Registration.**

SB 2222 (Kyle) HB 2271 (Odom)

Amends numerous sections of Title 55 to implement the transfer of responsibilities for titling and registration from the department of safety to the department of revenue. Makes numerous procedural changes to titling and registration laws, including authorizing a motor vehicle dealer to sign applications on behalf of the owner if the owner has signed a power of attorney; for salvage vehicles, allows the "person rebuilding or having a motor vehicle rebuilt" to apply for a title; retired or honorably discharged military personnel do not need to submit proof of status at renewal; a dealer's license can be revoked

for possession of executed certificate of title without the transferee's name appearing on it, for issuance of more temporary plates than allowed by law, or for failure to maintain records of issuance of temporary plates; strengthens provisions regarding confidentiality of records; removes requirement of notification of owner in multiple vehicle loan assignments; and increases the number of dealer plates a dealer may receive in one year from 125 to 325.

Effective June 21, 2007.

**Public Chapter 601**

**Antique Motor Vehicles.**

SB 1486 (Burchett) HB 2115 (Tidwell)

Amends 55-4-111(b) to allow owners of antique motor vehicles to register a license plate issued by the state of Tennessee from the era when the vehicle was manufactured instead of obtaining new license plates.

Effective July 1, 2007.

**Public Chapter 604**

**Specialty License Plates.**

SB 1028 (Tracy) HB 1207 (Pinion)

Amends Title 55, Chapter 4, Part 2, to authorize several new specialty license plates, to extend the time for meeting the minimum issuance requirements for other specialty plates, and to change the distribution of the proceeds of others.

Effective July 1, 2007 for most sections.

**COUNTY GOVERNMENT**

**Public Chapter 3**

**Re-designation of County Mayor.**

SB 659 (Burchett) HB 598 (Eldridge)

Amends 5-6-101 to remove the authority of county governments to re-designate county mayors as county executives by private act. Private acts enacted prior to this act will remain in effect.

Effective March 28, 2007.

**Public Chapter 129**

**Firearms and Ammunition.**

SB 1597 (Norris) HB 1285 (Crider)

Amends 58-2-107 to prohibit the state, any political subdivision, or any public official from prohibiting or imposing additional restrictions on the lawful possession, transfer, sale, transport, carrying, storage, display, or use of firearms and ammunition or



firearm and ammunition components during any state of emergency, major disaster or natural disaster.

Effective May 10, 2007.

**Public Chapter 206**

**Local Government Instances of Fraud Reporting Act.**

SB 2053 (McNally) HB 1469 (Fitzhugh)

Amends Title 8, Chapter 4 to enact the "Local Government Instances of Fraud Reporting Act." Requires a public official with knowledge that a theft, forgery, credit card fraud or other unlawful taking of public money to report such information to the comptroller of the treasury in a reasonable amount of time, but not more than 5 working days. Removes liability for civil or criminal action against any public official acting in good faith by reporting such information, unless the reporting official also benefitted from the conduct.

Effective May 22, 2007.

**Public Chapter 207**

**Interlocal Agreements.**

SB 2057 (McNally) HB 1472 (Fitzhugh)

Amends 12-9-112 to require the local government joint venture entity, rather than the local government entities creating the joint venture by interlocal agreement, to report the entity's revenues and expenses to the comptroller.

Effective May 21, 2007.

**Public Chapter 325**

**Disqualification for Public Office.**

SB 1264 (Burchett) HB 1874 (Buck)

Amends 40-20-114 to prohibit state and local elected officials from seeking elected state or local office after conviction of a state or federal felony related to public service, even if citizenship status is later restored.

Effective July 1, 2007.

**Public Chapter 389**

**Port Authorities.**

SB 2309 (Herron) HB 2300 (Maddox)

Amends 7-87-108 to authorize counties and other forms of local government to acquire any interest in land within the boundaries of the local government by gift, purchase, lease or condemnation and to transfer that interest to any port authority by sale, lease or gift.

Effective June 8, 2007.

**Public Chapter 410**

**Non-Smoker Protection Act.**

SB 1325 (Tracy) HB 1851 (Bone)

Amends Title 39, Chapter 17, to prohibit smoking in any enclosed area of any place to which the public is invited or in which the public is permitted and in any enclosed area under the control of a public or private employer that employees normally frequent during the course of employment including private offices and vehicles. Requires "No Smoking" signs or the international "No Smoking" symbol be clearly and conspicuously posted at every entrance to every public place and place of employment where smoking is prohibited by the act by the owner, operator, manager, or other person in control of that place.

Effective October 1, 2007.

**Public Chapter 460**

**Home Improvement Contractors Licensing Act.**

SB 1728 (Ketrone) HB 1006 (Curtiss)

Enacts 62-6-501 *et seq.*, providing for the licensing and regulation of home improvement contractors by the state board for licensing contractors. Allows some counties to opt out by 2/3 vote.

Effective July 1, 2007.

**Public Chapter 529**

**Employing Illegal Aliens.**

SB 202 (Ketrone) HB 729 (Hood)

Amends 50-1-103 to create an administrative procedure for revoking the business license of a business that knowingly employs an illegal alien. Requires any state or local governmental agency, officer, employee or entity who has reason to believe a violation has occurred to file a complaint with the Department of Labor and Workforce Development.

Amends Title 50, Chapter 1, Part 1 to authorize the legislative body of a county or city, or the chief law enforcement officer of the county upon approval of the governing legislative body, to enter into a written agreement between the county or city and the U.S. Department of Homeland Security to enforce federal immigration laws including, if applicable, federal laws relating to employment of illegal aliens. Also authorizes designation of local law enforcement officers for training pursuant to the memorandum of understanding. The training must be funded through a federal funding source.

Effective January 1, 2008.

**Public Chapter 582**

**Codes Inspector Certification.**

SB 1018 (Tracy) HB 1481 (Matheny)

Enacts 68-120-118 to require all persons employed by state or local governments as inspectors to enforce plumbing, mechanical and fuel

gas codes to be certified by the state fire marshal. Inspectors hired after July 1, 2008 have up to 12 months from their date of employment to obtain certification; those who were already employed on July 1, 2008, are deemed to meet the certification requirements for 3 years from the date of certification, but will have to meet the requirements upon re-certification at the end of the initial 3 years. All certifications must be renewed every 3 years. The state fire marshal is directed to issue rules and regulations regarding standards and qualifications for certification, as well as a form application for certification.

Effective July 1, 2008 (effective June 28, 2007 for rulemaking).

## **Public Chapter 595**

### **Litter Control.**

SB 1265 (Burchett) HB 1877 (Towns)

Amends Title 39, Chapter 14, Part 5 to rewrite criminal offense provisions for littering. Creates Class C misdemeanor offense of mitigated criminal littering, Class B misdemeanor offense of criminal littering, and Class A misdemeanor offense of aggravated criminal littering. A person convicted of mitigated criminal littering shall be required to remove litter from the state or local highway system, public playgrounds, public parks or other appropriate public locations for not more than 40 hours and may also be required to work in a recycling center or other appropriate location for any stated period of time not to exceed 8 hours. A person convicted of criminal littering shall be required to remove litter from the state or local highway system, public playgrounds, public parks or other appropriate public locations for not more than 80 hours and may also be required to work in a recycling center or other appropriate location for any stated period of time not to exceed 8 hours. A person convicted of aggravated criminal littering shall be required to remove litter from the state or local highway system, public playgrounds, public parks or other appropriate public locations for not more than 160 hours and may also be required to work in a recycling center or other appropriate location for any stated period of time not to exceed 8 hours. County legislative bodies may, by resolution, impose regulations for litter control, including the placing, dropping, throwing, collection and storage of garbage, litter, refuse and rubbish on public or private property. The regulations promulgated by a county may require property owners to conform their property to the regulations by removal of garbage, litter, refuse or rubbish. Requires the county to send a statement to the owner itemizing the cost of the removal and provides that the statement shall constitute a lien upon the property if the owner fails to reimburse the county for the cost of the removal within 60 days, sets out the priority of the lien when filed, and specifies that the lien shall be filed with the register of deeds of the county in which the property lies. The full resolution, or

the caption and a complete summary of the resolution, must be published after its final passage in a newspaper of general circulation in the county and the resolution cannot take effect until it is published. All law enforcement agencies, officers, and officials of the state or any political subdivision or any enforcement agency, officer, or any official of any commission or authority of the state or any political subdivision is authorized, empowered, and directed to enforce this law. All proceeds from the fines imposed under this law shall be deposited in the general fund of the county where the offense occurred and designated for county operating costs with preference given to litter prevention programs and education such as those conducted by Keep America Beautiful. Contains reward provisions for persons reporting information that leads to the apprehension and conviction of a person for littering, and specifies that the reward will be paid by the county where the offense occurred from the proceeds of the mandatory fines collected under the provisions of the law. In counties with an environmental court designated pursuant to Chapter 426 of the Public Acts of 1991, such courts shall exercise exclusive general sessions jurisdiction over this part.

Effective July 1, 2007.

## **COURTS & COURT CLERKS**

### **Public Chapter 4**

#### **Commencement of Juvenile Cases.**

SB 807 (Woodson) HB 1497 (Coleman)

Amends 40-2-104 to provide that for the purpose of determining a limitation on bringing an action, a juvenile proceeding is considered to have been commenced when a petition is issued alleging a delinquent act.

Effective March 28, 2007.

### **Public Chapter 8**

#### **Probate Law.**

SB 1599 (Norris) HB 417 (Coleman)

Amends several statutes in Titles 30, 32, 34, 35 and 56 to make various refinements to statutes pertaining to probate, estate administration, wills, guardians and conservators, uniform transfers to minors, trusts, life insurance, and taxes.

Effective March 28, 2007.

**Public Chapter 13**

**Spouses Elective Share.**

SB 1598 (Norris) HB 418 (Coleman)

Amends 31-4-101 and 31-4-102 to modify provisions regarding the determination of the elective share of a spouse and the value of the net estate.

Effective July 1, 2007.

**Public Chapter 22**

**Grandparent Visitation.**

SB 1388 (Haynes) HB 1031 (DeBerry, J.)

Amends 36-6-306 to authorize petitions for grandparent visitation to be presented in general sessions courts with domestic relations jurisdiction or juvenile courts in matters involving children born out of wedlock.

Effective July 1, 2007.

**Public Chapter 24**

**Trusts.**

SB 1046 (Finney, L.) HB 1622 (Overbey)

Makes numerous revisions to provisions of the Tennessee Uniform Trust Code found in Title 35 with regard to the duties of trustees and the administration of charitable trusts.

Effective April 12, 2007.

**Public Chapter 26**

**Records of Guardianships and Conservatorships.**

SB 189 (Stanley) HB 734 (McManus)

Amends 34-1-107 and 34-1-109 to delete the requirement that an order appointing a guardian ad litem include the respondent's social security number. Deletes language requiring such number to be given to the clerk to be placed in the court record and used in the issuance of letters of guardianship or conservatorship. Provides that the court may release the social security number to a third party upon good cause shown and upon conditions the court determines appropriate.

Effective July 1, 2007.

**Public Chapter 32**

**Increase in Fine for Disabled Parking Violations.**

SB 263 (Haynes) HB 227 (Moore)

Amends 55-21-108 to increase the fine for unauthorized use of a disabled parking space from \$100 to \$150.

Effective July 1, 2007.

**Public Chapter 108**

**Bail Revocation.**

SB 730 (Finney) HB 2097 (Maddox)

Amends Title 40, Chapter 35, Part 1 to add offenses of rape, statutory rape by authority figure, and aggravated child abuse to list of offenses for which the judge must revoke bail immediately upon conviction.

Effective July 1, 2007.

**Public Chapter 138**

**Paternity and Legitimation.**

SB 800 (Burchett) HB 776 (Vaughn)

Amends 36-2-313 to require orders of parentage to include a requirement that a person confirmed as the father of the child pay a sum equal to the costs of fees charged by the department of health for the issuance of a birth certificate.

Effective July 1, 2007.

**Public Chapter 143**

**Municipal Courts and Municipal Ordinances.**

SB 1670 (Jackson) HB 1329 (Briley)

Enacts 55-10-307 to provide that any incorporated municipality may by ordinance adopt, by reference, any appropriate provisions of 55-8-101 – 55-8-180, 55-10-101 – 55-10-310, 55-50-301, 55-50-302, 55-50-304, 55-50-305, 55-50-311, 55-10-312, and 55-12-139, and may adopt additional regulations for the operation of vehicles within the municipality not in conflict with such sections. All fines, penalties, and forfeitures of bonds imposed or collected under the terms of 55-50-311 and 55-50-312, must be paid over to the appropriate state agency as provided in 55-50-604.

Provides that certain enumerated offenses are state offenses and any person arrested for any such offense will be tried exclusively in state courts or courts having state jurisdiction. Existing ordinances regulating the enumerated offenses are declared void and of no effect. The enumerated offenses are: (1) driving while intoxicated or drugged, as prohibited by 55-10-401; (2) failing to stop after a traffic accident, as prohibited by part 1 of chapter 55; (3) driving while license suspended or revoked, as prohibited by 55-50-504; (4) drag racing, as defined and prohibited by 55-10-501; and (5) possession of 5 or more grams of methamphetamine while operating a motor vehicle in this state. A motor vehicle is in operation if its engine is operating, whether or not the motor vehicle is moving.

Effective May 10, 2007.

**Public Chapter 167**

**Criminal Contempt.**

SB 1760 (Kyle) HB 1566 (DeBerry L.)

Amends 40-24-105 to allow a trial court to enforce orders assessing criminal fines that are in default as criminal contempt. Requires the court to conduct a hearing to determine if the person has the ability to pay.

Effective May 15, 2007.

**Public Chapter 171**

**Authorized Uses for Restricted Driver License.**

SB 294 (Burchett) HB 238 (Overbey)

Amends 55-10-403 and 55-50-502 to expand the circumstances under which a person with a restricted license may drive to include driving to and from the office of the person's probation officer or similar location for the sole purpose of attending a meeting or other function with the probation officer, and traveling to and from the person's regular place of worship for regularly scheduled religious services.

Effective May 15, 2007.

**Public Chapter 176**

**Exemptions from Garnishment.**

SB 710 (Stanley) HB 1505 (Fitzhugh)

Amends 26-2-105 to add Archer Medical Savings Accounts and Health Savings Accounts, as authorized under federal law, to funds which are exempt from execution and garnishment.

Effective May 16, 2007.

**Public Chapter 187**

**Domestic Relations.**

SB 942 (Burks) HB 2098 (Maddox)

Amends 36-4-106, 36-5-101, and 36-6-108. Provides that when a divorce complaint is filed, the filing party separately files a document under seal with the names, social security numbers, mailing addresses and dates of birth of the husband, wife and children. This document is kept in a separate envelope and is only available for purposes authorized in the statute. Applies the temporary injunctions in divorce cases to divorces where the sole ground is irreconcilable differences. Adds a new temporary injunction that prohibits destroying electronic evidence. With regard to orders of paternity or support, requires filing social security numbers and date and place of birth information in a sealed envelope with such information available for limited purposes by the clerk or the department of human services or other agency required by law to have access to the information. Provides for deduction of capital losses from capital gains in determining the party's income for the purpose of applying child support guidelines. Specifies that either parent in a parental relocation matter is

authorized to recover attorney's fees and litigation expenses in the court's discretion.

Effective July 1, 2007.

**Public Chapter 239**

**Bail Bonds.**

SB 885 (Ketron) HB 362 (Rowland)

Amends 40-11-130 to specify the effects of disposition of criminal case on duration of bond.

Effective May 24, 2007.

**Public Chapter 241**

**Bad Checks.**

SB 936 (Burks) HB 592 (Fincher)

Amends 47-29-101(a) to apply the inferred intent provision of 39-14-121 to the civil provisions governing bad checks.

Effective May 24, 2007.

**Public Chapter 248**

**Removal of Motor Vehicles.**

SB 1624 (Finney R.) HB 968 (Overbey)

Amends 55-5-122(a) to authorize municipal courts to order the removal of a motor vehicle located on private property.

Effective May 24, 2007.

**Public Chapter 255**

**Failure to Appear.**

SB 459 (Woodson) HB 1454 (Buck)

Amends 40-11-201(a) to allow a court to grant an extension when defendant fails to appear in court instead of entering a conditional judgment. Amends 40-11-201(b) to remove the requirement that the physician's statement or jailer's affidavit, showing that the principal in the bond is prevented from attending court by some mental or physical disability, be sworn.

Effective May 24, 2007.

**Public Chapter 257**

**HIV Testing.**

SB 0764 (Kyle) HB 1775 (Jones U.)

Amends Title 39, Chapter 13, Part 5 to require the judge to order a person convicted of promoting prostitution to submit to HIV test.

Effective July 1, 2007.



**Public Chapter 311**

**Alcohol and Drug Treatment for Certain Offenders.**

SB 792 (Woodson) HB 458 (Sontany)

Amends 40-35-303(d) and Title 39, Chapter 17, Part 4 to authorize any court that sentences an offender to supervised probation to order, as a condition of probation, that the offender undergo alcohol and drug assessment and treatment. Unless the court makes a specific determination of that the person is indigent, the expense of assessment and treatment is the responsibility of the person receiving it. If the court finds the person is indigent under the same standards used in 55-10-403(a)(4)(B), all or some portion of the expense may be paid from the alcohol and drug addiction treatment fund provided in 40-33-211, pursuant to a plan and procedures developed by the Department of Health.

In addition to all other fines, fees, costs and punishments prescribed by law, an alcohol and drug addiction treatment fee of \$100 will be assessed for each conviction for a violation under this part. All proceeds must be transmitted to the Commissioner of Health for deposit in the alcohol and drug addiction treatment fund administered by the department. Funds expended under this act shall not exceed the funds generated under the act, and if necessary, treatment will not be available if such treatment would result in expenditures in excess of the amount so generated.

Effective July 1, 2007, and applies to any conviction for conduct occurring on or after that date.

**Public Chapter 331**

**Abatement of Nuisances.**

SB 1935 (Stanley) HB 1424 (DeBerry, J.)

Amends 29-3-106 regarding actions to abate nuisances. Creates an exception to the requirement that the defendant be given 5 days' written notice of the hearing of the application for an injunction. If the petition to abate a nuisance is brought upon relation of the attorney general or any district attorney general, or any city or county attorney, and is supported by an affidavit showing probable cause that the nuisance exists, then the court may hear the petition and grant the writ. In such cases, the act requires that a hearing be set within 5 days following the execution of the writ closing and padlocking the premises and that notice be given to the defendant of that hearing.

Effective July 1, 2007.

**Public Chapter 348**

**Orders of Protection.**

SB 723 (Woodson) HB 402 (Jones)

Amends multiple statutes under Title 36, Chapter 3, Part 6. Defines "domestic abuse victim." Authorizes domestic abuse victims, stalking victims, and sexual assault victims to seek protective orders, so that

a stalking victim or sexual assault victim who has no relationship with their stalker or abuser will be authorized to seek a protective order. Provides that the petitioner is not required to pay costs associated with the appeal of an order of protection upon filing. Provides that an order of protection may be modified, either upon the court's own motion or upon motion of the petitioner.

Effective June 5, 2007.

## **Public Chapter 372**

### **Adoption and Guardianship of Minors.**

SB 621 (Woodson) HB 321 (DeBerry, J.)

Amends numerous statutes in Titles 36 and 37 to make changes to present law regarding procedure in adoption and guardianship proceedings. Removes authorization for court appointed special advocate (CASA) agencies to petition for termination of parental rights. Authorizes courts to award guardianship to a permanent guardian, as an alternative to a licensed child-placing agency or the department of children's services, or any prospective adoptive parent with the right to adopt the child, upon termination of parental or guardian rights. Authorizes juvenile courts to order a change of custody for an unruly child. Authorizes any child who is 16 years of age or older to request a modification or termination of a permanent guardianship. Authorizes the inclusion of permanent guardianship as a goal included in placement plans for children in foster care and specifies that permanent placement with a fit and willing relative of the child is a goal of the plan. Revises provisions regarding where a petition for termination of parental rights, if filed separately from the adoption petition, may be filed.

Effective July 1, 2007.

## **Public Chapter 375**

### **Drug Court Treatment Program.**

SB 2027 (Johnson) HB 1871 (Sargent)

Amends Title 16, Chapter 22 to authorize juvenile courts to operate as drug treatment courts, but prohibits funding or supporting the juvenile drug court treatment programs by revenues collected pursuant to the Drug Court Treatment Act. Requires clerks of court to collect a \$75.00 fee when a person is found in violation of the terms and conditions of a suspended sentence if either: (1) the suspended sentence was imposed for any offense under the Tennessee Drug Control Act; or (2) the violation of the suspended sentence is premised upon a positive drug screen.

Effective July 1, 2007.

**Public Chapter 442**

**Child Support.**

SB 1705 (Herron) HB 94 (Borchert)

Amends 36-5-501(b) to specify that if the obligor is self-employed, or if the obligor is a partner, member, owner or officer of a partnership, limited liability company, corporation or other association or business entity from which the obligor receives compensation in the form of wages, salary, commissions, bonuses or otherwise, then the court may order the obligor, or the business entity of which the obligor is a partner, member, owner or officer, if applicable, to establish a bank account for the sole purpose of complying with the order issued pursuant to 36-5-501(a). Failure to either deposit the required amount into the account or authorize automatic withdrawal of the required amount by the department's central collection and disbursement unit is punishable as civil contempt. As used in this subdivision, "self-employed" means earning one's livelihood directly from one's own business, trade or profession rather than as a specified salary or wages from an employer.

Effective July 1, 2007.

**Public Chapter 443**

**Judgments in Courts of General Sessions.**

SB 389 (Bunch) HB 123 (Overbey)

Amends 16-15-727 to provide that Rule 60.01 of the Tennessee Rules of Civil Procedure relative to clerical mistakes applies to all courts of general sessions. The general sessions judge is authorized to correct mistakes under the same circumstances and in the same manner as provided in Rule 60.01. Rule 60.02 of the Tennessee Rules of Civil Procedure relative to mistakes, inadvertence, excusable neglect, fraud, and other similar reasons set out in such rule applies to all courts of general sessions. A motion under the general sessions court's authority under Rule 60.02 must be filed within 10 days of the date of judgment. Once filed, the motion shall toll the 10-day period for seeking a *de novo* review in the circuit court until the determination of the motion is concluded. An appeal for *de novo* review in the circuit court must be filed within 10 days of the general sessions court's ruling on the motion to relieve a party or the parties' legal representative from a final judgment, order or proceeding in the same manner as provided in Rule 60.02.

Effective June 18, 2007.

**Public Chapter 452**

**Nuisances.**

SB 2007 (Kyle) HB 1995 (Miller)

Amends Title 13, Chapter 6, Part 1 to authorize certain parties (non-profit corporations, owners, mortgagees, lien holders or persons who possess an interest of record in the property, and neighbors) to bring civil suits to enforce any local building, housing, air pollution,

sanitation, health, fire, zoning, or safety code, ordinance, or regulation applicable to buildings against the owner of the building for failure to comply with the ordinance or regulation. Also authorizes the court to appoint a receiver to abate the public nuisance should the owner fail to do so.

Effective June 18, 2007.

**Public Chapter 502**

**Child Support.**

SB 809 (Woodson) HB 546 (Hackworth)

Amends 36-5-101 to provide that when a court determines child support pursuant to the state guidelines, based on either the actual income or the court's findings of an obligor's ability to earn income, the final child support order will create an inference in any subsequent proceeding that the obligor has the ability to pay the ordered amount until such time as the obligor files an application with the court to modify the ordered amount.

Effective June 22, 2007.

**Public Chapter 519**

**Domestic Relations.**

SB 2310 (Bunch) HB 1981 (DuBois)

Amends 36-4-101 to require a 60-day waiting period before hearing a complaint for divorce if the parties have no unmarried child under 18 years of age, and a 90-day waiting period if the parties have an unmarried child under 18 years of age. The 60-day or 90-day period commences on the date the complaint or petition is filed. Requires courts to order mediation in any proceeding for divorce or separate maintenance unless specifically waived or extended by the court while maintaining current restrictions on court-ordered mediation.

Effective July 1, 2007.

**Public Chapter 560**

**Garnishments - Homestead Exemption.**

SB 383 (Bunch) HB 1598 (Brooks, K.)

Amends 26-2-301 to provide that an individual who has one (1) or more minor children in such individual's custody shall be entitled to a homestead exemption not exceeding twenty-five thousand dollars (\$25,000) upon real property that is owned by the individual and used by the individual as a principal place of residence.

Effective June 27, 2007.

**Public Chapter 214**

**Unattended Children in Motor Vehicle Safety Act.**

SB 270 (Tracy) HB 304 (Hood)

Amends Title 55, Chapter 10 to enact the "Tennessee Unattended Children in Motor Vehicle Safety Act" which makes it an offense for

a person responsible for a child younger than 7 years of age to knowingly leave that child in a motor vehicle located on public property or while on any premises is generally frequented by the public without being supervised by a person who is at least 13 years of age if: (1) the conditions present a risk to the child's health or safety; (2) the engine of the motor vehicle is running; or (3) the keys to the motor vehicle are anywhere inside the passenger compartment of the vehicle. A violation is a Class B misdemeanor punishable only by fine of \$200 for the first offense; second or subsequent violations are a Class B misdemeanor punishable only by a fine of \$500. A court may require a person convicted under this statute to attend a community education course approved by the department of safety in addition to or in lieu of any portion of any other penalty. If the such course is approved by the department, it may be operated and conducted by a county, municipality or other entity of local government in addition to other enumerated organizations. Each court clerk is required to provide a list of approved entities in such county to any person ordered to attend a community education course.

Effective July 1, 2007.

## **ECONOMIC DEVELOPMENT**

### **Public Chapter 494**

#### **Central Business Improvements Districts.**

SB 1494 (Raymond Finney) HB 1792 (Montgomery)

Amends Title 7, Chapter 84 to make several changes to the Central Business Improvement District Act of 1971. Provides that the acquisition of improvements is covered by the act; revises types of property which may be included in the districts; provides that the ordinance creating a district may be amended from time to time to include additional improvements; addresses special assessments, bids, revenue bonds, apportionment of costs, maximum assessments, payment of assessments, and time when assessments shall be made.

Effective June 21, 2007.

### **Public Chapter 521**

#### **Development Districts.**

SB 281 (Haynes) HB 267 (Odom)

Amends 13-14-111 stating that the Memphis Area Association of Governments (Fayette, Lauderdale, Shelby and Tipton counties and the municipalities within those counties) has been created. Increases the annual state contributions to the Memphis Area Association of Governments and provides state appropriations for eight other development districts (First Tennessee Development District, East Tennessee Development District, Southeast Tennessee Development District, Upper Cumberland Development District, South Central Tennessee Development District, Southwest Tennessee Development

District, Greater Nashville Regional Council and Northwest Tennessee Development District).

Effective June 26, 2007.

**Public Chapter 524**

**Convention Center and Tourism Financing.**

SB 1924 (Tate) HB 1692 (Todd)

Amends 7-53-101 (11) and 7-53-302(a)(4) to add an additional tourism attraction to the list of projects which may be undertaken by industrial development corporations. Amends 7-88-103(7) to revise the definition of “qualified public use facility” to include a privately owned/operated amusement park that involves an investment of more than \$100 million and a privately owned/operated tourism attraction involving an investment in excess of \$200 million. Amends 7-88-106 to provide for the method of apportionment and distribution of the incremental increase in revenue created by those projects. Amends 7-88-106 to provide that Davidson County is not required to designate secondary tourism development zones in order to receive tax revenue distributions. Amends Title 7, Chapter 88, Part 1 to grant local governments the authority to use tax incremental financing for project costs in 7-88-103(3).

Effective June 26, 2007.

**Public Chapter 569**

**River Basin Development Authorities.**

SB 1052 (L. Finney) HB 1935 (Rinks)

Amends 64-1-1101(a) to add the Loosahatchie River Basin to the list of river basins to be preserved. Also amends 64-1-1102(a) to increase the number of representatives on the board to two (one from each party) and to increase the number of senators on the board to two (one from each party).

Effective June 27, 2007.

**Public Chapter 593**

**Convention Center and Tourism Financing.**

SB 2084 (Burchett) HB 1587 (Fitzhugh)

Amends 7-88-103 (7) to revise the definition of “qualified public use facility” to include a privately owned/operated amusement park that involves an investment of more than \$100 million and a privately owned/operated tourism attraction involving an investment in excess of \$200 million. Amends 7-88-103 (8) to revise the definition of “structured lease agreement.” Amends 7-88-106 to provide for the apportionment and distribution of tax revenue for additional tourism development zones in Davidson County. Adds several sections to Title 7, Chapter 88, Part 1: applies Part 1 only to tourism development zones which have been approved or for which a letter of intent has been filed with finance and administration as of the date

of enactment of the act; directs a report on the economic impact of the Convention Center and Tourism Development Financing Act of 1998 be submitted by the comptroller and the commissioner of revenue no later than February 1, 2009; and provides that bids should be solicited and funds expended in a non-discriminatory manner.

Effective June 28, 2007.

## **EDUCATION**

### **Public Chapter 99**

#### **School Resource Officers.**

SB 2153 (Kilby) HB 1942 (Winningham)

Amends 49-6-4217 to require each local education agency (LEA) to annually report to the commissioner of education the employment standards the LEA has adopted for school resource officers.

Effective July 1, 2007.

### **Public Chapter 163**

#### **Group Health Insurance.**

SB 978 (Burchett) HB 774 (Vaughn)

Amends 8-27-304 to allow teachers to enroll in the insurance plan for local education employees when they transition to full time from part time, even if they did not participate as part time employees.

Effective July 1, 2007.

### **Public Chapter 212**

#### **Closed Hearings.**

SB 26 (Kurita) HB 881 (Phillip Johnson)

Amends 49-6-3401(c)(6) to provide that a board hearing to review a student suspension shall be closed to the public unless the student or the student's parent or guardian requests in writing within 5 days after receipt of written notice of the hearing that the hearing be conducted as an open meeting. The board cannot discuss or conduct any business or take any action at the closed meeting other than the appeal to be heard.

Effective July 1, 2007.

### **Public Chapter 302**

#### **School District Police Departments.**

SB 1451 (Tate) HB 1765 (Jones U.)

Enacts 49-1-221 to require the department of education to study allowing LEAs to create school district police departments.

Effective May 30, 2007.

**Public Chapter 341**

**School Resource Officers.**

SB 938 (Burks) HB 403 (Jones S.)

Amends Title 38 and Title 49, Chapter 6, Part 42 to specify that a School Resource Officer (SRO) must be a law enforcement officer as defined under § 39-11-106, and be in compliance with all laws, rules and regulations of the POST commission. Requires SROs to be assigned to a school pursuant to a memorandum of understanding between the chief of the appropriate law enforcement agency and the LEA. Requires SROs to participate in 40 hours of basic training in school policing within 12 months of assignment and at least 16 hours annually thereafter.

Effective July 1, 2007.

**Public Chapter 367**

**BEP Review Committee.**

SB 2178 (Kyle) HB 2294 (Winningham)

Amends 49-1-302(a)(4)(B) to require the BEP review committee to include in its annual report an analysis of the disparity in benefits and other compensation among LEAs.

Effective July 1, 2007.

**Public Chapter 369**

**Education Funding.**

SB 2177 (Kyle) HB 2293 (Winningham)

Amends 49-3-354 to delete the requirement that BEP funds earned in the instructional positions component must be spent for instructional positions. Amends 49-3-356 to increase state funding of the BEP instructional positions component from 65% to 75%. Enacts 49-3-3\_\_ to enact the following criteria for BEP funding effective with the 2007-2008 fiscal year: (1) BEP appropriations to LEAs for 2006-07 plus appropriations to LEAs for annual component costs adjustments constitute the base amount of funding; (2) the state will provide 75% of the funds generated for instructional positions in the classroom component; (3) the dollar value for BEP instructional positions will be \$38,000, to be adjusted annually; (4) the “cost differential factor” (CDF) is eliminated; (5) the formula will provide 100% funding for at-risk students in grades K-12; (6) the formula will provide funding for English language learner (ELL) students at a ratio of 1:20 for teachers and 1:200 for translators; (7) the formula will be revised to use property tax and local option sales tax revenues to measure the ability of a local jurisdiction to raise revenues, but no reduction will be made in any calculation of a local jurisdiction’s ability to raise revenues from property taxes for agreements resulting in payment of in-lieu-of-tax payments; (8) each LEA receives no less than 25% state share in the nonclassroom components; (9) no LEA’s measurement of ability to raise local revenue will be adjusted more than 40% in a single year; and (10) the formula will provide 50%



funding for medical insurance premiums for instructional positions. These changes will be phased in, in accordance with appropriations.

Effective July 1, 2007.

## **Public Chapter 376**

### **Accountability - Schools/Systems on Probation.**

SB 570 (McNally) HB 472 (Fitzhugh)

Amends 49-1-602(d) to require the state commissioner of education to take certain corrective action during the first year a school or system is on probation. Enacts 49-1-6\_\_ to require schools and LEAs to include specific goals for improvement in their annual school improvement plans, including identification of areas of weakness, how additional funds provided through the BEP will be used to address these areas of weakness, and how the LEA will measure improvements supported by these funds. Amends 49-2-303 to require the director of schools to include performance standards in employment contracts for principals with consequences when such standards are unmet, and which may provide bonuses for meeting or exceeding standards. Amends 49-2-303(b) to require principals to submit an annual budget request for operation of their schools, and upon approval of the budget, the principal is responsible for the cost operation of their schools. Amends 49-1-302(a) to require the state board of education to develop guidelines by 12/31/07 for differentiated pay plans, including performance bonuses and additional pay for teaching subjects or teaching in schools for which LEAs have difficulty hiring and retaining qualified teachers. Amends 49-3-306 to require LEAs to implement differentiated pay plans prior to the beginning of the 2008-09 school year. Amends 49-2-301(b) to authorize principals to make administrative staffing decisions. Amends 49-1-602(f) with regard to schools that have been on probation for 2 years, to require the commissioner of education to take over operation of the school, recommend replacement of the director of schools, recommend replacement of the school board, or explain why these actions were not taken. Amends 49-5-108 to require the state to assess teacher training programs. Amends 49-5-5205 relative to frequency of teacher performance evaluations and to require principals to meet with every teacher.

Effective July 1, 2007 (applies to contracts entered into with principals on or after that date).

## **Public Chapter 457**

### **Student Misconduct.**

SB 2205 (Kyle) HB 2260 (Litz)

Enacts 55-50-515 to authorize the court to order suspension of a juvenile's driver license until the juvenile reaches the age of 18 or for a period up to 2 years, whichever is later, when the juvenile is adjudicated delinquent or convicted of an offense requiring

mandatory one-year suspension or expulsion from school. Amends 49-6-3401(a) to add making bomb threats to grounds for suspension from school.

Effective July 1, 2007.

**Public Chapter 459**

**Cooperative Innovative High School Programs.**

SB 620 (Woodson) HB 99 (Winningham)

Enacts 49-15-101 *et seq.* to authorize LEAs and public postsecondary institutions to jointly establish cooperative innovative high school programs targeting students at risk of dropping out and those who would benefit from accelerated instruction. County legislative bodies may participate as partners and/or may appropriate funding.

Effective June 19, 2007.

**Public Chapter 475**

**Funding for Pre-K Pilot Programs.**

SB 1450 (Tate) HB 1790 (Ulysses Jones)

Amends 49-6-101(f)(1) to provide that pilot Pre-K programs will be funded at the same level as Pre-K programs implemented under the Voluntary Pre-K for Tennessee Act of 2005.

Effective July 1, 2007.

**Public Chapter 548**

**Schools Against Violence in Education Act.**

SB 1910 (Herron) HB 1950 (Jones S.)

Amends Title 49, Chapter 6 to enact the “Schools Against Violence in Education Act” or the “SAVE Act”. The act requires the Commissioner of Education to establish a state-level safety team including a representative of the Tennessee Association of School Resource Officers to assist LEAs and schools with compliance. The state-level safety team must publish a template for use by school districts in preparing their district-level safety plans and building-level emergency response plans. At a minimum, the template must include: (1) policies and procedures relating to school building security, including, where appropriate, the use of school resource officers; (2) procedures for assuring that crisis response and law enforcement officials have access to floor plans, blueprints, schematics or other maps of the school interior, school grounds and road maps of the immediate surrounding area; (3) appropriate violence prevention and intervention strategies such as collaborative arrangements with state and local law enforcement officials designed to ensure that school resource officers and other security personnel are adequately trained, including training to de-escalate potentially violent situations, and are effectively and fairly recruited. Requires each LEA to adopt a comprehensive district-wide school safety plan and building-level school safety plans regarding crisis intervention,

emergency response and emergency management using the template. A copy of each building-level safety plan and any amendments must be filed with the appropriate local law enforcement agency and with the department of safety within 30 days of adoption. Building level emergency response plans are confidential and not subject to open or public records requirements. If an LEA fails to file a plan as required, the commissioner may withhold state funds, in an amount determined by the commissioner, from the LEA until the LEA is in compliance. The legislative body of any county or municipality may appropriate funds to provide resources for district-wide school safety plans, building-level school safety plans and district-wide school safety teams. Federal, state and local funds designated for such purposes may be used.

Effective June 27, 2007.

**Public Chapter 557**

**Eye Examinations for Children.**

SB 152 (Harper) HB 1312 (West)

Amends 49-6-5004 to authorize LEAs to use revenue from gifts, grants, and state and local appropriations to provide eye exams for children whose parents or guardians cannot afford them.

Effective July 1, 2007.

**ELECTIONS**

**Public Chapter 71**

**Date of Presidential Preference Primary.**

SB 2012 (Norris) HB 2211 (Odom)

Amends 2-13-205 to move the date of the Tennessee presidential preference primary from the second Tuesday in February to the first Tuesday in February.

Effective April 30, 2007.

**Public Chapter 124**

**Run-off Elections.**

SB 912 (Haynes) HB 1392 (Turner)

Amends 2-3-206 to provide that a run-off election scheduled to be held after a general election in a metropolitan county must be set by the election commission not less than 30 nor more than 45 days after the regular election.

Effective May 10, 2007.

**Public Chapter 125**

**Elections Technical Corrections.**

SB 925 (Ketron) HB 1917 (Rinks)

Amends numerous provisions in Title 2 and 5-1-104. Provides that when the deadline for voter registration before an election falls on a

Sunday, the deadline is extended one day. Allows printing of required notices on paper ballots on the front or back of the ballot. Changes the limit on processing applications for absentee ballots from 5 days before an election to 7 days before an election. Establishes a minimum age of 17 years for appointed poll watchers. Requires a candidate attempting to be elected by write-in ballot to provide notice to the election commission at least 50 days before the election instead of 20 days before. Requires computerized counties to submit a list of voters participating in a election to the Secretary of State via the AES computer system and in CD ROM format. Provides that when a vacancy occurs more than 10 days prior to the regular qualifying deadline, the regular deadline applies. If the vacancy occurs after the 10<sup>th</sup> day prior to the deadline, independent candidates and candidates nominated by any political party for the vacancy shall qualify by filing a petition by the 55<sup>th</sup> day before the election. In such cases, the candidates' withdrawal deadline is the 52<sup>nd</sup> day before the election. Requires judicial retention questions to be printed at the end of the ballot.

Effective July 1, 2007.

#### **Public Chapter 151**

##### **Campaign Finance.**

SB 1287 (Burchett) HB 1779 (Jones, U.)

Amends 2-10-110 to provide that no civil penalties are imposed for failure to list a contribution on a campaign finance report if the candidate corrects the omission within ten business days of receiving notice from the registry. The candidate is only be allowed to correct two omissions in one calendar year and the total value of those omissions cannot exceed \$2,000. Omissions corrected by the candidate prior to the registry's discovery of the error do not count toward the limitation.

Effective May 14, 2007.

#### **Public Chapter 152**

##### **Confidentiality of Absentee Ballot Records.**

SB 923 (Ketrone) HB 1916 (Rinks)

Amends 2-6-202 to provide that information regarding absentee requests and applications is confidential and not subject to the Open Records Law until the end of the early voting period.

Effective July 1, 2007.

#### **Public Chapter 190**

##### **Vacancies in Judicial Offices.**

SB 926 (Ketrone) HB 395 (Coleman)

Amends 17-1-301 to provide that if the elected successor to a judicial office becomes ineligible to serve due to death or other disqualifying

event prior to September 1, a vacancy exists. Essentially this prevents holdover by judicial candidates.

Effective May 21, 2007.

**Public Chapter 325**

**Disqualification for Public Office.**

SB 1264 (Burchett) HB 1874 (Buck)

Amends 40-20-114 to prohibit state and local elected officials from seeking elected state or local office after conviction of a state or federal felony related to public service, even if citizenship status is later restored.

Effective July 1, 2007.

**ENVIRONMENT**

**Public Chapter 153**

**Proceeds from Specialty Earmarked Environmental Plates.**

SB 2266 (Kyle) HB 2288 (Gilmore)

Amends 55-4-262 to authorize the proceeds of the sale of specialty earmarked environmental plates for TDEC grants to universities in Tennessee to develop new methods for treating pests that threaten trees and other vegetation in parks. Amends 67-4-409(i)(4)(A) to provide that local governments receiving grants from the local parks land acquisition fund may provide, instead of matching money, land not previously used for park or recreational purposes that will be dedicated entirely for park or recreational purposes after receipt of the grant and which is appraised as having the same or greater value as the state grant.

Effective May 14, 2007.

**Public Chapter 362**

**TDEC Fees.**

SB 2257 (Kyle) HB 2310 (Odom)

Amends Title 60, Chapter 1, Title 68, Chapters 203, 212 and 215 and Title 69, Chapters 3, 10, and 11 to increase the maximum fees the Department of Environment and Conservation may charge for various environmental services and functions.

Effective July 1, 2007.

**Public Chapter 462**

**Solid Waste Management.**

SB 2267 (Kyle) HB 2289 (Shepard)

Removes the deadline for realizing the 25% reduction in solid waste disposal and revises the requirement for the municipal solid waste regions to instead require the regions to develop a plan for achieving "compliance with waste reduction and recycling goals" of the state. Authorizes the solid waste disposal board to adopt rules promoting

recycling and waste reduction, taking into consideration, among other things, the use of incentive, disincentives, public education, and costs and benefits of recycling. Upon adoption of the rule, present law provisions and guidelines for achieving the 25% reduction are repealed. Municipal solid waste regions must develop plans for waste reduction and recycling consistent with this act and the rules to be promulgated. Also requires that the plans developed by the regions include provisions for managing solid waste generated as a result of disasters or emergencies.

Reduces the time period allowed for a noncompliant county or region to correct its noncompliance before sanctions take effect. Provides that instead of 90 days after issuance of the warning letter, the noncompliant county or region loses eligibility for funds from the solid waste management fund after 30 days of continued noncompliance. Reduces the period of noncompliance which may trigger civil penalties from 180 days to 60 days after the warning letter.

Expands grant eligibility for department awards of competitive grants for collection of household hazardous waste at a permanent site. In addition to municipalities with a population of 100,000 or more in counties with a population of 287,700 or more, this act authorizes such grants to the municipalities and counties determined by the department to be the next largest in terms of population and/or level of participation in mobile household hazardous waste collection events.

Provides for grants to counties and municipalities that operated Class I landfills which were permitted by the department but are now closed, and that do not have a composite liner system in place. The grant would be for investigation or corrective action at such landfills, if the landfills are causing harm to health or to the environment through contamination of ground water. The grant would be in an amount that will reimburse the local government for not more than 50% of the expenses of investigation and corrective action of the contamination.

Increases the current surcharge of 75¢ per ton on each ton of municipal solid waste received at all Class I solid waste disposal facilities or incinerators to 90¢ per ton. Authorizes the department to use funds in the solid waste management fund to provide for the proper disposal of hazardous waste or other materials in public K-12 schools. Adds authorization for the department to provide, from funds available from the solid waste management fund, grants to local education agencies, municipalities, or counties to utilize recycled shredded tires for recreational applications. Requires any county or

entity requesting or applying for a grant or entering a contract with the department to submit, prior to being approved, a workplan and budget to reflect the expenditures of the grant or contract. Such grants or contracts are to fulfill the objectives of recycling waste tires and to assure that all expenditures of the contracts, grants, and/or any additional local tipping fees are not exceeding the cost of the county's waste tire management program.

Effective July 1, 2007.

**Public Chapter 559**

**Open Burning of Wood Waste.**

SB 353 (Tracy) HB 657 (Curtiss)

Amends 68-201-115(c) placing limitations on the open burning of wood waste that is conducted at any site that is within a specified distance of an occupied dwelling. Specifies that if a local government has enacted or enacts more stringent requirements concerning such open burning of wood waste, such provisions shall control over the requirements of this subsection.

Effective January 1, 2008.

**Public Chapter 584**

**Solid Waste Disposal Planning.**

SB 1779 (Jackson) HB 1345 (Shepard)

Amends TCA Title 68, Chapter 211 to require the Municipal Solid Waste Advisory Committee to develop by December 31, 2009, recommendations regarding the diversion of solid waste from landfills and finding a higher value use for materials in the waste stream than landfilling. Authorizes the Department of Environment and Conservation to make a grant to Tennessee State University for this work. Imposes a moratorium on waste from the bulk survey for release program being disposed in landfills in Rutherford County pending the results of the municipal solid waste advisory committee's recommendations.

Effective June 28, 2007.

**ETHICS & CONFLICTS OF INTEREST**

**Public Chapter 250**

**Regional Water and Wastewater Treatment Authority Act.**

SB 1192 (Black) HB 1063 (Maggart)

Amends 68-221-1307(b) to provide that commissioners, appointed officers, and all personnel employed by the board of commissioners of a water and wastewater authority are prohibited from receiving any money or other goods or services of value of any sort as a result of any agreement, contractual or otherwise, for the installation of water and wastewater service within the bounds of the district; such persons are also prohibited from receiving any moneys or other goods or

services of value of any sort as a result of any agreement, contractual or otherwise, for the sale of any materials to be installed within the bounds of the district as water and wastewater service.

Effective May 24, 2007.

**Public Chapter 290**

**Water and Wastewater Treatment Authority Act.**

SB 1533 (Beavers) HB 1264 (Lynn)

Amends 68-221-607 to provide that all personnel employed by the board of commissioners of any water and wastewater authority, including but not limited to the commissioners themselves, are prohibited from receiving any money or other goods or services of value of any sort as a result of any agreement, contractual or otherwise, for the installation of water and wastewater service within the bounds of the district; such persons are also prohibited from receiving any moneys or other goods or services of value of any sort as a result of any agreement, contractual or otherwise, for the sale of any materials to be installed within the bounds of the district as water and wastewater service.

Effective May 30, 2007.

**Public Chapter 405**

**Ethics Policies for Utilities.**

SB 663 (Burchett) HB 632 (Overbey)

Amends 8-17-102(c) to provide that utility districts are considered separate governmental entities to be governed by ethical standards established by the board of commissioners of the utility district in conformity with 8-17-105(b). Water, wastewater and gas authorities created by a private act or under the general law are considered separate governmental entities and shall be governed by ethical standards established by the governing board of the water, wastewater or gas authority in conformity with 8-17-105(b). Amends 8-17-105 to require the Tennessee Association of Utility Districts (TAUD) to prepare a model of ethical standards for officials and employees of water, wastewater and gas authorities which must be submitted to the Utility Management Review Board for its approval, and the model must be approved by the board before it can be adopted by any water, wastewater or gas authority. After the board approves the model, it must be filed with the state ethics commission. The governing body of a water, wastewater or gas authority or utility district must adopt either the approved TAUD model of ethical standards or standards which are more stringent than the TAUD model. If a water, wastewater or gas authority or a utility district adopts ethical standards which are different from and more stringent than the TAUD model, those standards must be submitted to the board for a determination that the standards are more stringent than the TAUD model. Any water, wastewater or gas authority or any utility district



that adopts the TAUD model is not required to file its ethical standards with the commission but must notify the commission in writing that the TAUD model was adopted and the date of adoption. Any water, wastewater or gas authority or any utility district which does not adopt the TAUD model of ethical standards or ethical standards more stringent than the TAUD model will be governed by the ethical standards established by the county legislative body of the county in which the water, wastewater or gas authority or the utility district has the largest number of customers.

Effective June 11, 2007.

## **FIRE PROTECTION**

### **Public Chapter 145**

#### **Fire Protection Services.**

SB 1596 (Norris) HB 1758 (Todd)

Amends 5-17-101 to authorize counties that create county-wide fire districts to include performance-based criteria in interlocal agreements and contracts for fire protection services, subject to local approval.

Effective July 1, 2007.

### **Public Chapter 237**

#### **Approval of Fire Services Training Materials.**

SB 257 (Haynes) HB 223 (Moore)

Amends 4-24-106 and 68-102-201 to direct the Tennessee commission on fire fighting personnel standards and education to approve all fire services curricula offered through the Tennessee fire services and codes enforcement academy.

Effective May 24, 2007.

### **Public Chapter 323**

#### **Background Checks on Fire Protection Personnel.**

SB 2042 (Kyle) HB 2000 (Jones U.)

Amends 68-102-308(b) to repeal the provision that requires extension of an offer of employment or appointment prior to the initiation of a criminal background check.

Effective May 31, 2007.

### **Public Chapter 527**

#### **Gender-Friendly Fire Stations.**

SB 1295 (Harper) HB 620 (Turner M.)

Amends Title 4, Chapter 24, to encourage that any fire station constructed after the effective date of this act for a municipal, county

or volunteer fire department have separate restroom facilities, showers and locker rooms for men and women.

Effective June 26, 2007.

**Public Chapter 567**

**Firefighter Salary Supplement.**

SB 869 (Watson) HB 290 (Sargent)

Amends 4-24-202(a) setting the firefighters in-service training salary supplement at a flat rate of \$600.

Effective July 1, 2007.

**HIGHWAYS**

**Public Chapter 456**

**Alternative Fuels.**

SB 2150 (Kilby) HB 2216 (Ferguson)

Amends Title 54, Chapter 1; Title 55; Title 67, Chapter 3 to provide that the Department of Transportation may develop and implement a program to encourage political subdivisions of the state and public colleges and universities to increase their use of vehicles utilizing alternative fuels.

Effective June 18, 2007.

**LAW ENFORCEMENT**

**Public Chapter 7**

**Motor Vehicles.**

SB 498 (Johnson) HB 275 (Sargent)

Amends 55-9-105 to redefine criminal offenses relating to driving while viewing video broadcasts or installing such video equipment in motor vehicles.

Effective July 1, 2007.

**Public Chapter 28**

**False Identification Cards.**

SB 767 (Johnson) HB 387 (Rowland)

Amends 55-50-601 and 602 to broaden criminal provisions involving unlawful use of driver licenses to include use of certificates for driving and all other government-issued photo identification documents.

Effective July 1, 2007.

**Public Chapter 46**

**Jails - Escape.**

SB 127 (Harper) HB 1404 (Sontany)

Amends 39-16-605 to expand Class A misdemeanor of escaping from a penal institution to include those persons lawfully being held for a civil offense.

Effective July 1, 2007.

**Public Chapter 56**

**Automated Victim Notification System.**

SB 1963 (Ketron) HB 1730 (Yokley)

Repeals 40-38-118, which directed the District Attorneys General Conference to establish and administer an automated victim notification system.

Effective April 24, 2007.

**Public Chapter 73**

**Alcoholic Beverages - Investigations.**

SB 390 (Bunch) HB 1412 (Watson)

Amends 39-15-413 to remove the restriction that males who help law enforcement in operations to prevent beer or alcohol from being sold to minors may not have facial hair.

Effective May 3, 2007.

**Public Chapter 77**

**DNA Testing - Sexual Offenders.**

SB 1178 (Black) HB 563 (Harwell)

Amends 40-35-321 to expand the group of persons required to furnish DNA samples for testing to include misdemeanants whose offense requires them to register with the sexual offender registry.

Effective July 1, 2007.

**Public Chapter 103**

**Presenting a False Claim for Payment to TennCare.**

SB 2193 (Kyle) HB 2250 (Coleman)

Amends 71-5-2601(a)(2)(A) to make it a Class B, C or D felony, depending on the value of the claim, for any person or entity other than a TennCare enrollee, recipient, or applicant, to knowingly present a false claim for payment to TennCare, or any TennCare subcontractor or vendor.

Effective May 7, 2007.

**Public Chapter 106**

**Property Seizure by Campus Police.**

SB 276 (Tracy) HB 309 (Hood)

Amends 39-17-420(a), 40-33-102(a), 40-33-104, 40-33-105, 40-33-110(a), 53-11-201(b), 53-11-451(b), (d), (e), and (h), 53-11-452(g), and 55-5-108(b)(1), to add campus police to present law enforcement

officers authorized to conduct certain seizures of property and related forfeiture sales of such property.

Effective July 1, 2007.

**Public Chapter 126**

**Sexual Offenders - Report of Material Changes.**

SB 1056 (Johnson) HB 956 (Maggart)

Amends 40-39-203 to require resident and non-resident sexual offender or violent sexual offender to report any material change in the offender's employment or vocational status to the registering agency within 48 hours of the change of status. Defines a "material change" as one remaining in effect for 7 or more consecutive days.

Effective July 1, 2007.

**Public Chapter 129**

**Firearms and Ammunition.**

SB 1597 (Norris) HB 1285 (Crider)

Amends 58-2-107 to prohibit the state, any political subdivision, or any public official from prohibiting or imposing additional restrictions on the lawful possession, transfer, sale, transport, carrying, storage, display, or use of firearms and ammunition or firearm and ammunition components during any state of emergency, major disaster or natural disaster.

Effective May 10, 2007.

**Public Chapter 134**

**Photographing Juveniles.**

SB 866 (Watson) HB 0075 (Dean)

Amends 37-1-155 to permit a juvenile to be photographed or recorded by law enforcement if the juvenile is committing an offense, if the officer is conducting a field sobriety test on the juvenile, or if the juvenile is the victim of the offense and consents. Photograph or recording of the victim taken pursuant to this subdivision can be used only as evidence in the case being investigated and not for any other purpose except as is already provided in this section.

Effective July 1, 2007.

**Public Chapter 139**

**Motor Vehicle Accident Reports.**

SB 224 (Ketrone) HB 851 (Eldridge)

Amends Title 55, Chapter 10 to require that written reports prepared by a law enforcement officer include information pertaining to the insurance policy, including the name of the insurance company if known, of each person involved in the accident. If a person has a certificate of compliance with the Tennessee Financial Responsibility

Law of 1977 issued by the commissioner of safety, a copy of the certificate must be included in the written report.

Effective July 1, 2007.

**Public Chapter 154**

**HIV Screening for Pregnant Women.**

SB 2232 (Kyle) HB 2317 (Favors)

Amends 68-5-702, 68-5-703 and 68-5-704 to require all providers of health care services who assume responsibility for the prenatal care of pregnant women during gestation, except in cases where women refuse testing, to test these women for HIV and to provide referral into appropriate medical and social services for those women who test positive. The health care provider must arrange for each pregnant woman under the provider's care to be tested for HIV as early as possible in the course of the pregnancy, and again during the third trimester, unless the woman has refused testing in writing and this refusal is placed in the medical chart. All HIV testing must be done in a confidential manner and the results of the testing can be disclosed only as provided by law. Repeals the requirement that health care providers report statistical information to the department of health each month regarding the number of pregnant women who were tested for HIV and the number who tested positive.

Effective May 14, 2007.

**Public Chapter 158**

**Sexual Offenders.**

SB 295 (Burchett) HB 284 (Overbey)

Amends 39-13-202 and 40-35-302 to add rape of a child and aggravated rape of a child to felony murder offenses elevating a murder to first degree murder. Also requires misdemeanor probation officers, whether employed by a municipality, county or a private probation company, to determine if a new probationer is on the sexual offender registry.

Effective July 1, 2007.

**Public Chapter 165**

**Enforcement of Federal Immigration Laws by THP Officers.**

SB 1604 (Norris) HB 491 (Gresham)

Amends Title 4, Chapter 3, Part 20 and Title 4, Chapter 7, Part 1 to authorize the commissioner of safety to negotiate a memorandum of understanding regarding the enforcement of immigration laws by the highway patrol. Requires at least one employee of the highway patrol in each district office to be trained pursuant to the memorandum of understanding.

Effective May 15, 2007.

**Public Chapter 200**

**Juvenile Offenders - Notification of School Officials.**

SB 579 (Burks) HB 594 (Fincher)

Amends 37-1-131(a)(2) to expand the requirements for notification of school officials of the attendance of certain delinquent juveniles by expanding the offenses for which notice must be provided. Requires the court to enter an order directing the youth service officer, probation officer, or the state agency if the child has been committed to the custody of the state agency, to notify in writing the school principal of the nature of the offense and probation requirements, if any, related to school attendance, within 5 days of the order or before the child resumes or begins school attendance, whichever occurs first. In individual cases when the court deems it appropriate, the court may also include in the order a requirement to notify county and municipal law enforcement agencies having jurisdiction over the school in which the child will be enrolled. Information regarding the child can only be shared with the employees of the school having responsibility for classroom instruction of the child and the school counselor, social worker or psychologist who is involved in developing a plan for the child while in the school, and with the school resource officer, and any other person notified pursuant to the provisions of this section, but such information is otherwise confidential and cannot be shared with any other person or agency, except as may otherwise be required by law. A violation of the confidentiality provisions is a Class C misdemeanor.

Effective May 22, 2007.

**Public Chapter 209**

**Jails - Indecent Exposure.**

SB 1324 (Stanley) HB 1753 (Todd)

Amends 39-13-511 to broaden the offense of indecent exposure to include prisoners. A person confined in a penal institution, as defined in 39-16-601, commits the offense of indecent exposure who with the intent to abuse, torment, harass or embarrass a guard intentionally exposes the person's genitals or buttocks to the guard, or engages in sexual contact as defined in 39-13-501(6). Defines "guard" as any sheriff, jailer, guard, correctional officer or other authorized personnel charged with the custody of the person. A violation of this law is a Class A misdemeanor.

Effective July 1, 2007.

**Public Chapter 210**

**Use of Deadly Force.**

SB 0011 (Jackson) HB 1907 (Rinks)

Amends 39-11-611 and enacts 39-11-622 to extend the circumstances under which there is a legal presumption that a person using deadly

force in self defense held a reasonable belief of imminent death or serious bodily injury.

Effective May 22, 2007.

**Public Chapter 225**

**DNA and Genetic Testing.**

SB 1196 (Ramsey) HB 0867 (Mumpower)

Enacts 40-35-321(e), the “Johnia Berry Act of 2007.” Requires that a DNA sample be taken by the arresting agency and sent to TBI for inclusion in DNA database for persons arrested for a violent felony on or after January 1, 2008, subject to later destruction pending disposition of the charge. The sample must be taken using a buccal swab collection kit for DNA testing. The DNA office within the Knoxville regional crime laboratory of the Tennessee Bureau of Investigation is named the “Johnia Berry DNA Office”.

Effective May 24, 2007 for establishing procedures and protocols for collecting and forwarding biological specimens, and January 1, 2008 for all other purposes; applies to persons arrested for an applicable offense on or after such date.

**Public Chapter 240**

**Disabled Drivers and Passengers.**

SB 889 (Ketron) HB 365 (Rowland)

Amends 55-21-105(a) to provide that only disabled drivers, disabled passengers, and qualified operators acting under express direction of such disabled persons who are present as passengers are allowed to use disabled parking spaces.

Effective July 1, 2007.

**Public Chapter 242**

**Transportation of Illegal Aliens into the State.**

SB 193 (Burchett) HB 600 (Turner M.)

Enacts 39-17-114 to make it a criminal offense for any person for commercial advantage or private financial gain to transport or cause to be transported into the state an individual who the person knows or should know has illegally entered or remained in the United States, as determined by the Bureau of Immigration and Customs Enforcement of the United States Department of Homeland Security. It does not apply to common carriers. It is a defense to prosecution that the individuals were being transported for religious purposes. A violation is a Class A misdemeanor punishable only by a fine of \$1,000 for each person illegally transported, with the proceeds going to the arresting agency or agencies.

Effective July 1, 2007.

**Public Chapter 257**

**HIV Testing.**

SB 0764 (Kyle) HB 1775 (Jones U.)

Amends 39-13-521(e) to require a judge to order person convicted of promoting prostitution to submit to HIV test.

Effective July 1, 2007.

**Public Chapter 259**

**Law Enforcement Training.**

SB 1701 (Herron) HB 2079 (Maddox)

Amends Title 4, Chapter 7, Part 1 and Title 38, Chapter 8, Part 1 to require that all police and highway patrol officers be provided training on proper response to persons with mental illnesses, and requires that POST commission's curriculum include such training.

Effective July 1, 2007.

**Public Chapter 262**

**Sexual Offenders - Incest.**

SB 138 (Jackson) HB 105 (Shepard)

Amends 40-39-202 to change incest from a "sexual offense" to a "violent sexual offense" for purposes of the sexual offender registry.

Effective May 30, 2007 (applies to all offenders committing the offense of incest on or after the effective date).

**Public Chapter 298**

**Controlled Substances.**

SB 2216 (Kyle) HB 2267 (Shepard)

Amends 39-17-406, 39-17-408, 39-17-410, 39-17-412 and 39-17-414. Adds numerous opiates, depressants, stimulants, and narcotics to Schedules I through V of the controlled substances schedule, thereby making it a criminal offense to manufacture, deliver, sell, or possess with the intent to manufacture, deliver, or sell the drugs.

Effective May 30, 2007.

**Public Chapter 302**

**School District Police Department.**

SB 1451 (Tate) HB 1765 (Jones U.)

Enacts 49-1-221 to require the department of education to study allowing local education agencies (LEAs) to create school district police departments.

Effective May 30, 2007.

**Public Chapter 314**

**Juveniles Offenders - Notification of School Officials.**

SB 629 (Woodson) HB 665 (Baird)

Amends 37-1-131(a)(2), 49-6-3102 and Title 49, Chapter 6, Part 31. Mirrors the notification requirements set out in Public Chapter 200 and in addition requires school principals to develop transition plans



for students returning to school after inpatient mental health treatment under certain circumstances.

Effective July 1, 2007.

**Public Chapter 318**

**TEMA Handgun Carry.**

SB 386 (Bunch) HB 1410 (Watson)

Amends 39-17-1315 to allow directors of emergency management agencies to carry handguns pursuant to written directive (without the requirement for any firearms qualification or training).

Effective July 1, 2007.

**Public Chapter 341**

**School Resource Officers.**

SB 938 (Burks) HB 403 (Jones S.)

Amends Title 38 and Title 49, Chapter 6, Part 42 to specify that a School Resource Officer (SRO) must be a law enforcement officer as defined under § 39-11-106, and be in compliance with all laws, rules and regulations of the POST commission. Requires SROs to be assigned to a school pursuant to a memorandum of understanding between the chief of the appropriate law enforcement agency and the LEA. Requires SROs to participate in 40 hours of basic training in school policing within 12 months of assignment and at least 16 hours annually thereafter.

Effective July 1, 2007.

**Public Chapter 348**

**Orders of Protection.**

SB 723 (Woodson) HB 402 (Jones S.)

Amends Title 36, Chapter 3, Part 6, regarding extending an order of protection. Under present law, if the respondent is found to be in violation of the order the court may extend the order of protection up to 5 years. For second or subsequent violations of the order, the court may extend the order up to 10 years. This amendment specifies that the extension will apply only if the respondent is properly served and afforded the opportunity for a hearing.

Effective June 5, 2007.

**Public Chapter 355**

**Impersonation of Law Enforcement Officer.**

SB 694 (Bunch) HB 1415 (Watson)

Amends Title 39, Chapter 16, Part 3 to create the Class A misdemeanor of criminal impersonation committed when a person pretends to be a law enforcement officer for the purpose of: (1) engaging in an activity that is ordinarily and customarily an activity

established by law as a law enforcement activity; and (2) causing another to believe that the person is a law enforcement officer.

Effective July 1, 2007.

**Public Chapter 412**

**Unlawful Carrying or Possession of a Weapon.**

SB 1419 (Marrero B.) HB 1365 (Kernell)

Amends 39-17-1307(a)(2) to increase the maximum fine for a first offense from \$50 to \$500. Enhances the punishment for a second or subsequent offense from a Class C misdemeanor to a Class B misdemeanor. Provides that a violation of 39-17-1307(a)(1) is a Class A misdemeanor if the person's carrying of a handgun occurred at a place open to the public where one or more persons were present.

Effective July 1, 2007.

**Public Chapter 428**

**Revised Uniform Anatomical Gifts Act.**

SB 693 (Bunch) HB 1557 (Shepard)

Amends Title 68, Chapter 30, Parts 1 and 2, to enact the "Revised Uniform Anatomical Gifts Act." Under 68-30-112, the following persons are required to make a reasonable search of an individual who the person reasonably believes is dead or near death for a document of gift or other information identifying the individual as a donor or as an individual who made a refusal: (1) a law enforcement officer, firefighter, paramedic, or other emergency rescuer finding the individual; and (2) if no other source of the information is immediately available, a hospital, as soon as practical after the individual's arrival at the hospital. If a document of gift or a refusal to make an anatomical gift is located by the search and the individual or deceased individual to whom it relates is taken to a hospital, the person responsible for conducting the search must send the document of gift or refusal to the hospital. A person is not subject to criminal or civil liability for failing to discharge the duties imposed by this section but may be subject to administrative sanctions.

Effective July 1, 2007.

**Public Chapter 451**

**Sexual Offenders - Registration.**

SB 1659 (Jackson) HB 1480 (Buck)

Enacts 40-39-212 to expand the definition of "conviction" for purposes of the sexual offender registry. A defendant who is employed or practices a vocation, establishes a primary or secondary residence, or becomes a student in this state is required to register with a registering agency if the person (1) enters a plea of guilty to a qualifying offense in this state, or (2) enters a plea of guilty to an offense in another state, county, or jurisdiction that may result in a conviction of a qualifying offense. A defendant from another state

who enters a plea of guilty to an offense in this state that may result in a conviction of a qualifying offense is required to register with a registering agency. Registration is required upon the court's acceptance of the defendant's guilty plea, notwithstanding the absence of final sentencing and entry of a judgment of conviction.

Effective July 1, 2007.

**Public Chapter 465**

**Sexual Offenders - Registration.**

SB 64 (Burks) HB 08 (Curtiss)

Amends Title 40, Chapter 39, Part 2 to provide that regardless of the date of conviction or discharge from supervision, an offender whose contact with this state is sufficient to require registration in this state and who was an adult when the offense occurred is required to register in person if the person was required to register as any form of sexual offender in another jurisdiction prior to coming to this state. Redefines "conviction" for purposes of convicted sex offenders who are required to register and requires offenders who were not required to register under prior law to register by August 1, 2007.

Effective June 21, 2007, for the purpose of implementing the provisions of this act, and August 1, 2007, for all other purposes.

**Public Chapter 479**

**Towing and Wrecker Service.**

SB 1916 (Tate) HB 2202 (Kernell)

Amends 55-16-112(a) to add "authorized agent of the owner of the private property from which the vehicle is to be towed" to those persons from whom a towing firm may obtain authorization to tow the vehicle.

Effective June 21, 2007.

**Public Chapter 481**

**Child Helmet Law.**

SB 1994 (Black) HB 1974 (Maggart)

Amends Title 55, Chapter 52 relative to the use of helmets by children operating or riding off-highway motor vehicles.

Effective July 1, 2007.

**Public Chapter 501**

**Offense of Rape of a Child.**

SB 2235 (Kyle) HB 2314 (Hood)

Amends 39-13-522(b) to provide that a person convicted of a first or subsequent violation of this section shall be punished by a minimum period of imprisonment of 25 years, and authorizes the Board of Probation and Parole to require as a mandatory condition of supervision for any person convicted of rape of a child that the

offender be enrolled in a satellite-based monitoring program for the full extent of the offender's term of supervision.

Effective July 1, 2007.

**Public Chapter 510**

**Criminal Offenses Against Animals.**

SB 487 (Finney R.) HB 953 (Maggart)

Amends Title 39, Chapter 14, Part 2 to make sexual conduct or sexual contact with an animal a Class E felony.

Effective July 1, 2007.

**Public Chapter 511**

**Forensic Medical Examinations.**

SB 724 (Woodson) HB 1188 (Jones S.)

Amends Title 29, Chapter 13, Part 1, to provide that a victim of a sexually-oriented crime is entitled to forensic medical examinations without charge to the victim. No bill for such examination shall be submitted to the victim, nor shall the medical facility hold the victim responsible for payment. Claims for forensic medical examinations are eligible for payment from the Criminal Injuries Compensation Fund created under 40-24-107. Victims are not required to report the incident to law enforcement officers or to cooperate in the prosecution of the crime in order to be eligible for payment of forensic medical examinations.

Effective July 1, 2007, and applies to the specified sexually-oriented crimes committed on or after July 1, 2007.

**Public Chapter 525**

**Child Sexual Predators.**

SB 230 (Black) HB 252 (Harwell)

Amends 39-13-523 and 40-35-401. Creates class of "child sexual predators" composed of persons convicted of certain sexual offenses and requires that upon a second or subsequent conviction for these offenses the person must serve 100 percent of sentence imposed, provided one of the required offenses occurs on or after July 1, 2007.

Effective July 1, 2007.

**Public Chapter 526**

**Locksmith Licensing Act of 2006.**

SB 516 (Tracy) HB 415 (Todd)

Amends Title 62, Chapter 11 to delay the effective date from July 1, 2007 to July 1, 2008 for legislation enacted in 2006 regulating the profession of locksmiths and prohibiting state agencies, counties and municipalities from offering locksmithing services to the general public, whether or not a fee is charged. Amends 62-11-103(5) to define "emergency service vehicle" as a vehicle used for police, fire, or emergency medical services, or to assist a person from getting in

and out of a vehicle. Amends 62-11-105(a)(9) to exclude from the prohibitions of the act emergency service vehicles, for the sole purpose of towing a motor vehicle or allowing the owner entry into a vehicle, when the owner is locked out of the vehicle. Also removes requirement that drivers of emergency service vehicles maintain liability, bodily injury, and property damage insurance and have a annual criminal background check.

Effective June 26, 2007.

**Public Chapter 528**

**Sexual Offenders - Probation and Parole.**

SB 192 (Burchett) HB 713 (Tindell)

Amends 40-35-303(a), 40-35-313(a)(1)(B)(ii), and 40-35-501(I)(2) expanding the list of offenses for which a convicted defendant is not eligible for probation or parole.

Effective July 1, 2007.

**Public Chapter 531**

**Sexual Offenders - Registration Information.**

SB 3 (Jackson) HB 2 (Maddox)

Amends 40-39-206. Makes the information on the sexual offender registration form public information for all offenders required to register, regardless of the date of conviction.

Effective June 27, 2007.

**Public Chapter 567**

**Police Salary Supplement.**

SB 869 (Watson) HB 290 (Sargent)

Amends 38-8-111(a)(1) setting the police officers in-service training salary supplement at a flat rate of \$600.

Effective July 1, 2007.

**Public Chapter 586**

**Jail Booking Fee.**

SB 1881 (Burchett) HB 1141 (Buck)

Enacts 40-7-122 to provide that in addition to any other fees the sheriff is entitled to demand and receive under 8-21-901, the county legislative body may vote to impose an additional fee of not more than \$10 for the booking and processing of each person subject to arrest or summons. This booking fee shall be collected at the same time and in the same manner as other fees are collected by the sheriff under Title 8, Chapter 21, Part 9. No booking fee shall be charged to any person determined by the court to be indigent.

**Forfeitures.**

Amends 40-33-211(h) to provide that the proceeds from all forfeitures of conveyances or real or personal property used in the

commission of sexual offenses committed against minors must go to the Child Abuse Fund and must be earmarked for specified purposes.

**Board of Probation and Parole - Handgun Carry.**

Amends 39-17-1315 to allow duly authorized representatives or full time employees of the Board of Probation and Parole who have been specifically designated by the board to execute warrants issued pursuant to 40-28-121 or 40-35-311 or to perform other duties specifically designated by the board to carry handguns pursuant to a written directive (without the requirement for any firearms qualification or training).

Effective June 28, 2007.

**Public Chapter 594**

**Use of Firearm/Deadly Weapon in Commission of Felony.**

SB 1967 (Norris) HB 1835 (DeBerry, J.)

Enacts 39-17-1324 to create the offense of possession of a firearm with the intent to go armed during the commission of or attempt to commit a dangerous felony. It is an offense to use a firearm during the: (1) commission of a dangerous felony; (2) attempt to commit a dangerous felony; (3) flight or escape from the commission of a dangerous felony; or (4) flight or escape from the attempt to commit a dangerous felony. Amends 39-17-1307(c) to provide that a person commits an offense who possesses a deadly weapon other than a firearm with the intent to employ it during the commission of, attempt to commit, or escape from a dangerous offense as defined in 39-17-1324, and a person commits an offense who possesses any deadly weapon with the intent to employ it during the commission of, attempt to commit, or escape from any offense not defined as a dangerous offense under 39-17-1324. A violation of subsection (c) is a Class E felony.

Effective January 1, 2008.

**Public Chapter 594**

**Statute of Limitations.**

SB 1967 (Norris) HB 1835 (DeBerry, J.)

Amends 40-2-101 to extend the statute of limitations for the crimes of aggravated rape of a child (39-13-531) and statutory rape by an authority figure (39-13-532) committed on or after July 1, 2007, to no later than 25 years from the date the child becomes 18 years of age.

Effective July 1, 2007.

**Public Chapter 594**

**Sexual Offenders - Statutory Rape by an Authority Figure.**

SB 1967 (Norris) HB 1835 (DeBerry, J.)

Amends 40-39-202(25) to require any person who is convicted of statutory rape by an authority figure under 39-13-532 to register as a violent sexual offender.

Effective June 28, 2007.

**Public Chapter 594**

**Statutory Rape.**

SB 1967 (Norris) HB 1835 (DeBerry, J.)

Amends 39-13-506(b) to redefine statutory rape.

Effective June 28, 2007.

**PERSONNEL**

**Public Chapter 184**

**County Officials Certificate Training Program.**

SB 333 (McNally) HB 465 (Fitzhugh)

Amends 5-1-310 to require CTAS to submit a list to the state treasurer, by August 31 each year, of all county officers who have completed all requirements of the County Officials' Certificate Training Program to attain or maintain the designation of Certified Public Administrator. This list will replace individual applications submitted by county officials for purposes of determining eligibility for the educational incentive payment.

**Cafeteria Plans.**

Amends 8-25-501(b) to require any employer who has implemented a cafeteria plan under 8-25-501 to arrange for its employees' health insurance and dental insurance premiums to be automatically paid through the cafeteria plan beginning January 1, 2008.

Effective May 18, 2007.

**Public Chapter 220**

**Form of Identification/Proof of Immigration Status.**

SB 903 (Ketron) HB 1274 (Lynn)

Enacts 50-1-1\_\_\_ to prohibit an employer from accepting an individual taxpayer identification number as a form of identification or as prove immigration status of prospective employees or contractors. An "individual taxpayer identification number" is a tax processing number issued by the Internal Revenue Service to facilitate tax filings by persons who are not eligible to obtain a social security number, and which always begin with the number 9 and include the number 7 or 8 as the fourth digit (e.g., 9xx-7x-xxxx).

Employers must reject these numbers and request the lawful resident verification information required under federal law (Form I-9).

Effective May 24, 2007.

**Public Chapter 312**

**Employer Responsibility for Withholding Child Support.**

SB 808 (Woodson) HB 545 (Hackworth)

Amends 36-5-501 to provide that an employer has a fiduciary duty to transfer child support payments to the clerk, the central collection unit of the Department of Human Services or to another state pursuant to the Uniform Interstate Family Support Act, and failure to do so is a breach of the fiduciary duty. Actions alleging breach of this duty must be brought within one year from the date of the breach or the date when the breach was discovered or should have been discovered, and in no event more than three years after the date of the breach except where there is fraudulent concealment by the defendant.

Effective May 31, 2007.

**Public Chapter 360**

**Reservist Military Leave.**

SB 2187 (Kyle) HB 2243 (Borchert)

Amends 8-33-109 to increase paid military leave time from 15 to 20 working days a year.

Effective July 1, 2007.

**Public Chapter 470**

**County Officials Minimum Compensation.**

SB 506 (Southerland) HB 1817 (Harmon)

Amends 8-24-102(d) to provide that the annual percentage increase in the minimum compensation of county officials shall not be less than the percentage increase established for county officials of the county with the median population of all counties.

Effective July 1, 2007.

**Public Chapter 473**

**County Officials Certificate Training Program.**

SB 1167 (Black) HB 935 (Maggart)

Amends 5-1-310(e) to provide that the certified public administrator educational incentive payments to assessors shall not be offset by the compensation received by assessors for obtaining certain professional designations pursuant to 67-1-508.

Effective July 1, 2007.



**Public Chapter 513**

**Unemployment Compensation Benefits.**

SB 1775 (Southerland) HB 2128 (Fitzhugh)

Amends 50-6-207(1) to provide that any person who has drawn unemployment compensation benefits and who subsequently receives compensation for temporary disability benefits under a workers' compensation law with respect to the same period is required to repay the unemployment compensation benefits, provided the amount to be repaid does not exceed the amount of temporary disability benefits.

Effective July 1, 2007.

**Public Chapter 587**

**Background Checks - Schools and Child Care.**

SB 2048 (Woodson) HB 1991 (McCord)

Amends 49-5-413 to provide that any person, corporation or other entity who enters into or renews a contract with a local board of education or child care program on or after the effective date of this act must comply with the provisions of this law if the contract requires the person or employee to have: (1) direct contact with school children or children in a child care program; or (2) access to the grounds of a school or child care center when children are present. The contracting party who employs such person must require the applicant to supply a fingerprint sample and submit to a criminal history records check conducted by the TBI and the FBI before the person can have contact with children or enter school grounds, and such person cannot come in direct contact with school children or children in a child care program or enter the grounds of a school or child care center when children are present if the criminal history records check indicates that the employer or employee has been convicted of an offense that, if committed on or after July 1, 2007, is classified as a sexual offense or a violent sexual offender.

Effective September 1, 2007.

**PLANNING & ZONING**

**Public Chapter 76**

**Digital Billboards.**

SB 593 (Southerland) HB750 (Harmon)

Amends 54-21-102 and enacts 54-21-122 to provide that changeable message signs with a digital display which meet other requirements under Title 54, Chapter 21 are permissible in the areas adjacent to the interstate or primary highway system provided that the sign meets certain regulations. Display time on such signs must remain static for a minimum of 8 seconds with a maximum change time of 2 seconds; prohibits video, continuous scrolling and animation; requires minimum spacing of such signs of 2,000 feet.

Effective May 3, 2007.

**Public Chapter 246**

**Regional Planning Commissions - Housing.**

SB 302 (Crutchfield) HB 840 (Favors)

Amends Title 13, Chapter 3 to restrict the movement of a single family residence from one foundation to another foundation within a “developed area of single family residences” (i.e. subdivision) unless certain approvals are received. Specifies that the term “single family residence” does not include manufactured or modular homes.

Effective May 24, 2007.

**Public Chapter 253**

**Regional Planning Commissions - Members.**

SB 1613 (Norris) HB 1294 (Sargent)

Amends 13-3-102 to require at least one member of a municipal planning commission designated as a regional planning commission with 5 members and at least 2 members of a municipal planning commission designated as a regional planning commission with more than 5 but less than 11 members to reside within the regional area outside of the municipal boundaries served by the regional planning commission.

Effective July 1, 2007.

**Public Chapter 426**

**Tennessee Regional Megasite Authority Act of 2007.**

SB 2141 (Finney) HB 2172 (Naifeh)

Amends Title 64 to establish the Tennessee Regional Megasite Authority Act of 2007. Provides for creation of regional megasite authorities which may acquire land and improve, finance, operate, maintain, and market megasites (sites certified as being suitable and available for development for significant economic and industrial development pursuant to 64-12-103). Regional megasite authorities may be created by 2 or more counties and/or municipalities.

Effective June 13, 2007.

**PURCHASING**

**Public Chapter 122**

**Sale of Surplus Property.**

SB 750 (McNally) HB1500 (Winningham)

Amends 5-14-108(o)(1) to authorize counties under the County Purchasing Law of 1957 to conduct sales of surplus property by Internet auction or other public auction, by removing statutory limitations on such sales.

Effective May 10, 2007.

**Public Chapter 135**

**Bid Limit Increase.**

SB 319 (Henry) HB 216 (Odom)

Amends 5-14-108 and 5-14-202, -204 and -205 to increase the maximum amount over which sealed competitive bids are required for general fund purchasing from \$5,000 to \$10,000. Note that the change is automatic in counties operating under the County Purchasing Law of 1983, but local action is required to increase the limit in counties operating under the County Purchasing Law of 1957 or the County Financial Management System of 1981.

Effective May 10, 2007.

**Public Chapter 201**

**Construction Contracts - Retainage.**

SB 1275 (Burchett) HB 1003 (Curtiss)

Amends 66-11-144 to require that retainage amounts on construction contracts that exceed \$500,000 must be placed in an interest bearing account with the interest paid to the contractor with the retainage. Amends Title 66, Part 4 to provide that retainage amounts on public and private construction contracts cannot exceed 5% of the contract amount, and the retainage must be released to the prime contractor within 90 days after completion of the project, or within 90 days after substantial completion of the project for work completed, whichever occurs first.

Effective July 1, 2007 (applies to all contracts entered into after this date).

**Public Chapter 383**

**Purchase of Used or Secondhand Goods.**

SB 1723 (Ketron) HB 1788 (Ulysses Jones)

Amends 12-3-1003 to authorize cities and counties to purchase used or secondhand goods, equipment, materials, supplies, or commodities from private individuals and entities without public advertisement and competitive bidding as long as the purchasing government documents the general range of value of the item through a listing in a nationally-recognized publication or through an appraisal by a licensed appraiser and the price paid falls within 10% of the documented range.

Effective June 8, 2007.

## RECORDS

### Public Chapter 152

#### **Confidentiality of Absentee Ballot Records.**

SB 923 (Ketron) HB 1916 (Rinks)

Amends 2-6-202 to provide that information regarding absentee requests and applications is confidential and not subject to the Open Records Law until the end of the early voting period.

Effective July 1, 2007.

### Public Chapter 178

#### **Confidentiality of Records - Critical Incident Counseling.**

SB 920 (Ketron) HB 854 (Bass)

Amends 10-7-504(a)(13)(A) to classify records of job-related critical incident counseling to county and municipal corrections officers and dispatchers as confidential for purposes of open records law.

Effective July 1, 2007.

### Public Chapter 363

#### **The Rosa Parks Act.**

SB 1199 (Kyle) HB 1055 (DeBerry L.)

Amends Title 40, Chapter 32 to enact the "The Rosa Parks Act," providing for the expungement of public records of persons charged with a misdemeanor or felony while challenging a law designed to maintain racial segregation or discrimination.

Effective July 1, 2007.

### Public Chapter 425

#### **Personnel Records.**

SB 2005 (Tracy) HB 1828 (Todd)

Amends 10-7-503(c) to require that information made confidential by Title 10, Chapter 7 be redacted whenever possible, but the costs associated with redacting records or information, including the cost of copies and staff time to provide redacted copies, are to be borne as provided under current law.

Amends 10-7-504(f)(1) to add law enforcement officers commissioned pursuant to 49-7-118 (campus police) to the list of public employees whose personal information held by governmental employers is confidential and not open for public inspection.

Amends 10-7-504(g)(1) to provide that all law enforcement personnel information in the possession of any entity or agency as an employer, including officers commissioned pursuant to 49-7-118 (campus police), shall be open for inspection as provided in 10-7-503(a), except that personal information shall be redacted where there is a reason not to disclose as determined by the chief law enforcement officer or designee. When a request to inspect includes such personal

information and the request is for a professional, business, or official purpose, the chief law enforcement officer or custodian must consider the specific circumstances to determine whether there is a reason not to disclose and release all information except that made confidential in 10-7-504(f) if there is no such reason. In all other circumstances, the officer must be notified prior to disclosure of the personal information and be given a reasonable opportunity to be heard and oppose the release of the information. The chief law enforcement officer has the right to segregate information which could be used to identify or to locate an officer designated as working undercover. In addition to the requirements of 10-7-503(c), the request for a professional, business, or official purpose must include the person's business address, business telephone number and email address. The request may be made on official or business letterhead and the person making the request must provide the name and contact number or email address for a supervisor for verification. If the chief law enforcement official or designee, or custodian of the information decides to withhold personal information, a specific reason must be given in writing within 2 business days to the requestor, and the file must be released with the personal information redacted. Personal information includes the officer's residential address, home and personal cellular telephone number; place of employment; name, work address and telephone numbers of the officer's immediate family; name, location, and telephone number of any educational institution or daycare provider where the officer's spouse or child is enrolled.

Effective June 13, 2007.

## **Public Chapter 476**

### **Child Abuse or Child Sexual Abuse Confidential Records.**

SB 1568 (Herron) HB 2225 (Maddox)

Amends 37-1-612(c) to grant members of the Tennessee Claims Commission, its staff, and employees of the Division of Claims Administration access to reports of child abuse or child sexual abuse for purpose of determining if claim filed with commission based on facts in the record is a compensable criminal offense under the Criminal Injuries Compensation Act, whether the offense alleged occurred, and whether the claimant's injuries were caused by such crime.

Effective July 1, 2007, and applies to claims for compensation filed on or after January 1, 2006.

## **REGISTER OF DEEDS**

### **Public Chapter 116**

#### **Property - Scrivener's Error Affidavits.**

SB 541 (Jackson) HB 368 (Shepard)

Amends 66-24-101(a)(27) to allow affiants to attach exhibits to scrivener's error affidavits. The attached exhibits may include documents previously recorded with corrections made by the affiant.

Effective May 8, 2007.

### **Public Chapter 137**

#### **Property - Plats.**

SB 499 (Johnson, J.) HB 326 (Sargent)

Amends 13-4-304 to provide 35 days for plat approval after initial consideration by the municipal planning commission. Also provides for waiver of the time requirement by the applicant as well as for extensions.

Effective May 10, 2007.

### **Public Chapter 180**

#### **Transfers of Real Estate to a Revocable Living Trust.**

SB 1373 (Haynes) HB 467 (Fitzhugh)

Amends 67-4-409(a)(3) to revise the transfer recordation tax exemption regarding revocable living trusts to exempt the following: (1) transfers by a transferor of real estate to a revocable living trust created by the transferor or by a spouse of the transferor, or transfers by the trustee of a revocable living trust back to the transferor or to the transferor's spouse; or (2) deeds executed by the trustee of a revocable living trust to implement a testamentary devise by the trustor of the trust.

Effective July 1, 2007.

### **Public Chapter 189**

#### **Lien Procedures for Improvements.**

SB 2031 (Haynes) HB 1879 (Curtiss)

Amends Title 66, Chapter 11 to establish and clarify the rights and procedures associated with placing liens on real property improvements. Sets out several permissive and mandatory recordings in the register's office as well as certain indexing and record keeping requirements for registers.

Effective May 18, 2007.

**Public Chapter 192**

**Auctioneers Liens.**

SB 1254 (Burchett) HB 1037 (Cobb)

Amends Title 62, Chapter 19, Part 1 to allow auctioneers to file liens in the register's office for nonpayment for services.

Effective July 1, 2007.

**Public Chapter 420**

**Uniform Real Property Electronic Recording Act.**

SB 317 (Henry) HB 1080 (Turner)

Amends Title 66, Chapter 24 to clarify that copies of electronic documents may be recorded as long as the documents are otherwise eligible for recording and contain a certification of authenticity. Electronic documents registered prior to July 1, 2007 will be considered validly registered with or without the certification of authenticity. Also establishes the Uniform Real Property Electronic Recording Act.

Effective July 1, 2007.

**RETIREMENT**

**Public Chapter 131**

**Unfunded Pension Obligations - General Obligation Bonds.**

SB 1940 (Burchett) HB 1968 (Armstrong)

Amends 9-21-105 to include within the definition of "certain unfunded pension obligations" (1) pension benefits for past service of employees of a local government whose employment results from the local government's assumption of governmental responsibilities of another local government; or (2) pension benefits for past service of employees of a local government whose pension benefits arise from a defined benefit pension plan that is closed to the enrollment of new employee participants and are funded solely by contributions of the local government to the plan; or (3) pension benefits for past service of employees of a local government whose pension benefits arise from a defined benefit pension plan adopted by referendum amendment of a county charter, and which limits enrollment to law enforcement employees of the local government. Provides that the maturity of any bonds issued under number (3) above shall not exceed 20 years from the date of the bonds, and the servicing of such bonds shall be subject to review by the Office of the Comptroller of the Treasury. Provides that the value of any "certain unfunded pension obligations" shall be limited to the unfunded portion of the present value of benefits less the present value of future normal costs, as certified by the pension actuarial consultant of the local government.

Effective May 10, 2007.

## **Public Chapter 184**

### **Employment as K - 12 School Bus Driver.**

SB 333 (McNally) HB 465 (Fitzhugh)

Amends Title 8, Chapter 36, Part 8 to authorize retired members of Tennessee Consolidated Retirement System, any superseded system, or any local retirement fund established pursuant to Title 8, Chapter 35, Part 3, to accept employment as a K - 12 school bus driver without loss or suspension of retirement benefits through June 30, 2012; provided that: (1) such retirement benefits are not based on any service and salary rendered as a K - 12 school bus driver; (2) during a 12-month period, the retired member does not work more than 960 hours combined; and (3) the retired member is not eligible to accrue additional retirement benefits as a result of such employment.

### **Withholding of Insurance Premiums for Retirees.**

Amends 8-36-112 to provide that nothing in present law prohibits the withholding of insurance premiums for retirees under a plan approved by the state insurance committee, or for retired teachers or other retired local government employees for payment of insurance premiums under any Tennessee local government group insurance plan provided to such retirees. The director of the TCRS may periodically establish a schedule of insurance premium support levels that local education agencies may assign to such retired teachers. If a schedule is established, a LEA must conform to the schedule for the retirement system to make or continue making premium deductions from the retirement benefits of that LEA's retired teachers.

### **Pre-Funding Non-Pension Post-Employment Benefits.**

Amends 8-50-1203 to add the following requirements for any local government entity's authorization for an investment trust for pre-funding non-pension, post-employment benefits: (A) the investment committee of the political subdivision must adopt, in writing, an investment policy authorizing how assets in the trust may be invested. Such policy cannot authorize assets in the trust to be invested in any instrument, obligation, security, or property that would not constitute a legal investment for assets of Tennessee domestic life insurance companies; (B) the trust must conform to all applicable laws, rules and regulations of the IRS, if any, and it is the sole responsibility of the political subdivision to ensure that the trust conforms to any such IRS laws, rules and regulations; and (C) the trust document must be submitted to the state funding board for approval.

Effective May 18, 2007.

## **Public Chapter 488**

### **Group 1 Retirement - Supplemental Bridge Benefit.**

SB 332 (McNally) HB 464 (Fitzhugh)

Amends 8-36-201(a) and 8-36-211 to provide that any member in Group 1 who has creditable service in a Group 1 position covered by



the mandatory retirement provisions of 8-36-205 will be eligible for service retirement at 55 years of age and completion of 25 years of creditable service; provided that the service rendered while the member was in a Group 1 position covered by the mandatory retirement provisions shall be independent of all other creditable service for the purpose of calculating the member's retirement benefits under 8-36-206. This is optional for political subdivisions participating under Title 8, Chapter 35.

Effective July 1, 2007, the supplemental bridge benefit will commence on the member's effective date of retirement or on the first day of the month after the month the member reaches age 55, whichever is later; provided that this provision shall not apply to any member who is eligible for the supplemental bridge benefit based solely on creditable service rendered pursuant to 8-36-205(a)(2) unless the chief governing body of the political subdivision passes a resolution accepting the liability and cost to provide such benefits.

The supplemental bridge benefit and any cost-of-living adjustments attributable to such benefit cease on the first day of the month after the month in which the member dies, or on the first day of the month after the month in which the member reaches the age requirement for receipt of federal Social Security benefits, whichever occurs first.

The terms of any resolution to adopt a mandatory retirement age requirement for local firefighters and police officers pursuant to 8-36-205(a)(2) may include, at the option of the political subdivision, deferral of the effective date of the mandatory retirement requirement until the July 1 next following the passage of twelve (12) months from the date the resolution is passed; but no such deferral shall impact the right, if any, that a member may otherwise have to receive the supplemental bridge benefit provided for in 8-36-211.

Effective July 1, 2007.

## **TAXES**

### **Public Chapter 58**

#### **Tax Receivables.**

SB 1999 (Norris) HB 1786 (Jones U.)

Amends 67-5-2012(a)(3)(A) and 67-5-2012(e)(4) to provide that if a governmental entity chooses to discharge, reduce, delay or otherwise compromise the payment of any tax receivables that have been sold, then such discharge, reduction, delay or compromise shall not be effective unless the government entity first pays the purchaser of the tax receivables the amount of the tax receivable payments that have

been discharged, reduced, delayed or otherwise compromised. Extends authority to sell tax receivables to Shelby County.

Effective April 24, 2007.

**Public Chapter 368**

**Cigarette Tax.**

SB 2326 (Kyle) HB 2354 (Odom)

Amends Title 67, Chapter 4, Part 10 to increase the tax on cigarettes from 20¢ per pack to 62¢ per pack. The revenue from 40¢ of the increase is allocated to the education trust fund created by Title 49, Chapter 3, provided that \$21 million of the cigarette tax revenue is allocated to the Department of Agriculture's Tennessee agriculture enhancement program. The revenue from the remaining 2¢ of the increase will be deposited in the trauma system fund created by the "Trauma Center Funding Act of 2007".

Effective July 1, 2007.

**Public Chapter 500**

**Local Tourism Development Zone Business Tax Act.**

SB 2198 (Kyle) HB 2296 (Odom)

Amends Title 67, Chapter 4, to enact the "Local Tourism Development Zone Business Tax Act," authorizing certain counties and municipalities meeting the requirements of the act to levy a privilege tax of up to 5 percent of the sales price on sales made in a tourism development zone or any portion of a tourism development zone designated by resolution of a municipality in any county, to fund convention centers, exhibition centers, and similar facilities as provided in 7-88-103. The tax is to be paid monthly to the county clerk or city collector.

Effective June 21, 2007.

**Public Chapter 507**

**Sales Tax Exemption for Online Farmer's Markets.**

SB 131 (Cooper) HB 83 (Harmon)

Amends 67-6-301(a) to add that sales of farm or nursery products directly from a farmer to a consumer via an online farmers' market will be eligible for the sales tax exemption if: (1) the consumer's full purchase price is transmitted by the consumer or the online farmers' market to the farmer; and (2) the organizing body of the online farmers' market levies no fee or other charge for facilitating such sales other than "virtual booth" fees to pay the actual costs of operating the online farmers' market.

Effective July 1, 2007.

**Public Chapter 534**

**Sales and Use Tax.**

SB 616 (Woodson) HB 934 (Winningham)

Amends 67-6-393 to apply the sales tax holiday to school art supplies with a sale price of \$100 or less per item.

Effective June 27, 2007.

**Public Chapter 600**

**Sales Tax.**

SB 568 (Beavers) HB 470 (Fitzhugh)

Amends 67-6-228 to lower the sales tax on food to 5.5%. Clarifies that revenue from 0.5% of the tax rate is to still be placed in the general fund and earmarked for K-12 education. Also provides for a sales tax holiday March 21, 2008 through March 23, 2008.

Effective January 1, 2008; the section providing for the sales tax holiday is effective June 28, 2007.

**Public Chapter 602**

**Taxes.**

SB 2223 (Kyle) HB 2281 (Odom)

Amends 67-4-1603 to increase the waste tire fee to \$1.35 effective October 1, 2007.

Amends 67-6-103(a)(3)(F) to permit Stewart and Humphreys counties to elect to be a Tennessee River resort district and clarify that eligible counties may elect to be a Tennessee River resort district for purposes of this chapter and not for Title 57, Chapter 4, Part 1. Also provides that counties must make the election by July 1, 2008. Effective June 28, 2007.

Amends 67-1-508 to provide that the State Board of Equalization may provide grants to counties to provide cash salary bonus supplements to property assessors and deputies meeting certain educational and training criteria. Effective June 28, 2007.

Amends 67-6-228 to provide that food and food ingredients are to be taxed at one rate while prepared food, alcohol, candy, diet supplements, and tobacco shall be taxed at the tangible personal property rate set in 67-6-202. Effective January 1, 2008.

Amends 67-6-702 to set the tax on tangible personal property obtained from vending machines at 2.25% effective January 1, 2008.

Amends 67-6-710 to provide for the distribution procedure for proceeds from the tax on tangible personal property obtained from vending machines effective January 1, 2008.

Also amends various other provisions relating to the Streamlined Sales and Use Tax Agreement. Many of these provisions are not effective until July 1, 2009.

## **TAXES – PROPERTY**

### **Public Chapter 37**

#### **Amending Tangible Personal Property Schedules.**

SB 1107 (Henry) HB 1763 (Moore)

Amends 67-5-903(e) to clarify that a schedule of tangible personal property may be amended by the taxpayer if it is timely filed with the assessor.

Effective January 1, 2008.

### **Public Chapter 38**

#### **Reporting Deadline for Tangible Personal Property.**

SB 1108 (Henry) HB 1762 (Moore)

Amends 67-5-903(b) to clarify that taxpayers must file the schedule of tangible personal property used in the taxpayer's business or profession with assessor on or before March 1 each year.

Effective January 1, 2008.

### **Public Chapter 51**

#### **Revising Deadlines for Direct Appeals of Assessment.**

SB 1106 (Henry) HB 1761 (Moore)

Amends 67-5-1412(b)(2) to authorize taxpayers and owners of industrial and commercial real and tangible personal property to request the assessor's concurrence to directly appeal the valuation of such property within 10 days after the date the assessment notice for the property is sent, by June 1 of the tax year, or such other date as may be prescribed by the assessor, but no later than the adjournment date for the regular annual session of the county board of equalization. Only applies in 61 counties.

Effective January 1, 2008.

### **Public Chapter 66**

#### **Local Approval of Property Tax Exemption.**

SB 2067 (McNally) HB 1461 (Fitzhugh)

Amends 67-5-223(c) to provide that the property tax exemption for charitable or education use does not apply to property owned by nonprofit community and performing arts organizations in a county unless such exemption has been approved by a 2/3 vote of the county legislative body.

Effective April 30, 2007.

## **Public Chapter 132**

### **Property Tax Reporting Deadlines.**

SB 2062 (McNally) HB 1470 (Fitzhugh)

Amends 67-1-1005(a) to provide that a back assessment or reassessment must be initiated on or before September 1 of the year following the tax year for which the original assessment was made. Amends 67-5-903(b) to provide that the taxpayer must file the taxpayer's personal property schedule with the assessor on or before March 1 of each year. Amends 67-5-903(e) to provide that the taxpayer may amend a personal property schedule previously filed with the assessor at any time on or before September 1 following the tax year. Amends 67-5-1412(e) to provide that appeals to the state board of equalization from action of a local board of equalization must be filed on or before August 1 of the tax year, or within 45 days of the date notice of the local board action was sent, whichever is later. Amends 67-5-1301(c), 67-5-1319(a) and 67-5-1326 to specify that the general law provisions regarding confidentiality of property tax information is applicable to assessments of public utility companies.

Effective May 10, 2007.

## **Public Chapter 133**

### **Appeal Requirements - Property Tax Appeals.**

SB 2065 (McNally) HB 1465 (Fitzhugh)

Amends 67-5-1412(e) to change provisions regarding when the state board will accept an appeal from the taxpayer to specify that the appeal will be accepted up to March 1 of the year subsequent to "the year in which the time for appeal to the state board has began to run" instead of "the year in which the assessment was made."

Effective May 10, 2007.

## **Public Chapter 179**

### **Correction of Forced Assessments.**

SB 1109 (Henry) HB 1760 (Moore)

Amends 67-5-903(d) to provide that, whether or not an assessor's error affected the original assessment, the assessor may correct a forced assessment of tangible personal property using the procedure provided in 67-5-509 and subject to the deadlines provided in 67-5-509, upon determining that the taxpayer was not in business as of the assessment date for the year at issue, and upon determining that the taxpayer did not own or lease tangible personal property used or held for use in a business as of the assessment date for the year at issue.

Effective May 16, 2007.

**Public Chapter 256**

**Appeals to the State Board of Equalization - Processing Costs.**

SB 2064 (McNally) HB 1474 (Fitzhugh)

Amends 67-5-1501(d) to provide that even if hearing costs are not assessed, additional processing costs may be assessed as follows: (1) if there is a reasonable cause to anticipate that a party may unreasonably delay requesting withdrawal or settlement, all the amount otherwise due as hearing costs will be assessed as additional processing costs if the notice of hearing so states and the appeal is withdrawn or settled within 7 days of any scheduled hearing on the merits, unless any party requests postponement of the hearing within 14 days after the notice of hearing is sent; and (2) in all other circumstances, additional processing costs in the amount of \$10 will be due if an appeal is settled. In any appeal of a local assessment where the taxpayer is required to file directly with the board and for which there is no right of first hearing before the county board of equalization, no hearing costs will be assessed at the first level of hearing before a hearing officer or administrative judge sitting alone.

Effective May 24, 2007.

**Public Chapter 292**

**Amended Personal Property Schedule.**

SB 1810 (Kyle) HB 1533 (DeBerry L.)

Amends 67-5-903(e) to provide that the assessor shall, within 60 days from receipt of the taxpayer's amended schedule, review and accept or reject the schedule and notify the taxpayer in writing of the results of the review. If the assessor has not notified the taxpayer that the amended schedule has been accepted or rejected within 60 days, the taxpayer's amended schedule is deemed not accepted by the assessor.

Effective May 30, 2007.

**Public Chapter 292**

**Religious Use Exemption.**

SB 1810 (Kyle) HB 1533 (DeBerry L.)

Amends 67-5-212(b)(3)(B) regarding the religious use exemption from the property tax. Defines "claims pending on or after such effective date" for purposes of determining which religious institutions are eligible to claim the 5-year period under 2005 Public Chapter 500 to mean: (1) a claim by a religious institution pending before or under appeal to the state board of equalization on or after June 22, 2005; or (2) an application by a religious institution for which the executive secretary or state board designee made a determination prior to June 22, 2005, but the period for appeal of the determination under 67-5-1501(c) had not expired as of June 22, 2005; provided that any such religious institution requesting

reconsideration must submit such request to the executive secretary of the state board of equalization prior to October 1, 2007.

Effective May 30, 2007.

**Public Chapter 332**

**Property Assessments Appeals.**

SB 2066 (McNally) HB 1462 (Fitzhugh)

Amends 67-5-1512(b)(1)(B) to provide that failure to pay the undisputed portion of the tax and/or any other property tax delinquency that has accrued on that property by the time of hearing will result in the appeal being dismissed without any further right to administrative appeal.

Effective June 4, 2007.

**Public Chapter 449**

**Reporting Requirements for Corporation Lessees.**

SB 1300 (Woodson) HB 930 (Winningham)

Amends 7-53-305(e) to require industrial development corporation lessees to submit an annual report to the state Board of Equalization on or before October 1, and modifies the information required in the report. Adds a requirement that the report be sent to the assessor in the county in which the property is located on or before October 15 of the year in which the filing is made with the state Board. Removes the requirement for the state Board to audit the reports, and instead authorizes the assessor to audit and/or review the data report on all payment in lieu of tax agreements and to conduct comparative analysis to ensure that all agreements are reported to the assessor. Specifies that the reporting requirements apply to lessees of public building authorities, sports authorities, health, educational and housing facility corporations, and city and county property. Subjects the lessee to a late filing fee of \$50 payable to the state Board. Any lessee failing to file the report with the board or the assessor within 30 days after written demand therefor will owe an additional payment in lieu of tax in the amount of \$500. This payment will be collected by the trustee for the benefit of the county, in the same manner as property taxes, on certification from the Board or the assessor.

Effective June 18, 2007.

**Public Chapter 514**

**Assessment of Open Space Easement.**

SB 1872 (Henry) HB 894 (McCord)

Amends 67-5-1009 to provide that open space land comprising at least 15 contiguous acres may qualify for classification under the Agricultural, Forest and Open Space Land Act if the owner donates an open space easement to a qualified conservation organization and the organization accepts the easement in writing. Any portion of the land that is in actual use as a home site or any other non-open space

use does not qualify as “open space land.” Any owner of open space easement land who seeks to have the land classified for assessment under the Agricultural, Forest and Open Space Land Act must apply to the assessor under current law and record a copy of the easement and the grantee’s written acceptance with the register of deeds.

Effective July 1, 2007.

## **Public Chapter 581**

### **Property Tax Freeze Act.**

SB 0002 (Norris) HB 1033 (DeBerry J)

Amends 67-5-705. States that the purpose of this section is to provide for the uniform and orderly administration of the property tax freeze program for eligible taxpayers in those jurisdictions adopting it. Specifies that this section is not intended to displace other forms of property tax relief available at the time of its passage except as expressly provided herein.

Defines “base tax” as the property tax due on the principal residence of a qualifying taxpayer at the time the jurisdiction levying the tax adopts a resolution or ordinance approving the property tax freeze under this section. If the taxpayer did not qualify or did not own an eligible residence when the freeze was adopted, “base tax” means the maximum property tax due on the taxpayer’s eligible residence for the year in which the taxpayer became eligible on the basis of an approved application. If a taxpayer reapplies after acquiring a new residence or after a period of ineligibility, the base tax shall be recalculated for the year of reapplication and reestablishment of eligibility.

Specifies that the “collecting official” is the county trustee or in the case of taxes due a municipality, the county trustee or other official responsible for collection of property taxes.

Defines “improvement” as any change to a dwelling or dwelling lot that would properly warrant a change by the assessor in the assessed value of the property for the year or portion of the year in which the improvement is made.

Defines “principal residence” as the dwelling owned by the taxpayer and eligible as the taxpayer’s legal residence for voting purposes.

Provides that the tax freeze granted by this section shall only apply to the principal residence and no more than the maximum limit for land established by rule. Specifies that program rules shall establish the maximum size limits for land which may qualify as a taxpayer’s principal residence. The rules shall take into consideration lot size requirements under applicable zoning as well as property actually



used to support residential structures; provided, however, such size limit shall not exceed five (5) acres.

Provides that the legislative body of any county or municipality may by resolution or ordinance adopt the property tax freeze program provided in this section. The county or municipality may thereafter terminate the tax freeze program by resolution or ordinance provided, however, such resolution or ordinance terminating the program shall not have the effect of terminating the program until the following tax year.

Provides that taxpayers seeking the property tax freeze must apply annually to the collecting official by the deadline established in the program rules, and applicants must qualify on the basis of age, income and ownership of eligible property. Specifies that the collecting official shall determine whether requirements for eligibility have been met, and the collecting official's determination shall be final, subject to audit and recovery of taxes, including penalty and interest at the rates otherwise provided for delinquent taxes under 67-5-2010, if the applicant is later determined to have not been eligible. Any taxpayer, who knowingly provides false information concerning the taxpayer's income or other information relative to eligibility for such program, commits a Class A misdemeanor.

Specifies that if the collecting official approves the application, property taxes due upon the applicant's principal residence shall be the lesser of: (1) The actual tax due; or (2) The base tax, provided the base tax shall be adjusted to reflect any percentage increase in the value of the property determined by the assessor to be attributed to improvements made or discovered after the time the base tax was established.

To qualify for the property tax freeze, the applicant must be sixty-five (65) years of age by the end of the year in which the application is filed. The applicant must further own and use the property as the applicant's principal residence for which the tax freeze is sought in the year of application or reapplication and through the deadline date for application or reapplication.

In addition to the qualifications stated in above, the applicant's income, combined with the income of any other owners of the property, and the income of any owners of a remainder interest in the property who used the property as their principal place of residence at any time during the year may not exceed the income limit set forth in this section. Income for purposes of qualification means income from all sources as defined by the program rules.

Provides that the income limit for the property tax freeze program shall be the greater of weighted average of the median household income for age groups sixty-five (65) to seventy-four (74) and seventy-five (75) or over who resided within the county as determined in the most recent federal decennial census, or the applicable state tax relief income limit established under 67-5-702. This limit shall be adjusted by the Comptroller of the Treasury to reflect the cost of living adjustment for social security recipients as determined by the social security administration and shall be rounded to the nearest ten dollars (\$10.00). The adjusted weighted average median household income level for each county shall be published annually by the Comptroller of the Treasury.

Provides that the Comptroller of the Treasury is authorized to perform income verification or other related services or assistance at the request of a county or municipality if the county or municipality agrees to pay fees sufficient to reimburse the actual costs of the comptroller in providing such services or assistance, unless or to the extent not appropriated by the General Assembly.

Financial records filed for purposes of income verification shall be confidential and shall not be subject to inspection under the Tennessee public records act, but shall be available to local or state officials who administer or enforce the provisions of this section or requirements imposed pursuant thereto.

The property tax freeze program shall conform to any uniform definitions, application forms and requirements, income verification procedures and other necessary or desirable rules, regulations, policies and procedures, not in conflict with this section, as may be adopted by the State Board of Equalization through the Division of Property Assessments.

Effective July 1, 2007, and shall apply to tax years beginning on and after January 1, 2008 (effective June 28, 2007 for purposes of promulgating rules and regulations).

**Public Chapter 539**

**Property Tax Relief for Elderly Low-income Homeowners.**

SB 1050 (Finney L.) HB 1629 (Pitts)

Amends 67-5-702(a)(2) to provide that for tax year 2007 and after, the taxpayer's annual income from all sources cannot exceed \$24,000 or such other amount set forth in the general appropriations act.

Effective January 1, 2008.

**Public Chapter 553**

**Property Tax Relief for Disabled Veterans.**

SB 28 (Kurita) HB 157 (Curtiss)

Amends 67-5-704(b)(3) so that any veteran who has a service-connected permanent and total disability, as determined by the United States Department of Veterans' Affairs, would qualify for tax relief.

Effective July 1, 2007.

**UTILITIES**

**Public Chapter 74**

**Utility Districts Commissioners - Compensation.**

SB 423 (Southerland) HB 717 (Tindell)

Amends 7-82-308(a)(1) to increase the authorized per diem for utility district commissioners to \$300 per meeting regardless of the number of users in the district.

Effective May 3, 2007.

**Public Chapter 86**

**Water - Boards.**

SB 1938 (Tracy) HB 1562 (Curtiss, Lynn)

Amends 7-82-701(a), 7-82-709 and 68-221-1008 to transfer authority over the Utility Management Review Board and the Water and Wastewater Financing Board from the Department of Environment and Conservation to the Comptroller of the Treasury.

**Treatment Authorities.**

Amends 68-221-1008 to specify that "water systems and wastewater facilities" also means any treatment authority created under the Water and Wastewater Treatment Authority Act which operates a water or wastewater facility. Requires such treatment authorities to file or cause to be filed with the comptroller an independently prepared audited financial statements. Such authority is be subject to the jurisdiction of the water and wastewater financing board.

Effective May 3, 2007.

**Public Chapter 164**

**Utilities/Telecommunications.**

SB 1580 (Herron) HB 2099 (Maddox)

Amends 7-52-408, 410 and 411 to provide for 2 additional members to sit on the Tennessee Broadband Task Force—the commissioner of education or his designee and a competitive local exchange carrier representative to be appointed by the governor. The task force is to submit annual assessments on the state of broadband deployment to the governor, the speaker of the senate, the speaker of the house and the Tennessee Regulatory Authority.

Effective May 15, 2007.

**Public Chapter 218**

**Utilities - Underground Utility Damage Prevention Act.**

SB 664 (Burchett) HB 716 (Tindell)

Amends Title 65, Chapter 31 to require persons excavating land within 100 feet of the pavement of a street or highway to notify utilities to prevent damage to such utilities because of the excavation. Also provides that a general DIG permit may be issued to persons excavating within agricultural land where no utilities are present.

Effective May 24, 2007.

**Public Chapter 243**

**Unaccounted for Water Loss.**

SB 738 (Southerland) HB 743 (Curtiss)

Amends Title 7 and Title 68 to utility districts operating public water systems to include the utility district's annual average unaccounted for water loss percentage in the annual audit. Authorizes the utility management review board to investigate instances of excessive unaccounted for water loss and allows the board to petition the chancery court to require the district to take proper corrective action. Also authorizes the wastewater financing board to investigate instances of excessive unaccounted for water loss and to require the district to undertake corrective action and to petition the chancery court to require the district to take such action.

Effective July 1, 2007.

**Public Chapter 263**

**Energy Acquisition Corporations.**

SB 755 (Finney) HB 916 (Shaw)

Amends Title 7 and Title 9 to clarify that the authority of energy acquisition corporations to acquire electrical production, distribution and transmission facilities includes the authority to acquire electrical materials and supplies. When an energy acquisition corporation is formed by another energy acquisition corporation, the board of directors of the creating corporation shall appoint the board of directors of the newly created corporation.

Effective May 30, 2007.

**WORKERS' COMPENSATION**

**Public Chapter 300**

**Death Benefits & Second Injury Fund.**

SB 2259 (Kyle) HB 2307 (Turner M.)

Amends 50-6-204(c) to clarify that in all cases of death of a covered employee with no dependents, the maximum benefit is \$20,000 payable to the deceased employee's estate plus medical, hospital, and funeral benefits. Repeals requirement that employers pay the second

injury fund assessment in cases where death results from the work-related injury or occupational disease.

Effective May 30, 2007.

## **PART II – PUBLIC ACTS OF LOCAL APPLICATION**

### **ANDERSON**

#### **Public Chapter 282**

##### **Issuance of Birth Certificates by County Clerks.**

SB 653 (Henry) HB 1383 (Jones S.)

Amends 68-3-206 to create a two-year pilot program under the Department of Health to authorize, but not require, county clerks in Anderson, Davidson, Hamblen, Hamilton, Knox, Shelby, Tipton and Unicoi counties to issue certified copies of birth certificates to walk-in customers in accordance with department rules. Requires the department to provide state security paper for issuing copies of birth certificates, but the county clerk will be responsible for all other expenses including but not limited to connectivity, hardware and training of staff. The county clerk is authorized to charge a fee of \$5.00 in addition to state fees.

Effective May 30, 2007 for implementing the provisions of this act and on July 1, 2007 for all other purposes.

#### **Public Chapter 520**

##### **Sales and Use Tax.**

SB 341 (McNally) HB 100 (Winningham)

Amends 67-6-103 to provide for the allocation of state and local revenue derived from admission and associated goods and services related to a coal mining museum in Anderson County for the retirement of the museum debt. Also provides for the allocation of state and local revenue from sales at a hotel associated with the museum for the retirement of the museum debt. Both distributions begin when the museum begins operations and will continue for 30 years or until the debt is retired, whichever is sooner.

Effective July 1, 2007.

### **BRADLEY**

#### **Public Chapter 374**

##### **Bradley County Forensic Laboratory - Collection of Fees.**

SB 387 (Bunch) HB 1414 (Watson)

Amends 39-17-420(d) to authorize the assessment of a drug testing fee of \$20 upon conviction of a violation of Title 39, Chapter 17, Part 4, the Tennessee Drug Control Act, whenever a drug analysis is performed by a publicly funded forensic laboratory or other forensic laboratory maintained in or operated by Bradley County. Provides that the fee shall be collected by the clerks of the various courts of such county and forwarded to the county trustee on a monthly basis and designated for the exclusive use of the publicly funded forensic laboratory of such county.

Removes authorization for counties of the ninth judicial district (Loudon, Meigs, Morgan and Roane) to assess a \$20 drug testing fee upon conviction of a drug offense whenever drug analysis is performed by a publicly funded forensic laboratory or other forensic laboratory established within or for use by any of these counties.

Amends 55-10-419 to authorize the assessment of a blood alcohol or drug concentration test (BADT) fee in the amount of \$100 upon conviction for a violation of 39-13-106 (vehicular assault), 39-13-213(a)(2) (vehicular homicide), 39-13-218 (aggravated vehicular homicide) or 55-10-401 (DUI), if the blood or urine of the convicted person was analyzed by a publicly funded forensic laboratory or other forensic laboratory operated by and located in Bradley County for the purpose of determining the alcohol or drug content of such blood. The fee shall be collected by the clerks of the various courts of such county and forwarded to the county trustee on a monthly basis and designated for the exclusive use of the publicly funded forensic laboratory of such county.

Amends 38-6-103(d)(1)(B) to provide that the clerks of the various courts of Bradley County shall, after deducting 5% as compensation, collect the additional fees upon a conviction for criminal offenses involving controlled substances, or driving a motor vehicle or operating a boat under the influence of intoxicants, and for certification of criminal histories and records, and shall remit the fees directly to the Bradley County trustee in cases where the Bradley County forensic laboratory performed the test or tests on the convicted person.

Effective July 1, 2007.

## **CARROLL**

### **Public Chapter 146**

#### **Litigation Tax.**

SB 1463 (Finney, L.) HB 2092 (Maddox)

Amends 67-4-601 to authorize Carroll, Cheatham, Sullivan, and Unicoi counties to levy the additional litigation tax for jail construction or courthouse renovation at the rate of \$25 per case instead of \$10 per case.

Effective May 10, 2007.

## **CHEATHAM**

### **Public Chapter 146**

#### **Litigation Tax.**

SB 1463 (Finney, L.) HB 2092 (Maddox)

Amends 67-4-601 to authorize Carroll, Cheatham, Sullivan, and Unicoi counties to levy the additional litigation tax for jail

construction or courthouse renovation at the rate of \$25 per case instead of \$10 per case.

Effective May 10, 2007.

## **DAVIDSON**

### **Public Chapter 141**

#### **Zoning - Special Provisions.**

SB1442 (Haynes) HB 1187 (Jones, S.)

Amends 13-7-208 to provide that the owner of a motor vehicle business operating in Davidson County and permitted to operate or continue operating under zoning regulations or nonconforming uses or exceptions thereto in effect immediately preceding a change in zoning must appear before the local planning commission to show cause why a nonconforming zoning applicable to a previous motor vehicle operation or establishment should continue to apply if the operation of the motor vehicle business: (1) ceases for a period not to exceed 30 continuous months, but after the period of non-operation the owner intends to resume operations in the same location as a motor vehicle business; or (2) changes ownership and the new owner intends to operate at the location as a motor vehicle business.

Effective July 1, 2007.

### **Public Chapter 282**

#### **Issuance of Birth Certificates by County Clerks.**

SB 653 (Henry) HB 1383 (Jones S.)

Amends 68-3-206 to create a two-year pilot program under the Department of Health to authorize, but not require, county clerks in Anderson, Davidson, Hamblen, Hamilton, Knox, Shelby, Tipton and Unicoi counties to issue certified copies of birth certificates to walk-in customers in accordance with department rules. Requires the department to provide state security paper for issuing copies of birth certificates, but the county clerk will be responsible for all other expenses including but not limited to connectivity, hardware and training of staff. The county clerk is authorized to charge a fee of \$5.00 in addition to state fees.

Effective May 30, 2007 for implementing the provisions of this act and on July 1, 2007 for all other purposes.

### **Public Chapter 422**

#### **Convention Center.**

SB 1116 (Harper) HB1809 (Pruitt)

Amends Title 7, Chapter 4 to authorize Davidson County to impose additional privilege taxes to fund the construction of a new convention center. Amends Title 67, Chapter 4, Part 19 to authorize Davidson County to impose additional taxes on the lease or rental of



a vehicle. Also directs Davidson County to solicit bids and expend the funds for the convention center in a non-discriminatory manner.

Effective June 13, 2007.

**Public Chapter 455**

**Alternative Schools Pilot Project.**

SB 1946 (Harper) HB 2138 (Pruitt)

Amends 49-3-3402 to establish a pilot project of mandated attendance in alternative school for suspended students for school year 2007-08, subject to staffing and space availability, in Davidson County.

Effective July 1, 2007.

**Public Chapter 461**

**Convention Center.**

SB 1391 (Haynes) HB 1433 (M. Turner)

Amends Title 7, Chapter 4 to authorize Davidson County to impose additional privilege taxes to fund the construction of a new convention center. Amends 7-53-101 and 7-53-302 to include a hotel/convention center in the list of projects which may be undertaken by the industrial development corporation. Also amends various provisions in Title 7, Chapter 88 to apply the Convention Center and Tourism Development Financing Act of 1998 to the new convention center in Davidson County.

Effective June 19, 2007.

**Public Chapter 491**

**Teacher Dismissal Hearings.**

SB 2342 (Harper) HB 1302 (West)

Enacts 49-5-512(c) to require a full hearing upon demand within 30 days after a tenured teacher receives notice of dismissal charges under 49-5-511, with right to counsel, opportunity to subpoena and examine witnesses, and right to require testimony under oath, with written findings within 10 days, and with rights to appeal under procedures specified.

Effective July 1, 2007.

**DECATUR**

**Public Chapter 98**

**Property Valuation Appeals.**

SB 1557 (Herron) HB 1909 (Rinks)

Amends 67-5-1412(b)(3) to add Decatur County to the list of counties where a taxpayer cannot make direct appeal of value of property to the state board of equalization.

Effective May 7, 2007.

## **DEKALB**

### **Public Chapter 107**

#### **Emergency Medical Services.**

SB 519 (Kyle) HB 1784 (Jones U.)

Amends 5-16-101(b)(2) to authorize DeKalb, Hardin, Henderson, Johnson, Marshall, Morgan, Shelby, and Wayne counties to operate emergency medical services and charge fees or rates for such services.

Effective July 1, 2007.

### **Public Chapter 258**

#### **Alcoholic Beverages.**

SB 829 (Ketrone) HB 1838 (Jones S.)

Amends 57-4-102(24) to add to those facilities authorized to sell alcoholic beverages for on-premises consumption as a premier type tourist resort in DeKalb County: (1) one that is commercially-operated, has overnight accommodations, dining room, meeting and conference space, and a historic water-operated grist mill, and (2) one that is commercially-operated, has a marina, restaurant, and is located on a lake within one great circle mile of Highway 56.

Effective May 24, 2007.

## **FAYETTE**

### **Public Chapter 521**

#### **Memphis Area Association of Governments.**

SB 281 (Haynes) HB 267 (Odom)

Amends 13-14-111 relative to financing of the Memphis Area Association of Governments, a development district composed of Fayette, Lauderdale, Shelby, and Tipton counties and the cities located therein.

Effective June 26, 2007.

## **GRUNDY**

### **Public Chapter 203**

#### **Alcoholic Beverages.**

SB 1221 (Cooper) HB 1194 (Harmon)

Amends 57-4-102(30) to provide for issuance of a special occasion license to a nonprofit historical society to serve complimentary samples of homemade wine manufactured in the Swiss tradition by society members. Complimentary samples cannot exceed one ounce per wine type per person and must be served at an annual festival conducted by the society celebrating Swiss heritage at a farm museum in Grundy County. The entity holding the license may transport wine and other alcoholic beverages to the licensed location.

Effective May 22, 2007.

**Public Chapter 275**

**Juvenile Court Clerks**

SB 87 (Cooper) HB 89 (Harmon)

Amends Chapter 226 of the Public Acts of 2003 to require either the general sessions court clerk or the clerk and master to serve as the juvenile court clerk in Grundy County. (Note that a juvenile court clerk must be popularly elected to 4-year terms under Article VI, Section 13 of the TENNESSEE CONSTITUTION.)

Effective July 1, 2007.

**HAMBLEN**

**Public Chapter 282**

**Issuance of Birth Certificates by County Clerks.**

SB 653 (Henry) HB 1383 (Jones S.)

Amends 68-3-206 to create a two-year pilot program under the Department of Health to authorize, but not require, county clerks in Anderson, Davidson, Hamblen, Hamilton, Knox, Shelby, Tipton and Unicoi counties to issue certified copies of birth certificates to walk-in customers in accordance with department rules. Requires the department to provide state security paper for issuing copies of birth certificates, but the county clerk will be responsible for all other expenses including but not limited to connectivity, hardware and training of staff. The county clerk is authorized to charge a fee of \$5.00 in addition to state fees.

Effective May 30, 2007 for implementing the provisions of this act and on July 1, 2007 for all other purposes.

**HAMILTON**

**Public Chapter 111**

**Property Valuation Appeals.**

SB 1309 (Watson B) HB 923 (McCormick)

Amends 67-5-1412(b)(3) to permit taxpayers and owners of commercial and industrial property in Hamilton County to appeal valuation of such property directly to the state board of equalization with the written consent of the assessor of property.

Effective May 8, 2007.

**Public Chapter 282**

**Issuance of Birth Certificates by County Clerks.**

SB 653 (Henry) HB 1383 (Jones S.)

Amends 68-3-206 to create a two-year pilot program under the Department of Health to authorize, but not require, county clerks in Anderson, Davidson, Hamblen, Hamilton, Knox, Shelby, Tipton and Unicoi counties to issue certified copies of birth certificates to walk-in customers in accordance with department rules. Requires the department to provide state security paper for issuing copies of birth

certificates, but the county clerk will be responsible for all other expenses including but not limited to connectivity, hardware and training of staff. The county clerk is authorized to charge a fee of \$5.00 in addition to state fees.

Effective May 30, 2007 for implementing the provisions of this act and on July 1, 2007 for all other purposes.

## **HARDEMAN**

### **Public Chapter 67**

#### **Child Curfew Law.**

SB 1942 (Wilder) HB 1506 (Shaw)

Amends 39-17-1703 provide that the Child Curfew Act will apply upon adoption of a resolution or ordinance by a 2/3 vote of the appropriate legislative body in Hardeman County or a municipality in Hardeman County.

Effective April 30, 2007.

### **Public Chapter 586**

#### **Child Curfew Law.**

SB 1881 (Burchett) HB 1141 (Buck)

Amends 39-17-1703(a) to provide that the Child Curfew Act will apply upon adoption of a resolution or ordinance by a 2/3 vote of the appropriate legislative body in Hardeman County or a municipality in Hardeman County.

Effective June 28, 2007.

## **HARDIN**

### **Public Chapter 107**

#### **Emergency Medical Services.**

SB 519 (Kyle) HB 1784 (Jones U.)

Amends 5-16-101(b)(2) to authorize DeKalb, Hardin, Henderson, Johnson, Marshall, Morgan, Shelby, and Wayne counties to operate emergency medical services and charge fees or rates for such services.

Effective July 1, 2007.

## **HENDERSON**

### **Public Chapter 107**

#### **Emergency Medical Services.**

SB 519 (Kyle) HB 1784 (Jones U.)

Amends 5-16-101(b)(2) to authorize DeKalb, Hardin, Henderson, Johnson, Marshall, Morgan, Shelby, and Wayne counties to operate emergency medical services and charge fees or rates for such services.

Effective July 1, 2007.

## **HUMPHREYS**

### **Public Chapter 602**

#### **Tennessee River Resort District.**

SB 2223 (Kyle) HB 2281 (Odom)

Amends 67-6-103(a)(3)(F) to permit Stewart and Humphreys counties to elect to be a Tennessee River Resort District and clarify that eligible counties may elect to be a Tennessee River Resort District for purposes of this chapter and not for Title 57, Chapter 4, Part 1. Counties must make the election by July 1, 2008.

Effective June 28, 2007.

## **JOHNSON**

### **Public Chapter 107**

#### **Emergency Medical Services.**

SB 519 (Kyle) HB 1784 (Jones U.)

Amends 5-16-101(b)(2) to authorize DeKalb, Hardin, Henderson, Johnson, Marshall, Morgan, Shelby, and Wayne counties to operate emergency medical services and charge fees or rates for such services.

Effective July 1, 2007.

## **KNOX**

### **Public Chapter 282**

#### **Issuance of Birth Certificates by County Clerks.**

SB 653 (Henry) HB 1383 (Jones S.)

Amends 68-3-206 to create a two-year pilot program under the Department of Health to authorize, but not require, county clerks in Anderson, Davidson, Hamblen, Hamilton, Knox, Shelby, Tipton and Unicoi counties to issue certified copies of birth certificates to walk-in customers in accordance with department rules. Requires the department to provide state security paper for issuing copies of birth certificates, but the county clerk will be responsible for all other expenses including but not limited to connectivity, hardware and training of staff. The county clerk is authorized to charge a fee of \$5.00 in addition to state fees.

Effective May 30, 2007 for implementing the provisions of this act and on July 1, 2007 for all other purposes.

## **LAUDERDALE**

### **Public Chapter 521**

#### **Memphis Area Association of Governments.**

SB 281 (Haynes) HB 267 (Odom)

Amends 13-14-111 relative to financing of the Memphis Area Association of Governments, a development district composed of

Fayette, Lauderdale, Shelby, and Tipton counties and the cities located therein.

Effective June 26, 2007.

## **MADISON**

### **Public Chapter 50**

#### **Community Redevelopment Act of 1998.**

SB 0728 (Finney, L.) HB 0845 (Eldridge)

Amends Chapter 987 of the Public Acts of 1998 to include Madison County under the Act, which relates to the prevention and elimination of slums and blighted areas.

Effective April 24, 2007.

## **MARSHALL**

### **Public Chapter 107**

#### **Emergency Medical Services.**

SB 519 (Kyle) HB 1784 (Jones U.)

Amends 5-16-101(b)(2) to authorize DeKalb, Hardin, Henderson, Johnson, Marshall, Morgan, Shelby, and Wayne counties to operate emergency medical services and charge fees or rates for such services.

Effective July 1, 2007.

## **MORGAN**

### **Public Chapter 107**

#### **Emergency Medical Services.**

SB 519 (Kyle) HB 1784 (Jones U.)

Amends 5-16-101(b)(2) to authorize DeKalb, Hardin, Henderson, Johnson, Marshall, Morgan, Shelby, and Wayne counties to operate emergency medical services and charge fees or rates for such services.

Effective July 1, 2007.

## **ROANE**

### **Public Chapter 415**

#### **Sale of Surplus Property.**

SB 2152 (Kilby) HB 1992 (Ferguson)

Amends 5-14-108(o)(4) to authorize counties with populations between 51,900 and 52,000 to sell surplus property by Internet auction if approved by 2/3 vote of the county legislative body.

Effective June 11, 2007.

## SCOTT

### Public Chapter 448

#### **All Terrain Vehicles.**

SB 1396 (Kilby) HB 719 (Winningham)

Amends 55-8-185(c) to provide that three- or four wheel all-terrain vehicles may be operated on Oneida & Western (O&W) Railroad Road from its intersection with Verdun Road southwestward to its terminus, within Scott County.

Effective July 1, 2007.

## SEVIER

### Public Chapter 227

#### **Heliports.**

SB 1893 (Finney) HB 1704 (Montgomery)

Amends 42-8-105 to provide that the laws regulating heliports in tourist resort counties continue to apply to municipalities defined as “premier type tourist resorts” in 67-6-103 within the county regardless of whether the county adopts countywide zoning.

Effective July 1, 2007.

## SHELBY

### Public Chapter 39

#### **Appointment of Fire Chief.**

SB 1757 (Kyle) HB 1785 (Jones U.)

Amends 5-17-103 to require the Shelby County fire chief to be appointed by the county mayor, subject to confirmation by the county legislative body.

Effective July 1, 2007.

### Public Chapter 55

#### **Emergency Communications District.**

SB 1758 (Marrero) HB 1564 (Rowe)

Amends 7-86-105 to authorize the Shelby County mayor to appoint the emergency communication district’s board of directors subject to confirmation by the county legislative body.

Effective July 1, 2007.

### Public Chapter 107

#### **Emergency Medical Services.**

SB 519 (Kyle) HB 1784 (Jones U.)

Amends 5-16-101(b)(2) to authorize DeKalb, Hardin, Henderson, Johnson, Marshall, Morgan, Shelby, and Wayne counties to operate emergency medical services and charge fees or rates for such services.

Effective July 1, 2007.

**Public Chapter 161**

**Regulation by State Ethics Commission.**

SB 518 (Kyle) HB 1757 (DeBerry)

Amends 3-6-301 and 8-17-103 to authorize the Shelby County Commission to adopt a resolution placing all administrative and legislative officials and employees under the jurisdiction of the Tennessee Ethics Commission. Requires the county to reimburse the ethics commission for costs related to such regulation.

Effective May 15, 2007.

**Public Chapter 279**

**Fees Related to Driver License Suspensions.**

SB 291 (Burchett) HB 180 (Cooper)

Amends 55-50-502(a)(8) to provide that in Shelby County the local court or court clerk must offer an installment payment plan and for so long as the licensee complies with the plan, the Department of Safety may not suspend the person's license for failure to pay fines or costs.

Effective July 1, 2007.

**Public Chapter 282**

**Issuance of Birth Certificates by County Clerks.**

SB 653 (Henry) HB 1383 (Jones S.)

Amends 68-3-206 to create a two-year pilot program under the Department of Health to authorize, but not require, county clerks in Anderson, Davidson, Hamblen, Hamilton, Knox, Shelby, Tipton and Unicoi counties to issue certified copies of birth certificates to walk-in customers in accordance with department rules. Requires the department to provide state security paper for issuing copies of birth certificates, but the county clerk will be responsible for all other expenses including but not limited to connectivity, hardware and training of staff. The county clerk is authorized to charge a fee of \$5.00 in addition to state fees.

Effective May 30, 2007 for implementing the provisions of this act and on July 1, 2007 for all other purposes.

**Public Chapter 521**

**Memphis Area Association of Governments.**

SB 281 (Haynes) HB 267 (Odom)

Amends 13-14-111 relative to financing the Memphis Area Association of Governments, a development district composed of Fayette, Lauderdale, Shelby, and Tipton counties and cities therein.

Effective June 26, 2007.



**Public Chapter 492**

**Alcoholic Beverages–On-premises Consumption.**

SB 1219 (Cooper) HB 1754 (U. Jones)

Amends 57-4-102(7) to add an additional type of club at which alcoholic beverages may be sold and consumed on the premises.

Effective June 21, 2007.

**Public Chapter 550**

**Environmental Courts.**

SB 1981 (Stanley) HB 1425 (DeBerry, J.)

Amends 1991 Public Chapter 426 to allow the judge of the Shelby County environmental court to appoint referees (subject to the approval of the county legislative body) to conduct initial hearings on cases heard by the court. Specifies the authority of referees and procedure for rehearing of cases initially heard by referees. Expires 12/01/2010 unless reauthorized by a majority vote of the county legislative body.

Effective June 27, 2007.

**STEWART**

**Public Chapter 602**

**Tennessee River Resort District.**

SB 2223 (Kyle) HB 2281 (Odom)

Amends 67-6-103(a)(3)(F) to permit Stewart and Humphreys counties to elect to be a Tennessee River Resort District and clarify that eligible counties may elect to be a Tennessee River Resort District for purposes of this chapter and not for Title 57, Chapter 4, Part 1. Counties must make the election by July 1, 2008.

Effective June 28, 2007.

**SULLIVAN**

**Public Chapter 146**

**Litigation Tax.**

SB 1463 (Finney, L.) HB 2092 (Maddox)

Amends 67-4-601 to authorize Carroll, Cheatham, Sullivan, and Unicoi counties to levy the additional litigation tax for jail construction or courthouse renovation at the rate of \$25 per case instead of \$10 per case.

Effective May 10, 2007.

## **TIPTON**

### **Public Chapter 282**

#### **Issuance of Birth Certificates by County Clerks.**

SB 653 (Henry) HB 1383 (Jones S.)

Amends 68-3-206 to create a two-year pilot program under the Department of Health to authorize, but not require, county clerks in Anderson, Davidson, Hamblen, Hamilton, Knox, Shelby, Tipton and Unicoi counties to issue certified copies of birth certificates to walk-in customers in accordance with department rules. Requires the department to provide state security paper for issuing copies of birth certificates, but the county clerk will be responsible for all other expenses including but not limited to connectivity, hardware and training of staff. The county clerk is authorized to charge a fee of \$5.00 in addition to state fees.

Effective May 30, 2007 for implementing the provisions of this act and on July 1, 2007 for all other purposes.

### **Public Chapter 521**

#### **Memphis Area Association of Governments.**

SB 281 (Haynes) HB 267 (Odom)

Amends 13-14-111 relative to financing of the Memphis Area Association of Governments, a development district composed of Fayette, Lauderdale, Shelby, and Tipton counties and the cities located therein.

Effective June 26, 2007.

## **UNICOI**

### **Public Chapter 146**

#### **Litigation Tax.**

SB 1463 (Finney, L.) HB 2092 (Maddox)

Amends 67-4-601 to authorize Carroll, Cheatham, Sullivan, and Unicoi counties to levy the additional litigation tax for jail construction or courthouse renovation at the rate of \$25 per case instead of \$10 per case.

Effective May 10, 2007.

### **Public Chapter 282**

#### **Issuance of Birth Certificates by County Clerks.**

SB 653 (Henry) HB 1383 (Jones S.)

Amends 68-3-206 to create a two-year pilot program under the Department of Health to authorize, but not require, county clerks in Anderson, Davidson, Hamblen, Hamilton, Knox, Shelby, Tipton and Unicoi counties to issue certified copies of birth certificates to walk-in customers in accordance with department rules. Requires the department to provide state security paper for issuing copies of birth certificates, but the county clerk will be responsible for all other

expenses including but not limited to connectivity, hardware and training of staff. The county clerk is authorized to charge a fee of \$5.00 in addition to state fees.

Effective May 30, 2007 for implementing the provisions of this act and on July 1, 2007 for all other purposes.

## **UNION**

### **Public Chapter 275**

#### **Juvenile Court Clerks.**

SB 87 (Cooper) HB 89 (Harmon)

Amends Chapter 226 of the Public Acts of 2003. Requires either the general sessions court clerk or the clerk and master to serve as the juvenile court clerk in Union County. (Note that a juvenile court clerk must be popularly elected to 4-year terms under Article VI, Section 13 of the TENNESSEE CONSTITUTION.)

Effective July 1, 2007.

## **WAYNE**

### **Public Chapter 107**

#### **Emergency Medical Services.**

SB 519 (Kyle) HB 1784 (Jones U.)

Amends 5-16-101(b)(2) to authorize DeKalb, Hardin, Henderson, Johnson, Marshall, Morgan, Shelby, and Wayne counties to operate emergency medical services and charge fees or rates for such services.

Effective July 1, 2007.

## **PART III – PRIVATE ACTS**

### **BRADLEY**

#### **Private Chapter 7**

##### **Bradley County Memorial Hospital.**

SB 374 (Bunch) HB 587 (Brooks, Kevin)

Amends Chapter 846 of the Private Acts of 1947, as amended, to terminate the hospital's board of directors.

Effective upon approval by 2/3 vote of the county legislative body.

#### **Private Chapter 29**

##### **Bid Limits.**

SB2349 (Bunch) HB2374 (Watson E.)

Amends Private Acts of 1951, Chapter 313, as amended, to change the amount over which sealed competitive bids are required to the same limits provided under general law for general fund, highway, and education purchases.

Effective upon approval by 2/3 vote of the county legislative body.

### **COCKE**

#### **Private Chapter 44**

##### **Recreation Department.**

SB2375 (Southerland) HB2393 (Yokley)

Amends Private Acts of 2000, Chapter 95, to require that the funds of the Coker County Recreation Department be handled through the office of the county trustee.

Effective upon approval by 2/3 vote of the county legislative body.

### **GIBSON**

#### **Private Chapter 59**

##### **Gibson County Special School District.**

SB 2366 (Finney L.) HB 2386 (Crider)

Amends Chapter 62 of the Private Acts of 1981 to authorize and empower the Gibson County Special School District to issue and sell, by resolution of the board of trustees of the district, bonds in the aggregate principal amount of not to exceed \$23,000,000) for the purposes set forth in the act.

Effective June 27, 2007.

**Private Chapter 60**

**Gibson County Special School District.**

SB 2367 (Finney L.) HB 2385 (Crider)

Amends Chapter 62 of the Private Acts of 1981 to change the name of the Gibson County School District to Gibson County Special School District.

Effective June 27, 2007.

**HAMILTON**

**Private Chapter 55**

**Purchasing.**

SB 2386 (Watson) HB 2407 (Favors)

Amends Chapter 156 of the Private Acts of 1941 to provide that all purchases and purchase-leases for Hamilton County must be preceded by competitive bid or competitive proposal only if that purchase or lease-purchase amount exceeds that authorized by 12-3-1007(b). The county legislative body is authorized to develop rules, regulations and procedures, including those to govern purchases of less than the \$10,000 amount authorized by 12-3-1007(b), for emergency purchases, single source items, leases, lease purchases and professional, technical or consultant services.

Effective upon approval by 2/3 vote of the county legislative body.

**HAWKINS**

**Private Chapter 9**

**Planning Commission Compensation.**

SB 817 (Williams, Mike R.) HB 675 (Harrison)

Amends Chapter 261 of the Private Acts of 1978 to clarify that members of the planning commission are to be paid the greater of \$50 per meeting or an amount equal to the compensation county legislative body committee members receive per meeting.

Effective upon approval by 2/3 vote of the county legislative body.

**Private Chapter 10**

**Bid Limits.**

SB 818 (Williams, Mike R.) HB 676 (Harrison)

Amends Chapter 256 of the Private Acts of 1957, as amended, to increase the amount over which sealed bids are required to the same amount provided in the County Purchasing Act of 1983. This applies to purchases of materials, supplies, or equipment.

Effective upon approval by 2/3 vote of the county legislative body.

## **HENRY**

### **Private Chapter 54**

#### **Paris Special School District.**

SB 2387 (Herron) HB 2406 (Borchert)

Amends Chapter 150 of the Private Acts of 1919 to authorize the Paris Special School District to issue and sell capital outlay notes in the aggregate principal amount of not to exceed \$2,000,000, such notes to be issued in accordance with Title 9, Chapter 21, the Local Government Public Obligations Law.

Effective June 18, 2007.

## **MARSHALL**

### **Private Chapter 61**

#### **Adequate Facilities Tax.**

SB 2390 (Ketron) HB 2410 (Bass)

Amends Chapter 22 of the Private Acts of 2001 to specify that the "Board of Adjustments and Appeals" means the board known as the Marshall County Board of Zoning Appeals.

Effective upon approval by 2/3 vote of the county legislative body.

## **MAURY**

### **Private Chapter 26**

#### **Sheriff's Civil Service Law.**

SB 2346 (Ketron) HB 2368 (DuBois)

Modifies the civil service program for employees of the sheriff's office.

Effective upon approval by 2/3 vote of the county legislative body.

### **Private Chapter 48**

#### **Human Resources Law.**

SB 2378 (Ketron) HB 2395 (DuBois)

Amends Chapter 91 of the Private Acts of 2004 to provide that the human resources director shall install and maintain a human resources management system in accordance with applicable laws and regulations. The director shall assist other county officials and department heads in matters related to human resources and benefits and shall approve and advise the budget office of payroll and benefit changes.

Effective upon approval by 2/3 vote of the county legislative body.

## MEIGS

### Private Chapter 28

#### **Meigs County Financial Management Act.**

SB 2352 (Bunch) HB 2373 (Watson E.)

Enacts the “Meigs County Financial Management Act of 2007” to create a centralized department of finance to administer all funds of all county departments, agencies and boards (excluding school funds), with responsibility for purchasing, accounting, budgeting, payroll, cash management, and other financial matters. Creates a seven-member financial management committee (county mayor, highway superintendent, and five members elected annually by the county legislative body. Creates the position of director of finance to be recommended by the financial management committee and elected by the county legislative body.

Effective upon approval by 2/3 vote of the county legislative body.

## ROANE

### Private Chapter 1

#### **Re-designation of County Mayor.**

SB 0061 (Kilby) HB 0004 (Ferguson)

Re-designates title of “county mayor” to “county executive.”

Effective upon approval by 2/3 vote of the county legislative body.

### Private Chapter 25

#### **Mineral Severance Tax.**

SB 2344 (Kilby, H.) HB 2367 (Ferguson)

Amends Chapter 384 of the Private Acts of 1982 to apply the severance tax at the time minerals are weighed for sale instead of time of severance.

Effective upon approval by 2/3 vote of the county legislative body.

### Private Chapter 51

#### **Public Utilities Board.**

SB 859 (Kilby) HB 297 (Ferguson)

Amends 5-16-103(f)(7)(A) to authorize compensation of public utilities board members in Roane County up to \$100 per month, provided that attendance at board meetings is required in order to receive such compensation.

Effective upon approval by 2/3 vote of the county legislative body.

## **ROBERTSON**

### **Private Chapter 2**

#### **Re-designation of County Executive.**

SB 128 (Black) HB 0025 (Bibb)

Re-designates title of “county executive” to “county mayor.” Repeals Chapter 1 of the Private Acts of 2005.

Effective upon approval by 2/3 vote of the county legislative body.

## **RUTHERFORD**

### **Private Chapter 53**

#### **Administration and Purchasing.**

SB 2391 (Tracy) HB 2405 (Hood)

Amends Chapter 421 of the Private Acts of 1943 to specify that the county executive in his capacity as purchasing agent is authorized to make purchases and execute contracts for the purchase of materials, supplies or equipment, without the necessity of advertising or taking bids, where the estimated fair market value of the materials, supplies or equipment does not exceed \$10,000.

Effective upon approval by 2/3 vote of the county legislative body.

## **SEVIER**

### **Private Chapter 12**

#### **Hotel/Motel Tax.**

SB 1626 (Finney, R.) HB 1016 (McCord)

Authorizes the imposition of a 3% occupancy tax on transients. The tax applies to timeshares except in cases where timeshare intervals are being exchanged. Specifies that 50% of the revenue is to be used for “educational purposes” and the other 50% is to be used for “tourist related activities.”

Effective upon approval by 2/3 vote of the county legislative body.

## **WAYNE**

### **Private Chapter 4**

#### **Re-designation of County Mayor.**

SB 358 (Wilder) HB 149 (McDaniel)

Re-designates title of “county mayor” to “county executive.”

Effective upon approval by 2/3 vote of the county legislative body.

### **Private Chapter 18**

#### **Sale of Surplus Highway Property.**

SB 2360 (Wilder) HB 2380 (McDaniel)

Amends Chapter 32 of the Private Acts of 1941, as amended, to authorize the chief administrative officer of the highway department



to sell surplus property by public auction in lieu of selling such property by sealed competitive bids.

Effective upon approval by 2/3 vote of the county legislative body.

## **WEAKLEY**

### **Private Chapter 43**

#### **Jurisdiction of General Sessions Court.**

SB 2370 (Herron) HB 2392 (Maddox)

Amends Chapter 357 of the Private Acts of 1955, as amended, to grant the General Sessions Court of Weakley County mental health commitment jurisdiction regarding emergency custody and hospitalization persons believed to be mentally ill. Increases the base compensation of the judge by \$5,000 per year even if this exceeds the cap for such judge's salary established in 16-15-5003(b)(3). (Note that Article VI, Section 7 of the TENNESSEE CONSTITUTION prohibits increasing or diminishing a judge's compensation during his term of office.)

Effective upon approval by 2/3 vote of the county legislative body prior to August 31, 2007.

## **WILLIAMSON**

### **Private Chapter 34**

#### **Franklin Special School District Bonds.**

SB 2357 (Johnson, J.) HB 2379 (Casada)

Amends Chapter 144 of the Private Acts of 2002 to increase the aggregate principal amount of bonds for the district from \$3,000,000 to \$13,000,000 and sets the tax rate based on the amount of bonds issued.

Effective April 30, 2007.

## **WILSON**

### **Private Chapter 22**

#### **Exceptions to Adequate Facilities Tax.**

SB 2351 (Beavers) HB 2362 (Bone)

Amends Chapter 60 of the Private Acts of 2003 to exempt historical structures that are 100 years of age or older that are in the process of being moved or being torn down and relocated from the Wilson County adequate facilities tax.

Effective upon approval by 2/3 vote of the county legislative body.

### **Private Chapter 46**

#### **Division III, Court of General Sessions.**

SB 2377 (Beavers) HB 2396 (Bone)

Amends Chapter 34 of the Private Acts of 1945 to create a new Division III, Court of General Sessions of Wilson County and

provides that the judge for such court shall be appointed by the county legislative body until a judge is elected in the 2008 general election.

Effective upon approval by 2/3 vote of the county legislative body.