

**INDEX OF ACTS
RELATED TO COUNTY GOVERNMENT**

2006 EDITION

**COUNTY TECHNICAL ASSISTANCE SERVICE
THE UNIVERSITY OF TENNESSEE
INSTITUTE FOR PUBLIC SERVICE
NASHVILLE, TENNESSEE**

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INTRODUCTION

The second regular session of the 104th General Assembly convened on Monday, February 6, 2006, and adjourned sine die on Saturday, May 27, 2006. There are 513 new designated public chapters and 65 new private acts from this session.

All acts that relate to county government have been summarized in this publication. Acts are arranged alphabetically under broad groupings of subject content. Within a particular subject, the acts are arranged numerically by public chapter. Part 1 contains summaries of public acts of general application; Part 2 contains summaries of public acts of local application; 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. All three tier numbers appearing in this publication, such as 5-1-102, are references to a section of the *Tennessee Code Annotated* affected by the new act that is summarized.

Every attempt has been made to accurately summarize 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. You may make copies of this publication for sharing with other county officials and employees. We hope this information will serve to keep you advised of legislative developments and will be of benefit to officials in the planning and management of their offices.

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PART I – PUBLIC ACTS OF GENERAL APPLICATION

Note: Three-tier numbers refer to section numbers of the *Tennessee Code Annotated*.

ADULT BUSINESSES

Public Chapter 943 Senate Bill 3451 (Jackson) House Bill 3043 (Fowlkes)
Amends various provisions of statutes in title 7, chapter 51, part 11, the Adult-Oriented Establishment Registration Act of 1998, to address concerns raised in federal court litigation. Narrows the definitions of “adult entertainment” and “employee” found in 7-51-1102. Amends 7-51-1104 to provide that regulated entities in existence or operation at the time the act is adopted locally who timely submit an application shall be granted a conditional license or permit maintaining the status quo pending final judicial review by the trial court. If no timely application is filed within the 120 day period, the entity shall cease to operate or to perform such services or entertainment. Revises language in 7-51-1109 and 7-51-1113 regarding several grounds for revocation of licenses or permits to require an element of actual or constructive knowledge by the operator before he or she can be found to be responsible for actions of entertainers and employees who may have violated the act. Provides for conditional licenses or permits pending final judicial review. Deletes language from 7-51-1113 that allowed a board to require additional information in the register of employees and entertainers maintained by the operator of an adult business. Amends 7-51-1113 to require entertainers, employees or escorts to disclose a permit number, but not the permit itself, to any customer requesting it. Amends 7-51-1116 to allow a conditional permit to work as an entertainer, employee or escort while an additional investigation is held that is not caused by actions of the applicant.

Effective June 20, 2006.

ALCOHOLIC BEVERAGES

Public Chapter 826 Senate Bill 1038 (Ketrone) House Bill 876 (Davidson)
Provides that a winery selling the wine it produces which contains a minimum of 50% wine made from Tennessee grapes may make sales of this wine on the premises without restriction on the number of gallons sold, notwithstanding the limitation in 57-3-207(f)(3).

Effective June 2, 2006.

Public Chapter 864 Senate Bill 3316 (Haynes) House Bill 3210 (Moore)
Enacts the “Tennessee Responsible Vendor Act of 2006.” Establishes a responsible vendor program for retailers who sell for off-premises consumption under the Alcoholic Beverage Commission (ABC). This is a

voluntary program for vendors. Vendors in the program must require each store clerk selling beer to successfully complete training program within 61 days of beginning employment. Upon completion of the program, the clerk will be issued a certificate of completion. Certified clerks must wear name badges. Also, employers must provide training approved by the ABC to each clerk on laws regarding the sale of beer for off-premises consumption, methods of recognizing and dealing with minors who attempt to buy beer, and procedures for refusing to sell beer to minors. Beer boards that determine that a clerk sold beer to a minor will cause the clerk to be de-certified. Vendors in the program pay fees to the ABC based upon the number of certified clerks.

A beer board is prohibited from suspending or revoking the permit of a responsible vendor based upon a clerk's illegal sale to a minor if the clerk is certified within 61 days of initial hiring. However, the ABC will revoke the certification of the vendor if the vendor knew about, should have known about, or participated in the illegal sale; also the vendor's certificate will be revoked for three years if the vendor has two violations within a 12 month period.

The beer board may impose a civil penalty of up to \$1,000 on a responsible vendor whose clerk makes an illegal sale to a minor. For vendors not in the responsible vendor's program, the beer board may offer as an alternative to suspension or revocation for a sale to a minor of payment of a civil penalty of up to \$2,500, and up to \$1,000 civil penalty for other offenses. Revocations, suspensions and penalties apply only to the permit holder at the particular location. The permit holder has seven days to pay a civil penalty before revocation or suspension when a civil penalty is offered in lieu of these sanctions.

Amends 57-5-301(a)(1) to require the consumer to show photographic identification satisfactory to the permit holder, with birth date, before purchasing beer for off-premises consumption. Prohibits sale unless ID is provided. This provision is repealed effective July 1, 2008.

Amends 39-15-413 to prohibit prosecution for a sale to a minor if the prosecution is based upon the use of a person under 21 years of age unless the person or supervising police officer obtains the name of the permit holder and the clerk making the sale. Law enforcement officers are required to notify the permit holder of a sting within 10 days of its occurrence by mail or hand delivery. The notice give the date and location of the sting, the name of the permit holder and employee from whom beer was purchased or attempted to be purchased and whether the purchase was successful.

Effective July 1, 2007.

Public Chapter 986 Senate Bill 3501 (Ketron) House Bill 3060 (Maggart)
Amends 57-5-301(d) relative to penalties for underage persons making false statements or using false identification to purchase beer. When anyone is convicted of a second or subsequent offense and is at least 18 but less than 21 years of age, the court must send to the department of safety, driver control division, within 5 working days of the conviction, an order of denial of driving privileges for a period not to exceed one year. The offender may apply to the court for a restricted driver license. Amends 57-5-301(d)(3)(A) to require the imposition of both a fine and community service instead of allowing one or the other if the violator is under the age of 18. Requires beer vendors to post signs at least 8½” x 5½” on their premises informing customers of the vendor’s policy against selling beer to underage persons and containing the language “IF YOU AREN’T 21 AND ARE IN POSSESSION OF BEER, YOU COULD LOSE YOUR DRIVER’S LICENSE.” Amends 39-16-303 to cross-reference the violations in title 57 for use of false identification to purchase beer or alcohol illegally.

Effective July 1, 2006.

ASSESSORS

Public Chapter 501 Senate Bill 2037 (Bryson) House Bill 1837 (Sargent)
Amends 67-5-501(9)(B)(iii) to exclude "above ground storage tanks which can be moved without disassembly and are not affixed to the land" from the definition of real property.

Effective April 17, 2006.

Public Chapter 640 Senate Bill 3208 (Tracy) House Bill 3278 (Sargent)
Amends 67-5-1412(b)(2) to require that any request that is sent to the assessor for the assessor's consent to a direct appeal of the valuation of industrial and commercial real and tangible personal property to the local board of equalization, or directly to the state board of equalization, include, at a minimum, the name in which the property is assessed, the parcel identification number, the value sought, the basis for the appeal and the name, address, telephone number and fax number of the person requesting the direct appeal.

Amends 67-5-1412(b)(3) to remove Davidson County from the list of counties where taxpayers cannot make a direct appeal to the state equalization board and adds the following counties to the list: Blount, Carroll, Cheatham, Claiborne, Coffee, Crockett, Dickson, Fayette, Gibson, Giles, Greene, Hawkins, Haywood, Jackson, Lauderdale, Loudon, Madison, McMinn, Montgomery, Overton, Polk, Putnam, Roane, Rutherford, Sullivan, Tipton, Unicoi, Washington, Williamson, and Weakley.

Effective May 12, 2006.

Public Chapter 672 Senate Bill 3775 (Henry) House Bill 3744 (Fitzhugh)
Amends 67-5-1301(a)(11) to exclude towing companies from the list of companies assessed by the comptroller of the treasury.

Effective May 15, 2006.

Public Chapter 823 Senate Bill 360 (Person) House Bill 1330 (DeBerry)
Amends 67-5-1505 to require the administrative judge or hearing examiner to receive and consider all admissible evidence presented in a hearing and to conduct the hearing in an informal manner. Provides that hearings on appeal to the assessment appeals commission or the state board of equalization shall be conducted in the same manner with all admissible evidence considered. Clarifies that the burden of proof in property tax appeals and other contested cases is as otherwise provided by law.

Effective July 1, 2006.

Public Chapter 901 Senate Bill 2955 (Henry) House Bill 3339 (Fitzhugh)
Amends 67-1-508 to establish "Master Assessor" level certification for assessors and deputy assessors. Provides that any assessor or deputy assessor who has been designated a "Master Assessor" shall receive from the state additional compensation of \$1,000 per annum.

Effective June 20, 2006.

CLERKS OF COURT

Public Chapter 601 Senate Bill 2794 (Black) House Bill 2560 (Fowlkes)
Amends 8-24-102(j) to clarify that a clerk and master is eligible for the additional 10% compensation which the county legislative body has discretion to provide clerks of court for serving more than one court in the county if the clerk and master serves as clerk of the court that exercises probate jurisdiction, regardless of whether the chancellor or some other judge handles probate matters. Also, clarifies that when a county legislative body awards a clerk of court additional compensation for serving more than one court that this greater amount is the amount deemed the compensation of general officers (of which clerks of court are included), thereby having the effect of increasing the minimum compensation of the sheriff, chief administrative officer of the county highway department in most counties, and county mayor.

Effective May 4, 2006.

Public Chapter 627 Senate Bill 1764 (Person) House Bill 1360 (Deberry, J.)
Enacts a new section 40-24-109 to authorize county legislative bodies to establish a program to assist victims of crime and their families and survivors

or to provide additional funding to an existing victims assistance program. The county legislative body may designate the support to go to certain specific types of programs listed in the statute. Once the legislative body has elected to use the authority provided in the statute and has designated a victim of crime program to receive the assistance, the clerks of all general sessions, circuit, criminal and municipal courts exercising general sessions jurisdiction are directed to collect a “victims assistance assessment” of \$45 from any person who is found guilty or pleads guilty, pleads nolo contendere, or enters a plea pursuant to a diversionary sentencing statute for a criminal offense or to a charge of attempting or conspiring to commit any such offense. Additionally, the \$45 assessment is collected from any person found to be criminally responsible as a principal for the commission of any such offense. The assessment does not apply to a crime for which the law imposes a maximum possible punishment of less than a \$500 fine and no imprisonment. The assessment also does not apply to violations of the motor vehicle laws except driving under the influence or reckless driving where the reckless driving was proximately caused by the use of an intoxicant. Whether the assessment applies is based on the offense for which the defendant is sentenced and not the actual sentence the defendant receives. The first \$3 of the fee is paid to the clerk of the court for processing and handling. The remaining \$42 is transmitted to the county in which the offense occurred for the exclusive use of the victims assistance program designated by the county legislative body.

Effective May 12, 2006.

Public Chapter 639 Senate Bill 3067 (Kyle) House Bill 3393 (McMillan)
Amends 30-2-301 to require a personal representative involved in the administration of an estate to execute and file with the clerk of the court an affidavit that the Bureau of TennCare has been notified of the decedent’s death. Amends 30-2-317 to add claims by the Bureau of TennCare to the list of classifications of claims against the decedent’s estate as a third priority claim. Amends 71-5-116 to require, within 60 days of the date of issuance of either letters of administration or letters testamentary, the personal representative of a decedent to provide notice of the death of any individual 55 years of age or older to the Bureau of TennCare in a format specified by the bureau. The personal representative is also required to provide notice to the court concerning whether or not the decedent was a TennCare recipient.

Effective January 1, 2007.

Public Chapter 871 Senate Bill 3086 (Burks) House Bill 3326 (Jones, S.)
Amends 36-3-602 to authorize a caseworker at a not-for-profit organization for family violence and child abuse prevention and shelters to sign a petition for an order of protection filed by an unemancipated minor so long as the petition is not filed against the minor’s parent or legal guardian. Amends 36-3-605 to provide that, unless the court finds the action would create a threat

of serious harm to the minor, when a petitioner requesting an order of protection is a minor child, a copy of the petition, a notice of hearing and any ex parte order of protection shall also be served on the parents of the minor child or upon primary residential parent if the parents are not living together and jointly caring for the child.

Effective June 5, 2006.

COUNTY CLERKS

Public Chapter 517 Senate Bill 2663 (Harper) House Bill 2673 (Sontany)
Amends 55-3-120(c) to require that an insurance company that obtains title to a vehicle as a result of paying a total loss claim from collision, fire, or water damage must obtain a salvage title, flood title, or nonrepairable vehicle certificate from the division of motor vehicles; this provision does not apply to vehicles 10 years or older with a value of \$1,500 or less. Amends 55-3-201(b) to delete the reference to a “permit to dismantle” being issued for a rebuilt a motor vehicle and substitute “salvage title, flood title, or nonrepairable vehicle certificate”. Amends 55-3-202(b) to change the penalty from a Class C misdemeanor to a Class A misdemeanor for failure of persons who purchase vehicles for dismantling to maintain for 3 years records of all vehicles bought, sold, dismantled, exchanged or received for sale, exchange or dismantling. Amends 55-3-212(b) to require that the declaration required for an anti-theft inspection be submitted under penalty of perjury. Amends 55-3-212 to increase the penalty for violation of the statute from a Class C misdemeanor to a Class A misdemeanor.

Effective July 1, 2006.

Public Chapter 569 Senate Bill 3037 (Harper) House Bill 2969 (Cooper)
Amends 55-12-129 to place a cap of \$400 in restoration of reinstatement fees for a driver’s license where the license has been suspended for multiple unpaid citations and a fee of \$65 otherwise attaches for each offense.

Effective July 1, 2006.

Public Chapter 767 Senate Bill 2963 (Cooper) House Bill 3236 (Marrero)
Amends 4-3-2011 relative to the organ and tissue donation registry. Organ procurement agencies are to create and maintain an electronic registry and the department of safety must transmit to them on a weekly basis the full name, address, date of birth and driver license number of persons who have consented to be organ and tissue donors. The department of safety must offer each applicant for a driver license the opportunity to consent to be an organ and tissue donor by stating “Yes, I want to be an organ and tissue donor” and advise the applicant that he or she is under no compulsion to consent. Anyone responding affirmatively to the consent statement gives full legal consent to donate organs or tissue upon death, which consent may be revoked by any

means provided by law including notifying the registry in writing or by electronic access to the registry. A brochure must be made available to each applicant, which may be provided by electronic means, and will be provided free of charge by the organ procurement agencies.

Effective May 26, 2006.

Public Chapter 844 Senate Bill 2896 (Haynes) House Bill 3455 (Roach)
Amends 55-4-130 to provide that in those counties with a vehicle emission inspection program, a 90 day certificate of compliance for a light-duty motor vehicle that is offered for sale by a dealer is extendable at the option of the dealer for an additional 90 days upon the payment of a fee of \$1.50. This fee is in addition to all other fees and costs associated with this certificate and is paid to the contractor that conducts the vehicle inspection program in the county in which the dealer is located.

Effective June 2, 2006.

Public Chapter 910 Senate Bill 3226 (Burchett) House Bill 2964 (Hensely)
Amends 55-4-111(b) to allow people having cars with antique tags to drive them for general transportation on Saturdays and Sundays.

Effective June 20, 2006.

Public Chapter 911 Senate Bill 3300 (Haynes) House Bill 2443 (Pinion)
Creates new specialty earmarked plates for Masons with the proceeds going to the Masonic Widows and Orphans Home of Tennessee.

Effective July 1, 2006.

Public Chapter 952 Senate Bill 3342 (Cooper) House Bill 3408 (McMillan)
Amends 55-3-103 to authorize issuance of a certificate of title for a vehicle with a fair market value of \$3,000 or less without proper documentation if the person submits a certificate of ownership on a form prescribed by the department and accompanied by (1) either return receipts from letters sent to all known parties with a legal interest in the vehicle or, if the previous owner is unknown to the applicant, evidence of publication of notice in a newspaper of general circulation in the county of application of the person's intent to apply for title; (2) verification of the VIN by a law enforcement officer or licensed dealer, (3) notarized bill of sale from last registered owner or notarized statement from the seller stating why the vehicle was not titled or registered in the seller's name; (4) if no documentation pursuant to number 3 above, an appraisal by a licensed dealer; (5) photos of the vehicle in its pre-repaired state, or if unavailable, post-repair photos with a notarized statement that no pre-repair photos are available or that no repairs were made; (6) if the vehicle is new and never titled and the manufacturer's statement of origin

was lost and a duplicate of the original cannot be obtained, a complete copy of the original manufacturer's statement of origin is required.

Effective June 20, 2006.

Public Chapter 964 Senate Bill 2921 (Norris) House Bill 2753 (Pinion)
Creates new specialty earmarked license plates for Support Our Troops, Tennessee Emergency Medical Services Education Association, Tennessee Wildflowers, Memphis Zoo, Sons of the American Revolution, Daughters of the American Revolution, Rotary International, Youth Villages, free memorial plates for Gold Star Mothers whose child died in the line of duty, and cultural plates for honorably discharged veterans and active service members of Operation Iraqi Freedom and Operation Enduring Freedom. Changes the application requirements for military plates. Extends the time to meet issuance requirements for another year for Tennessee Food Bank, the Regional Medical Center at Memphis, and the Children's Hospital at Johnson City.

Effective July 1, 2006.

COUNTY GOVERNMENT

Public Chapter 601 Senate Bill 2794 (Black) House Bill 2560 (Fowlkes)
Amends 8-24-102(j) to clarify that a clerk and master is eligible for the additional 10% compensation which the county legislative body has discretion to provide clerks of court for serving more than one court in the county if the clerk and master serves as clerk of the court that exercises probate jurisdiction, regardless of whether the chancellor or some other judge handles probate matters. Also, clarifies that when a county legislative body awards a clerk of court additional compensation for serving more than one court that this greater amount is the amount deemed the compensation of general officers (of which clerks of court are included), thereby having the effect of increasing the minimum compensation of the sheriff, chief administrative officer of the county highway department in most counties, and county mayor.

Effective May 4, 2006.

Public Chapter 887 Senate Bill 2471 (McNally) House Bill 2495 (Fowlkes)
Establishes a study committee of 18 members, including representatives of local government, to study open government laws in Tennessee to determine whether the laws need updating or revising to better serve the citizens of this state. Requires initial findings and recommendations to be reported by December 1, 2006, with a final report issued by February 1, 2007.

Effective June 20, 2006.

Public Chapter 930 Senate Bill 452 (McNally) House Bill 1810 (Rinks)
Enacts the Public Benefit Hospital Sales and Conveyance Act of 2006 in title 48, chapter 68. Public benefit hospitals include hospitals owned or operated by governmental entities. Before any public benefit hospital can be conveyed by sale, lease, exchange, option or other material disposition of its assets, written notice must be given to the state attorney general containing such information as the attorney general may require, then within 5 days of that notice the hospital must publish notice in a newspaper of general circulation containing the text of the notice sent to the attorney general and requesting comments to be sent to the attorney general. The attorney general is to examine the transaction, taking into consideration whether the hospital will receive full fair market value for its assets, whether the value has been unfairly manipulated, whether the proceeds will be used properly, whether there are any breaches of fiduciary duty or conflicts of interest involved, whether the governing body of the hospital used due diligence, whether the transaction will result in private benefit to anyone, whether healthcare providers may invest in the acquiring entity or a related party and whether procedures are in place to avoid conflicts in patient referrals, whether related management or services contracts are reasonable, and any other criteria the attorney general deems relevant. The attorney general also must consider whether the affected community will have continued access to affordable healthcare, and other adverse effects on the provision of healthcare in the community. The attorney general may contract with experts or consultants as deemed appropriate, with the costs to be borne by the acquiring entity. Documents submitted in connection with this review by the attorney general are public record. Violations of the law may result in invalidation of the transaction and imposition of a civil penalty of up to \$1 million.

Effective July 1, 2006.

COURTS

Public Chapter 519 Senate Bill 31 (Cohen) House Bill 207 (Briley)
Amends 22-4-101 to provide that any juror that is sequestered is entitled to receive at least \$30 for each day's attendance.

Effective July 1, 2006.

Public Chapter 630 Senate Bill 2456 (Cooper) House Bill 2504 (Harmon)
Amends 5-7-105 and 16-1-105 to state that the statutory law does not prohibit a county that has constructed a criminal justice building that is not located within the limits of the county seat from holding criminal court in such building so long as it is within the county.

Effective May 12, 2006.

Public Chapter 650 Senate Bill 1134 (Cooper) House Bill 1192 (Buck)
Amends 40-32-101 to clarify that a person who is acquitted as the result of a bench trial as well as a jury trial of a felony or misdemeanor is entitled to have the records of the case expunged upon payment of the proper fee to the clerk of the court; however, records may not be expunged of a defendant who completed a successful pre-trial diversion program if the offense for which the person was diverted was a sexual offense.

Effective May 12, 2006.

Public Chapter 722 Senate Bill 2822 (Fowler) House Bill 2783 (Clem)
Amends 16-15-501(d) to set the jurisdictional limit of the general sessions court at \$25,000 in all civil cases in all counties, except in cases of forcible entry and detainer, where the court has unlimited original jurisdiction and in actions to recover personal property where the court has unlimited original jurisdiction, including jurisdiction to award an alternative money judgment. Additionally, the general sessions court judges are granted jurisdiction to issue restraining orders and enforce penalty provisions for violation of such restraining orders. The jurisdictional limit noted above does not include any amount awarded for attorney fees, court costs or any discretionary costs assessed by the court.

Effective September 1, 2006.

Public Chapter 726 Senate Bill 3314 (Haynes) House Bill 3154 (Mike Turner)
Amends title 55, chapter 8, part 1 to add a provision that whenever a person violates any of the statutes relating to the rules of the road, vehicle equipment regulations, or other highway related offenses, including alcohol and drug related offenses, and is required, at the discretion of the court, to attend a driver education course approved by the department of safety in addition to or in lieu of any portion of any penalty, the court has discretion to allow the violator to attend a driver education course in his or her county of residence instead of attending a course in the county where the citation was issued.

Effective July 1, 2006.

Public Chapter 764 Senate Bill 1091 (Cooper) House Bill 1013 (Marrero)
Enacts 56-7-2365 to require that written notice of termination of health insurance coverage be given to the covered spouse in connection with a divorce or separation, advising the spouse that when the divorce is final the spouse will no longer be eligible for coverage and that COBRA continuation benefits are available. The AOC is to develop a model notice. Enacts a new section in title 36 that requires courts, beginning January 1, 2007, to determine that the required notification process has been complied with

before entering an order or decree for divorce or legal separation; if not, the court is directed to consider requiring the insured to provide a health care policy for the former spouse.

Effective January 1, 2007.

Public Chapter 799 Senate Bill 3604 (Person) House Bill 3256 (Ulysses Jones)
Amends title 68, chapter 55, part 3 to impose an additional fine of \$15 on motor vehicle drivers convicted on leaving the scene of an accident resulting in personal injury or death. This \$15 fine is to be deposited in the brain injury fund (a state general fund reserve account).

Effective July 1, 2006.

Public Chapter 813 Senate Bill 3607 (Person) House Bill 3606 (Stanley)
Amends 30-4-103 regarding affidavits for small estate administration to provide that a competent adult who is not a legatee or devisee or personal representative named in a decedent's will, or an heir or next of kin of the deceased, may be appointed as the affiant for a small estate by the court if all competent adult legatees or devisees or personal representatives named in the decedent's will if a will was left, or heirs or next of kin if no will was left, consent in writing consent in writing to the appointment of such person as affiant. The consent of any personal representative named in a will and who has renounced the appointment is not required for the appointment of the affiant for a small estate.

Effective June 2, 2006.

Public Chapter 816 Senate Bill 3812 (Kilby) House Bill 3879 (Russell Johnson)
Amends 40-11-317 to provide that in addition to any other qualifications required by law, the petition or license application for a person seeking to become a professional bondsman must have attached to it an affidavit setting forth the criminal history, if any, of the petitioner or applicant. Additionally, the applicant or petitioner must submit to a criminal history background check by the TBI and be responsible for the TBI fees. The background check will be submitted by the TBI to the clerks of court with responsibility for the activities of the professional bondsman. If the affidavit is found to be inaccurate, the petitioner or applicant is disqualified. Any applicant for approval as a bonding company owner must have at least two years experience with a professional bonding company in good standing. If a court finds that a bondsman has individually or as a corporation owner been discharged in a bankruptcy proceeding leaving unsatisfied outstanding forfeitures with any court, then the court may by order prohibit such bondsman from executing bonds, bail or other undertakings as surety in the court.

Effective July 1, 2006.

Public Chapter 898 Senate Bill 2863 (Cohen) House Bill 3255 (Ulysses Jones)
Amends 40-18-107 to increase from \$500 to \$1,000 the maximum amount that a court may provide for the board and lodging per day of a jury in a criminal case.

Effective June 26, 2006.

Public Chapter 920 Senate Bill 3661 (Haynes) House Bill 3946 (Briley)
Enacts a new section 39-13-113 to provide that it is an offense to knowingly violate an order of protection or restraining order. Provides that a person violating this section may be arrested with or without a warrant in accordance with 36-3-619. Further provides that a person arrested for such a violation is subject to the 12-hour hold period authorized by 40-11-150 and subject to certain considerations in determination of bail. Requires the arresting officer to inform the victim that the person has been arrested and that such person may be eligible to post bond and be released until the trial date. To constitute a violation of this section, the person must have received notice of the request for an order of protection or restraining order; must have had an opportunity to appear and be heard in connection with the order; and, the court must have made specific findings of fact that the person had committed abuse. A violation of this section is a Class A misdemeanor. The act also re-writes 36-3-612 to provide that a person arrested for the violation of an order of protection, restraining order or court-approved consent agreement shall be taken before the magistrate or court having jurisdiction of the case without unnecessary delay to answer a charge of contempt. The court is required to notify the clerk to set a time certain for a hearing on the alleged violation within 10 working days after the arrest unless extended by the court on the motion of the arrested person. The court is also required to set a reasonable bond pending the hearing and to notify the person to whom the order of protection, restraining order or consent agreement was issued and direct that person to show cause why a contempt order should issue. The hearing required by this section may be conducted by either the court originally issuing the order or by a court with jurisdiction over orders of protection and restraining orders in the county where the alleged violation has occurred. Amends 39-17-1316 to provide that a violation of a protective order is considered a "misdemeanor crime of domestic violence" for the purposes of 18 U.S.C. § 921, which regulates trafficking in firearms. Amends 40-11-150 to provide that a person who violates a condition of release that also constitutes a violation of a protective order shall be charged with the offense of violating a protective order and the bail of such person may be revoked by the court. If the violation of the conditional release does not constitute a violation of a protective order, the violation shall be punished as a contempt of court.

Effective June 20, 2006.

Public Chapter 957

Senate Bill 3669 (Haynes) House Bill 3580 (Coleman)

Amends 16-15-5003 to increase the compensation for the next 8-year term of general sessions judges who are paid under this general law. The compensation of the judges will be determined by the Administrative Office of the Courts (AOC) in accordance with the provisions of this law, which provides that effective September 1, 2006, each judge will receive an increase in the amount of \$10,000 or 20% of their total annual compensation as of August 31, 2006, whichever is less, and further that the compensation of judges in each population classification is to be equalized in accordance with their jurisdictional supplements. In Class 1 the equalization will be accomplished by raising the compensation of all judges to the salary of the highest paid judge in Class 1 who is paid under this general law. In Classes 2 – 7, judges with maximum supplements will be raised to the compensation of the highest paid judge in that class with maximum supplements, and all other judges will be grouped by jurisdiction and paid the same as the highest paid judge with the same jurisdiction in the same population class. On or before July 15, 2006, each general sessions judge is required to certify to the AOC the total amount of compensation received by the judge as of August 31, 2006, the jurisdictions exercised by such judge and the legal basis therefor, and whether the judge is compensated under the general law or a private act. The AOC will thereupon report to each judge the amount of compensation to be paid to such judge beginning September 1, 2006.

A county, by public or private act in effect on September 1, 2006, may compensate its judges in excess of the amount required under this law (but not above state judges), but a judge is not to receive compensation based both on this law and a private act or other public act. No judge is to be paid a salary reflecting jurisdictional supplements the judge is not entitled to exercise. No general sessions judge who engages in the private practice of law shall receive any increase under this law if such judge is prohibited by law from engaging in private practice.

Public Chapter 324 of the Public Acts of 2005, which would have raised the compensation of judges in Class 1 to 97.5% of the compensation of state judges, is repealed.

This act contains a special provision for Knox County that is described in Part II under Knox County.

Effective July 1, 2006.

Public Chapter 983

Senate Bill 3212 (Cohen) House Bill 3235 (Fowlkes)

Amends 55-10-403 regarding the mandatory conditions of probation of DUI offenders. Adds a requirement that the offender participate in a drug and alcohol assessment, treatment or both if the court deems it appropriate and such service is available. The legislative intent is that the costs of

implementing these provisions be paid from the alcohol and drug addiction treatment fund.

Effective July 1, 2006, and applicable to any conviction for conduct occurring on or after that date.

Public Chapter 986 Senate Bill 3501 (Ketrone) House Bill 3060 (Maggart)
Amends 57-5-301(d) relative to penalties for underage persons making false statements or using false identification to purchase beer. When anyone is convicted of a second or subsequent offense and is at least 18 but less than 21 years of age, the court must send to the Department of Safety, driver control division, within 5 working days of the conviction, an order of denial of driving privileges for a period not to exceed one year. The offender may apply to the court for a restricted driver license. Amends 57-5-301(d)(3)(A) to require the imposition of both a fine and community service instead of allowing one or the other if the violator is under the age of 18. Requires beer vendors to post signs at least 8½” x 5½” on their premises informing customers of the vendor’s policy against selling beer to underage persons and containing the language “IF YOU AREN’T 21 AND ARE IN POSSESSION OF BEER, YOU COULD LOSE YOUR DRIVER’S LICENSE.” Amends 39-16-303 to cross-reference the violations in title 57 for use of false identification to purchase beer or alcohol illegally.

Effective July 1, 2006.

Public Chapter 998 Senate Bill 3969 (McNally) House Bill 3685 (Johnson, R.)
Amends 39-17-420, 55-10-419 and 38-6-103 to provide that in counties in the ninth judicial district, a drug testing fee of \$20 shall be assessed 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 established for operation within or for use by any such counties. The fee is to be collected by the clerks of the courts of such counties and forwarded to the appropriate county trustees on a monthly basis and used exclusively for the purpose of creating and maintaining publicly funded forensic laboratories in those counties. The court clerk is entitled to a 5% commission on these funds. The act also authorizes county legislative bodies in the 9th district to create a multi-county task force to create and maintain such a laboratory.

Effective July 1, 2006.

Public Chapter 1004 Senate Bill 3844 (Ketrone) House Bill 3918 (Hood)
Enacts a new section under title 16, chapter 8, part 3 to provide that municipal court judges and general sessions court judges are empowered to sit by interchange for other municipal court judges.

Effective June 27, 2006.

ECONOMIC DEVELOPMENT

Public Chapter 608 Senate Bill 2994 (Herron) House Bill (Maddox)
Amends 6-58-114 to authorize the joint economic and community development board in each county to transfer or donate funds from participating governments and outside sources to other public or non-profit entities within the county to be used for economic or industrial development purposes.

Effective May 4, 2006.

Public Chapter 609 Senate Bill 2880 (Haynes) House Bill 3047 (Bone)
Amends 67-7-103 to provide for one minority member to be selected by the county mayor, county executive, or metropolitan mayor from each of the member counties of the Greater Nashville Regional Council to serve on its board of directors. Amends 67-7-104 to provide that the minority members from the four counties having the highest percentages of minority population in the region will serve on the executive committee of the Greater Nashville Regional Council.

Effective May 4, 2006.

Public Chapter 614 Senate Bill 3805 (Beavers) House Bill 3434 (Bone)
Amends 64-5-203 to remove the requirement that the Four Lake Regional Industrial Development Authority establish an advisory committee, but permits the authority to have such an advisory council. Provides that the Trousdale County mayor and the Trousdale County chairman pro-tem shall be ex officio members of the board of directors of the Four Lake Regional Industrial Development Authority.

Effective May 4, 2006.

Public Chapter 670 Senate Bill 3671 (Finney) House Bill 3553 (McCord)
Amends 6-54-118, to authorize county and municipal legislative bodies to appropriate funds, which funds may be borrowed by the county or municipality for the purpose of making a loan, with reasonable interest assessed, or a contribution to an industrial development corporation incorporated in the county or formed jointly with other counties or municipalities.

Effective May 16, 2006.

Public Chapter 779 Senate Bill 3689 (Burchett) House Bill 3709 (Amstrong)
Amends 67-4-2109 to amend the franchise tax law to extend the higher job tax credit allowed (\$4,500 per net new full time employee) to business taxpayers in economically distressed counties to also include business

taxpayers in a federally designated empowerment zone that invest a minimum of \$20 million and create a minimum of 1,000 new jobs.

Effective July 1, 2006.

Public Chapter 892 Senate Bill 2657 (Herron) House Bill 2614 (Tidwell)
Amends 67-6-103(a)(3)(F) regarding state sales tax allocations to municipalities and counties qualifying and electing to be a Tennessee River resort district by extending its provisions to any county with a population less than 10,000 that borders the Tennessee River.

Effective June 20, 2006.

EDUCATION

Public Chapter 567 Senate Bill 2656 (Ramsey) House Bill 3198 (Vaughn)
Amends 49-2-203 to allow the purchase of supplies, furniture, fixtures and material for the county education department according to the prescribed procedures of the county legislative body, so long as that body through its charter, private act, or ordinance, has established a procurement procedure that provides for advertisement and competitive bidding, except that if a newspaper advertisement is required it may be waived in case of emergency. Also allows the LEA to follow the county legislative body's prescribed procedures for construction of school buildings and additions to existing buildings. Whether following the procedures prescribed by the county legislative body or those provided in the general law for education departments, in the event no bid is within budgetary limits set by the board of education for such construction, the school board may negotiate with the lowest and best bidder to bring the cost of the construction within the funds available, if approved by the commissioner of education.

Effective May 1, 2006.

Public Chapter 574 Senate Bill 2781 (Ketrone) House Bill 2674 (Montgomery)
Amends 49-5-504 to provide that a tenured teacher who resigns and is then re-employed by the system must serve a one-year probationary period unless waived by the board of education at the request of the director of schools; after the probationary period the teacher must be either recommended by the director of schools for tenure or non-renewed. Amends 49-5-504(b) to provide that any teacher who is eligible for tenure must be either recommended for tenure or non-renewed; the teacher cannot continue in employment if tenure is not granted by the board of education.

Effective May 4, 2006.

- Public Chapter 579 Senate Bill 2898 (Woodson) House Bill 2823 (Winningham)
Amends 49-1-104 to grant the commissioner of education discretionary authority to grant a waiver from the maximum class size in the event of a natural disaster which results in the enrollment of displaced students.
- Effective May 4, 2006.
- Public Chapter 664 Senate Bill 3768 (Ford, Bowers) House Bill 3736 (Stanley)
Amends 49-2-203 to increase the amount of purchases by the board of education not requiring competitive bidding with newspaper notice from \$5,000 to \$10,000.
- Effective May 12, 2006.
- Public Chapter 685 Senate Bill 3113 (Bowers) House Bill 3249 (Brown)
Authorizes the state department of education to establish and administer a system of competitive grants to eligible organizations providing pilot after school education programs from excess lottery funds to increase performance of at risk students in grades 7-9.
- Effective May 18, 2006.
- Public Chapter 727 Senate Bill 3125 (Woodson) House Bill 3172 (Winningham)
Amends 49-2-201 to authorize the commissioner of education to waive state board rules and regulations that inhibit an LEA's ability to implement innovative programs designed to improve student achievement, with certain listed exceptions.
- Effective May 19, 2006.
- Public Chapter 797 Senate Bill 3085 (Burks) House Bill 2935 (Winningham)
Amends title 49, chapter 6, part 42 to require the commissioner of education, working with the commissioner of safety, to recommend employment standards for school resource officers. Amends 49-2-210 1(c) to provide that departments and agencies of state and local government may contract for services with the directors of schools association. Also, amends title 49, chapter 6, part 10 to encourage each public school, under the guidance of the local education agency, to adopt a recycling program for the school.
- Effective May 26, 2006.
- Public Chapter 940 Senate Bill 2682 (Cohen) House Bill 2812 (Winningham)
Amends 4-51-111(f)(1) and 4-51-123(h) to require that 100% (rather than 50%) of the unclaimed lottery prize money up to \$18,000,000 be deposited in the "after school account" to be used exclusively for after school programs, with the excess to accrue to the lottery for education account. Enacts 49-6-705 to authorize the department of education to use the after school account

funds to fund the costs of administering the program of grants and technical assistance provided to organizations providing after school educational programs.

Effective June 20, 2006.

ELECTIONS

Public Chapter 578 Senate Bill 2866 (Cohen) House Bill 2802 (John Deberry)
Amends 2-2-106 to require each county election commission to purge voting registrations of all deceased registered voters appearing on the report transmitted by the coordinator of elections at least every 30 days, and beginning with the first day of any period of early voting, daily through the day of the election as the information is received from the coordinator of elections.

Effective May 4, 2006.

Public Chapter 642 Senate Bill 3322 (Haynes) House Bill 3416 (McMillan)
Amends title 2 to allow the state coordinator of elections to promulgate rules to determine the minimum number of paper ballots to be furnished each precinct on election day and increases the ratio of the number of voters to voting machines from not more than 750 to no more than 1,000 voters per machine.

Effective July 1, 2006.

Public Chapter 860 Senate Bill 1678 (Cohen) House Bill 1722 (Larry Turner)
Amends title 40, chapter 29 to add a new part 2 dealing with restoration of the right of suffrage. A person rendered infamous and deprived of the right of suffrage by a state or federal court may apply for a voter registration card upon receiving a pardon (unless the pardon contains special conditions pertaining to the right of suffrage), discharge due to service of sentence, or being granted a certificate of final discharge from supervision by the board of probation and parole or any equivalent discharge by another state, federal government or county correctional authority. However, the voter registration card will not be issued unless such person has paid all restitution ordered by the court as part of the sentence and unless such person is current in all child support obligations. Additionally, this act excludes persons convicted of certain serious offences from ever being eligible to register to vote in this state. Also, a person eligible to apply for a voter registration card under this statute may request and have issued by the pardoning authority, warden, or parole officer a certificate of voting rights restoration upon a form prescribed by the coordinator of elections.

The certificate of voting rights restoration is sufficient proof that the named person is no longer disqualified from voting by reason of conviction for an

infamous crime upon submitting this certificate to the administrator of elections of the county in which the person is eligible to vote. The administrator of elections must send the certificate to the coordinator of elections who shall verify that the certificate was issued in compliance with this statute and notify the administrator of elections, whereupon the administrator of elections will grant the applicant a new voter registration card and mail it to the applicant in the same manner as the law provides for any newly issued card.

Effective for most purposes on July 1, 2006.

Public Chapter 903 Senate Bill 2975 (Burks) House Bill 3281 (Jones, J.)
Amends several statutes in title 2, chapter 19, part 1, to increase criminal penalties for the offenses of illegal registration and voting, making false entries in voter registration or election documents, abuse of voter assistance, and intentionally failing to perform official acts or committing illegal acts causing votes to be lost or invalidating an election.

Effective June 20, 2006.

Public Chapter 965 Senate Bill 407 (Haynes) House Bill 1114 (McMillan)
Amends 2-8-113 to provide that a write-in candidate, in addition to receiving the most votes of any candidate, must also receive votes equal to at least five percent of the total number of registered voters of the district in order to receive a party nomination. Prior law only required the candidate to receive at least five percent of the votes cast in the primary on the day of the election. Further amends 2-8-113 to increase the time from 20 days to 50 days prior to the primary to provide notice to county election commissions that a person is trying to receive a party's nomination by write-in ballots. Amends 2-13-204 to provide that if a candidate for general assembly is elected to a public office where the charter or a law prohibits such person from holding a state and local office simultaneously, then the candidate shall have his or her name removed from the ballot as a candidate for the general assembly if the candidate files a written request with the county election commission at least 50 days prior to the election; the party may then nominate a new candidate. Amends 2-2-133 to require the coordinator of election to obtain information regarding Tennessee residents 18 years of age or older identified as deceased by the Social Security Administration death master file on an annual basis, and requires the coordinator to forward such information to the appropriate county election commission for cancellation of the registration of each deceased person.

Effective June 27, 2006, for all provisions except the extension of the notification requirement for write-in candidates which takes effect January 1, 2007.

EMERGENCY SERVICES

Public Chapter 588 Senate Bill 3549 (Herron) House Bill 3707 (Armstrong)
Amends 58-2-101 to provide that the definition of an emergency includes disease outbreaks and epidemics that results or may result in substantial injury or harm to the population. Amends 68-1-201(b) to authorize the commissioner of health to impose rules and regulations to prevent the spread of influenza if an epidemic is threatened.

Effective May 4, 2006.

Public Chapter 925 Senate Bill 3861 (Harper) House Bill 3967 (Jones, U.)
Amends 7-86-108 and other statutes to expand the flat state emergency telephone service charge effective July 1, 2006, to include subscribers to non-wireline services, including internet protocol-enabled services in addition to commercial mobile radio service to the extent such application is consistent with orders, rules and regulations of the Federal Communications Commission.

Effective July 20, 2006,

EMINENT DOMAIN

Public Chapter 863 Senate Bill 3296 (Jackson) House Bill 3450 (Fowlkes)
Amends title 29, chapter 17 to add a new part 1 to limit the use of the power of eminent domain by the state, counties and other governmental entities. The express legislative intent is that this power be narrowly construed and used sparingly. This act generally excludes from the definition of public use for which this power may be used either private use or the indirect public benefits resulting from private economic development and private commercial enterprise, including increased tax revenue and increased employment opportunity. However, the following designated purposes are excepted and allowed even if there are private benefits:

1. The acquisition of any interest in land for a road, bridge, or other public transportation project
2. The acquisition of any interest in land necessary to the function of a utility.
3. The acquisition of property by a housing authority or community development agency for urban renewal or redevelopment under title 13, chapters 20 and 21.
4. Private use that is incidental to a public use if no land is condemned primarily to convey or permit the incidental private use.
5. The acquisition of property by a county or municipality for an industrial park under title 13, chapter 16, part 2.

Amends 13-20-201 regarding redevelopment to provide that under no circumstance may land used predominately in the production of agriculture be considered blighted.

Amends 13-26-207 regarding industrial parks to allow the county to exercise the power of eminent domain anywhere in the county and within urban growth boundaries and planned growth areas, and a municipality anywhere within its boundaries and urban growth area. A county and municipality, or both, operating a joint park may exercise the power anywhere within the jurisdictional boundaries and within an urban growth boundary or planned growth area.

Amends 13-16-207 to require a certificate of public purpose and necessity for the exercise of eminent domain for an industrial park even if no funds will be borrowed and that the bonded debt limit of subdivision (a)(1)(A)(iv) does not apply to a certificate obtained only for the exercise of the power of eminent domain. The issuance of the certificate must be based upon a finding that the local government has been unable to through good faith negotiations to obtain the property or other property that would be of comparable suitability. Good faith negotiation is established if the local government made an offer to purchase the property for an amount equal to or in excess of at least two appraisals by independent qualified appraisers.

Amends title 29, chapter 17, part 12 to provide that land acquired by eminent domain may be sold, leased, or otherwise transferred to another public entity or to a private person or entity if fair market value is received for the land.

Amends various sections in titles 11, 43, 54, 64, 65 and 69 to remove the power of eminent domain from certain entities such as river basin development authorities, planning agencies, port authorities, ferries, watershed districts, etc.

Amends 13-20-201 regarding redevelopment to narrow the definition of blighted areas subject to condemnation powers.

Provides additional notice and other procedural steps in the condemnation process. For example, amends 29-17-803, known as the quick take or bulldozer provision, to require a 30 day notice rather than a 5 day notice.

Amends 29-16-114(a) to provide that when an entire tax parcel is condemned, the total damages cannot be less than the latest valuation of the assessor of property less any decrease in value since then.

Amends title 29, chapter 7, part 12 to require an appraisal of property sought to be condemned. The appraisal must be based upon the highest and best use, its use at the time of the taking, and any other use to which the property is legally adaptable at the time of the taking. The appraiser must be a member

of the Appraisal Institute or be otherwise licensed and qualified under title 62, chapter 39.

Amends 29-17-701 and 29-17-803 to require, rather than allow, the condemning authority to deposit with the court the amount determined as the value by the required appraisal. The deposited amount does not fix the amount to be awarded, and any amount awarded in excess of the deposited amount bears interest from the date of the taking or possession.

Effective July 1, 2006; applies only to condemnation proceedings initiated on or after that date.

ETHICS

Public Chapter 545 Senate Bill 2755 (Cohen) House Bill 2694 (Dunn)
Amends 2-10-116 to define the public officials who are prohibited from accepting honorariums for an appearance, speech, or article (but not actual and necessary travel expenses, meals and lodging) in such person's capacity as a public official. Included in the definition of public officials is each person holding any local public office filled by voters.

Effective April 24, 2006.

FINANCE

Public Chapter 693 Senate Bill 3777 (Henry) House Bill 3742 (Fitzhugh)
Amends 5-8-301 to revise the provisions authorizing the investment of idle funds by counties and other local governments, including the investment media which is authorized.

May 18, 2006.

Public Chapter 847 Senate Bill 3114 (Finney) House Bill 3336 (McCord)
Amends the Local Government Public Obligations Law at 9-21-105(3) to modify the definition of "certain unfunded pension obligations" by adding pension benefits for past service of employees of a local government whose pension benefits arise from a defined benefit pension plan which is closed to the enrollment of new employee participants and are funded solely by contributions of the local government to the plan, provided such obligation is limited to the unfunded portion of the present value of benefits less present value of future normal costs as certified by the pension actuarial consultant of the local government. [Counties and other local governments are authorized to issue general obligation bonds for certain unfunded pension obligations if approved by the state funding board after receiving the recommendation of the state director of local finance pursuant to 9-21-127.]

Effective June 2, 2006.

Public Chapter 874 Senate Bill 3779 (Henry) House Bill 3740 (Fitzhugh)
Amends the Local Government Public Obligations Law at 9-21-151 to authorize the state funding board to develop model finance transaction policies regarding debt obligations, derivatives or both, for use by public entities instead of requiring the board to adopt policy, procedures and forms for filing the estimated costs of debt obligations. This act removes the specific requirement that public entities disclose copies of any information returns filed with the IRS regarding a finance transaction. Exempt from the filing requirements under 9-21-151 regarding public disclosure are finance transactions (1) deemed de minimis by the state funding board, (2) where the public entity is required by state to participate in the financing program, (3) that are a conduit for a non-governmental entity, or (4) where the disclosure costs of the transaction is deemed not consistent with the public disclosure intent.

The state funding board will determine the financial transaction information to be disclosed but which will include (1) a brief description of the transaction, (2) the issuance, continuing and one-time costs of the transaction, (3) a brief description of any continuing disclosure obligations, (4) a copy of the offering document, (5) other information required by the board. The county or other public entity has 45 days following the issuance of a debt obligation or other financial transaction to submit this information to the governing body with a copy to the state director of the state funding board. The director will notify a public entity of any omission, error, or filing failure and the governmental entity must correct the information within 15 days.

Effective July 1, 2006.

FIRE SERVICES

Public Chapter 752 Senate Bill 3764 (Kyle) House Bill 3800 (Jones, U.)
Amends 68-140-504 to authorize the Emergency Medical Services Board to certify paramedic training centers operated by a fire department which operates its own fire training academy to provide training for career paramedics employed by such fire department. Amends title 68, chapter 140, part 5 to provide that in order to be certified by the board, the training program offered by a paramedic training center which is operated by a fire department must follow the United States Department of Transportation Emergency Medical Technician-Paramedic National Standard Curriculum. Additionally, only paid career members employed by such fire department are eligible to enter and graduate from such paramedic training program.

Effective May 23, 2006.

Public Chapter 912 Senate Bill 3315 (Haynes) House Bill 3566 (Turner)
Amends 7-5-206(a) to provide that the estate of any regular or full-time firefighter who is killed in the line of duty shall be entitled to receive the sum of \$25,000.

Effective July 1, 2006.

Public Chapter 922 Senate Bill 3718 (Ketrone) House Bill 3792 (Hood)
Amends 68-102-108 to require all fire service assistants to the commissioner of commerce and insurance to complete 16 hours of fire service training within one year of becoming an assistant.

Effective June 20, 2006.

HIGHWAYS

Public Chapter 678 Senate Bill 2999 (Herron) House Bill 2448 (McDonald)
Amends 54-21-114 to provide that a private citizen who maintains property within a right-of-way in which an unlawful sign is located may remove and dispose of the sign at the citizen's own expense. This authority does not apply to "outdoor advertising signs" as defined by 54-21-107 which are located within an adjacent area of the state, interstate or primary highway systems.

Effective July 1, 2006.

INTERLOCAL AGREEMENTS

Public Chapter 923 Senate Bill 3789 (Woodson) House Bill 3912 (Winningham)
Amends the Interlocal Cooperation Act at title 12, chapter 9, part 1, to require that any interlocal agreement that creates a local government joint venture be filed with the comptroller of the treasury within 90 days of execution. Any such agreement that created a local government joint venture currently in effect is required to be filed with comptroller of the treasury within 120 days of the effective date of this act. Also, requires that each county participating in a local government joint venture file an annual statement with the comptroller stating the names of all parties to the agreement, the annual revenue and expenses of any entity created under the agreement and such other information the comptroller requires.

Also, amends 29-20-401 to provide that an insurance pool, special fund, reserve fund, or legal or administrative entity administering any such pool or fund be audited annually in accordance with standards established by the comptroller of the treasury. A copy of the annual audit must be filed with the comptroller within 120 days of the end of the pool or reserve fund's fiscal year. Additionally, the comptroller may audit and review any such pool or reserve fund at any time and may be assisted by the commissioner of commerce and insurance. The information received by the comptroller or

commissioner under this act is treated as confidential except for an examination report, audit or investigative report prepared by the comptroller or commissioner of commerce and insurance.

Amends 8-6-109 to empower the attorney general of Tennessee to bring suit to recover public funds from entities financed by such funds and their directors or officers when the funds have been used for unauthorized purposes, misapplied or misappropriated.

Effective June 20, 2006.

LAW ENFORCEMENT

Public Chapter 523 Senate Bill 2653 (Ramsey) House Bill 2650 (Godsey)
Amends 55-9-107 to permit the windows rearward of the front doors of vehicles bearing government service license plates that are used for law enforcement purposes to be exempt from window tinting specifications.

Effective July 1, 2006.

Public Chapter 543 Senate Bill 2660 (Black) House Bill 2627 (McMillan)
Creates a Class C misdemeanor offense for interfering with a funeral or burial, funeral home viewing of a deceased person, funeral procession, or funeral or memorial service for a deceased person by making any utterance, gesture, or display in a manner offensive to the sensibilities of an ordinary person, including picketing, protesting, or demonstrating, within 500 feet of any such activity.

Effective May 1, 2006.

Public Chapter 581 Senate Bill 3102 (Tracy) House Bill 3048 (Hood)
Amends 55-8-183 regarding requirements for funeral processions to be given the right of way. Such processions must be properly identified by a flashing amber light on the lead vehicle, or identified as a police escort where such vehicle has visual signals and is equipped with or displays an amber light accompanied by a blue light visible from the front of the vehicle, or led by a properly identified escort.

Effective July 1, 2006.

Public Chapter 617 Senate Bill 3547 (McNally) House Bill 3582 (Lois DeBerry)
Provides that breastfeeding a child under 12 months of age shall not be considered an act of public indecency, or nudity, obscene or sexual conduct. A county or any other unit of local government cannot prohibit breastfeeding in public.

Effective May 4, 2006.

Public Chapter 638 Senate Bill 2971 (Burks) House Bill 3451 (Sontany)
Enacts 38-3-123 to prohibit law enforcement officers from requiring any victim of a sexual offense or a violent sexual offense to submit to a polygraph examination or any other test designed to detect deception or verify the truth of statements through instrumentation or by means of a mechanical device as a condition of proceeding with the investigation of the offense. A violation of this section subjects the officer to appropriate departmental disciplinary action.

Effective July 1, 2006.

Public Chapter 676 Senate Bill 1062 (Ketrone) House Bill 0494 (DuBois)
Amends 36-3-605 to authorize any court of competent jurisdiction to modify an order of protection with the time the order is in effect. The court must cause a copy of the petition and notice of the hearing date to be personally served upon the respondent at least 5 days prior to the hearing. The notice must advise the respondent of the right to be represented by counsel. If the respondent is found to have violated the order of protection, the court could extend the order up to five years. If the respondent is found to be in a second or subsequent violation of the order, the court could extend the order up to 10 years.

Effective July 1, 2006.

Public Chapter 723 Senate Bill 3562 (Person) House Bill 2840 (Coleman)
Amends 38-6-113 to specify that the detention, arrest or conviction of a person based upon a data bank match or database information is not invalidated if it is later determined that the specimens or samples were obtained or placed in the database by mistake.

Effective July 1, 2006.

Public Chapter 730 Senate Bill 3756 (Norris) House Bill 3643 (Todd)
Amends 39-17-113 to prohibit any person or firm that sells radar detectors, or similar devices, from offering to pay, or paying, a motor vehicle traffic citation of any person who purchased any such device to detect or interfere with speed detection devices used by law enforcement. A violation of this section is a Class B misdemeanor punishable only by a fine of up to \$500.

Effective July 1, 2006.

Public Chapter 745 Senate Bill 3187 (Cooper) House Bill 3190 (Harmon)
Amends 40-11-136 to remove the residence of the sheriff from the list of places that a defendant may be surrendered to the sheriff by a bail bondsman;

leaving the acceptable places of surrender as the place for holding court in the county or the county jail.

Effective May 23, 2006.

Public Chapter 777 Senate Bill 3664 (Williams) House Bill 3579 (Coleman)
Amends 40-6-303(6) to expand jurisdiction to intercept communications to judicial districts other than where the interception will occur provided that grounds to intercept exist under provisions governing evidence of homicide.

Effective May 24, 2006.

Public Chapter 797 Senate Bill 3085 (Burks) House Bill 2935 (Winningham)
Amends title 49, chapter 6, part 42 to provide that the commissioner of education, working with the commissioner of safety, shall recommend employment standards for the eligibility, qualifications, and training requirements for school resource officers. Requires the commissioner of education to distribute such recommendations to each LEA.

Effective May 26, 2006.

Public Chapter 808 Senate Bill 3090 (Black) House Bill 3086 (Sherry Jones)
Amends 37-5-511 to require criminal history checks for persons applying for work at juvenile detention centers and temporary holding facilities for juveniles.

Effective July 1, 2006.

Public Chapter 833 Senate Bill 2482 (Ketrone) House Bill 2691 (Yokley)
Amends title 40, chapter 38, part 1 to require the district attorney general's conference to establish and administer an automated victim notification system to permit a crime victim to register and receive the most recent status report for an offender. All law enforcement officers are required to cooperate with the district attorney general's conference in establishing and maintaining the system.

Effective upon the state receiving funding from federal grants or other non-state funds sufficient to establish and administer the system described in this act.

Public Chapter 849 Senate Bill 3189 (Cooper) House Bill 3188 (Harmon)
Amends title 41, chapter 4, part 1 to provide that after July 1, 2006 any person employed as a jail administrator, jailer, corrections officer, or guard in a county jail or workhouse must have certain specified qualifications which are similar to those required of deputy sheriffs and police officers. These qualifications do not apply to any jail employee hired prior to July 1, 2006.

These are minimum qualifications and the employing agency may establish qualifications and standards for hiring and training jail or workhouse employees that exceed those set forth in this act. This act provides for a Class A misdemeanor penalty fine of up to \$1,000 for someone who either appoints an applicant or signs a warrant or check for a jail or workhouse employee with knowledge that the applicant fails to meet these minimum qualifications.

Effective July 1, 2006.

Public Chapter 853 Senate Bill 3702 (Woodson) House Bill 3678 (Dunn)
Enacts 39-16-610 to create the Class C misdemeanor offense of possessing or selling a radar jamming device or of knowingly operating a motor vehicle with such a device in the vehicle. Creates Class B misdemeanor offense for a person to knowingly use a radar jamming device for the purpose of interfering with the radar signals or lasers used by law enforcement personnel to measure the speed of a motor vehicle on a highway.

Effective July 1, 2006.

Public Chapter 862 Senate Bill 3060 (Kyle) House Bill 3163 (Ferguson)
Authorizes resort area owner or management company to employ one or more private special deputies to provide on-site security and law enforcement for residents and guests of the resort area. Upon employing person for this role, the resort area must seek appointment of such person as a private special deputy by the sheriff of the county where the resort is located in accordance with 8-8-212. The sheriff must appoint such person as a private special deputy if such person meets all the qualifications as a police officer according to 38-8-106, the person proves financial responsibility (corporate surety bond or liability insurance policy of the employer in an amount not less than \$50,000, and has received training or continuing training from whatever source that is equivalent or superior to the training required for a law enforcement officer under the standards established by the peace officer standards and training (POST) commission. When properly appointed, the private special deputy is authorized to act independently of other law enforcement agencies and has authority to enforce all state laws and resort area rules within the property owned, leased or operated by the employing resort, including public roads or rights-of-way contiguous to the perimeter of the resort property or which connects resort property. The governmental immunity of the county is not waived for any wrong, injury, loss damage or expense resulting from acts or omissions of a private special deputy where the sheriff's office has entered into a mutual assistance agreement with the resort area owner or management company and the act or omission occurred while such deputy was involved in official law enforcement duties after having been dispatched by the sheriff to respond to a call outside the resort area.

Effective June 5, 2006.

Public Chapter 880 Senate Bill 2603 (Burks) House Bill 2595 (Hood)
Amends 55-10-403 regarding DUI offenders. Converts the requirement passed in 2005 for DUI offenders to perform litter pickup to a mandatory condition of probation instead of an element of punishment. Provides that out of state offenders perform litter pickup in the county of conviction. Provides that offenders with physical limitations may petition the court to be relieved from litter pickup. Requires offenders to report to the local sheriff through the probation process with appropriate documentation to schedule time to perform litter pickup. Gives discretion to the sheriff to schedule work crews so long as work is during daylight hours. Requires sheriff only to provide an offender with a list of scheduled times and dates for litter pickup. Allows DUI offenders to be worked in conjunction with other litter removal crews. Eliminates requirement for the county to have signs on trucks at the work site identifying the workers as DUI offenders. Deletes provisions that required the sheriff to provide transportation to the work site. Amends provisions regarding restricted driver licenses to let an offender with a restricted driver license drive to litter pickup. Provides that the offender must pay the jailer's fee for misdemeanants established under 8-26-105 for each day of litter pickup prior to the sheriff certifying that the condition of probation has been fulfilled.

Effective June 15, 2006.

Public Chapter 890 Senate Bill 2644 (Burchett) House Bill 2604 (Tindell)
Amends 39-13-506 to enact the "Child Protection Act of 2006." Redefines statutory rape to include two age ranges. Creates the new offense of mitigated statutory rape. Mitigated statutory rape is a Class E felony. Creates the new offense of aggravated statutory rape. Aggravated statutory rape is a Class D felony.

Makes numerous changes to the "Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification, and Tracking Act of 2004" in title 40, chapter 39, part 2. Amends 40-39-202(10) to redefine the term "parent" to exclude step-parent if the offender's victim was a minor less than 13 years of age. Amends 40-39-202(17)(A)(ii) to redefine "sexual offense" with respect to the offense of statutory rape. A person who is convicted of statutory rape will not be required to register as a sex offender unless the person was an authority figure to the victim, or had a prior conviction for mitigated statutory rape, statutory rape, or aggravated statutory rape. Amends 40-39-202(17)(A)(viii) to redefine "sexual offense" with respect to the offense of spousal sexual battery. Further amends 40-39-202(17) by adding the offenses of "aggravated statutory rape" and "exploitation of a minor by electronic means" to the definition of "sexual offense." Amends 40-39-203(a) to add the requirement that an offender must register within 48 hours of "establishing a physical presence at a particular location" in the state. In addition, adds the requirement that an offender who resides and is registered in this state who intends to move out of this state must, within 48 hours after

moving to another state or within forty-eight 48 hours of becoming reasonably certain of such intention to move to another state, report to the offender's designated law enforcement agency the address at which the offender will reside in the new jurisdiction. Amends 40-39-208(a). Provides that the failure to report a new address in another state subjects the offender to the same penalties as if the offender had not reported an in-state residential address. Amends 40-39-203(b) to require any offender who is incarcerated to report to the offender's registering agency within 48 hours of release from incarceration unless the place of incarceration is also the offender's registering agency. Amends 40-39-203(c) to require an offender from another state, jurisdiction, or country who has established a physical presence at a particular location in the state to register in person with the designated law enforcement agency within 48 hours of establishing such physical presence. Amends 40-39-203(i)(10) to require offenders to disclose any vehicle, mobile home, trailer, or manufactured home that the offender owns regardless of whether the offender uses the property. Amends 40-39-203(i)(15) to require offenders to report the age of the offender's victim(s) and of the offender at the time the offense was committed, if known. Amends 40-39-203(i)(17) to require the TBI to promulgate and disseminate rules establishing standardized specifications for the photograph of the offender required by present law. Amends 40-39-204(b) to remove the requirement that violent sexual offenders pay the administrative fee during the month of March; instead, violent sexual offenders may now pay the fee at any time during the year. Amends 40-39-204(e) to require sexual offenders who are reincarcerated to report such offender's status as a sexual offender to the facility where the offender is incarcerated or detained and to notify the appropriate registering agency, if different, that the offender is currently being detained or incarcerated. Amends 40-39-205(b) to make verification of the accuracy and completeness of all information contained in the offender's SOR by the offender's designated registering agency mandatory rather than permissive. Amends 40-39-207 to authorize any person who was convicted of statutory rape, as defined by this amendment, prior to July 1, 2006, to petition the TBI for termination of the registration requirements. Amends 40-39-211 to add public parks, playgrounds, recreation centers, and public athletic fields to those areas near which a registered offender may not live or work.

Effective June 20, 2006, for the purpose of the TBI promulgating standardized photograph specifications. Effective July 1, 2006, for all other purposes.

Public Chapter 912 Senate Bill 3315 (Haynes) House Bill 3566 (Turner)
Amends title 7, chapter 51, part 2 to provide that the estate of any law enforcement officer who is killed in the line of duty shall be entitled to receive the sum of \$25,000. Defines "law enforcement officer" as the sheriff,

sheriff's deputies, or any police officer employed by a municipality or political subdivision of the state whose primary responsibility is the prevention and detection of crime and the apprehension of offenders.

Effective July 1, 2006.

Public Chapter 917 Senate Bill 3609 (Curtis) House Bill 3956 (Briley)
Enacts the "Integrated Criminal Justice Act of 2006" in title 16, chapter 3, part 8. Authorizes the Integrated Criminal Justice Steering Committee to facilitate the development of integrated criminal justice information systems in order to improve the coordination and cooperation among justice and justice-affiliated agencies and to enhance the public safety of Tennessee's citizens. Provides that the president of the Tennessee Sheriffs' Association or a designee shall be a member of the steering committee.

Effective July 1, 2006.

Public Chapter 948 Senate Bill 3188 (Cooper) House Bill 3189 (Harmon)
Amends 8-8-102 to require that every person who is elected to the office of sheriff after August 1, 2006, in a regular August general election for a four-year term, and is a first term sheriff, regardless of their previous law enforcement experience, must successfully complete the newly elected sheriffs' school prior to the first day of September immediately following their election. Thereafter the new sheriff must successfully complete 40 hours of annual in-service training appropriate for the rank and responsibilities of a sheriff. Any cost associated with attending the newly elected sheriffs' school shall be paid by the county. Any newly elected sheriff who does not fulfill the obligations of this training course shall lose their power of arrest.

Effective July 1, 2006.

Public Chapter 1005 Senate Bill 3868 (Kyle) House Bill 3986 (McMillan)
Amends title 39, chapter 16, part 4 to provide that it is an offense for a law enforcement officer, correctional employee, vendor or volunteer to engage in sexual contact or sexual penetration, as such terms are defined in 39-13-501, with a prisoner or inmate who is in custody at a penal institution as defined in 39-16-601 (includes county jail), whether such conduct occurs on or off the grounds of such institution. A violation of this section is a Class E felony. A "volunteer" is any person who, after fulfilling the appropriate policy requirements, is assigned to a volunteer job and provides a service without pay from the correctional agency except for compensation for those expenses incurred directly as a result of such volunteer service. The terms "law enforcement officer" and "correctional employee" include a person working in such capacity as a private contractor or employee of a private contractor.

Effective July 1, 2006.

Public Chapter 1006 Senate Bill 3869 (Kyle) House Bill 3987 (McMillan)
Amends 39-16-201 to provide that it is unlawful for any person to knowingly and with unlawful intent take, send or otherwise cause to be taken into any penal institution where prisoners are quartered or under custodial supervision any telecommunication device. Includes cellular phones, digital phones, and modem equipment devices. A violation of this section is a Class E felony.

Effective July 1, 2006.

Public Chapter 1009 Senate Bill 3897 (Kyle) House Bill 4013 (McMillan)
Amends 4-7-102 to require each member of the Tennessee highway patrol who is hired after July 1, 2006, to meet the minimum standards for police officers as set forth in title 38, chapter 8, part 1, including the requirements of the POST Commission. Provides that THP officers would not be entitled to receive the police pay supplement as authorized under 38-8-111. Amends 4-7-203 to clarify that duty classification and compensation for commissioned members of the Jerry F. Agee Tennessee Law Enforcement Training Academy will be based on the commissioner of personnel's annual compensation survey. Amends 38-8-104(e) to provide that the POST commission's decisions with regard to exceptions or waivers of the qualifications set forth in 38-8-106 are to be appealed in chancery court. Amends 38-8-207(b) to authorize the commissioner of commerce and insurance, instead of the commissioner of safety, to commission the director of the Law Enforcement Training Academy, and instructors at the academy, as law enforcement officers.

Amends 38-8-351 and enacts 4-7-120 to specify that no member of the Tennessee highway patrol shall engage in political activity, support or opposition to any candidate, party or measure in any election when on duty or acting in such member's official capacity. When off duty and acting as a private citizen, no member of the Tennessee highway patrol shall be prohibited from engaging in political activity or denied the right to refrain from engaging in such activity.

Effective July 1, 2006.

LIABILITY

Public Chapter 559 Senate Bill 3904 (Kyle) House Bill 4018 (McMillan)
Repeals 12-4-118 which required any contract with the state, or any of its agencies or political subdivisions, including counties, to have a provision that holds harmless or indemnifies those contracting for any breach of contract caused by the failure of computer software or any device containing a computer processor to accurately or properly recognize, calculate, display, sort, or otherwise process dates or times.

Effective April 24, 2006.

PARKS AND RECREATION

Public Chapter 595 Senate Bill 3876 (Kyle) House Bill 3995 (McMillan)
Amends 11-9-202, regarding the recreation initiative program, to provide that the state may award more than one of its three annual grants a grant to a city or county within a grand division if there is no application from a grand division. The act also increases the required local match for the first and second years of the program from \$25,000 to \$50,000.

Effective May 4, 2006.

Public Chapter 673 Senate Bill 3874 (Kyle) House Bill 3993 (McMillan)
Amends 67-4-409(i) regarding the allocation to the local parks acquisition fund of a portion (1.75¢ of the 37¢ per \$100 of value) of the state tax on recording instruments transferring real property. This allocation is subject to the annual appropriations act and if the appropriations are not made in any year, then these tax proceeds are credited to the general fund. If appropriated, these moneys must be used only for grants to county and municipal governments for the purchase of land for parks, natural areas, greenways, recreational facilities, and for trail development and capital projects in parks, natural areas and greenways. However, the commissioner of environment and conservation may allocate up to 3.5% of the moneys in this fund for the administration of this fund. Moneys deposited in this fund do not revert at the end of any fiscal year, and all interest accruing on investments and deposits of the fund not otherwise expended are to be returned and made a part of this fund.

Effective May 16, 2006.

PERSONNEL

Public Chapter 590 Senate Bill 3606 (Person) House Bill 3603 (John Deberry)
Authorizes any employer, including county employers, who offers health insurance to its employees to make a payroll deduction for the employee portion of the health insurance premiums upon the request of any employee who participates in the health insurance program.

Effective July 1, 2006.

Public Chapter 599 Senate Bill 125 (Ketrone) House Bill 597 (Curtiss)
Authorizes counties and other employers of fire protection personnel, paid and volunteer, to make criminal background checks, including supplying of fingerprints, a condition of employment. The cost of the investigation is paid by the employer, but the employer may require the applicant or employee to reimburse the employer for such costs. Departments that elect to conduct criminal background checks must establish a policy addressing when such a check may be conducted on a currently employed member of the department.

The criminal background check reports must be maintained for the duration of employment plus one year and access to these reports is limited to the department head, human resource officer and the employee's supervisor and will not become a part of the employee's personnel file.

Effective May 4, 2006.

Public Chapter 703 Senate Bill 3453 (Harper) House Bill 3846 (West)
Amends 50-6-225(a) to provide that where a county or municipality has opted to use the worker's compensation law for injuries to their employees, if county or municipal employee makes a claim and the parties are unable to reach an agreement at the benefit review conference of all issues related to the claim, then either party may file a civil action in the county in which the governmental entity is located or in the county in which the incident occurred from which the action arises.

Effective July 1, 2006 for claims or incidents arising on or after that date.

Public Chapter 771 Senate Bill 3530 (Henry) House Bill 3449 (Sargent)
Enacts the "Other Post Employment Benefit Investment Trust Act of 2006." Authorizes counties and other local governmental entities by resolution of the governing body to establish an investment trust for the purpose of pre-funding non-pension benefits paid on behalf of former employees or the former employee's beneficiaries after separation from service. Such benefits may include, but are not limited to, medical, prescription drugs, dental, vision, hearing, Medicare Part B or Part D premiums, life insurance, long-term care, and long term disability. The authorization is subject to the following conditions: (1) the governing body must establish a written plan of the post-employment benefits provided; (2) the investment committee must adopt, in writing, an investment policy authorizing how assets in the trust may be invested; (3) the trust must conform to all applicable laws and IRS regulations; and (4) the trust document, plan of benefits, and investment policy must be submitted to and approved by the state funding board.

Effective May 26, 2006.

Public Chapter 873 Senate Bill 3489 (Ketrone) House Bill 3137 (DuBois)
Enacts the "Health Savings Account Act" authorizing employers (and eligible individuals) to establish health savings account programs whereby high deductible health insurance is combined with tax-exempt contributions to a health savings account. The commissioner of revenue is to promulgate regulations to effectuate the act. Effective for tax years beginning after 2007.

Effective July 1, 2006.

PLANNING & ZONING

Public Chapter 547 Senate Bill 2878 (Haynes) House Bill 2800 (Sargent)
Amends 13-3-402 by deleting subsection (b) which allowed the regional planning commission, upon written request, to order subdivision lots to be combined under one owner into a standard lot without the need for a survey where a conveyance between owners of adjoining parcels would otherwise result in the creation of substandard lots and require a survey for the purpose of standardizing such lots.

Effective April 24, 2006.

Public Chapter 556 Senate Bill 3652 (Fowler) House Bill 3880 (Stanley)
Amends 29-3-101 regarding the abatement of nuisances to expand the definition of “place” to include all property on which a nuisance is located that is under the ownership, management or control of the violator.

Effective July 1, 2006.

Public Chapter 644 Senate Bill 3535 (Black) House Bill 3135 (Maggart)
Amends 13-3-402 and 13-4-302 to require planning commission approval prior to the recording of amendments, modifications or corrections to plats of recorded subdivisions. However, an exception to this rule is made for an easement or survey attached to an easement granted to a governmental entity. Also, this act provides that a planning commission may designate someone other than the secretary of the planning commission to sign on behalf of the planning commission showing approval of plats and plat amendments.

Effective May 12, 2006.

Public Chapter 743 Senate Bill 3155 (Beavers) House Bill 3438 (Lynn)
Amends 68-221-416 to provide that all zoning requirements established by a municipal or county government apply to the installation of advanced treatment systems for subsurface sewage disposal

Effective July 1, 2006.

Public Chapter 763 Senate Bill 4033 (Fowler) House Bill 4098 (Stanley)
Amends 29-3-101 regarding the abatement of nuisances to expand the definition of “place” to include all property on which a nuisance is located that is under the ownership, management or control of the violator.

Effective July 1, 2006.

PURCHASING

Public Chapter 567 Senate Bill 2656 (Ramsey) House Bill 3198 (Vaughn)
Amends 49-2-203 to allow the purchase of supplies, furniture, fixtures and material for the county education department according to the prescribed procedures of the county legislative body, so long as that body through its charter, private act, or ordinance, has established a procurement procedure that provides for advertisement and competitive bidding, except that if a newspaper advertisement is required it may be waived in case of emergency. Also allows the LEA to follow the county legislative body's prescribed procedures for construction of school buildings and additions to existing buildings. Whether following the procedures prescribed by the county legislative body or those provided in the general law for education departments, in the event no bid is within budgetary limits set by the board of education for such construction, the school board may negotiate with the lowest and best bidder to bring the cost of the construction within the funds available, if approved by the commissioner of education.

Effective May 1, 2006.

Public Chapter 664 Senate Bill 3768 (Ford, Bowers) House Bill 3736 (Stanley)
Amends 49-2-203 to increase the amount of purchases by the board of education not requiring competitive bidding with newspaper notice from \$5,000 to \$10,000.

Effective May 12, 2006.

Public Chapter 944 Senate Bill 3492 (Ketron) House Bill 3068 (Curtiss)
Amends 66-34-202 and -302 (Prompt Pay Act of 1991) relative to construction contracts, to require payment to contractors within 30 days after application for payment is timely submitted and in accordance with the schedule for payments contained in the contract.

Effective June 30, 2006.

RECORDS

Public Chapter 651 Senate Bill 1519 (Finney) House Bill 1362 (Overbey)
Amends 10-7-408 to authorize all counties (not just Shelby County as under prior law) with a county public records commission to establish and collect, through all entities creating public records except the register of deeds and clerks of court, an archives and record management fee of up to \$2 per document filed. Funds collected through this fee must be designated exclusively for duplicating, storing, and maintaining any records required by law to be permanently kept.

Effective May 12, 2006.

REGISTER OF DEEDS

- Public Chapter 605 Senate Bill 3573 (Person) House Bill 2852 (Pleasant)
Amends 10-7-401 to authorize the register of deeds to appoint a designee to serve on the county public records commission instead of the register personally.

Effective January 1, 2007.
- Public Chapter 643 Senate Bill 3380 (Herron) House Bill 3273 (Fitzhugh)
Requires a register of deeds to give a written notice to a person desiring to record a military discharge when this document is presented in person and not by mail. This notice must state that the recorded military discharge is a public record and is not confidential. Also, allows a register to make a copy of an original or properly certified copy of a military discharge so that the social security identification number may be redacted ,in whole or part, on this copy made by the register, and this copy may then be recorded.

Effective July 1, 2006.
- Public Chapter 644 Senate Bill 3535 (Black) House Bill 3135 (Maggart)
Amends 13-3-402 and 13-4-302 to require planning commission approval prior to the recording of amendments, modifications or corrections to plats of recorded subdivisions. However, an exception to this rule is made for an easement or survey attached to an easement granted to a governmental entity. Also, this act provides that a planning commission may designate someone other than the secretary of the planning commission to sign on behalf of the planning commission showing approval of plats and plat amendments.

Effective May 12, 2006.
- Public Chapter 654 Senate Bill 3089 (Burchett) House Bill 2678 (Baird)
Amends title 66, chapter 11, part 1, to add a provision allowing a lien to be created against a leasehold of a gas, oil or mineral leasehold to secure the payment of labor or materials furnished to the lessee. If unpaid, the lien expires after 90 days unless the person who furnished the labor or materials files with the county register of deeds a sworn statement as provided in section 66-11-112 (a contractor's sworn statement regarding a lien).

Effective July 1, 2006.
- Public Chapter 686 Senate Bill 3248 (Burchett) House Bill 2849 (Curtiss)
Amends the Underground Utility Damage Prevention Act at 65-31-105 to add e-mail addresses to the notice on file with the register which states that the operator has underground utilities in that county and gives the name, address and telephone number of the operator's representative to receive notices of intent to excavate or demolish. Amends 65-31-107 to remove the requirement

that a one-call service that provides service on behalf of operators having underground facilities in Tennessee file with the register of deeds of the county where utilities are located, the telephone number and address of the one-call service, a description of the geographical area served by the one-call service and a list of the names and addresses of all operators receiving the service.

Effective July 1, 2006.

Public Chapter 868 Senate Bill 3928 (Kyle) House Bill 4045 (McMillan)
Amends 68-102-125 to remove obsolete language regarding the recording fee charged for recording a court order enforcing a lien obtained by the commissioner of commerce and insurance for expenses incurred and penalties associated with the remedy of dangerous conditions on property. The new statute clarifies that for registration of the order, the register will receive a fee authorized for the recording of the documents (standard fees).

Effective June 5, 2006.

Public Chapter 951 Senate Bill 3586 (Person) House Bill 3367 (Coleman)
Amends 35-5-114 regarding the sale of land to foreclose a deed of trust or mortgage to authorize the beneficiary under the deed of trust (secured party) to appoint a successor trustee by filing a substitution of trustee for record with the register of deeds of the county in which the property is located. Also, provides for the recording of an affidavit by a substitute trustee concerning the mailing of notice giving the name and address of the substitute trustee to the debtor or co-debtors.

Effective July 1, 2006.

RETIREMENT

Public Chapter 870 Senate Bill 2968 (McNally) House Bill 3287 (Fitzhugh)
Amends title 8, chapter 25, part 3 to provide that a county or other political subdivision or instrumentality of the state that makes available to its employees a profit sharing and/or salary reduction plan approved by the IRS under section 401(k) may by resolution of the county legislative body adopt the Roth 401(k) contribution feature to its plan.

Amends 8-34-615(d) to provide that counties and other political subdivisions that participate in the Tennessee Consolidated Retirement System (TCRS) and adopt the optional provisions regarding a period of disability being a credible service if the political subdivision accepts the liability, are no longer required to have an actuarial study. This act revises other provisions governing the TCRS.

Amends 8-37-604 to remove the requirement that 50 cents of the fees collected by the county clerks under 55-6-104 for receiving and forwarding each application for motor vehicle certificate of title and 52% of the commission the county register receive for collecting, reporting and remitting the state realty transfer and mortgage taxes be remitted to the state treasurer for purposes of county officials' retirement.

Effective June 5, 2006.

TAXATION

Public Chapter 553 Senate Bill 3430 (Jackson) House Bill 2512 (Fowlkes)
Amends 67-1-1704(d) to define the local government officials who may request in writing mineral severance tax return information held by the department of revenue for the purpose of ascertaining whether proper local taxes are being paid. The county mayor and members of the county legislative body are authorized to make this request for information. The county government official or employee who receives such information cannot disclose it except as may be otherwise authorized by law.

Effective April 24, 2006.

Public Chapter 583 Senate Bill 3209 (Tracy) House Bill 3090 (Davidson)
Amends 67-4-708 to exclude from the business tax farmers providing services to other farmers for the planting or harvesting of agricultural products or for the preparation, improvement, or maintenance of land used in the production of agricultural products.

Effective May 4, 2006.

Public Chapter 953 Senate Bill 3839 (Ramsey) House Bill 3469 (Curtiss)
Enacts a new part 29 under title 67, chapter 4 of the Tennessee Code to authorize growth counties, as defined under the act, to enact a "county school facilities tax" on residential development. A county may meet the criteria to be a growth county by one of two ways: (1) The county experienced a 20 percent or greater increase in population between the last two federal decennial censuses (or the county experiences that level of growth between any subsequent federal censuses); or (2) the county experienced a 9 percent or greater increase in population over the period from 2000 to 2004 (or over any subsequent four year period). Before the tax may be levied, the county is required to have adopted a capital improvement program. The tax can then be levied by a resolution adopted by a 2/3 vote of the entire membership of the county legislative body at two consecutive, regularly scheduled meetings. The tax may be levied initially at a rate not to exceed \$1.00 per square foot. Square footage is determined based on the total heated or air-conditioned residential living space. Once adopted, the rate of the tax cannot be increased for four years. Once the four year period has run, the county legislative body

may increase the rate, but by no more than 10 percent. After any increase, the rate is again frozen for a four year period. Public buildings, places of worship, barns and agricultural buildings, replacement buildings for structures damaged by disaster, buildings owned by 501(c)(3) nonprofit corporations, and buildings constructed in an area designated by the federal government as a blighted, distressed, or urban renewal zone are exempt from the tax.

When a building permit for residential development is issued, the official issuing the permit is to provide the applicant with a form estimating the school facilities tax that will apply to the property. A copy of this information is forwarded to the official designated to collect the tax. If the building permit is issued by a municipal building official, that official is also directed by the law to fill out a form estimating the tax and forward a copy of it to the county official or employee who collects the tax. In the alternative, the county may contract with any municipality within the county through an interlocal agreement to designate the municipal building official as a collector of the tax and provide for the municipality to receive a commission on the taxes collected by the municipality for the county on residential development in the municipality. The tax is not due and payable by the permit holder until the earlier of one year from the date the permit is issued or 30 days after the property is sold. At that time, the holder of the building permit becomes liable for paying the tax. If construction has not been completed or the property has not sold after one year, the holder of the building permit may request an extension. A total of two extensions may be granted. At the time the tax is paid, the collector of the tax is directed to determine whether the actual square footage of the completed structure matches the proposed square footage shown on the building permit. Any person or entity that owes delinquent school facilities taxes is ineligible to receive other building permits until the delinquency, and any penalties and fees, are paid in full. The county is required to provide for a procedure for administrative review of the decisions of officials administering the tax. Such administrative review is subject to judicial review in accordance with existing law. The legislative body is also authorized to adopt any guidelines, procedures, regulations and forms necessary to implement, administer and enforce the tax.

All revenue from this tax is turned over to the county trustee for deposit. The revenue is required by law to be used exclusively for funding growth-related capital expenditures for education, including the retirement of bonded indebtedness. The act establishes this law as the exclusive authority for local governments to adopt any new or additional adequate facilities taxes on development. The act prohibits counties from enacting any impact fees or local real estate transfer taxes in the future by either public or private act. The act preserves existing development taxes and impact fees to the extent authorized by any private acts in effect when the act became a law. The act allows a city or county to revise the dedicated use and purpose of the tax levied by a pre-existing tax from public facilities to public school facilities. Counties that levy a development tax or impact fee by private act under prior

law may not levy the school facilities tax authorized by this act so long as they are levying and collecting development taxes or impact fees under the authority of the private act. The act includes language that requires the General Assembly, in the 2010 legislative session, to review the provisions of the act to ascertain the effect on and the needs of those counties which did not qualify to levy the tax under the act.

Effective June 20, 2006.

Public Chapter 958 Senate Bill 3672 (McNally) Houe Bill 3625 (Curtiss)
Amends 67-1-601 regarding local option litigation taxes for counties. Under prior law, all counties were authorized to adopt a local option litigation tax in an amount not to exceed \$10 per case with the revenue generated by such tax dedicated to the purpose of jail and courthouse construction and renovation. Certain counties by narrow population class are authorized by the law to levy the tax at a rate up to \$25 per case. This act adds Warren, Roane, Union, Campbell, Dyer, Haywood, Tipton, Lawrence, Dickson, Hickman, Humphreys, Lewis, Giles, Hardeman and Fayette to those counties authorized to levy the tax at the \$25 level. In addition, the act authorizes Greene County to levy the tax up to the \$25 level and allows such revenue to be used for court house security in addition to the other authorized uses. Lastly, the act authorizes Fentress County to levy, by resolution of the county legislative body passed by a two-thirds vote, an additional litigation tax of \$25 in all criminal cases instituted in the county with the revenue from the additional tax deposited in the county general fund for the sole purpose of providing grants for services in support of physically and sexually abused children.

Effective June 20, 2006.

Public Chapter 975 Senate Bill 2688 (Cooper) House Bill 2598 (Fraley)
Amends 67-6-102 to provide that sales by a volunteer fire department that occur only during a temporary sales period occurring no more than four times a year does not constitute “business” for the purpose of the sales tax statutes.

Effective July 1, 2006.

Public Chapter 989 Senate Bill 3970 (Kyle) House Bill 4056 (McMillan)
Amends numerous provisions to eliminate deductions made to the revenue from several state shared taxes before distribution to local governments. These include the alcoholic beverage tax, liquor by the drink tax, beer tax, Hall income tax, bank excise tax, state sales tax (for municipalities), coal severance tax, and interstate telecommunications tax. Also, amends 55-6-104 regarding certain fees of the county clerks to eliminate language that stated a portion of the fees applied to the contributions for the county clerks made to the Tennessee consolidated retirement system and substitutes instead language indicating that the revenue is credited to the general fund of the state. Amends 67-4-409 to provide that 52% of the registers commission on

mortgage and realty transfer taxes are remitted to the state treasurer and credited to the state general fund (instead of being earmarked for county officials' retirement).

Effective August 1, 2006, and applicable to funds remitted to the Department of Revenue on or after August 1, 2006.

Public Chapter 1019 Senate Bill 3930 (Kyle) House Bill 4048 (McMillan)

Amends numerous provisions throughout the code with regard to collection and administration of taxes. Provisions of interest to counties include section 21 which exempts income from a publically traded real estate investment trust from Hall income taxation. Also of interest is an exemption to the sales tax for charges for the use of a time-share estate. Section 45 of the act amends provisions that hold local governments harmless from the loss of revenues due to the sales tax holiday provided for in 67-3-393. Section 46 amends 67-4-602 to clarify that state litigation taxes are collected in probate court. Section 47 clarifies that a litigation tax of \$13.75 is collected in all civil cases in the court of appeals or supreme court. The act provides that 6 projects may be selected for the courthouse square revitalization pilot project with no more than 2 projects from each grand division. The act provides for an additional sales tax holiday for the dates of April 27 through 29, 2007. The act amends 67-5-702 and 67-5-703 relative to property tax relief for low income elderly and disabled taxpayers to increase the income limit to \$20,000 annually, or such other amount as set forth in the state general appropriations act. The act also increases the assessed value of property used to calculate tax relief from the first \$18,000 of value to the first \$25,000 of value. The act further amends 67-5-704 to increase the value used to calculate the property tax reimbursement paid to disabled veterans from the first \$150,000 of value to the first \$175,000.

Section 21 of the act is effective July 1, 2006. Section 45 is effective July 2, 2006. Other provisions described in this summary take effect June 27, 2006.

TAXATION – PROPERTY

Public Chapter 621 Senate Bill 3776 (Henry) House Bill 3743 (Fitzhugh)

Amends 67-5-201(b) to clarify that if the ownership of taxable property is conveyed to a tax-exempt organization, the new owner is not liable for the taxes on the property from the date of transfer and change of use to the end of the taxable year.

Effective May 5, 2006.

Public Chapter 640 Senate Bill 3208 (Tracy) House Bill 3278 (Sargent)

Amends 67-5-1412(b)(2) to require that any request sent to the assessor for the assessor's consent to a direct appeal of the valuation of industrial and commercial real and tangible personal property to the local board of

equalization, or directly to the state board of equalization, include, at a minimum, the name in which the property is assessed, the parcel identification number, the value sought, the basis for the appeal and the name, address, telephone number and fax number of the person requesting the direct appeal.

Amends 67-5-1412(b)(3) to remove Davidson County from the list of counties where taxpayers cannot make a direct appeal to the state equalization board and adds the following counties to the list: Blount, Carroll, Cheatham, Claiborne, Coffee, Crockett, Dickson, Fayette, Gibson, Giles, Greene, Hawkins, Haywood, Jackson, Lauderdale, Loudon, Madison, McMinn, Montgomery, Overton, Polk, Putnam, Roane, Rutherford, Sullivan, Tipton, Unicoi, Washington, Williamson, and Weakley.

Effective May 12, 2006.

Public Chapter 739 Senate Bill 2930 (Norris) House Bill 3476 (Curtiss)
Amends 67-5-701(j) to allow all counties, not just counties with metropolitan governments, to appropriate funds for tax relief for elderly low income homeowners, disabled homeowners and disabled veterans as described in state law for the state tax relief program. The total tax relief from the state and local appropriations cannot exceed the total taxes actually paid. Only the taxpayers eligible for the state program are eligible for tax relief from a county appropriation.

Effective May 23, 2006.

Public Chapter 740 Senate Bill 3066 (Kyle) House Bill 2768 (Hargett)
Amends 67-5-212(a) to exempt from property taxation land owned by a religious, charitable, scientific or nonprofit educational institution that is leased to another such institution under a ground lease of 70 years or more under certain conditions.

Effective May 23, 2006.

Public Chapter 817 Senate Bill 3804 (Norris) House Bill 3911 (Hargett)
Amends 67-5-2702(a) to clarify that persons entitled to redeem property after a delinquent property tax sale may do so by paying the moneys to the clerk as required by 67-5-2703 within one year from the date the property was sold, as evidenced by the order of confirmation. Also, amends 67-5-2702(b) by clarifying that a taxpayer may redeem property that has been previously redeemed by paying the clerk the moneys as required by 67-5-2703 within one year from the date the property was sold, as evidenced by the order of confirmation.

Effective July 1, 2006.

Public Chapter 821 Senate Bill 2733 (Henry) House Bill 3285 (Fitzhugh)
Amends 67-5-903 regarding tangible personal property schedules (which also shows the cost on file, revised cost and depreciation percentage for the property) to provide that property classified as computers under Group 2 will include all operational computer software that is embedded software so integral to the operation of a computer that the computer could not perform any valuable or useful function with such software. All other computer software, whether prepackaged or custom, is deemed intangible personal property and is not subject to the tax on tangible personal property.

Effective June 2, 2006.

Public Chapter 861 Senate Bill 2699 (Henry) House Bill 3395 (McMillan)
Amends 67-5-212(o) to provide that land owned by a charitable, religious, etc. organization that is not necessary to support exempt structures and that is in excess of 100 acres per county that be exempt must be classified as forest or open space land upon application.

Amends 67-5-1008 to provide that greenbelt land passing to a lineal decendant upon the death of the owner causing the total greenbelt land of the new owner to exceed the maximum acreage for greenbelt is not subject to rollback taxes solely for that reason. Property exceeding the limit in these circumstances will be disqualified for greenbelt but will not be assessable for rollback unless other disqualifying circumstances occur before the property has been assessed at market value for three years.

Effective June 5, 2006 and applicable to pending applications.

Public Chapter 884 Senate Bill 1555 (Cooper) House Bill 1350 (Curtiss)
Amends 67-5-704(a)(2)–(a)(4) to increase the value of disabled veteran's residence on which property tax relief is available from \$150,000 to \$175,000. Amends 67-5-704(e) to specify that a surviving spouse is entitled to receive the disabled veterans' property tax relief if the surviving spouse does not remarry, uses the property for a home, and solely or jointly owns the property.

Effective June 20, 2006, with regard to the change in qualifications for property tax relief to the surviving spouses of disabled veterans. Effective July 1, 2006, for all remaining provisions. Applies to tax years beginning on and after January 1, 2007.

Public Chapter 978 Senate Bill 2764 (McNally) House Bill 2777 (Overbey)
Amends 67-5-704 to provide that property tax relief shall also be extended to the surviving spouse of a veteran whose death results from a service-connected, combat-related cause, as determined by the United States Veterans' Administration, provided that: (1) the surviving spouse does not remarry; and (2) the property for which tax relief is claimed is owned by and

used exclusively by such surviving spouse as a home. Provides that no additional appropriation shall be made for the purpose of funding this bill. Funds to be used to fund this bill shall be earmarked out of the funds made available to the State Board of Equalization or the Division of Property Assessment for certain disabled veterans by the General Appropriations Act.

Effective July 1, 2006.

UTILITIES

Public Chapter 512 Senate Bill 2817 (McNally) House Bill 2851 (Baird)
Amends 7-82-607(b) to allow vacancies on certain multi-county utility districts (those coming within the provisions of 7-82-103(b)(1) and (b)(2)) to be filled by a person owning real property in the county of the predecessor as well as a resident of such county.

Effective April 3, 2006.

Public Chapter 644 Senate Bill 3535 (Black) House Bill 3135 (Maggart)
Amends 13-3-402 and 13-4-302 to require planning commission approval prior to the recording of amendments, modifications or corrections to plats of recorded subdivisions. However, an exception to this rule is made for an easement or survey attached to an easement granted to a governmental entity. Also, this act provides that a planning commission may designate someone other than the secretary of the planning commission to sign on behalf of the planning commission showing approval of plats and plat amendments.

Effective May 12, 2006.

Public Chapter 669 Senate Bill 3358 (Finney) House Bill 3329 (McCord)
Amends title 68, chapter 221, part 4 to authorize any county legislative body that has created a water and wastewater authority under part 6 of chapter 221 to adopt a regulation that creates requirements for the installation and operation of advanced treatment systems and the structures served by such systems within the county. Greene, Sevier and Blount Counties are exempted by narrow population class exceptions.

Effective May 15, 2006.

WORKERS COMPENSATION

Public Chapter 536 Senate Bill 2117 (Kyle) House Bill 2044 (Maddox)
Amends 56-5-309 to authorize the commissioner of commerce and insurance, after notice and hearing, to impose a \$10,000 civil penalty per occurrence if a workers' compensation insurer, without any lawful basis, has assessed an employer premium for individuals who are not employees or on the basis of improper classification of employees. Gives the commissioner the authority

to promulgate rules, including rules to assess charges for any administrative hearing.

Effective April 24, 2006, for the purpose of promulgating rules and regulations. Effective September 1, 2006, for all other purposes.

Public Chapter 772

Senate Bill 3631 (Bryson) House Bill 3670 (Curtiss)

Amends 50-6-238(d) to provide that if a specialist issues an order that denies the compensability of the employee's claim or denies workers' compensation benefits to the employee, the employee may request the administrator of the division of workers' compensation to reconsider the specialist's order by submitting a written request to the administrator no later than 7 calendar days from the date on which the employee received the specialist's order. If no written request to reconsider the order is submitted the order becomes final. If a specialist issues an order for the payment of workers' compensation benefits, the party against whom the order was issued may request the administrator of the division of workers' compensation to reconsider the specialist's order by submitting a written request to the administrator no later than 7 calendar days from the date on which the party received the specialist's order. If no written request to reconsider the order of a specialist is submitted, the party against whom the order was issued must comply with the order within 15 calendar days of the receipt of the order. If a written request for reconsideration is submitted, the party against whom the order was issued is not required to comply with the order as outlined above. After receipt of a written request for reconsideration of a specialist's order, an informal conference with the affected parties shall be conducted by the administrator or the administrator's designee. The informal conference shall occur within 10 calendar days of the date the administrator received the written request for reconsideration. Within 7 calendar days following the conclusion of the informal conference, a written order shall be issued. If the issued order directs the payment of workers' compensation benefits to or on behalf of the employee, the party against whom the order is issued must comply with the order within 10 calendar days of the receipt of the order. An insurer, self-insured employer or self-insured pool's failure to comply with an order issued by a specialist or the administrator within the applicable time frame subjects the insurer, self-insured employer or self-insured pool to a penalty in the amount of \$10,000. Additional penalties begin to accrue 21 days after receipt of notification of the assessed penalty if satisfactory proof of compliance is not received.

Effective May 26, 2006.

Public Chapter 778 Senate Bill 3632 (Bryson) House Bill 3671 (Curtiss)
Amends 50-6-238(b) relative to the procedure for obtaining refunds of payments made pursuant to a worker's compensation specialist's order where the injury is later found by a court to have been noncompensable.

Effective May 24, 2006.

PART II – PUBLIC ACTS OF LOCAL APPLICATION

ANDERSON

Public Chapter 509 Senate Bill 2616 (McNally) House Bill 2461 (Hackworth)
Amends the County Purchasing Law of 1957 at 5-14-108(o) to authorize Anderson County, identified by narrow population class, to conduct a sale of county owned surplus, obsolete or unusable property on any Internet auction website that is approved by the county's purchasing commission.

Effective upon approval by a two-thirds vote of the county legislative body.

Public Chapter 527 Senate Bill 2617 (McNally) House Bill 2458 (Hackworth)
Amends 8-21-1001, the fee statute for the registers of deeds, to require the register in Anderson County (identified by narrow population class) to waive and exempt all recording fees for official government documents filed on behalf of the county.

Effective upon approval by a two-thirds vote of the county legislative body.

BLOUNT

Public Chapter 607 Senate Bill 2857 (Cohen) House Bill 2956 (McCord)
Amends 57-4-103 with respect to Blount County to allow certain municipalities to place a referendum question concerning the sale of on premises alcohol consumption on the ballot for the November 2006 general election provided that the municipality calls for such referendum by July 15 and pays all costs associated with such referendum.

Effective May 4, 2006.

Public Chapter 751 Senate Bill 3610 (Black) House Bill 3927 (Maggart)
Amends 49-2-203(b)(4)(B) regarding the local board of education leasing unused buildings and property, in whole or part for private child care centers and kindergartens. Removes the statement which applied to Blount, Knox and Sumner counties by narrow population class exception: "Otherwise, public school buildings and property may not be used for private profit." Amends 49-2-302(b)(10) and 49-6-2007(e) to remove the former exclusion of the three counties noted above from the general law that allows the local board of education to lease or sell unused or unneeded buildings and property to any governmental entity, civic group or community organization.

Effective May 23, 2006.

DAVIDSON

Public Chapter 731 Senate Bill 3783 (Harper) House Bill 3799 (Ulyesses Jones)
Davidson County (identified by metropolitan government and population class) is authorized to select the color of its ambulances, provided that such color scheme is the same as is used by the fire department, notwithstanding any rule of the Tennessee department of health.

Effective May 19, 2006.

Public Chapter 770 Senate Bill 3282 (Fowler) House Bill 3179 (Favors)
Amends 9-21-105, 9-21-402 and 13-16-207 to remove the requirement for a certificate of public purpose and necessity for financing industrial and business park projects by local governments with a population of not less than 300,000. However, the total pledge of full faith and credit of any such local government issuing debt for such a project cannot exceed 10% of the assessed valuation of all property in the local government's jurisdiction. Any resolution pledging the full faith and credit and unlimited taxing power to such a project must state that the project is well conceived, has a reasonable prospect for success, will provide proper economic development, and will not likely become a burden on the taxpayers of the local government.

Effective May 26, 2006.

Public Chapter 781 Senate Bill 3035 (Harper) House Bill 3033 (Pruitt)
Amends 67-6-103 to provide that a county with a metropolitan government and a population more than 500,000 will receive from the state sales tax an amount equal to the amount of state and local sales tax revenue derived from sales at a new convention center and any connected new hotels. The apportionment of these revenues will begin when the convention center opens and continue for 30 years or until the debt on the convention center is retired, whichever is sooner. The revenue allocated under this provision will be paid to the entity responsible for the retirement of the convention center debt. However, no portion of the revenue from the 1992 and 2002 state sales tax rate increases for education purposes will be allocated under this provision.

Also, this act amends 7-88-106(b) to provide that a county having a metropolitan government and population of more than 500,000 will not be limited to one tourism development zone eligible to receive distribution of tax revenue.

Effective May 25, 2006.

Public Chapter 800 Senate Bill 3307 (Haynes) House Bill 3316 (Mike Turner)
Requires each residential landlord in a county with a metropolitan government and a population of more than 500,000 to furnish certain information concerning the landlord and the rental property to the agency or

department of the metropolitan government responsible for enforcing building codes on a form provided by the agency or department. The agency or department is authorized to collect a filing fee of \$10 per year. This act provides a fine of \$50 per week for failure of the landlord to register.

Effective July 7, 2007.

Public Chapter 851 Senate Bill 3297 (Haynes) House Bill 3317 (Mike Turner)
Amends title 6, chapter 54, part 5 to provide that if any residential rental property has three code violations cited on three separate date within a six month period, the agency or department responsible for enforcement of building codes is authorized to conduct an in-home inspection of such property, regardless of whether the landlord or tenant is in possession of the property. However, the agency or department may enter the dwelling unit only with the consent of the tenant in possession, with a validly issued search warrant, or in the event of an emergency presenting an immediate threat to the health, safety, and welfare of the tenant in possession, and entry must be made in such manner as to cause the least possible inconvenience to the tenant in possession.

This provision applies to any county having a metropolitan government and a population in excess of 500,000 and to any county having a population in excess of 800,000.

Effective June 2, 2006.

Public Chapter 881 Senate Bill 2931 (Henry) House Bill 2963 (Odom)
Authorizes Davidson and Knox counties, identified by narrow population class, by resolution of the governing body, to sell its tax receivables to public or private parties. Prior to the governing body electing to sell its tax receivables, the county trustee must certify to the governing body the trustee's consent to administer the program; however, this certification is not necessary upon a two-thirds vote of the governing body. Sales may be made by individual parcel or in bulk. The county may establish criteria for eligible purchasers and may make negotiated sales. The order of priority of the application of the collections is not changed by reason of the sale of all or a portion of the tax receivables. The tax receivables and the penalties and interest accrued thereon are exempt from taxation by any governmental entity of Tennessee. The county trustee and all other tax collecting officials are required to continue to enforce the collection of tax receivables that have been sold in the same manner as if they had not been sold.

Effective June 19, 2006.

Public Chapter 949 Senate Bill 3174 (Harper) House Bill 3202 (Odom)
Amends title 13, chapter 21 regarding residential rental inspections for Davidson County (identified by metropolitan government and population

class). Authorizes the metropolitan council to adopt an ordinance to inspect residential rental dwelling units that are either deteriorated or in the process of deteriorating for compliance with applicable local housing, building, plumbing, electrical, fire, health, or related codes that are located in a residential rental inspection district established by the metropolitan council in accordance with the more detailed provisions of this act not summarized herein. Provides procedures to remedy code violations. Prohibits a per dwelling fee for inspections.

Effective July 1, 2006.

FENTRESS

Public Chapter 958 Senate Bill 3672 (McNally) House Bill 3625 (Curtiss)
Amends 67-1-601 regarding local option litigation taxes for counties. Authorizes Fentress County to levy, by resolution of the county legislative body passed by a two-thirds vote, an additional litigation tax of \$25 in all criminal cases instituted in the county with the revenue from the additional tax deposited in the county general fund for the sole purpose of providing grants for services in support of physically and sexually abused children.

Effective June 20, 2006.

GREENE

Public Chapter 528 Senate Bill 2641 (Southerland) House Bill 2640 (Hawk)
Amends 18-6-106 by making an exception for Greene County (identified by narrow population class) to allow the county clerk to continue to serve as the clerk of the court with probate jurisdiction.

Effective April 18, 2006.

HAMILTON

Public Chapter 770 Senate Bill 3282 (Fowler) House Bill 3179 (Favors)
Amends 9-21-105, 9-21-402 and 13-16-207 to remove the requirement for a certificate of public purpose and necessity for financing industrial and business park projects by local governments with a population of not less than 300,000. However, the total pledge of full faith and credit of any such local government issuing debt for such a project cannot exceed 10% of the assessed valuation of all property in the local government's jurisdiction. Any resolution pledging the full faith and credit and unlimited taxing power to such a project must state that the project is well conceived, has a reasonable prospect for success, will provide proper economic development, and will not likely become a burden on the taxpayers of the local government.

Effective May 26, 2006.

KNOX

Public Chapter 520 Senate Bill 0596 (Burchett) House Bill 0430 (Brooks (Knox))
Amends 55-9-414 to authorize use of blue lights on official motor vehicles of municipal police departments in Knox County driven by reserve or auxiliary police officers.

Effective July 1, 2006.

Public Chapter 770 Senate Bill 3282 (Fowler) House Bill 3179 (Favors)
Amends 9-21-105, 9-21-402 and 13-16-207 to remove the requirement for a certificate of public purpose and necessity for financing industrial and business park projects by local governments with a population of not less than 300,000. However, the total pledge of full faith and credit of any such local government issuing debt for such a project cannot exceed 10% of the assessed valuation of all property in the local government's jurisdiction. Any resolution pledging the full faith and credit and unlimited taxing power to such a project must state that the project is well conceived, has a reasonable prospect for success, will provide proper economic development, and will not likely become a burden on the taxpayers of the local government.

Effective May 26, 2006.

Public Chapter 881 Senate Bill 2931 (Henry) House Bill 2963 (Odom)
Authorizes Davidson and Knox counties, identified by narrow population class, by resolution of the governing body, to sell its tax receivables to public or private parties. Prior to the governing body electing to sell its tax receivables, the county trustee must certify to the governing body the trustee's consent to administer the program; however, this certification is not necessary upon a two-thirds vote of the governing body. Sales may be made by individual parcel or in bulk. The county may establish criteria for eligible purchasers and may make negotiated sales. The order of priority of the application of the collections is not changed by reason of the sale of all or a portion of the tax receivables. The tax receivables and the penalties and interest accrued thereon are exempt from taxation by any governmental entity of Tennessee. The county trustee and all other tax collecting officials are required to continue to enforce the collection of tax receivables that have been sold in the same manner as if they had not been sold.

Effective June 19, 2006.

Public Chapter 957 Senate Bill 3669 (Haynes) House Bill 3580 (Coleman, et al.)
Amends 16-15-5003 to increase the compensation of general sessions judges who are paid under this general law. Contains a provision applicable only in counties with a population between 382,000 and 382,100 according to the 2000 census with a charter form of government, which provides that general

sessions judges will receive the same pay as general sessions judges in counties with a metropolitan form of government and a population over 500,000 (Metropolitan Nashville and Davidson County).

Effective July 1, 2006.

MARSHALL

Public Chapter 515 Senate Bill 2566 (Ketron) House Bill 2538 (Fowlkes)
Amends 5-16-103(f) authorize the county legislative body of Marshall County (identified by narrow population class) to provide compensation to members of the county board of public utilities.

Effective upon approval by a two-thirds vote of the county legislative body.

MAURY

Public Chapter 530 Senate Bill 3506 (Ketron) House Bill 2612 (Tidwell)
Amends 5-1-115, regarding county authority to remove overgrown vegetation and accumulated debris on private property, to allow the provisions of this law to be applied in Maury County (identified by narrow population class) on any parcel of property, including any parcel upon which an owner-occupied residence is located.

Effective April 19, 2006.

SHELBY

Public Chapter 527 Senate Bill 2617 (McNally) House Bill 2458 (Hackworth)
Amends 8-21-1001, the fee statute for the registers of deeds, to require the register in Shelby County (identified by narrow population class) to waive and exempt all recording fees for official government documents filed on behalf of the county.

Effective upon approval by a two-thirds vote of the county legislative body.

Public Chapter 555 Senate Bill 3568 (Person) House Bill 2853 (Pleasant)
Amends 10-7-515 to authorize the register of deeds in Shelby County (identified by narrow population class) to receive and act upon proper written requests for the redaction of a social security identification number from the electronic databases in the register's office. This act sets out a form for the request that must be completed and signed by the person who has the particular social security number or such person's surviving spouse, attorney-in-fact or court appointed guardian. This signature must be acknowledged.

The signed and acknowledged request form may be recorded. If redaction is not practicable, the register must explain why the redaction will not occur.

Effective July 1, 2006.

Public Chapter 572 Senate Bill 2543 (Person) House Bill 2813 (Miller)
Amends 67-5-1515, to provide that the county trustee instead of the county clerk will administer the property tax relief program for qualified elderly taxpayers which allows the transfer of the taxpayers domicile to the county official for \$1 and lease back of the property to the previous owner with an option to repurchase for a consideration of \$1. This program is only provided for Shelby County which is identified by narrow population class.

Effective May 4, 2006.

Public Chapter 734 Senate Bill 1580 (Norris) House Bill 197 (Todd)
Amends 67-1-401(a)(1) regarding the county board of equalization by deleting language which required each city governing body to its pro rata share for the services of the members appointed by the city bodies. Therefore, the county will pay for the services of all board members.

Effective May 23, 2006.

Public Chapter 770 Senate Bill 3282 (Fowler) House Bill 3179 (Favors)
Amends 9-21-105, 9-21-402 and 13-16-207 to remove the requirement for a certificate of public purpose and necessity for financing industrial and business park projects by local governments with a population of not less than 300,000. However, the total pledge of full faith and credit of any such local government issuing debt for such a project cannot exceed 10% of the assessed valuation of all property in the local government's jurisdiction. Any resolution pledging the full faith and credit and unlimited taxing power to such a project must state that the project is well conceived, has a reasonable prospect for success, will provide proper economic development, and will not likely become a burden on the taxpayers of the local government.

Effective May 26, 2006.

Public Chapter 851 Senate Bill 3297 (Haynes) House Bill 3317 (Mike Turner)
Amends title 6, chapter 54, part 5 to provide that if any residential rental property has three code violations cited on three separate date within a six month period, the agency or department responsible for enforcement of building codes is authorized to conduct an in-home inspection of such property, regardless of whether the landlord or tenant is in possession of the property. However, the agency or department may enter the dwelling unit only with the consent of the tenant in possession, with a validly issued search warrant, or in the event of an emergency presenting an immediate threat to the health, safety, and welfare of the tenant in possession, and entry must be

made in such manner as to cause the least possible inconvenience to the tenant in possession.

This provision applies to any county having a metropolitan government and a population in excess of 500,000 and to any county having a population in excess of 800,000.

Effective June 2, 2006.

Public Chapter 1020 Senate Bill 4015 (Kyle) House Bill 4073 (Jones, U.)
Amends Chapter 772 of the Public Acts of 1982 as amended by Chapter 365 of the Public Acts of 1999 by deleting section 3 of that amendatory act which had provided that certain additional divisions of the general sessions court would expire unless affirmatively extended by two-thirds vote of the county legislative body.

Effective June 27, 2006.

TROUSDALE

Public Chapter 614 Senate Bill 3805 (Beavers) House Bill 3434 (Bone)
Amends 64-5-203 to provide that the Trousdale County mayor and the Trousdale County chairman pro-tem shall be ex officio members of the board of directors of the Four Lake Regional Industrial Development Authority. Also, this act removes the requirement that the Four Lake Regional Industrial Development Authority establish an advisory committee, but permits the authority to have such an advisory council.

Effective May 4, 2006

WILLIAMSON

Public Chapter 600 Senate Bill 2545 (Bryson) House Bill 2476 (Sargent)
Amends 67-5-1412(b)(3) to add Williamson County (identified by narrow population class) to the group of counties where 67-5-1412(b)(2) does not apply; therefore, a taxpayer or owner may not appeal a valuation of industrial and commercial real and tangible personal property directly to the state board of equalization by-passing the local board of equalization with the written consent of the assessor of property, which is otherwise authorized in 67-5-1412(b)(2).

Effective May 4, 2006.

PART III – PRIVATE ACTS

ANDERSON

Private Chapter 77 Senate Bill 2615 (McNally) House Bill 2662 (Hackworth)
Repeals Chapter 161 of the Private Acts of 1998, abolishes the attorney's office and establishes the office of county law director beginning September 1, 2006. The act creates a legal services advisory committee consisting of 11 members, including eight county officials designated by office and three county commissioners selected by the county legislative body. Among other duties, the advisory committee will develop the job description and qualifications for the law director, which will be a full time office. The advisory committee, by two-thirds majority vote, will recommend a candidate for final confirmation by the county legislative body. The act provides minimum qualifications for the law director. A fixed term is not provided. The law director may be terminated at any time by two-thirds vote of the legal services advisory committee confirmed by a two-thirds majority vote of the county legislative body. The minimum salary of the law director is 90 percent of the annual salary of the general sessions court judges in Anderson County. The act delineates the duties of the law director. The law director is authorized to employ staff with the approval of the county legislative body.

Effective upon approval by two-thirds vote of the county legislative body.

Private Chapter 78 Senate Bill 2562 (McNally) House Bill 2542 (Hackworth)
Amends Chapter 74 of the Private Acts of 1961 and Chapter 50 of the Private Acts of 1991, relative to the salary of the juvenile court judge. Beginning September 1, 2006, the salary of the juvenile court judge is increased by \$15,000 from the amount the judge occupying this position received on August 31, 2006. Each subsequent fiscal year the salary of the juvenile court judge is to increase by \$15,000 until the salary is equivalent to the salary of the general sessions court judge in Anderson County, with the proviso that in the fiscal year in which equalization occurs, the amount of increase may be less than \$15,000. After the salary is made equivalent to that of the general sessions court judge, the annual salary of the juvenile court judge will be adjusted annually so as to remain equivalent to the salary of the general sessions court judge.

Effective upon approval by two-thirds vote of the county legislative body.

BRADLEY

Private Chapter 86 Senate Bill 4005 (Miller) House Bill 2925 (Eric Watson)
Authorizes the county legislative body to designate a division of the county's general sessions court as the environmental court and provides the judge of

the environmental court with the additional powers to issue injunctions and to order defendants found guilty of violating a county ordinance relating to health, housing, fire, land subdivision, building or zoning, to correct the violation at the defendant's expense. The judge of the environmental court is also granted the jurisdiction to try and dispose of violations of similar municipal ordinances.

Effective September 1, 2006, upon approval by two-thirds vote of the county legislative body.

GIBSON

Private Chapter 100 Senate Bill 4007 (McLeary) House Bill 4070 (Crider)
Amends Chapter 144 of the Private Acts of 1975, as amended, by increasing the property tax rate for the Trenton Special School District from \$1.87 to \$2.16 per \$100 of assessed value.

Effective April 24, 2006.

HAMBLLEN

Private Chapter 106 Senate Bill 4021 (Southerland) House Bill 4083 (Litz)
Creates the Hamblen County Special Endowment Fund. All rents received by Hamblen County from the Morristown-Hamblen Hospital Association in excess of the bond obligations to the Public Building Authority of Sevier County under a 2004 bond issue related to the hospital are to be deposited in this endowment fund. The excess rents must be allowed to accumulate to \$1 million before the county legislative body may expend any of these funds for any nonrecurring need of the county, including health care and education. The funds may not be used for operating expenses of the Hamblen County government.

Effective upon approval by two-thirds vote of the county legislative body.

LINCOLN

Private Chapter 79 Senate Bill 2913 (Ketrone) House Bill 2857 (Cobb)
The title of "county mayor" is redesignated as "county executive."

Effective upon approval by two-thirds vote of the county legislative body.

MEIGS

Private Chapter 94 Senate Bill 4004 (Miller) House Bill 4062 (Eric Watson)
Amends Chapter 403 of the Private Acts of 1949, as amended, by increasing the compensation of members of the Purchasing and Finance Commission

from \$500 to \$700 per year, and by increasing the amount of a purchase of supplies, materials or properties in any one class requiring competitive and advertised bidding from \$2,500 to \$5,000.

Effective upon approval by two-thirds vote of the county legislative body.

MORGAN

Private Chapter 113 Senate Bill 4036 (Kilby) House Bill 4104 (Windle)
Authorizes the county legislative body of Morgan County to levy a hotel/motel occupancy privilege tax in the amount of 5% of the rate charged by the operator. All proceeds from this tax are to be deposited in the general fund and earmarked for the promotion and support of tourism. Taxes under this act are remitted monthly to the county clerk who receives a 5% commission of the taxes collected.. The county legislative body is authorized to adopt reasonable regulations to implement the provisions of this act, including the form or reports. The county clerk is given tax collection powers and the authority to correct errors and make adjustments and refunds when appropriate.

Effective upon approval by two-thirds vote of the county legislative body.

RUTHERFORD

Private Chapter 83 Senate Bill 2477 (Ketrone) House Bill 2597 (Hood)
Amends Chapter 49 of the Private Acts of 1979, as amended, by deleting Section 4(f) and substituting a new provision regarding transfers and adjustments to the adopted county budget. The new subsection (f) provides that the budget and finance committee, with the consent of any official, department, or division head which may be affected, may make transfers and adjustments within the smallest budgetary itemization of any budget subdivision. Also, regarding line items not related to personnel costs or expenses relating to the functioning of the county legislative body, the county mayor may make amendments of up to \$1,000. Any other transfers or adjustments to the adopted budget must be submitted to the budget committee for its recommendation to the county legislative body.

Effective upon approval by two-thirds vote of the county legislative body.

Private Chapter 89 Senate Bill 3995 (Ketrone) House Bill 4050 (Coleman)
Repeals Chapter 55 of the Private Acts of 1983, as amended, regarding rabies control of cats and dogs.

Effective upon approval by two-thirds vote of the county legislative body.

Private Chapter 90 Senate Bill 3831 (Tracy) House Bill 3828 (Coleman)
Amends Chapter 104 of the Private Acts of 1983, as amended, the Rutherford County hotel/motel occupancy tax, by modifying the definition of “person” to which the tax applies to include charitable organizations and governmental units other than the United States or its agencies.

Effective upon approval by two-thirds vote of the county legislative body.

SCOTT

Private Chapter 80 Senate Bill 3997 (Kilby) House Bill 4052 (Winningham)
Amends Chapter 657 of the Private Acts of 1951, as amended, to provide that the general sessions court for Scott County will have concurrent jurisdiction with the circuit and chancery court regarding domestic relations cases, worker’s compensation cases, cases involving emergency custody and hospitalization of persons believed to be mentally ill. Beginning September 1, 2006, the compensation of the judge of the general sessions court shall be \$95,000 per annum. The salary will not be adjusted during the term of office except for annual cost of living adjustments as by general law for other such judges.

Effective upon approval by two-thirds vote of the county legislative body.

WARREN

Private Chapter 84 Senate Bill 2636 (Cooper) House Bill 2631 (Curtiss)
Amends Chapter 75 of the Private Acts of 2000, regarding junkyards and scrapyards, by expanding the requirement for screening or vegetation so that a junkyard or scrapyard is not visible from the main traveled ways instead of screened from the main traveled ways of an interstate or primary highway system as previously required.

Effective upon approval by two-thirds vote of the county legislative body.

Private Chapter 111 Senate Bill 2637 (Cooper) House Bill 2639 (Curtiss)
Enacts the Warren County Employees Uniform Nepotism Policy Act of 2006. Within each agency, authority, board, commission, department or office within Warren County government, no county employees who are relatives may be placed within the same direct line of supervision. When as a result of marriage, county employees are in violation of this prohibition, the violation will be resolved by a transfer within the government to another entity or resignation.

Effective upon approval by two-thirds vote of the county legislative body.

WEAKLEY

Private Chapter 110 Senate Bill 4039 (Herron) House Bill 4106 (Maddox)
Repeals Chapter 255 of the Private Acts of 1982 upon the occurrence of a vacancy in the office of juvenile judge in Weakley County. Upon the occurrence of such a vacancy and private act repeal, the general sessions court of Weakley County will exercise juvenile court jurisdiction and the compensation of the general sessions court judge will be increased by \$20,000 per annum.

Effective upon approval by two-thirds vote of the county legislative body prior to August 31, 2006.

WHITE

Private Chapter 81 Senate Bill 2629 (Burks) House Bill 2633 (Curtiss)
The title of “county mayor” is redesignated as “county executive.”

Effective upon approval by two-thirds vote of the county legislative body.