

INDEX OF ACTS
RELATED TO COUNTY GOVERNMENT

2008 EDITION

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INTRODUCTION

The second regular session of the 105th General Assembly convened on Tuesday, January 8, 2008, and adjourned sine die on May 21, 2008. The first session of the 106th General Assembly will convene on January 13, 2009.

At the time of publication of this index, there are 600 new designated public chapters and 49 new private acts. The acts that relate to county government have been summarized in this publication. As the table of contents outlines, the public acts of general application are summarized in Part 1. Public acts are arranged alphabetically under broad groupings of subject content. Within a particular subject, the acts are arranged numerically by public chapter. Part 2 contains summaries of public acts of local application, and Part 3 contains summaries of private acts. If your county does not appear in Part 2, no public acts of local application were passed during this session affecting your county. If your county does not appear in Part 3, then your county had no private acts passed during this session. The county names are arranged alphabetically in Parts 2 and 3, with the acts arranged numerically under the county listings.

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

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

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PART I - PUBLIC ACTS OF GENERAL APPLICATION

ALCOHOLIC BEVERAGES

Public Chapter 649

SB 3706 - HB 2791

Alcoholic Beverages in Premier Type Tourist Resorts.

Amends 57-4-102(24)(MM)(ii) and (iii) to change the minimum seating capacity required for commercially operated recreational facilities that otherwise meets the criteria described in subdivisions (1) through (5) as follows: (1) The minimum seating capacity at tables in the clubhouse facility would be reduced from 150 to 100; and (2) The minimum seating capacity at tables for the private clubhouse would be reduced from 190 to 80.

Effective July 1, 2008.

Public Chapter 778

SB 3653 - HB 3067

Blount County Liquor-By-The-Drink Referendum.

Amends 57-4-103(a)(4) to require the Blount County election commission to place a liquor-by-the-drink referendum question, for the sale of wine only, for Townsend on the ballot of the November 2008 general election if the municipal governing body calls for such referendum by July 15, 2008, provided Townsend pays all costs associated with such referendum question.

Effective April 21, 2008.

Public Chapter 877

SB 2938 - HB 3266

Beer Sales.

Amends 57-5-301(a)(1) to make permanent the requirement that all persons purchasing beer for off-premises consumption must show identification prior to purchase, but provides an exception to criminal punishment or administrative action if a sale is made without requiring identification to someone who appears to be over 50 years of age. Repeals requirement that the last name be shown on name badges of store clerks working in stores with responsible vendor status.

Effective May 9, 2008.

ANIMAL CONTROL

Public Chapter 639

SB 3149 – HB 2912

Euthanizing Non-livestock Animals.

Amends 44-17-303 to require that non-livestock animals be sedated prior to being euthanized by intracardial injection. Enacts 44-17-304, which requires facilities to keep non-livestock animals for three full business days before euthanizing such animals, with

an exemption to the three-day holding period in cases where an emergency situation requires immediate euthanasia.

Effective July 1, 2008.

ANNEXATION

Public Chapter 818 SB 2972 – HB 3437

Annexation.

Amends 6-58-103 to delete obsolete provision regarding the prohibition of sanctions against certain counties prior to July 1, 2002. Amends 6-58-108 to delete obsolete provisions on annexation after May 19, 1998 but prior to growth plan approval by the local government planning advisory committee and by deleting obsolete provisions regarding incorporation of new cities after May 19, 1998 but prior to January 1, 1999. Amends 6-51-102 to delete obsolete provision regarding annexation ordinances not finalized as of November 25, 1997 and to delete obsolete provisions regarding plans of services not finalized by May 19, 1998 or plans adopted after May 19, 1998 but before committee approval of the growth plan.

Effective April 29, 2008.

COUNTY CLERK

Public Chapter 605 SB 1851 - HB 1220

Recycling Used License Plates.

Amends 55-4-103 to require the commissioner of revenue to establish a program to promote recycling of license plates by January 1, 2009. Renewal notices must contain information about the program. Each county mayor must designate a location for placement of recycling bins or containers on county property either inside or outside any county facility where registration plates are issued. The commissioner enters into agreements with contractors to collect and recycle the plates. If the containers are not being maintained properly, the county mayor notifies the commissioner, who will work with the contractor to remedy the problem or terminate the agreement and find a replacement. Other than providing a location for the container, the county has no responsibility for implementing the recycling program or liability for its operation.

Effective July 1, 2008.

Public Chapter 611 SB 2907 - HB 2901

Temporary Driver Licenses.

Amends 55-50-331(g) to delete the one-year minimum period for issuance of temporary driver licenses and photo identification

licenses; these documents are valid only for the time the person is authorized by the federal government to be in the United States.

Effective March 5, 2008.

Public Chapter 616
SB 2657 - HB 2549

Financial Responsibility Law.

Amends 55-12-102 to increase the minimum amount of motor vehicle liability insurance required from \$40,000 to \$60,000 for single limit policies, and from \$15,000/\$30,000/\$10,000 to \$25,000/\$50,000/\$15,000 for split limit policies, for proof required after December 31, 2008.

Effective March 11, 2008.

Public Chapter 638
SB 3116 - HB 3490

Date of Birth on Driver Licenses.

Amends 55-50-331 to require that the date of birth on the operator's license be the same font size as the license number and printed in red. Applies as new licenses are issued.

Effective July 1, 2009.

Public Chapter 719
SB 3136 - HB 2766

Low Speed Vehicles.

Amends 55-1-122 to include gasoline powered vehicles within the definition of "low speed vehicle".

Effective April 10, 2008.

Public Chapter 723
SB 3547 - HB 3124

Regulation of Amusement Rides and Attractions.

Repeals the Amusement Ride and Attraction Safety Insurance Act, 56-38-101 *et seq.*, which required the county clerk to issue permits to amusement rides and attractions. Enacts 68-121-101 *et seq.*, providing for regulation of amusement devices and attractions by the state.

Effective January 1, 2009 (April 10, 2008 for promulgating regulations).

Public Chapter 765
SB 2729 - HB 2814

Titles for Custom-Built Cars.

Amends 55-1-124 and 55-3-140 to provide that a custom-built car for which no certificate of title has ever been issued may be titled as the make, model, and year of the manufactured motor vehicle that the car most closely resembles. "Custom-built car" is a motor vehicle built for private use and not constructed by a licensed manufacturer or remanufacturer. The car must be intended to

replicate the make, model, and year of the manufactured vehicle and the title must clearly identify the car as a replica.

Effective April 21, 2008.

Public Chapter 777
SB 3297 - HB 2928

Disabled Drivers.

Amends 55-21-102(3) to revise the qualifications to receive a handicapped parking tag or placard to include persons with "vision of not less than 20/200 with corrective glasses in both functioning eyes" instead of persons with "vision of not more than 20/200 with correcting glasses".

Effective July 1, 2008.

Public Chapter 790
SB 3790 - HB 3833

Driver Improvement Program - Drivers under 18.

Amends 55-50-505 which currently requires that when a person's driver license is suspended due to exceeding the maximum allowable points for accidents or moving violations, the person must file and maintain proof of financial responsibility and pay a \$65 restoration fee before the person's license is restored. This act adds a provision requiring drivers subject to the driver improvement program who are under 18 on the date of any crash or moving violation to file proof of financial responsibility.

Effective April 22, 2008.

Public Chapter 834
SB 2964 - HB 2954

Notary Public.

Amends 8-16-101 to require that a person be a U. S. citizen or legal permanent resident to hold the office of notary public.

Effective April 30, 2008.

Public Chapter 924
SB 3195 - HB 2855

County Clerk Fees.

Amends 8-21-701 to repeal the existing fee structure for county clerks and enact a new fee structure. Amends various other statutes to consolidate and clarify the fees charged by county clerks. Contains some fee increases.

Effective July 1, 2008, but the new \$1 fee for handling mail orders of special license plates becomes effective July 1, 2009.

Public Chapter 1001
SB 3798 - HB 3610

Disabled Placards for Rental Agencies.

Amends 55-21-103 to require the issuance of disabled placards to agencies renting accessible motor vehicles to disabled clients. The placards shall be issued only for vehicles permanently equipped with a wheelchair ramp or lift, and the number of placards issued may not exceed the number of such vehicles owned and operated

by the agency. Amends 55-21-108 to provide that rental agencies using placards in violation of the foregoing are subject to a \$200 criminal fine.

Effective July 1, 2008.

Public Chapter 1007
SB 4192 - HB 4194

Titling and Registration.

Amends 55-3-201(a) to delete the provision that allowed an owner dismantling or wrecking a vehicle to return the certificate of registration and registration plate to the county clerk and apply for a refund.

Amends 55-4-115(a) to authorize “the commissioner’s designee” to issue temporary operating permits.

Amends 55-4-222(d) relative to emergency plates, to provide that emergency medical technicians or paramedics not affiliated with a local rescue squad shall be required to present a current, valid paramedic or emergency medical technician’s license prior to issuance of a plate.

Amends 55-21-103(a) to provide for the issuance of disabled plate to the parent or legal guardian of a permanently disabled individual, certified by a physician’s statement, who does not own and is not capable of operating a motor vehicle. The certificate of title and registration remains in the name of the parent or legal guardian, who must verify under penalty of perjury on a form prescribed by the department that he or she is the parent or legal guardian of the permanently disabled individual.

Amends 55-4-101(f), effective September 1, 2008, to provide that if a vehicle is permanently withdrawn from a proportionally registered fleet and a replacement vehicle is added in the same calendar month, the replacement will be considered fully registered if the vehicle is registered for a weight equal to or less than the withdrawn vehicle, or if the additional registration fee, \$1 transfer fee, and clerk’s fee are paid when the vehicle is registered for a greater weight. If the withdrawn vehicle is not replaced in the same month, credit is allowed in an amount equal to the amount paid when the vehicle was registered less 1/12 for each calendar month or fraction thereof elapsing since the beginning of the registration year. The credit may be applied against subsequent additions to the fleet or additional registrations in the same year, but cannot be carried forward or refunded.

Amends 55-3-101(a) to provide that, subject to approval of the commissioner, no certificate of title is needed for a vehicle that is

part of a proportionally registered fleet in this state if the owner has a valid title in another state and the vehicle is engaged in interstate commerce.

Amends 55-3-114 and 67-3-1202 to authorize the department to contract with any business that maintains a fleet of 200 or more vehicles, to allow the business to provide its own titling and registration services for its fleet. The department must collect and distribute to county government officials the same taxes and fees as would be applicable if the vehicles were registered in the county.

Amends 55-4-295(a)(2) to provide that the new specialty earmarked plates for the Lady Vols NCAA National Championships will also commemorate the team's 8th national championship won in 2008.

Effective July 1, 2008 (except amendment to 55-4-101(f), noted above, effective September 1, 2008).

Public Chapter 1026
SB 2858 - HB 3650

Car Sales for Scrap Metal or Salvage.

Amends 55-3-202 to require motor vehicle dismantlers and recyclers and scrap metal processors to maintain records on vehicles for 3 years, and to obtain specified information from the seller of each vehicle. A copy of the title must be obtained unless the vehicle is 10 years or older; for older vehicles, specified information may be obtained instead of the title. These requirements do not apply to vehicles that have been flattened, crushed, baled or logged and sold for purposes of scrap metal only.

Effective July 1, 2008.

Public Chapter 1100
SB 3103 - HB 4032

Delinquent Business Taxes Collected by the State.

Amends 67-4-719 relative to the commissioner of revenue's duty to collect business taxes that have been delinquent for more than 6 months and retain all of the amounts collected, to provide that the county clerk or city tax collector may collect the taxes at any time before the commissioner notifies the taxpayer of an audit or takes any action to collect the tax.

Effective June 5, 2008.

Public Chapter 1144
SB 1823 - HB 1656

Temporary Trailer Permits.

Amends 55-4-115 to define "temporary trailer permit" as a permit issued by the commissioner to an applicant desiring to operate a motor vehicle using a trailer which is not subject to registration in Tennessee, for a temporary period of not more than five days,

where it appears the proposed operation is actually temporary in character. The fee is \$9.00.

Effective June 13, 2008.

Public Chapter 1145
SB 2841 - HB 2434

Nonprofits Receiving Proceeds from Special License Plates.

Amends 55-4-201 to require nonprofit organizations receiving proceeds from the sale of specialty earmarked license plates to maintain their nonprofit status, submit an annual accounting to the comptroller, and be subject to audit by the comptroller to ensure that the proceeds are being used for the purpose set out in the statute and if not being used correctly the proceeds must be returned. For plates authorized by statute on or after July 1, 2008, the nonprofit organization must have the secretary of state certify its nonprofit status within 90 days of authorization, prior to initial issuance, or the plate will be invalid.

Effective July 1, 2008.

Public Chapter 1151
SB 3159 - HB 2994

Motorcycle Driver Licenses for Minors.

Amends 55-50-312 to require that a minor be at least 15 years old to obtain a special restricted license or permit to operate a motor-driven cycle or motorized bicycle.

Effective July 1, 2008.

Public Chapter 1165
SB 3017 - HB 2865

Special License Plates.

Amends Title 55, Chapter 4, Part 2, to authorize special license plates as follows: National Rifle Association, Tennessee State Guard, United States Coast Guard Auxiliary, Share the Road (Jeff Ross Cycling Foundation), Appalachian Trail, Autism Awareness, Tennessee Urban Forestry Council, Trout Unlimited (extended to July 1, 2009), motorcycle plate for Masons, 101st Airborne Division (Air Assault) (extended to July 1, 2009), Appalachian Bear Rescue, Gold Star Family (previously Gold Star Mothers), Mitochondrial Disorder, Mothers Against Methamphetamine (MAMA), Tennessee Woman Veteran (deleting Women Veterans of America), Veterans of Foreign Wars, Military Family Assistance, Tennessee Association of Realtors (and amends 55-4-105(e) to provide that vehicles with this plate are not commercial vehicles), Sandhill Crane (extended to July 1, 2009), Civil War Preservation (extended to July 1, 2009), Tennessee Performing Arts Center, On-Call Surgical Personnel, additional plates for holders of the Purple Heart, Bryan College, Tennessee Emergency Medical Services Education Association (TEMSA), Ford Foundation, Tennessee Councils of the Boy Scouts of America, Nashville Predators (extended to July 1, 2009), Appalachian Quilt

Trail, Tennessee Wildlife Federation Non-Game and Education Programs, Historic Franklin (extended to July 1, 2009), Shriners, National Association for Stock Car Auto Racing (NASCAR) (extended to July 1, 2009).

Effective July 1, 2008.

Public Chapter 1196
SB 3840 - HB 3386

Early Renewal of Motor Vehicle Registration.

Amends 55-4-104(b) to authorize early renewal of motor vehicle or motorcycle registration when the owner attests that he or she will be absent from the state during the owner's renewal month, in which case the registration may be renewed during the 90-day period immediately preceding the renewal month, for the original registration period. The commissioner is to provide county clerks with all registration plates, tabs, stickers, and other required devices at least 90 days prior to each registration period to facilitate early renewal.

Effective July 1, 2008.

COUNTY GOVERNMENT

Public Chapter 630
SB 2028 – HB 1422

Fireworks.

Amends 68-104-105(a) to specify that the statement included in the request for a retailer's or seasonal retailer's fireworks permit which declares that selling fireworks in the applicable county or municipality is legal may be signed either by the chief executive officer of the county or municipality or by such officer's designee.

Effective March 18, 2008.

Public Chapter 762
SB 3940 - HB 3731

County Audit.

Amends 9-3-210 to increase the amount per person in a county that each county must pay annually to the comptroller to assist with the expenses and compensation of auditors from 22.5 cents to 30 cents.

Effective July 1, 2008.

Public Chapter 813
SB 4169 - HB 4125

County DUI Fund.

Amends 55-10-452 to revise provisions governing the disposition by counties of funds generated by the increase in DUI fines that was enacted in 1994 to allow appropriations to mental health treatment facilities, in addition to drug and alcohol treatment facilities, and to allow appropriations to specialized court programs

and specialized court dockets that supervise offenders with drug, alcohol, and/or mental health issues.

Effective April 25, 2008.

Public Chapter 866
SB 2684 - HB 2825

County Medical Examiner.

Amends 68-3-502(c)(1) to provide that the county medical examiner or certain attending physicians are authorized to sign the death certificate in certain cases when death occurs outside of a medical institution.

Effective May 6, 2008.

Public Chapter 932
SB 1933 - HB 1421

Cable Franchising.

Amends Title 7, Chapter 59 and Title 65 to enact the “Competitive Cable and Video Services Act”. Provides for a dual system of cable franchising. Enables cable providers to obtain either a local franchise or a statewide franchise. Establishes the procedures for obtaining such franchises. Also establishes certain requirements cable providers must meet with regard to obtaining franchises such as those relating to PEG channels.

Effective July 1, 2008.

Public Chapter 998
SB 2632- HB 3295

Health Departments.

Amends 68-1-304 to direct county health departments to provide dental services to indigent children and emergency dental services to indigent adults to the extent possible within budgetary limitations. Applies only to those health departments with existing dental staff and facilities receiving state or federal funds.

Effective July 1, 2008.

Public Chapter 1040
SB 735 - HB 1592

Regulation of Fertilizer Prohibited.

Amends 43-11-103 and creates a new section in Title 43, Chapter 11, Part 1 to prohibit any political subdivision from regulating the registration, packaging, labeling, sale, storage, distribution, use and application of fertilizers. Counties with populations in excess of 200,000 are exempt.

Effective May 28, 2008.

Public Chapter 1057
SB 3934 - HB 3863

County Revenue Partnership Fund.

Amends 67-6-103 to create the “county revenue partnership fund” for future contributions from the general assembly to be distributed to counties and metropolitan governments.

Effective August 1, 2008.

Public Chapter 1067
SB 2885 - HB 2746

Uniform Residential Landlord and Tenant Act.

Amends 66-28-102 and 66-28-301(h) to expand the application of the Uniform Residential Landlord and Tenant Act to all counties with populations over 68,000 according to the 1970 federal census or any subsequent federal census.

Effective October 1, 2008.

Public Chapter 1076
SB 3821 - HB 3452

Fireworks.

Amends 68-104-208(d) to allow operators to renew their certifications by retaking the certification exam instead of obtaining continuing education credits. Operators must obtain a passing score on such exams. If certification is renewed by retaking the exam, the requirement to submit verification of experience forms is waived. Amends 68-104-211(a)(3) to allow for the issuance of expedited permits for public fireworks displays within the ten-day permit window. Allows the fire marshal to charge a fee for expedited permits not to exceed twice the amount of a regular permit.

Effective May 28, 2008.

Public Chapter 1088
SB 3073 - HB 3810

Gasoline and Diesel Fuel Contracts.

Enacts 7-51-911 to authorize counties or cities, with the approval of their governing body, to enter into contracts with financial institutions or other counties or cities for the purpose of stabilizing the net expense of the county or city incurred in the purchase of gasoline, diesel or both gasoline and diesel purchased after July 1, 2008.

Effective June 3, 2008.

Public Chapter 1130
SB 3120 - HB 2776

Fireworks.

Amends 68-104-202, 68-104-203 and 68-104-210 to clarify the requirements for a municipality, county or metropolitan government to conduct an indoor or outdoor pyrotechnic display or an indoor or outdoor display using flame effects.

Effective June 13, 2008.

Public Chapter 1147
SB 2619 - HB 2483

Cemeteries.

Amends 46-8-103(c) to require owners of property seeking to transfer burial remains to publish notice in a newspaper of general circulation within the county before filing an action in chancery court to transfer the remains. The notice should include the owner's name, the property location and any names of persons interred at the burial site that can be discerned.

Effective January 1, 2009.

COURTS & COURT CLERKS

Public Chapter 642
SB 3386 - HB 3746

Response to Garnishment.

Amends 26-2-203 to extend the period allowed to respond to a garnishment from 10 days to 10 business days.

Effective March 18, 2008.

Public Chapter 695
SB 3156 - HB 3031

Garnishment Calculation.

Amends 26-2-404 to change the amount of earnings subject to garnishment to reflect increases in the federal minimum wage.

Effective July 1, 2008.

Public Chapter 793
SB 2547 - HB 2884

Custody Rights of Parents on Active Military Duty.

Amends Title 36, Chapter 6, Part 1 to prohibit courts from permanently changing a decree for child custody or visitation solely because one parent is actively serving in the military. Authorizes courts to determine temporary modifications of custody relative to the details of military service.

Effective April 23, 2008.

Public Chapter 800
SB 3323 - HB 3630

State Funding of Victim Offender Mediation Centers.

Amends 16-20-106 to require the administrative office of the courts to consider need when distributing state funds to victim offender mediation centers.

Effective April 23, 2008.

Public Chapter 829
SB 4154 - HB 4110

Aggravating Circumstances.

Amends 39-13-204(i)(9) adding as a statutory aggravating circumstance for a sentence of death or imprisonment for life without parole, the fact that the murder was committed against a probation and parole officer.

Effective July 1, 2008.

Public Chapter 856
SB 2926 - HB 3600

Notice to Creditors.

Amends 30-2-306 to require the notice sent to the creditors of an estate to include a statement that claims against the estate must be filed within the earlier of four months from notice or 12 months from the decedent's death.

Effective July 1, 2008.

Public Chapter 868
SB 2910 - HB 3044

Domestic Relations.

Amends 36-4-103, 36-4-129, 36-5-101, 40-11-150 and 56-7-2366. Modifies various provisions pertaining to mediation requirements in divorce cases and methods by which courts may grant divorces. Clarifies the definition of "victim" under the present law provisions regarding the setting of bail for a defendant arrested for stalking, domestic abuse, or sexual assault. Allows the court to require continued child support regardless of the age if the child is severely disabled, and declares that the potentially uninsured spouse be notified of the termination of their coverage 30 days prior to the actual termination.

Effective July 1, 2008.

Public Chapter 880
SB 4050 - HB 3902

Victim's Assistance Programs.

Amends 40-24-109(h) authoring a county to fund more than one program to assist victims of crime, provided no such program may be funded unless the provider organization offers services to victims of crime free of charge.

Effective May 8, 2008.

Public Chapter 894
SB 3378 - HB 3201

Annual Salary Adjustment for Child Support Referees.

Amends 36-5-402 to provide that child support referees are to receive an annual salary adjustment equal to the actual percentage pay increases given to state employees by the general appropriations act.

Effective May 9, 2008.

Public Chapter 902
SB 3326 - HB 3735

Orders of Protection.

Amends 39-13-113(f)(3) to provide that the court must make specific findings of fact in the order of protection or restraining order that the person committed domestic abuse, sexual assault or stalking as defined in 36-3-601.

Effective May 12, 2008.

Public Chapter 908
SB 2624 - HB 2668

Uniform Interstate Depositions and Discovery Act.

Amends Title 24, Chapter 9. Allows a party to submit a foreign subpoena to a clerk of court in the county in which discovery is being sought. Requires the clerk to issue a subpoena for service upon the person to which the foreign subpoena is directed. Requires secondary subpoena to contain most information from the foreign document as well as contact information for counsel. Allows the court to award attorney's fees and expenses to a party who successfully challenges a foreign subpoena and provides that if the court sustains the subpoenas issued, the court in its discretion may award the prevailing party its reasonable attorney's fees.

Effective July 1, 2008.

Public Chapter 958
SB 2785 - HB 2833

Disposition of Funds Awarded to a Minor.

Amends 34-1-104 to authorize courts to order funds awarded to a minor whose parents are divorced or legally separated be delivered all or in part to either of the parents if the court finds that this would best serve the minor's welfare.

Effective July 1, 2008.

Public Chapter 1047
SB 3380 - HB 3199

Continuance Fees.

Amends 8-21-401(i)(3)(c) to provide that the fees for continuances shall be collected at the conclusion of the case. If multiple litigants request a continuance, the judge may assess these fees to one or more parties.

Effective July 1, 2008.

Public Chapter 1147
SB 2619 - HB 2483

Cemeteries - Transfer of Remains.

Amends 46-8-103(c) to provide that prior to filing any action in chancery court to transfer the remains located in a gravesite or crypt, the proponent of the action shall first publish a notice in a newspaper of general circulation within the county in which the gravesite or crypt is located. The notice must include the name of the proponent of such action, the location of the property where the remains are located, and any name that can be discerned from the site of any person there interred.

Effective January 1, 2009.

Public Chapter 1159
SB 3839 - HB 3638

Jury Service.

Amends numerous code provisions relative to jury service. Removes occupational exemptions from jury service and requires individuals in order to be exempt from jury service to show a mental or physical condition that causes them to be incapable of

performing jury service or show an undue or extreme physical or financial hardship. Except in Morgan and Rhea counties, repeals private acts relative to juries, jurors or jury commissioners and provides that the clerk of the circuit court of the county shall be the jury coordinator unless the judge or judges who hold circuit or criminal court in such county appoint someone other than the clerk to serve as the jury coordinator. Requires the jury coordinator in each county to select names of prospective jurors, to serve in the courts of such county, by random automated means, without opportunity for the intervention of any human agency to select a particular name, and in a manner that causes no prejudice to any person. Provides the names, which shall constitute the jury list, shall be compiled from licensed driver records or lists, tax records, or other available and reliable sources which are so tabulated and arranged that names can be selected by automated means. Provides that the jury coordinator may utilize a single source or any combination thereof, but is prohibited from using the permanent voter registration records as a source to compile the jury list. Provides for an alternative process if a county cannot obtain and select names by automatic means. Provides detailed list of information required to be in the juror summons. Provides that if a person fails to appear for service they may be found in civil contempt and fined not more than \$500.

Effective January 1, 2009.

Public Chapter 1163
SB 4103 - HB 4163

Victim's Rights - Critical Stage of Criminal Justice Process.

Amends 40-38-302 to provide that critical stages of the criminal justice process for purposes of notifying victims under the victims rights constitutional amendment are: (1) bond hearings or bond reduction hearings if hearing from the victim is deemed relevant by the appropriate district attorney general; (2) any hearing on a motion to dismiss or on a plea agreement requiring approval by the trial court; (3) the defendant's sentencing hearing; (4) any hearing at which the issue of whether the defendant should pay restitution or the amount of restitution that should be paid is discussed; (5) any parole hearing at which the defendant's release on parole will be discussed or determined; and (6) any other hearing which proposes a final disposition of the case.

Effective July 1, 2008.

Public Chapter 1201
SB 4184 - HB 4147

Drug Testing Fee.

Amends 39-17-420 to provide that, in addition to all other fines, fees, costs and punishments now prescribed by law, a drug testing fee in the amount of \$100 shall be assessed upon conviction for a violation of any part of the Tennessee Drug Control Act. This fee

shall be collected by the clerks of the various courts of the counties and forwarded to the state treasurer on a monthly basis for deposit in the Tennessee Bureau of Investigation drug chemistry unit drug testing fund and designated for exclusive use by the TBI. Moneys in the TBI drug chemistry unit drug testing fund and available federal funds, to the extent permitted by federal law and regulation, shall be used to fund a forensic scientist position in each of the three bureau crime laboratories, to employ forensic scientists to fill such positions, and to purchase, maintain and upgrade the equipment and supplies necessary to carry out, in a timely manner, the increased number of requests for determinations of weight and analysis of submitted substances.

Effective June 20, 2008.

Public Chapter 1204
SB 3231 - HB 2595

Distribution of Funds to Minors and Disabled Persons.
Amends 34-1-104 to increase from \$10,000 to \$20,000 the amount of money or property of a minor or disabled person that may be distributed without the appointment of a fiduciary.

Effective July 1, 2008.

ECONOMIC DEVELOPMENT

Public Chapter 685
SB 3055 – HB 3213

River Basin Development Authorities.
Amends 64-1-202 to provide that the authority has jurisdiction over programs relating to rivers and streams and drainage areas within Shelby County. Also grants the authority jurisdiction over programs relating to Wolf River and its drainage area irrespective of county or municipal boundaries.

Effective July 1, 2008.

Public Chapter 1013
SB 3945 - HB 3726

Economic Development.
Amends 4-17-303, 7-53-305, 7-53-312, 7-67-114, and 48-101-312 to revise reporting and compliance requirements related to economic development agreements, annual reports submitted to the state board of equalization, and economic impact plans. Also provides that in cases where lease payments or PILOTS exceed the amount needed to defray debt service on project bonds or other financing, untimely payments may be collected in the same manner as delinquent property taxes.

Effective May 22, 2008.

EDUCATION

Public Chapter 612
SB 2629 - HB 2545

Dismissal and Reemployment of Tenured Teachers.

Amends 49-5-511 to provide that the director of schools, rather than the board of education, determines a tenured teacher's fitness for reemployment after the teacher has been dismissed due to abolition of the position, in accordance with board policy and any negotiated agreement.

Effective March 11, 2008.

Public Chapter 647
SB 3284 - HB 3615

Notice of Adverse Action against Director of Schools.

Amends 49-2-203(a)(14)(C) to require the board of education to give at least 10 calendar days notice prior to a meeting at which action will be considered to terminate the contract of or remove the director of schools from office. The notice must contain the date, time and place of the meeting and comply with other laws governing notice of meetings, and the proposed action must be published as a specific, clearly stated item on the agenda.

Effective March 25, 2008.

Public Chapter 676
SB 3366 - HB 3942

Excused Absences for Students with Parent in Armed Forces.

Amends 49-6-3019 to require a public school principal to give a student whose parent, custodian, or person with legal custody or control of the student is a member of the U. S. armed forces, including the national guard and reserves, excused absences for up to 10 days for visitation when the service member is stationed out of the country and is granted leave for rest and recuperation.

Effective April 1, 2008.

Public Chapter 683
SB 2612 - HB 2482

Lease or Sale of School Buildings and Property.

Amends 49-2-203(b)(10)(A) to authorize a board of education to lease or sell buildings or property, or portions thereof, in such a manner as is deemed by the board to be in the best interest of the school system and the community it serves, including sales or leases to public or private entities.

Effective April 2, 2008.

Public Chapter 691
SB 2655 - HB 2546

Modular Buildings Constructed as Part of Curriculum.

Amends 68-126-310 to increase the number of modular buildings that vocational-technical students can construct and sell without complying with the Modular Building Act from one to five per

school per year, and to remove the requirement that the buildings be residential.

Effective July 1, 2008.

Public Chapter 795
SB 2828 - HB 2775

External Defibrillators in Schools.

Enacts 49-2-122 to encourage LEAs to place automated external defibrillators in schools, within existing budgetary limits. If purchased, LEAs must fund the purchase and maintenance of these devices using existing local resources or non-governmental funding; no state funds may be used.

Effective July 1, 2008.

Public Chapter 867
SB 3282 - HB 2976

Grants for Career and Technical Education.

Amends 49-3-318 to provide for three grants to improve and enhance career and technical education, to be funded in fiscal years in which funds are appropriated for career and technical education above and beyond the funds available through the BEP for career and technical education.

Effective May 6, 2008.

Public Chapter 885
SB 3232 - HB 2610

Whistleblower Statute for Teachers.

Enacts 50-1-309 to provide that no teacher may be terminated or otherwise discriminated against solely for refusing to participate in, or refusing to remain silent about, illegal activities. However, if any teacher files a cause of action for retaliatory discharge for any improper purpose, such as to harass or to cause needless increase in costs to the employer, the court shall impose upon the teacher an appropriate sanction, which may include an order to pay the other party's expenses and attorneys' fees.

Effective July 1, 2008.

Public Chapter 985
SB 3080 - HB 2651

Inspection for Hazards in Walking Routes.

Amends 49-6-2101 to encourage each LEA to conduct an investigation for hazard zones in all walking routes commonly used by children walking to school, and to submit its findings to the entity responsible for the road or highway. Encourages the responsible entity to cooperate with the LEA to devise methods for minimizing the hazardous conditions.

Effective May 21, 2008.

Public Chapter 989
SB 3702 - HB 3051

Policy on Internet Usage.

Enacts 49-1-221 to require the director of schools to file with the commissioner of education an acceptable use policy approved by the school board for use of the Internet by employees and students.

Effective July 1, 2008.

Public Chapter 1002
SB 3603 - HB 3640

School Attendance – Residence in Two Counties.

Amends 49-6-3112 relative to which school a child attends when the county boundary lines cross through the property on which the family resides. These children may attend school in either county, but eligibility to attend school in the county other than where the family resides or the residence or farm is taxed will be based on school policy and availability of space and tuition may be charged.

Effective July 1, 2008.

Public Chapter 1006
SB 4185 - HB 4148

School Accountability.

Amends 49-1-602 relative to schools on probation, to revise the procedures for schools that fail to make adequate progress and to place these schools in various stages of “improvement status” until they meet performance standards. The statute sets out the authority of the state and the responsibilities of the LEA during each year. The first two years are known as School Improvement 1 and 2, and the third year is known as Corrective Action. The fourth year of is known as Restructuring 1, during which time plans for alternative governance of the school are made, which may include contracting with an institution of higher education for operation of the school, governance by the state department of education, restructuring as a public charter school if authorized by law, or replacing all or most of the school’s staff. The fifth year is Restructuring 2–Alternative Governance, during which time the plans for alternative governance made during the prior year will be implemented.

Effective May 21, 2008.

Public Chapter 1080
SB 2807 - HB 3076

Background Checks.

Amends 49-5-413 to require subcontractors as well as persons who contract directly with schools to require fingerprint samples and obtain TBI and FBI criminal history checks on their employees who have direct contact with children or access to school grounds when children are present. Allows out-of-state contractors and subcontractors to submit comparable criminal history checks which must include an FBI criminal history check. Allows satisfaction of these requirements for one school to satisfy the requirements for other schools for the same employees. The requirements do not apply to government law enforcement, medical, or emergency

health services; utility personnel; delivery or pick-up services involving only scheduled visits under supervision of school personnel; or persons whose contract is for performance of a service at a school-sponsored activity, assembly or event at which school officials or employees are supervising. Does not apply to contracts entered into or renewed prior to the effective date unless the parties agree.

Effective May 30, 2008.

Public Chapter 1175
SB 2809 - HB 2975

Lottery-Funded After School Programs.

Amends 49-6-701 *et seq.* to provide grants and technical assistance, administered by the department of education, for after school educational programs from available lottery funds appropriated for this purpose.

Effective July 1, 2008.

Public Chapter 1188
SB 4039 - HB 4039

Energy Efficient Schools Initiative.

Enacts the "Energy Efficient Schools Initiative of 2008" to develop energy-efficient design and technology guidelines for K-12 school facilities, award grants or loans to school systems for qualifying capital outlay projects where a provider has warranted pre-determined energy use objectives, establish and support energy management programs, and establish guidelines for monitoring the efficiency and effectiveness of qualifying capital outlay projects.

Effective July 1, 2008.

ELECTIONS

Public Chapter 618
SB 3611 - HB 3377

Qualifying Deadline.

Amends 2-5-101(a)(2) to change the qualifying deadline in a presidential election year, if a party calls for a county primary in February, from the second Thursday in December to the first Thursday in November. Amends 2-13-305 to remove provision allowing nominating petitions for delegates to the national convention of a party to be considered filed in time if postmarked by noon on the filing date.

Effective March 11, 2008.

Public Chapter 635
SB 2958 - HB 2915

Voter Registration Cards.

Enacts 2-2-124(e) to prohibit the printing of social security numbers on voter registration cards issued after the effective date.

Effective March 18, 2008.

Public Chapter 871
SB 3131 - HB 3508

Vacancies.

Amends 5-1-104 and Title 5, Chapter 5, Part 1. Provides that the county commission shall fill a vacancy within 120 days of receiving notice of the same from the county clerk unless during that time there is a general election scheduled in the county and there is sufficient time for the vacancy to be placed on the ballot. Deletes provision requiring county commissioners to resign their office prior to accepting a nomination for a vacancy being filled by the commission and only requires a commissioner to resign if actually appointed by the commission to fill the vacancy. Provides that a commissioner who has accepted a nomination shall not vote on the appointment. For the purposes of determining a majority, the membership of the commission shall be reduced for each member accepting a nomination. Registered voters of the county may submit names to the commission for consideration, however, to be nominated, a member of the commission must subsequently nominate such person. If a person nominated is not present, the person making the nomination must submit a signed statement from the nominee that the nominee is willing to serve. Provides that the commission shall adopt rules of procedure for eliminating nominees in cases where there are multiple nominees for an appointment and no nominee receives the majority of votes. Provides that any challenge to the legality of an appointment must be filed with the chancery court within ten days of the appointment. Does not apply to Davidson or Shelby County.

Effective May 6, 2008.

Public Chapter 895
SB 1182 - HB 1279

Duplicate Voter Registrations.

Enacts 2-2-104 to encourage the state coordinator of elections to make every reasonable effort to enter into agreements with other states for the purpose of comparing data to identify duplicate voter registrations. Specifies that if the state coordinator of elections finds any duplicate voter registrations, then the state coordinator would make every effort to determine in which state the voter is rightfully entitled to vote. Requires the state coordinator of elections to file an annual report with the state and local government committees of each house regarding the status of any agreements entered into with other states, the progress or difficulties of reaching the agreements, and any other information the state coordinator deems necessary.

Effective May 12, 2008.

Public Chapter 928
SB 3650 - HB 3441

Registration, Records Management and Procedural Changes.

Amends numerous statutes in Title 2. Extends time period for registrations for election to be accepted and processed if final day

falls on Saturday, Sunday or legal holiday. Permits the election commission to designate a location other than the commission office for storage of original hard copy documents if the election commission microfilms or scans the document. Increases penalty from Class C to Class B misdemeanor (punishable only by a fine of \$500) for the false certification that a purchased list from the election commission will be used for political purposes. Revises mail notification requirement in cases of precinct boundary changes to active voters only, instead of all voters. Raises amount paid to precinct workers on election day to \$50 from \$15. Eliminates references to punch card voting system in current law. Relative to central absentee ballot counting board, removes provisional ballots from current law. Also removes absentee ballots from the current law regarding the counting of provisional ballots. Removes references to red ink on the envelopes used in absentee voting by armed forces. Permits a write-in candidate to withdraw in the same manner as they filed original notice to run, no later than the fifth day before the election.

Effective July 1, 2008.

Public Chapter 939
SB 1578 - HB 1997

Authorization to Vote in County Where Property Taxes Paid.

Amends 2-2-122 to authorize any person to vote in the county where they pay property taxes on their primary residence even though the property is partially or totally located in another county, but the only access to the property is through the county where the person pays property taxes. Requires any person residing at such a property to make a one-time election to register to vote in either the county where the property taxes are paid or the county where the property is located. Authorizes any county election commission to require a person to provide written documentation that the person pays property tax in such county if the person chooses to register in the county where property taxes are paid.

Effective May 19, 2008.

Public Chapter 1019
SB 1702 - HB 1895

Voting Procedure Changes.

Amends 2-7-112 to require all county election commissions to use either a computerized voter signature list or an electronic poll book. Details the procedures to be followed depending on the system used. Provides that applications for a ballot are to be presented to a precinct registrar and the computerized voter registration list or the electronic poll book shall be used to make a determination whether a voter's address has changed or if the registration is in inactive status. Provides that if a voter is unable to

present evidence of identification the voter must execute an affidavit of identity.

Effective May 28, 2008.

Public Chapter 1051
SB 551 - HB 1442

Political Activity By Election Commission Members.

Amends 2-1-112 and enacts 2-11-111 to prohibit a member of an election commission appointed after January 1, 2009 from serving as the campaign manager or treasure of any candidate's political campaign in a local, state or federal election during the commission member's term of office.

Effective January 1, 2009.

Public Chapter 1066
SB 2818 - HB 2514

Sample Ballots.

Amends 2-5-211 to require only one ballot to be sent to a household containing more than one active registered voter if the county election commission wishes not to publish a sample ballot in a newspaper of general circulation.

Effective May 28, 2008.

Public Chapter 1099
SB 2893 - HB 2873

Educating Election Officials.

Amends 2-4-108 to require coordinator of elections to create minimum standards for educating election officials throughout the state for use by county election commissions.

Effective June 5, 2008.

Public Chapter 1108
SB 1363 - HB 1256

Tennessee Voter Confidence Act of 2007.

Amends Title 2 to enact the "Tennessee Voter Confidence Act of 2007." Requires any voting system purchased or leased after January 1, 2009, and all voting systems used in the November election of 2010 or thereafter, to use an individual voter-verifiable paper ballot of the voter's vote that can be made available to the voter for review before the vote is cast. Requires random sampling of paper ballots to verify accuracy of the machine vote count. Requires the coordinator of elections to provide a list of authorized printers for printing ballots to the county elections commissions. Authorizes the coordinator of elections to explore the feasibility of utilizing ballot-on-demand technology. Specifies that the requirements of this act mandating the purchase or lease of new voting systems shall be implemented if and only if federal "Help America Vote Act" funds previously allocated, or other federal funding resources, are available to pay the full cost of purchasing or leasing such new voting systems.

Effective January 1, 2009 (effective June 5, 2008 for promulgating rules and regulations).

ENVIRONMENT

Public Chapter 854 SB 3796 - HB 3772

Water Quality Control Act.

Amends the Water Quality Control Act of 1977, 69-3- 101, *et seq.*, by adding a Bill of Rights for the benefit of those applying for a permit under the act. Requires commissioner of environment and conservation to provide assistance in understanding regulatory and permit requirements. Specifies that permit applicants have the right to know the projected fees for review of applications, and how any costs will be determined and billed. Requires that permit applicants have the right to access, on the department of environment and conservation's web site, complete and clearly written guidance documents, office of general counsel opinions, and department policies that explain the departments regulatory jurisdiction and requirements. Requires the commissioner to publish, on the departments web site, a list of all information required in a permit application and the criteria used to determine whether the submitted information is adequate. Requires that the permitting process include timely notice of application defects, timely review of applications, and prompt and meaningful administrative and judicial review of permitting decisions.

Effective May 1, 2008.

Public Chapter 859 SB 3192 - HB 3520

Cover and Food Plots Along Utility Easements.

Amends 70-1-302 to authorize the Tennessee Wildlife Resource Agency to enter into partnerships with the Tennessee Valley Authority and other public and private landowners for the purpose of planting cover and food plots along utility easements for the benefit of indigenous wildlife.

Effective May 6, 2008.

Public Chapter 892 SB 4042 - HB 3895

Subsurface Sewage Disposal Systems Permits.

Amends 4-29-120 to exempt subsurface sewage disposal system permits issued pursuant to Title 68, Chapter 221, Part 4 from the category of permits for which governmental entities are required to notify interested persons prior to issuing a permit.

Effective May 8, 2008.

ETHICS

Public Chapter 735 SB 2761 - HB 2614

Filing of Documents with Tennessee Ethics Commission.

Amends 3-6-115(e) to provide that no candidate or appointee to a local public office as defined in 2-10-102 shall be required to electronically file documents with the commission. Amends 8-50-501(d)(1) to provide that the required disclosure shall be in writing in the form prescribed by the Tennessee Ethics Commission and shall be a public record; provided, however, that no candidate or appointee to a local public office required to disclose pursuant to subdivision (a)(19) shall be required to electronically file documents with the commission.

Effective April 10, 2008.

Public Chapter 898 SB 3024 - HB 2544

Ethical Standards for School Districts.

Amends 8-17-102(d) to provide that county, municipal and special school districts shall be considered separate governmental entities and shall be governed by ethical standards established by the board of education of the school district. Amends 8-17-105(a) to provide that the Tennessee School Boards Association (TSBA) shall disseminate models of ethical standards for officials and employees of school districts and that such models shall be filed with the commission. Provides that school districts that adopt the ethical standards promulgated by TSBA are not required to file such policy with the commission but shall notify the commission in writing that the policy promulgated by TSBA was adopted and the date such action was taken.

Effective April 12, 2008.

FINANCE

Public Chapter 899 SB 3032 - HB 2953

County Bank Accounts - Trustee's Duty.

Amends 5-8-201 to provide that, notwithstanding any general law or private act to the contrary, at least once every four years and not less than once every term of office, the county trustee shall evaluate whether the contract entered into pursuant to this section should be rebid. Provides that such evaluation shall be based on obtaining proposals from at least two banks or other financial institutions. Provides that the trustee shall prepare a written evaluation of the proposals and preserve such evaluation for a period of not less than three years.

Amends 5-8-301(b)(2) to provide that prior to making investments, the county official shall obtain and document at least two proposals from banks or other financial institutions to assure the county

receives the highest and best rate of return. Such documentation shall be retained in the official's office for a period of not less than three years.

Effective July 1, 2008.

FIRE PROTECTION

Public Chapter 729
SB 4158 - HB 4114

Fire Service and Code Enforcement Academy.

Amends Title 68, Chapter 102, Part 2, authorizing the fire service and code enforcement academy to accept, for any of its purposes and functions, donations of real and personal property and services and grants of money.

Effective April 10, 2008.

Public Chapter 781
SB 3812 - HB 3347

Firefighter Certification.

Amends 4-24-107 to authorize the Commission on Firefighting Personnel Standards and Education to certify individuals who complete an approved recruit training program.

Effective April 21, 2008.

Public Chapter 786
SB 4163 - HB 4119

Fire Prevention.

Amends 39-14-304(a) and 39-14-306 to authorize the commissioner of agriculture, in consultation with the state forester and the county mayors of impacted counties, to issue a burning ban prohibiting all open air fire in any area of the state. A violation of the ban would be considered reckless burning, which is a Class A misdemeanor. This provision would not apply to fires that may be set within the corporate limits or any incorporated town or city that has passed an ordinance controlling the setting of fires.

Effective April 21, 2008.

Public Chapter 791
SB 4130 - HB 4175

Volunteer Firefighters - Time Off from Work.

Enacts 50-1-309 to provide that a volunteer firefighter may be permitted to leave work to respond to fire calls during regular hours of employment without loss of pay, vacation time, sick leave, or earned overtime accumulation. Such employee may be permitted to take off the next work period as a vacation day or sick day if the employee assisted in fighting such fire for more than four hours. If the employee is not entitled to a vacation day or sick leave day, then the employee may be permitted to take off the work period without pay. The employer may require verification from

the chief of the fire department. These provisions are permissive, not mandatory.

Effective July 1, 2008.

Public Chapter 799
SB 3404 - HB 3279

Paramedic Training.

Amends 68-140-527 authorizing paid career paramedics in a county in which a fire department operates its own fire training academy to receive paramedic training at such facility upon written interlocal agreement. Further amends 68-140-527 to provide that any fire department that operates its own fire training academy shall have the option of permitting a fire fighter recruit to have between three and five years to complete the training for certification as a paramedic.

Effective July 1, 2008.

Public Chapter 843
SB 3885 - HB 3867

County Fire Marshal.

Amends Title 5, Chapter 6, Part 1, to allow the county mayor to appoint a fire marshal whose duty shall be to coordinate the efforts of volunteer fire departments, enforce local fire safety regulations and assist in the prevention of fire and arson. If a county fire marshal is employed, the county mayor shall establish the compensation of the county fire marshal within the amount appropriated for such purpose by the county legislative body. The county fire marshal shall: (1) have at least five years of experience as a firefighter; (2) have and maintain certification from the state fire marshal in accordance with 68-120-113; and (3) serve at the pleasure of the county mayor.

Effective April 21, 2008.

Public Chapter 1034
SB 3652 - HB 2982

Fire Protection and EMS Fees.

Amends 5-16-101(b)(2) expanding the definition of "urban type public facilities" to include fire protection and emergency medical services in all counties. Allows a county to establish, construct, install, acquire, operate, and maintain urban type public facilities in any area or areas within the county's borders and to charge fees, rates, and charges for such facilities.

Effective July 1, 2008.

HIGHWAYS

Public Chapter 644
SB 2813 – HB 2866

Interim Successor.

Amends 54-7-107 to provide for an interim successor to serve during the time period between when a vacancy occurs in the office

of chief administrative officer and when the county legislative body appoints a qualified successor. The interim successor shall perform all duties of the office. The interim successor shall only serve if the vacancy occurs because of death, resignation or removal. The chief administrative officer designates the interim successor in writing and such designation shall be filed with the highway commission and county clerk or with the county legislative body and county clerk if the county does not have a highway commission.

Effective July 1, 2008.

Public Chapter 986
SB 3143 - HB 2529

Flood Warning Signs - Driving into Flooded Area.

Amends 55-10-205 and 29-20-201 to provide that knowingly ignoring a warning sign and driving into a flooded area is reckless driving. Offenders must repay the cost of any rescue effort. Emergency vehicles are exempt. Governmental entities that properly place and maintain flood warning signs are immune from lawsuits arising from injuries related to these offenses. Removes governmental immunity for willful, wanton or grossly negligent conduct.

Effective July 1, 2008.

Public Chapter 1075
SB 3349 - HB 2412

Easements for Utility Line Extension.

Amends 54-14-101 to allow persons holding an access easement for a private road to petition to obtain additional area for the extension of utility lines.

Effective July 1, 2008.

JAILS

Public Chapter 901
SB 3162 - HB 2917

Sex Offenders - Work Release Prohibited.

Amends 40-35-315 to provide that the sentencing court shall not be authorized to order work release as part of the sentence of a person convicted of a sexual offense or violent sexual offense as defined in 40-39-202; "work release" includes any assignment to a work crew in which a prisoner is permitted to go out into the community, whether supervised or unsupervised, but shall not include a work assignment to TRICOR or any TRICOR facility.

Enacts 40-35-213 to provide that no person convicted of a sexual offense or violent sexual offense as defined in 40-39-202, whether in the custody or control of the Department of Correction, a local government or a private prison contractor, shall be eligible for any work release program offered by or which may be offered by the

correctional facility in which the offender is housed. "Work release program" includes any assignment to a work crew in which a prisoner is permitted to go out into the community, whether supervised or unsupervised, but shall not include a work assignment to TRICOR or any TRICOR facility.

Effective May 12, 2008.

Public Chapter 1030
SB 3224 - HB 4010

Bail Bonds.

Amends 40-11-126 to provide that any listing or description of bondsmen or surety agents in a jail, workhouse, or other correctional facility shall be done in terms of seniority. The company or other business entity of a bondsman or surety agent with the most continuous experience in bail bond matters shall be listed first, with all other companies or business entities being listed in descending order, based upon the length of their continuous experience in bail bond matters. The sheriff or other person in charge of the jail, workhouse, or other correctional facility shall have the final decision over the listing of bonding companies or surety agents.

Amends 40-11-126 to provide that engaging in the business of a professional bondsman or surety without maintaining a permanent business office, business telephone and appropriate signage indicating that such office is a professional bail bond business is unprofessional conduct.

Effective May 28, 2008.

Public Chapter 1092
SB 4028 - HB 3958

Regional Jail Authority Act.

Amends Title 41 to enact the Regional Jail Authority Act. Provides that a regional jail authority created pursuant to this act shall be a public and governmental body acting as an agency and instrumentality of the creating and participating governmental entities, and that the powers exercised by such an authority are declared to be for a public and governmental purpose and a matter of public necessity. The property and revenues of the authority, or any interest in the property or revenues, are exempt from all state, county and municipal taxation, except inheritance, transfer and estate taxes. The general purpose of an authority created pursuant to this act is declared to be that of acquiring, constructing, equipping, maintaining, and operating a jail or workhouse or jails or workhouses and the usual facilities appertaining to such undertakings; enlarging, renovating, and improving such facilities; acquiring the necessary property therefor, both real and personal, with the right of contract for the use of or to lease, mortgage, or sell any or all of such facilities, including real property; and in the

sale or purchase or any such property to comply with state or local purchasing laws; and doing any and all things deemed by the authority necessary, convenient, and desirable for and incident to the efficient and proper development and operation of such types of undertakings. Provides specific procedure to be used to create a regional jail authority.

Effective October 1, 2008.

Public Chapter 1131
SB 3152 - HB 3406

Bail Bonds - Detainer.

Amends 40-11-201(c) to provide that if a detainer request is refused or if the detaining authority releases the principal notwithstanding the filing of the detainer, the surety may not be liable in the undertaking. Provides that it shall be the duty of the bondsman or surety to present to the presiding court in a timely manner all appropriate documentation evidencing that the detainer was properly filed or refused, or that the detaining authority released the principal notwithstanding the filing of the detainer.

Effective June 13, 2008.

LAW ENFORCEMENT

Public Chapter 608
SB 2563 - HB 2419

Service of Civil Process.

Amends 16-15-902(b) to provide that civil process issued by a court of general sessions must be served within 60 days from its issuance, instead of "within the time required by law."

Effective July 1, 2008.

Public Chapter 643
SB 2579 - HB 2497

Disclosure of Indictment Before Arrest.

Amends 40-13-112 to allow law enforcement to release information within an indictment for the purpose of apprehending the person indicted.

Effective July 1, 2008.

Public Chapter 651
SB 3888 - HB 2547

Accident Response Service Fee.

Amends 55-10-108 to prohibit a law enforcement agency from charging a fee for responding to or investigating a motor vehicle accident. Allows the county to bill for ambulance services provided in response to or in conjunction with emergency response to motor vehicle accidents.

Effective March 27, 2008.

Public Chapter 681
SB 4161 - HB 4117

Accident Reports - Public Records.

Amends 55-10-108(f) making information regarding automobile liability insurance in motor vehicle accident reports open to public inspection.

Effective April 1, 2008.

Public Chapter 690
SB 2400 - HB 2433

Regulation of Scrap Metal Dealers.

Amends Title 62, Chapter 69 to provide that effective October 1, 2008, no scrap metal dealer shall purchase, deal or otherwise engage in the scrap metal business unless the dealer is registered with the department of commerce and insurance.

With one exception, provides that no scrap metal dealer may purchase or otherwise acquire scrap metal from a person unless that person presents a state or federally issued photo identification card that appears valid on its face to the dealer, and provides a thumbprint as provided in 62-9-104. If taking the right thumbprint is not possible, the dealer shall take a fingerprint from the left thumb or another finger and shall identify on the transaction sheet which finger has been used. Requires dealer to maintain prints for a period of three years from the date of the scrap metal sale.

Requires the scrap metal dealer to maintain scrap metal transaction records for a period of 3 years following the transaction. Provides that during the usual and customary business hours of a scrap metal dealer, a law enforcement officer shall have the right to inspect, without a warrant or subpoena: (1) any purchased scrap metals in the possession of the dealer; and (2) any records required to be maintained by the dealer pursuant to this chapter.

Absent reasonable written documentation that the seller is the owner of the scrap metal or is an employee, agent, or other person authorized to sell the scrap metal on behalf of the owner, it an offense to knowingly sell or attempt to sell to a scrap metal dealer or for a scrap metal dealer to knowingly purchase or attempt to purchase the following types of scrap metal: (1) scrap metal marked with the initials of an electric, telephone, cable, or other public utility, or an electric or telephone cooperative; (2) utility access covers; (3) street light poles and fixtures; (4) road and bridge guard rails; (5) highway or street signs; (6) water meter covers; (7) traffic directional and control signs; (8) traffic light signals; (9) any scrap metal visibly marked or painted with the name of a government entity, business, company, or the name of the owner of such metal; (10) property owned by a telephone, cable, electric, water, or other utility, an electric or telephone cooperative, or a railroad, and marked or otherwise identified as

such; and (11) unused and undamaged historical markers, or grave markers and vases.

Provides separate provisions applicable to the sale and purchase of air conditioner evaporator coils or condensers and metal beer kegs.

Effective October 1, 2008, it is an offense for a person to engage in the business of buying scrap metal without registering as a scrap metal dealer with the department or falsely registering with the department as a dealer. A registered scrap metal dealer commits an offense who knowingly purchases scrap metal: (1) in violation of this chapter; (2) that was not the property of the seller and the seller did not have authorization to sell such metal; or (3) that was unlawfully obtained by the seller. A first or second violation is a Class A misdemeanor. A third or subsequent violation is a Class E felony.

Amends 40-35-114 providing a new enhancement factor if the offense involved the theft of property and, as a result of the manner in which the offense was committed, the victim suffered significant damage to other property belonging to the victim or for which the victim was responsible.

Amends 39-14-406 to elevate criminal trespass on a construction site, on public or private utility property, or electric or telephone utility property with intent to steal, deface, destroy, tamper with, alter or remove any equipment, supplies or other property found on such site or property to the Class A misdemeanor of aggravated criminal trespass. For this aggravated offense to apply the property must be posted in accordance with this section.

Effective April 7, 2008, for purposes of rulemaking by the commissioner. Effective July 1, 2008 for all sections of this Act except 62-9-102. Effective October 1, 2008, section 62-9-102, requiring scrap metal dealers to register with the department.

Public Chapter 693
SB 2833 - HB 3164

Stopping or Parking on Ramps Prohibited.

Amends 55-8-158(c) to provide that no person shall stop, park or leave any motor vehicle, whether attended or unattended, upon the paved or unpaved portions of any entrance or exit ramp of any highway. A driver of a motor vehicle that has become disabled may leave such vehicle on an entrance or exit ramp until such time as the disabled motor vehicle can be repaired or towed as long as the vehicle is not obstructing the passage of other motor vehicles.

Effective April 7, 2008.

Public Chapter 701
SB 3953 - HB 3873

Fingerprinting.

Amends Title 8 and Title 38 to revise various provisions governing fingerprints and how many sets of fingerprints must be made.

Effective July 1, 2008.

Public Chapter 714
SB 2756 - HB 2920

Sex Offenders.

Amends 40-39-202(25) to classify the offense of aggravated rape of a child as a violent sexual offense for purpose of the sexual offender registry.

Effective July 1, 2008.

Public Chapter 744
SB 3980 - HB 3798

Domestic Violence.

Amends 39-13-111 in order to make consistent the definition of "domestic abuse victim" for purposes of orders of protection and domestic assault.

Effective April 10, 2008.

Public Chapter 785
SB 4027 - HB 3983

Use of Blue Lights by Reserve Officers.

Amends 55-9-414(a), (c) and (e) to permit the use of blue flashing emergency lights or blue flashing emergency lights in combination with red flashing emergency lights on official motor vehicles operated by reserve or auxiliary deputy sheriffs or reserve or auxiliary police officers when authorized by the local sheriff or police chief respectively.

Effective April 21, 2008.

Public Chapter 830
SB 4155 - HB 4111

Tennessee Bureau of Investigation - Fingerprint Search Fees.

Amends 38-6-109(d) to provide that the fees charged by the TBI for fingerprint searches shall be the same as those charged by the FBI.

Effective April 21, 2008.

Public Chapter 909
SB 2706 - HB 2723

Handicapped Parking Spaces.

Amends 55-21-108(a)(1)(A) to provide that the penalty for improperly parking in a space designated with the wheelchair sign is a mandatory fine of \$200, which may not be suspended or waived. The sentencing court may order an offender to perform up to five hours of community service, and any community service requirements imposed shall be to assist the disabled community by monitoring disabled parking spaces, providing assistance to handicapped centers or to disabled veterans, or other such

purposes. The agreement may designate the entity that is responsible for the supervision and control of the offenders.

Amends 55-21-108(a) to provide that after July 1, 2008, as new signs designating disabled parking are erected, signs shall indicate the penalties imposed by this section. Removal or alteration of any existing sign designating disabled parking is not required.

Effective July 1, 2008.

Public Chapter 921
SB 2636 - HB 2661

Tennessee Public Safety Network - Tort Immunity.

Enacts 63-6-709 to provide that any volunteer crisis response team member who participates in a crisis intervention shall not be liable in tort for any personal injuries or infliction of emotional distress of any participant to the crisis intervention that is caused by the act or an omission of a crisis response team member during the course of a crisis intervention. This provision does not apply unless the intervention or training is conducted within generally accepted protocols of a registered team as defined by a nationally recognized accrediting agency. Tort immunity does not apply if: (1) the team member acted with actual malice or willful intent to injure the subject; (2) the team member acted outside the scope of assigned duties; (3) the team member acted without team coordination and dispatch; (4) the action involved the commission of a crime; (5) the action involved sexual harassment, sexual or physical abuse; or (6) the actions involved any form of moral turpitude or moral misconduct within the normally accepted community standards. (7) if damages resulted from gross negligence of the team member.

Effective July 1, 2008.

Public Chapter 957
SB 2623 - HB 2597

Alcohol and Drug Related Offenses.

Amends 55-10-406(a)(1) to delete the present law requirement that a blood alcohol test or drug test must be administered within two hours of a person's arrest or initial detention in order for the results of the test to be admissible in court.

Effective January 1, 2009.

Public Chapter 962
SB 3258 - HB 3069

Traffic Surveillance Cameras - Citations.

Enacts 55-8-198 to provide that a traffic citation that is based solely upon evidence obtained from a surveillance camera that has been installed to enforce or monitor traffic violations shall be considered a nonmoving traffic violation. An employee of the applicable law enforcement office shall review video evidence from a traffic light signal monitoring system and make a determination as to whether a violation has occurred. If a

determination is made that a violation has occurred, a notice of violation or a citation shall be sent by first class mail to the registered owner of the vehicle that was captured by the traffic light signal monitoring system. A notice of violation or citation shall allow for payment of such traffic violation or citation within thirty (30) days of the mailing of such notice. No additional penalty or other costs shall be assessed for non-payment of a traffic violation or citation that is based solely on evidence obtained from a surveillance camera installed to enforce or monitor traffic violations, unless a second notice is sent by first class mail to the registered owner of the motor vehicle and such second notice provides for an additional thirty (30) days for payment of such violation or citation. The following vehicles are exempt from receiving a notice of violation: (1) emergency vehicles with active emergency lights; (2) vehicles moving through the intersection to avoid or clear the way for a marked emergency vehicle; (3) vehicles under police escort; and (4) vehicles in a funeral procession. The registered owner of the motor vehicle shall be responsible for payment of any notice of violation or citation issued as the result of a traffic light monitoring system. List three exceptions to this provision.

Effective July 1, 2008.

Public Chapter 964
SB 3423 - HB 3854

Traffic Control Signal Lights.

Amends 55-8-110 to prohibit any state agency or any political subdivision using traffic control signal lights at intersections that employ surveillance cameras for the enforcement of violations from reducing the time exposure of the yellow light with the intended purpose of increasing the number of traffic violations.

Effective May 19, 2008.

Public Chapter 972
SB 3555 - HB 3281

Highway Patrol Officers.

Amends Title 4, Chapter 7, Part 1, to provide that retired members of the Tennessee Highway Patrol are eligible to be employed by local law enforcement agencies, provided the retired member meets the certification and firearms training requirements of the local law enforcement agency with which the retired member seeks employment.

Effective May 19, 2008.

Public Chapter 977
SB 3459 - HB 4001

Racial Profiling.

Enacts 38-1-501 to strongly encourage every law enforcement agency to adopt a written policy that prohibits racial profiling on or before January 1, 2010.

Effective July 1, 2008.

Public Chapter 1018
SB 582 - HB 043

DUI - Litter Pick-Up.

Amends 55-10-403(s) to provide that all persons convicted of DUI for the first time shall be sentenced to confinement in the county jail or workhouse for not less than 48 hours. If the offender is a resident of Tennessee, the litter removal portion of the sentence shall occur in the offender's county of residence through the appropriate probation office or state litter removal grant director. If the offender is not a resident of Tennessee, the litter removal portion of the sentence shall occur in the county where the violation occurred. In order to reimburse the probation office or county official who administers the state litter removal grant for costs related to the supervision of the offender while on a litter removal work crew, the offender shall pay to the probation office or county official who administers the state litter removal grant a fee equivalent to the jailer's fee for misdemeanants established pursuant to § 8-26-105(a) for each day the offender participates in a litter removal program. The fee must be received by the probation office before the office certifies that the offender has completed this condition of probation. If any entity receives funds under 41-2-123(c), the offenders shall be the responsibility of the entity supervising that the litter-grant program and under that entity's supervision and control. In any county where that is the case, the term "probation office" as used in this subsection (s) shall be interpreted instead to mean the individual or department head in charge of the litter-grant program.

Effective July 1, 2008.

Public Chapter 1039
SB 4177 - HB 4155

TBI - Traffic Stops.

Amends 38-6-102 to provide that investigators of the TBI are authorized, without a request from the district attorney general, to make traffic stops in emergency situations in which the safety of the public is in jeopardy and no officer from the appropriate law enforcement agency is immediately available to make the stop. Provides that for purposes of this subdivision, "emergency situations" is limited to driving under the influence of an intoxicant pursuant to 55-10-401, and reckless endangerment pursuant to 39-

13-103 involving the traffic stop. Investigators may also assist stranded motorists.

Effective May 28, 2008.

Public Chapter 1074
SB 3307 - HB 2906

Orders of Protection.

Amends 36-3-617 to provide that no petitioner shall be required to bear the costs, including any court costs, filing fees, litigation taxes or any other costs, associated with the filing, issuance, registration, service, appeal or enforcement of an ex parte order of protection, order of protection, or a petition for either such order, whether issued inside or outside the state. If the court, after the hearing, issues or extends an order of protection, all court costs, filing fees, litigation taxes and attorney fees shall be assessed against the respondent. The clerk of the court may provide order of protection petition forms to agencies that provide domestic violence assistance. Any agency that meets with a victim in person and recommends that an order of protection be sought shall assist the victim in the completion of the form petition for filing with the clerk. No agency shall be required to provide this assistance unless it has been provided with the appropriate forms by the clerk.

Effective May 28, 2008.

Public Chapter 1077
SB 4032 - HB 3925

Senator Tommy Burks Victim Assistance Academy.

Amends Title 40, Chapter 38, Part 4 to create the Senator Tommy Burks Victim Assistance Academy to improve services to victims of all types of crime by making available a comprehensive, basic-level victim assistance curriculum and training program to victim services providers and allied professionals. The Academy shall be attached to the Tennessee Coalition Against Domestic and Sexual Violence, and all administrative expenses shall be paid from grants and funds the Academy or the Tennessee Coalition Against Domestic Sexual Violence receives pursuant to 40-38-405.

Effective May 28, 2008.

Public Chapter 1078
SB 4151 - HB 4107

Probation and Parole Fees.

Amends Title 40, Chapter 28, Part 2, to establish a procedure for converting unpaid probation and parole fees into a civil judgment.

Effective July 1, 2008.

Public Chapter 1121
SB 2716 - HB 2794

High Occupancy Vehicle (HOV) Lanes.

Amends 55-8-188 to authorize the operation of "Inherently Low-Emission Vehicles" and "Low-Emission and Energy-Efficient Vehicles" in the HOV lane. Provides that no person is authorized

to operate an ILEV or LEEEV in an HOV lane unless the vehicle is identified by means of a sticker or decal. Provides that the Department of Revenue shall provide such sticker or decal to owners of qualified motor vehicles upon proper documentation, as established by rule.

Effective January 1, 2009.

Public Chapter 1140
SB 771 - HB 071

“Tennessee Human Trafficking Act of 2007”.

Amends Title 39, Chapter 13 to enact the “Tennessee Human Trafficking Act of 2007”.

Effective July 1, 2007.

Public Chapter 1143
SB 1172 - HB 0957

Sexual Offenders - Identification Card.

Enacts 40-39-212 to provide that every sexual offender and violent sexual offender required to register and who is a resident of this state must be in possession of a valid driver license, photo identification card, or other specified form of identification card or documentation that identifies the person as a sexual offender or violent sexual offender. Violation of this section is a Class E felony punishable by a fine only of not less than \$250.

Enacts 55-50-353 to provide that when the Department of Safety issues or renews a driver license or photo identification card to a sexual offender or violent sexual offender as required by 40-39-212, such driver license or photo identification card shall bear a designation sufficient to enable a law enforcement officer to identify the bearer of such license or card as a sexual offender or violent sexual offender.

Effective July 1, 2008.

Public Chapter 1152
SB 3689 - HB 3034

Deputy Sheriffs - Courthouse Security Training.

Amends 5-7-108(a) to provide that beginning July 1, 2008, deputy sheriffs newly assigned to courts pursuant to 8-8-201(a)(2)(A), 16-15-715, and 37-1-213 shall participate in 40 hours of basic training in courthouse security within 12 months of assignment to such duty. Every year thereafter such deputies shall participate in a minimum of 16 hours of training specific to courthouse security that has been approved by the Peace Officers Standards and Training Commission. Amends Title 38, Chapter 8, Part 1 to provide that a law enforcement officer may substitute a maximum of 40 hours of successfully completed training in courthouse security for regular continuing education hours.

Effective July 1, 2008.

Public Chapter 1164
SB 4199 - HB 4197

Sexual Offenders.

Amends Title 40, Chapter 39, Part 2, the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification, and Tracking Act of 2004. Amends 40-39-201(7) to provide that at the end of each fiscal year the registering agency shall remit \$50 of the registration fee to the Tennessee Bureau of Investigation's Sex Offender Registry. Amends 40-39-204(b) to provide that violent sexual offenders shall pay the specified administrative costs, not to exceed \$150, of which \$100 shall be retained by the designated law enforcement agency to be used for the purchase of equipment, to defray personnel and maintenance costs, and any other expenses incurred as a result of the implementation of this part, and the remaining \$50 shall be submitted by the registering agency to TBI for maintenance, upkeep, employment costs, as well as any other expenses incurred as a result of the implementation of this part. Amends 40-39-204(c) to provide that sexual offenders shall pay the specified administrative costs, not to exceed \$150, of which \$100 of which shall be retained by the designated law enforcement agency to be used for the purchase of equipment, to defray personnel and maintenance costs, and any other expenses incurred as a result of the implementation of this part, and the remaining \$50 shall be submitted by the registering agency to TBI for maintenance, upkeep, employment costs, as well as any other expenses incurred as a result of the implementation of this part.

Amends 40-39-204(g) to provide that offenders who do not maintain either a primary or secondary residence shall be considered homeless, and are subject to the reporting requirements of this part. Such offenders who are considered homeless shall be required to report to their registering agency monthly.

Effective July 1, 2008, all sections except sections 6 and 13 which take effect January 1, 2009.

Public Chapter 1166
SB 219 - HB 164

Unlawful Carrying or Possession of a Weapon.

Amends 39-17-1307(b) to prohibit persons convicted of (1) a felony involving the use or attempted use of force, violence or a deadly weapon; or (2) a felony drug offense, from possessing a rifle, shotgun, or any firearm rather than just a handgun.

Effective July 1, 2008.

Public Chapter 1167
SB 1054 - HB 852

Leaving the Scene of an Accident.

Amends 55-10-101(b)(2) to provide that if a person who is charged with leaving the scene of an accident that resulted in death or injury, is also charged with vehicular assault, vehicular homicide, or aggravated vehicular homicide, as a result of the same course of

conduct, any sentence imposed for leaving the scene of the accident must be served consecutive to any sentence imposed for the applicable assault or homicide offense.

Effective July 1, 2008.

Public Chapter 1169
SB 1291 - HB 1058

Financial Responsibility Law.

Amends 55-12-139(e) to require, rather than permit, judges to dismiss first violations of the financial responsibility law if the person charged with the violation presents, on or before the court date, evidence that shows the person was in compliance with the law at the time of the violation; retains judicial discretion for second and subsequent offenses; clarifies no litigation tax may be collected on dismissed charges. Amends 55-12-140(b) by deleting the second sentence pertaining to the collection of costs and litigation taxes.

Effective July 1, 2008.

Public Chapter 1171
SB 2620 - HB 2586

Child Abuse -False Reports.

Amends 37-1-413 to extend the Class E felony offense of making false and malicious reports of child sexual abuse to include false and malicious reports "that a child has sustained any wound, injury, disability, or physical or mental condition caused by brutality, abuse or neglect."

Effective July 1, 2008.

Public Chapter 1172
SB 2697 - HB 2804

Intentional Killing of an Animal.

Amends 39-14-205(a)(1) to change the offense of intentional killing of an animal by removing the element that the offender have the intent to deprive the owner of the right to the animal's life, thereby requiring only that the defendant knowingly and unlawfully kill an animal of another without the owner's effective consent.

Effective July 1, 2008.

Public Chapter 1173
SB 2719 - HB 2589

Imitation Firearms.

Enacts 39-17-1362 to create a new Class B misdemeanor offense for intentionally displaying an imitation firearm in a public place in a threatening manner. An "imitation firearm" is an object or device substantially similar in coloration and overall appearance to a firearm, as defined in 39-11-106(a), as to lead a reasonable person to perceive that the object or device is such a firearm.

Effective July1, 2008.

Public Chapter 1174
SB 2720 - HB 3410

Handgun Permit Application Fees.

Amends 39-17-1351(p) to provide that beginning July 1, 2008, \$15 of the fee shall be submitted to the sheriff of the county where the applicant resides for the purpose of verifying the truthfulness of the applicant's answers as provided in 39-17-1351(g)(1).

Effective July 1, 2008.

Public Chapter 1176
SB 2866 - HB 2743

Unlawful Carrying or Possession of a Weapon.

Amends 39-17-1307 to expand the Class E felony of unlawful possession of a weapon to a person possessing a handgun who has been convicted of any felony.

Effective July 1, 2008.

Public Chapter 1200
SB 4150 - HB 4106

Misconduct by a Probation and Parole Officer.

Amends Title 39, Chapter 16, Part 4, to make it a Class E felony for a probation and parole officer to engage in sexual contact or sexual penetration, as defined in 39-13-501, whether consensual or non-consensual, with a probationer or parolee who is under the supervision of the Board of Probation and Parole, provided the probation or parole officer knows or reasonably should know the person to be a probationer or parolee.

Effective July 1, 2008.

OPEN MEETINGS

Public Chapter 917
SB 3643 - HB 3504

Hospital Marketing and Strategic Plans.

Amends Title 68, Chapter 11 to exempt discussion and development of marketing strategies and strategic plans, including feasibility studies, by hospitals from the open meetings law and public records law until action is taken by the hospital board on a specific strategy or plan. Prior to closing a meeting, a quorum of the board is required to convene in a public meeting and the presiding officer shall cite the legal authority for closing the meeting. Requires the board to vote by roll call in the public portion of the meeting on whether closing the meeting to the public is necessary. Provides that marketing strategy and strategic plan records decided on in a private meeting cannot come up for a vote for seven days and such records shall be available for public review during that time period.

Effective May 14, 2008.

Public Chapter 1179
SB 3280 - HB 3637

Open Records/Meetings Amendments.

Enacts Title 8, Chapter 4, Part 1 relative to open records, summarized under the heading "Records" in this publication.

Enacts 8-44-109 to require the office of open records counsel, MTAS, CTAS, Tennessee School Board Association, utility management review board and state emergency communications board to develop a program to educate their respective public officials or board members about the open meetings laws.

Effective July 1, 2008.

PERSONNEL

Public Chapter 820
SB 4069 - HB 3929

Complaints Regarding Employment of Illegal Aliens.

Amends 50-1-103 (which prohibits the employment of illegal aliens and requires state and local government agencies to file a complaint with the department of labor and workforce development if such agency has reason to believe a violation has occurred) to require the commissioner to inform the person against whom a complaint is made that the person may request the name of the person who filed the complaint or caused it to be filed, and if such a request is made the name shall be provided.

Effective April 29, 2008.

Public Chapter 1105
SB 4102 - HB 3976

Personnel Policies - Leave Following Arrest.

Amends Title 7, Chapter 51 to provide that if a municipality or county has or implements a personnel policy that places an employee on leave for any period of time immediately following any arrest of the employee, the municipality or county must also implement a policy of restoring the back pay to the employee if the charges are dropped or the employee is found not guilty of the charges. This requirement does not apply if the employee pleads guilty to the charges or enters into a plea agreement on the charges.

Effective July 1, 2008.

Public Chapter 1183
SB 3791 - HB 3436

Workers' Compensation - BRC Process.

Amends 50-6-121, 50-6-203, 50-6-225, 50-6-238, 50-6-239, and 50-6-246, revising various workers' compensation provisions, including provisions governing the exhaustion of the benefit review conference (BRC) process prior to going to court and provisions governing determination of impairment rating.

Effective June 19, 2008.

PLANNING & ZONING

Public Chapter 746

SB 4058 – HB 3858

Subdivision Plats.

Amends 13-3-401(4)(B) and 13-4-301(4)(B) to specify that the extension of individual pipes or lines to connect a single lot or site to existing utility mains is not “utility construction” for the purpose of determining whether a subdivision plat must be submitted to the planning commission for approval.

Effective April 10, 2008.

Public Chapter 860

SB 3703 – HB 3374

Moving Single Family Residences.

Amends Title 13, Chapter 3, Part 5 to change valuation and size requirements for moving single family residences. The value and size of the residence to be moved may be greater than the average value and size of existing residences in the area. Structural improvements must be made within one year from when residence is moved; failure to timely complete improvements renders the residence in violation of local building codes.

Effective May 6, 2008.

Public Chapter 907

SB 116 - HB 348

Building Codes.

Amends Title 4, Chapter 3, Part 7 to provide that the minimum energy conservation standards for all new residential construction on or after the effective date of the act are the standards provided in the 2003 International Energy Conservation Code. Clarifies that the new provision does not mandate a higher level of inspection or enforcement on the part of local governments. Provides certain technical specifications which may be included in energy efficiency and environmental building standards adopted by local governments.

Effective January 1, 2009.

Public Chapter 984

SB 2946 – HB 2759

Plat Approval.

Amends 13-3-404 to provide that regional planning commissions must approve or disapprove a plat within 60 days after the initial consideration by the commission at a regularly scheduled session, with an exception for holidays and unexpected office closings. Also provides that a plat is to be placed on the commission’s agenda within 30 days of the plat’s filing or placed on the agenda for the next regularly scheduled commission meeting after the 30 day period. These deadlines may be waived by the applicant.

Effective May 21, 2008.

Public Chapter 1073
SB 3252 - HB 3602

Building Codes - Dispute Resolution.

Amends 68-120-401 to provide for the Department of Commerce and Insurance to resolve disputes arising from the interpretation and application of building and construction codes adopted pursuant to 68-120-101. Appeals of decisions made by the department are to be conducted in accordance with the UAPA.

Effective May 28, 2008.

Public Chapter 1085
SB 2930 - HB 3249

Zoning - Adult Establishments.

Amends 7-51-1102, 7-51-1109 and 7-51-1110 to permit county legislative bodies to choose an alternative appeals procedure for denials of adult establishment applications and revocations of permits for adults establishments. Currently, if the board affirms the denial of an application or the revocation of a permit, the county attorney files suit for declaratory judgment to confirm the decision was properly made. The county legislative body can now opt into a different procedure in which the aggrieved party shall have the right to appeal the board's decision by common-law writ of certiorari. The county legislative body may rescind its election at any time.

Effective July 1, 2008.

Public Chapter 1150
SB 2947 - HB 2760

Planning.

Amends Title 13, Chapters 3, 4, and 7 to provide that both regional and municipal planning commissions shall identify areas with inadequate or nonexistent public or private services and facilities necessary for development to occur, and include these considerations in regional plans, subdivision regulations and zoning ordinances. Adds a public hearing requirement to the regional plan adoption process by the planning commission. Revises the procedures for adoption of the plan by county or municipal legislative bodies.

Effective June 13, 2008.

PURCHASING

Public Chapter 792
SB 1288 - HB 705

Bid Documents - Information on Envelope.

Amends 62-6-119(b) to provide that persons preparing bid documents for a vertical closed loop geothermal heating and cooling project must require that the following information appear on the outside of the bid envelope if the bid is in excess of \$25,000: company name and Tennessee department of environment and conservation license number, classification (G, L or G,L), and expiration date. Prime contractor bidders who are to

perform geothermal heating and cooling must be so designated on the outside of the envelope.

Effective July 1, 2008.

Public Chapter 804
SB 3658 - HB 3105

Contractor Retainage Funds.

Amends 66-11-144(g) to clarify that the requirements for retainage contained in this statute (deposit in an interest bearing account with third party escrow agent) apply to the prime contract and all subcontracts thereunder when the amount of the prime contract is \$500,000 or more, regardless of the amount of the subcontracts, and directs the code commission to recodify this statute as 66-34-104. Amends 66-34-103, which limits retainage amount on any public or private construction contract to 5% of the contract amount, to prohibit the withholding of more than one retainage amount from any prime or subcontractor on a project. Enacts 66-34-103(e) to impose a criminal fine of \$3,000 per day for persons, firms, or corporations who violate 66-34-104(a) (failure to place retainage in interest bearing account with escrow agent on contracts in excess of \$500,000) or 66-34-103(a) (exceeding 5% limit on retainage for any public or private construction contracts) or 66-34-103(b) (failure to release retainage within time provided).

Effective July 1, 2008.

Public Chapter 890
SB 3529 - HB 3276

Surplus Property Sales Under 1981 Act.

Enacts 5-21-1__ to authorize counties that have adopted the County Financial Management System of 1981 to sell surplus property on any Internet auction site that has been approved by the financial management committee.

Effective May 8, 2008.

RECORDS

Public Chapter 688
SB 3671 - HB 3115

Safeguarding Confidential Records.

Amends Title 5; Title 6; Title 12 and Title 29. Provides that all municipalities and counties shall create safeguards and procedures for ensuring that confidential information regarding citizens is securely protected on all laptop computers and other removable storage devices used by such municipality or county. Failure to comply shall create a cause of action or claim for damages against the municipality or county if a citizen of this state proves by clear and convincing evidence that such citizen was a victim of identity

theft due to a failure to provide safeguards and procedures regarding that citizen's confidential information.

Effective July 1, 2008.

Public Chapter 853
SB 3668 - HB 3850

Personal Information of Public Employees Made Confidential.
Amends 10-7-504(f)(1) to make the home telephone number, personal cell phone number and residential street address of public employees confidential.

Effective May 1, 2008.

Public Chapter 917
SB 3643 - HB 3504

Hospital Marketing and Strategic Plans.
Amends Title 68, Chapter 11, to exempt discussion and development of marketing strategies and strategic plans, including feasibility studies, by hospitals from the open meetings law and public records law until action is taken by the hospital board on a specific strategy or plan. Prior to closing a meeting, a quorum of the board is required to convene in a public meeting and the presiding officer shall cite the legal authority for closing the meeting. Requires the board to vote by roll call in the public portion of the meeting on whether closing the meeting to the public is necessary. Provides that marketing strategy and strategic plan records decided on in a private meeting cannot come up for a vote for seven days and such records shall be available for public review during that time period.

Effective May 14, 2008.

Public Chapter 1179
SB 3280 - HB 3637

Open Records/Meetings Amendments.
Enacts Title 8, Chapter 4, Part 1 to create the office of open records counsel to (1) answer questions and provide information to citizens and public officials regarding public records, (2) collect data on open meetings law problems and provide educational outreach on the open records laws, and open meetings laws, (3) answer questions and issue advisory opinions as expeditiously as possible to local government officials, members of the public and the media, and (4) establish a schedule of reasonable charges which a records custodian may use as a guideline to charge records requesters. Creates a ten (10) member advisory committee on open government to provide guidance and advice for the office of open records counsel. The advisory committee shall consist of members of local government associations and media associations.

Amends Title 10, Chapter 7, Part 5. Provides that in the event it is not practicable for a requested record to be promptly made available for inspection, the records custodian shall within seven

(7) business days: (i) make available the record; (ii) deny the request in writing stating the basis for the denial; or (iii) furnish the requestor a response form stating the time reasonably necessary to produce such record. Until the office of open records counsel develops a schedule of charges, a records custodian may require a requester to pay the custodian's actual costs incurred in producing the requested material; provided that no charge shall accrue for the first five hours incurred in producing the record. Actual costs shall include, but not be limited to: (i) the making of copies; and (ii) the hourly wage of employee(s) reasonably necessary to produce the requested information. Clarifies that public officials do not have to sort through files to compile information; however, a person requesting such information shall be allowed to inspect the non-exempt records. Clarifies that public officials do not have to create a record that does not exist; however, the redaction of confidential information from a record or electronic database shall not constitute a new record.

Enacts 8-44-109 to require the office of open records counsel, MTAS, CTAS, Tennessee School Board Association, utility management review board and state emergency communications board to develop a program to educate their respective public officials or board members about the open meetings laws.

Effective July 1, 2008.

REGISTER OF DEEDS

Public Chapter 615
SB 3769 - HB 3274

Auctions and Auctioneers.

Amends 62-19-108(b) to extend the deadline for filing auctioneer liens in the register of deed's office from 30 to 60 days from the date of the auction.

Effective March 11, 2008.

Public Chapter 648
SB 3732 – HB 3734

Secured Transactions.

Amends 47-9-503 to specify the instances in which a financing statement sufficiently identifies the debtor. If a registered organization, the identification is sufficient if the name that is used is the name on the formation documents. If an estate, it is sufficient if the name is that of the decedent and if indicates the debtor is an estate. If a trust, it is sufficient if the name is that specified in the trust's organic documents and if indicates the debtor is a trust. If an individual, it is sufficient if the name is the name shown on a driver's license, birth certificate, passport, social security card or government-issued military ID. In all other cases, it is sufficient if the individual or organizational name of the debtor

is used or if the debtor does not have a name, it is sufficient if the names of the partners, members, associates, or other persons comprising the debtor are named.

Effective May 1, 2008.

Public Chapter 686
SB 3168 – HB 3709

Uniform Commercial Code.

Amends 47-9-317(e) to extend the time for debtors to file financing statements from 20 to 30 days after receiving the collateral.

Effective April 2, 2008.

Public Chapter 766
SB 2935 - HB 2752

Property - Condominiums.

Establishes new provisions for condominiums created after January 1, 2009, including provisions regarding separate titles, taxation and the use of eminent domain. Also establishes provisions regarding sufficient legal descriptions and plats and plans.

Effective January 1, 2009.

Public Chapter 811
SB 2950 - HB 3102

Liens.

Amends 66-11-143, 66-11-146 and 66-11-149 to allow any authorized party, in addition to the owner or purchaser, to serve notice of completion. A copy of the notice of completion does not have to be served on a prime contractor when the owner, or an entity controlled by the owner, also acts as the general contractor in furtherance of the improvement to the property. The lien rights of prime contractors who are required to be served with notice of completion, and are not so served, will not be affected. Requires simultaneous service of notice on remote contractors who have served notice of nonpayment. Sets out the proper form of the notice of completion—including the name and address of the preparer of the document. Specifies that for notice of nonpayment, providing the name of the owner, the owner's agent, real property description and other information in the building permit is sufficient to identify the real property.

Effective July 1, 2008.

Public Chapter 814
SB 3994 - HB 3950

Uniform Commercial Code.

Amends Title 47, Chapter 7 to amend various provisions in Article 7, including distinguishing between tangible and electronic documents of title and providing for different rules for each and

clarifying that the Uniform Electronic Transactions Act does not apply to electronic documents of title.

Effective July 1, 2008.

Public Chapter 930
SB 3993 - HB 3949

Uniform Commercial Code.

Amends Title 47, Chapter 1 to make numerous technical changes to Article 1. Deletes the requirement that a contract for the sale of personal property other than a contract for the sale of goods, a security, or a security agreement be in a signed writing in order to be enforceable. Specifies that present law, as amended by this act, modifies, limits, and supersedes the federal provisions of the Electronic Signatures in Global and National Commerce Act, except the provision requiring affirmative consent from a consumer for electronic delivery of transactional disclosures that are required by state law to be in writing. Deletes the provision that the Official Comments and Official Text of the Uniform Commercial Code constitute evidence of the purposes and policies of a present law provision in any dispute as to the proper construction of the provision. Allows an aggrieved party to discharge the claim or right by agreement in an authenticated record. "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in a perceivable form. Specifies that "state" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. Clarifies that "surety" means a guarantor and any other secondary guarantor. Adds "a default" to the definition of "fault". Removes the course of performance/practical construction provisions found in present law in regard to sales. Removes the course of performance/practical construction provisions found in present law in regard to leases. Authorizes the Tennessee Code Commission to include comments from the Nation Conference of Commissioners on Uniform State Laws concerning Article 1 in codifying this bill, as it deems appropriate.

Effective July 1, 2008.

RETIREMENT

Public Chapter 674
SB 3276 - HB 3360

Automatic Coverage of Political Subdivisions.

Amends numerous provision in Chapters 34 - 37 of Title 8 regarding service credit under TCRS, employer contributions, authorized investments, automatic coverage of political subdivisions participating in TCRS in regards to changes in the law

which result in a limited increase in aggregate pension liability, and mandatory retirement age requirements.

Effective April 1, 2008.

Public Chapter 991
SB 3813 - HB 3994

Bonds for Pension or Other Post-Employment Benefits.

Amends Title 9, Chapter 21, to authorize local governments to issue general obligation or revenue bonds for certain unfunded pension obligations if such issuance is approved by the state funding board after receiving a recommendation by the state director of local finance. Authorizes counties having a population in excess of 150,000 to issue such bonds for certain unfunded other post-employment benefits.

Effective May 21, 2008.

Public Chapter 1017
SB 3245 - HB 3813

Designation of Multiple Beneficiaries Under TCRS.

Amends Title 8, Chapter 36. Authorizes members of the TCRS to name more than one person as a beneficiary under one of the options named in 8-36-601(b). Clarifies the calculation process for benefits. Provides that these provisions shall not apply until such date as the retirement system's retirement operating systems are able to accommodate the payment of multiple beneficiaries, to be determined by the state treasurer.

Effective May 22, 2008 (provisions of bill regarding multiple beneficiaries do not apply until TCRS's operating systems are able to accommodate payments to multiple beneficiaries, as determined by the state treasurer).

TAXES - LITIGATION

Public Chapter 1187
SB 4019 - HB 3846

Authorization For Litigation Tax Increase For All Counties.

Amends 67-4-601(b) to authorize an increase in the amount of the litigation tax counties are authorized to levy for jail or courthouse construction, renovation or debt for such construction or renovation to an amount not to exceed \$50, of which as much as \$25 may be used for courthouse security.

Effective July 1, 2008 (signed by Governor July 18, 2008).

TAXES – PROPERTY

Public Chapter 606
SB 0484 - HB 0887

Property Taxes - Suits to Quiet Title.

Amends 67-5-2504(d) to specify that a delinquent tax sale purchaser is not prohibited from filing suit to quiet title after expiration of the redemption period notwithstanding the deadline

for tax sale challenges. Under present law, the redemption period is one year from the entry of an order of confirmation of the tax sale.

Effective February 21, 2008.

Public Chapter 680
SB 3942 - HB 3729

Property Taxes.

Amends 67-5-1511(a) to provide that judicial review shall not be available as to exemptions requiring application to the state board of equalization under Title 67, Chapter 5, Part 2, or as to the proper value, assessment or classification of property, unless the petitioner has first obtained a ruling on the merits from the board or an administrative judge sitting for the board concerning the exempt status, proper value, assessment or classification of the property. Amends 67-5-1512(b) to provide that delinquency penalty and interest postponed due to an appeal under this section shall begin to accrue thirty (30) days after issuance of the final assessment certificate of the state board of equalization and until the tax is paid. Amends 67-5-1806 to provide that the bar against collection shall be tolled as to taxes at issue in an administrative appeal before the state board of equalization, from the date of filing the appeal until issuance of the final assessment certificate.

Effective April 1, 2008.

Public Chapter 698
SB 3756 - HB 3002

Property Taxes - Partial Payments.

Amends 67-5-1808(a) to authorize all county trustees to accept partial payments of property taxes, including, but not limited to, payment by electronic transfers, bank customer preauthorized payments, wire transfers or ACH credits, for the current tax year prior to the date the tax rate is established for such year. Any partial payment of property taxes for the current tax year received before the later of July 1 or the date the property tax rate for the current year is established shall be held in a designated revenue account established to hold undistributed taxes and then transferred to the revenue account established for the current year's taxes after the later of July 1 or the date the property tax rate for the current year is adopted by the county legislative body.

Effective July 1, 2008.

Public Chapter 802
SB 3943 - HB 3728

Assessments of Mineral Interests.

Amends 67-5-605 to authorize the use of the sales comparison approach in assessing mineral interests and all other interests, not defined as products of the soil, in real property, including the interest that a lessee may have in and to improvements erected upon land where the fee, reversion, or remainder therein is exempt

to the owner, and which interest or interests is or are owned separately from the general freehold.

Effective April 23, 2008.

Public Chapter 806
SB 2541 - HB 2517

Tax Relief for Totally and Permanently Disabled Homeowners.
Amends 67-5-703(a)(2) to increase from \$20,000 to \$24,000 the maximum allowable income for determining eligibility to participate in the state's tax relief program for homeowners who are totally and permanently disabled.

Effective April 25, 2008.

Public Chapter 1069
SB 3108 - HB 3788

Assessment of Certain Intangible Personal Property.
Amends 67-5-1105 to provide that the assessor shall furnish by February 1 a reporting schedule in a form approved by the State Board of Equalization to each company subject to assessment under this part, and the schedule shall be completed and returned by the company by March 1 of the year for which the assessment is to be made. A taxpayer who fails, refuses or neglects to complete, sign and file such schedule with the assessor of property as provided in subsection (a), shall be deemed to have waived objections to the forced assessment determined by the assessor, subject only to the remedies provided in subsection (c). Whether or not an assessor's error affected the original assessment, the assessor may correct a forced assessment using the procedure provided and subject to the deadlines provided in 67-5-509, upon determining that the taxpayer was not in business as of the assessment date for the year at issue, and upon determining that the taxpayer did not own property assessable pursuant to this part as of the assessment date for the year at issue. The taxpayer may amend a schedule timely filed with the assessor in the same manner provided for tangible personal property returns.

Amends 67-5-1206 to provide that the assessor shall furnish by February 1 a reporting schedule in a form approved by the State Board of Equalization to each company subject to assessment under this part, and the schedule shall be completed and returned by the company by March 1 of the year for which the assessment is to be made. A taxpayer who fails, refuses or neglects to complete, sign, and file such schedule with the assessor of property, as provided in subsection (a), shall be deemed to have waived objections to the forced assessment determined by the assessor, subject only to the remedies provided in subsection (d). Whether or not an assessor's error affected the original assessment, the assessor may correct a forced assessment using the procedure provided and subject to the deadlines provided in 67-5-509, upon

determining that the taxpayer was not in business as of the assessment date for the year at issue, and upon determining that the taxpayer did not own property assessable pursuant to this part as of the assessment date for the year at issue. The taxpayer may amend a schedule timely filed with the assessor in the same manner provided for tangible personal property returns.

Effective May 28, 2008.

Public Chapter 1104
SB 3944 - HB 3727

Property Tax Exemptions.

Amends 67-5-207(d) to provide, subject to the general requirements of this section for exemption of federally assisted housing, that there shall also be exempted under this section, those properties owned by not-for-profit organizations and funded under the HOME Investment Partnerships Program (42 U.S.C. § 12701, et seq.) or the state funded Housing Opportunities Using State Encouragement (HOUSE) Program. In order to qualify, the property must be used for permanent housing for low income or very low income disabled or handicapped persons.

Amends 67-5-212(a)(1) to provide that there shall be exempt from property taxation the real and personal property, or any part thereof, owned by any religious, charitable, scientific or nonprofit educational institution that is occupied and actually used by such institution or its officers purely and exclusively for carrying out thereupon one or more of the exempt purposes for which the institution was created or exists. There shall further be exempt from property taxation the property, or any part thereof, owned by an exempt institution that is occupied and actually used by another exempt institution for one or more of the exempt purposes for which it was created or exists under an arrangement in which the owning institution receives no more rent than a reasonably allocated share of the cost of use, excluding the cost of capital improvements, debt service, depreciation and interest, as determined by the State Board of Equalization.

Amends 67-5-212(a) to provide that no church shall be granted an exemption on more than one parsonage, and an exempt parsonage may not include within the exemption more than three acres.

Amends 67-5-212(b)(3)(B) to provide that if a religious institution acquires property that was duly exempt at the time of transfer from a transferor who had previously been approved for a religious use exemption of the property, or if a religious institution acquires property to replace its own exempt property, then the effective date of exemption shall be three years prior to the date of application, or

the date the acquiring institution began to use the property for religious purposes, whichever is later.

Effective June 5, 2008.

Public Chapter 1161
SB 3951 - HB 3871

Agricultural, Forest and Open Space Land.

Amends 67-5-1003, 67-5-1005, 67-5-1006, 67-5-1007, and 67-5-1008 making various revisions to the Agricultural, Forest and Open Space Land Act of 1976. Requires aggregation of parcels owned by a trust, partnership, corporation or other artificial entity that have at least 50 percent common ownership; authorizes late filing of applications for classification of land as agricultural, forest or open space.

Effective June 13, 2008.

TAXES – SALES

Public Chapter 617
SB 2730 - HB 3443

Sales Tax Holiday.

Amends 67-6-393(f) to move the spring sales tax holiday from March 21 - March 23 to April 25 - April 27.

Effective March 11, 2008.

Public Chapter 1106
SB 4173 - HB 4129

Sales Tax.

Amends 67-6-330 to repeal the sales tax exemption for the first \$150 in membership fees of recreation clubs or community service organizations.

Amends 67-6-204 to clarify intent to impose tax on the sales price of all leases and rentals of computer software.

Amends 67-6-205 to clarify intent to impose tax on the installation or repair of computer software.

Amends 67-6-314 to exempt from sales tax certain medical equipment and supplies.

Amends 67-6-334 to exempt from sales tax kerosene sold at retail through dispensers that have been designed and constructed to prevent delivery directly from the dispenser into a vehicle fuel supply tank.

Amends numerous provision in Title 67, Chapter 6 regarding sports complexes.

Amends 67-6-103 to extend the allocation of sales and use tax pursuant to the Courthouse Square Revitalization Pilot Project Act from June 30, 2015, to June 30, 2023. Notwithstanding a repeal of the act, any municipality receiving an allocation of state sales tax revenue on June 1, 2015, pursuant to the act would continue to receive the allocation of such revenue until June 30, 2023.

Amends Title 67, Chapter 6, Part 2 and 67-6-702 to impose sales tax on certain digital products transferred to or accessed by subscribers or consumers in this state and provides for a standard local tax on such products at a rate of 2.5 percent.

Amends 67-6-207 to amend the definition of “qualified farmer or nurseryman” to require that \$1,000 or more of agriculture products be “produced and sold” instead of “produced or sold.”

Amends 67-3-206 to suspend until July 1, 2009 provision whereby the state gasoline tax would be increased by an amount equal to any decrease in the federal gasoline tax.

Amends numerous other provisions in Title 67 relative to taxation.

Effective date of sections of the bill range from June 5, 2008 to January 1, 2009.

UTILITIES

Public Chapter 700 SB 3950 - HB 3870

Financially Distressed Utility Districts.

Amends 7-82-401, 7-82-703 and 68-221-1010 to enlarge the definition of “financially distressed utility district” to include the systems of a utility district. Enacts 7-82-703(d) to provide that nothing in 7-82-703 shall be deemed to preclude a public utility district from operating water and sewer systems as individual or combined entities.

Effective March 24, 2008.

Public Chapter 720 SB 3141 - HB 3455

Public Building Authority.

Amends Title 12, Chapter 10, Part 1 to authorize the creation of a public building authority by a utility district.

Effective March 26, 2008.

Public Chapter 779 SB 3631 - HB 3104

Municipal Water and Sewer Rates.

Amends Title 68, Chapter 221, Part 10 to require the water and wastewater financing board to conduct a study of the water and sewer rates set by municipalities to customers inside the municipal

boundaries as compared to the rates set by those municipalities to customers outside the municipal boundaries. The board will be required to report to the governor and the speaker of each house of the general assembly by January 1, 2009, together with its recommendation as to whether any or all of the rates should be altered or modified.

Effective April 21, 2008.

Public Chapter 852
SB 2767 - HB 3405

Service to a Customer of an Adjoining Utility District.

Amends Title 7, Chapter 82 to authorize utility districts to provide utility service to customers located within the boundaries of an adjoining utility district if the customer or the adjoining utility district files a request with the utility management review board for the customer to obtain utility service from the adjoining district and the board determines that either the utility district where the customer is located refused to provide service to the customer or is unable or unwilling to provide service within a reasonable time at a reasonable cost as determined by the board.

Effective July 1, 2008.

PART II - PUBLIC ACTS OF LOCAL APPLICATION

ANDERSON

Public Chapter 646
SB 3082 - HB 2558

Child Support Referee.

Amends 37-1-107 to provide that the child support referee appointed to serve the chancery court in Anderson County shall also serve the juvenile court.

Effective March 13, 2008.

CARROLL

Public Chapter 970
SB 4232 - HB 4222

Carroll County Watershed Authority.

Amends 64-1-804(a)(7) to increase the maximum bond issue amount from one million dollars to twelve million dollars.

Effective May 19, 2008.

COFFEE

Public Chapter 713
SB 4079 - HB 3981

Alcoholic Beverages-Premier Type Tourist Resorts.

Amends 57-4-102(24) by adding a newly designed subsection (RR) to authorize the sale of alcoholic beverages for consumption on the premises of Willow Brook Golf Club located in Coffee County.

Effective April 7, 2008.

DAVIDSON

Public Chapter 757
SB 2948 - HB 2870

Exemption for Employee Benefit Boards.

Amends 27-9-114 to exempt the benefit boards in Davidson and Shelby counties from the law that requires contested case hearings affecting the employment status of a civil service employee to be in conformity with the Uniform Administrative Procedures Act and provides for judicial review of such decisions, effective upon approval by 2/3 vote of appropriate legislative body.

Effective April 15, 2008.

Public Chapter 775
SB 1360 - HB 0398

Investigation of Theft and Recovery of Stolen Vehicles.

Amends 55-5-103 to provide the Davidson County police with concurrent jurisdiction with the Department of Safety to investigate theft and recovery of stolen vehicles in the county.

Effective January 1, 2009.

Public Chapter 993
SB 4130 - HB 4169

Pilot Program – Class Size in Career/Technical Education.
Amends 49-1-104 to create a two-year pilot initiative for Metro Nashville public schools to extend class sizes in career and technical education programs using the career academy or small learning community model.

Effective May 21, 2008.

Public Chapter 1004
SB 3775 - HB 3926

Hotel/Motel Taxes.
Amends 7-4-202 to increase the maximum additional privilege tax Davidson County can charge from \$2.00 to \$2.50. Provides that revenues acquired from the increase are to be placed in “The Event and Marketing Fund” and can be used for any purpose allowed under 7-4-110(a)(1). The authority to charge the excess privilege tax expires six years from the effective date of the act.

Effective May 21, 2008.

Public Chapter 1091
SB 4080 - HB 3899

Zoning.
Amends 13-7-208 to revise the provisions relating to nonconforming uses of motor vehicle business establishments. Applies only to Davidson County.

Effective June 3, 2008.

HAMILTON

Public Chapter 653
SB 3228 - HB 2782

Alcoholic Beverages - Restaurants.
Amends 57-4-102(27) to authorize the sale of alcoholic beverages for consumption on the premises of certain restaurants located in a marina located on the Tennessee River at mile marker 477.5 in Hamilton County.

Effective March 27, 2008.

KNOX

Public Chapter 923
SB 3086 - HB 2750

Electronic Communications.
Enacts 8-44-109 to establish a pilot project in Knox County to allow electronic communication between members of the governing body by means of computer conferencing on the Internet or Internet relay chat (IRC). Electronic communication between members is only allowed if the web site through which the electronic communication is conducted is made available for viewing by the public at all times. Requires the office of open records counsel to study the issue of governing bodies allowing

electronic communication between members by means of computer conferencing on the Internet and sunsets the bill July 1, 2011.

Effective July 1, 2008.

Public Chapter 1087
SB 3894 - HB 3687

Convenient Voting Centers.

Enacts 2-3-301 through 2-3-308 to authorize a permissive pilot project for municipalities in Knox County to establish convenient voting centers for their municipal elections to be held in 2009 to allow voters to vote at centralized voting areas irrespective of the voter's precinct. A municipality will indicate its willingness to participate by adopting a resolution by a majority vote of its legislative body and forwarding the resolution to the county election commission where it must be approved by at least four of the five county election commissioners. The participating municipality or municipalities will be selected by the state election coordinator. The state election coordinator will file a report with the state and local government committees of each house by January 31 following any municipal election conducted under the pilot project.

Effective June 3, 2008.

LOUDON

Public Chapter 870
SB 2627 - HB 3408

Litigation Taxes.

Amends 67-4-601 to authorize Loudon County to adopt a resolution implementing a privilege tax in the amount of twenty-five dollars (\$25) on litigation to be used for courthouse or jail renovation or construction.

Effective July 1, 2008.

MAURY

Public Chapter 634
SB 2954 - HB 2845

Alcoholic Beverages - Restaurants.

Amends 57-4-101(k) to authorize the sale of wine for on premises consumption at a restaurant, as defined in 57-4-102(27)(I), located in Maury County. Amends 57-4-102(27)(I) to authorize the sale of alcoholic beverages for consumption on the premises of a certain restaurant located on Highway 243 in Maury County.

Effective March 18, 2008.

MONROE

Public Chapter 870

SB 2627 - HB 3408

Litigation Taxes.

Amends 67-4-601 to authorize Monroe County to adopt a resolution implementing a privilege tax in the amount of \$25 on litigation to be used for courthouse or jail renovation or construction.

Effective July 1, 2008.

PUTNAM

Public Chapter 1153

SB 3474 - HB 3134

Juvenile Court Clerk.

Amends 37-1-210 to transfer the Putnam County juvenile court clerk duties from the county clerk to the general sessions court clerk.

Effective July 1, 2008.

RUTHERFORD

Public Chapter 692

SB 2693 - HB 2456

Litigation Taxes.

Adds Rutherford County to the list of counties authorized to adopt a resolution implementing a privilege tax in the amount of \$25 on litigation to be used for courthouse or jail renovation or construction.

Effective March 27, 2008.

SHELBY

Public Chapter 694

SB 3052 – HB 3121

Economic Development.

Amends 7-53-101 and 7-53-305(b) to exempt eligible headquarters facilities from the statutory minimum set for payments in lieu of ad valorem taxes. This is only applicable to Shelby County.

Effective April 7, 2008.

Public Chapter 757

SB 2948 - HB 2870

Exemption for Employee Benefit Boards.

Amends 27-9-114 to exempt the benefit boards in Davidson and Shelby counties from the law that requires contested case hearings affecting the employment status of a civil service employee to be in conformity with the Uniform Administrative Procedures Act and provides for judicial review of such decisions, effective upon approval by 2/3 vote of appropriate legislative body.

Effective April 15, 2008.

Public Chapter 1127
SB 2981 - HB 2424

Disposition of Property Acquired at Tax Sale.

Amends 67-5-2509(d) to authorize the proper officers of a municipality located in Shelby County or the proper officers of Shelby County to convey property permitted to be used for residential purposes to a nonprofit community development corporation for the purpose of constructing or restoring residential dwellings and thereby creating affordable and habitable housing for the disadvantaged and needy. Property so conveyed shall be used for such purpose and shall upon construction or restoration of the residential dwelling be conveyed to an individual or family for use as an owner-occupied residence. Such property may be conveyed on terms deemed appropriate to the proper officers of the municipality or county, except that under no circumstances shall the nonprofit community development corporation be required to pay the taxes, penalties or interest for which the property was sold.

Effective June 13, 2008.

SULLIVAN

Public Chapter 783
SB 3928 - HB 3681

Ambulances.

Amends 68-140-526 to allow municipalities within Sullivan County to select the color scheme of the municipality's ambulances, provided that the color scheme is the same used for the municipality's fire department vehicles.

Effective April 21, 2008.

WAYNE

Public Chapter 692
SB 2693 - HB 2456

Litigation Taxes.

Amends 67-4-601 to authorize Wayne County to adopt a privilege tax in the amount of \$25 on litigation to be used for equipment and personnel costs of the sheriff's department.

Effective March 27, 2008.

PART III – PRIVATE ACTS

BRADLEY

Private Chapter 63
SB 2380 - HB 2398

Bradley County Government Library Commission.
Repeals Chapter 224 of the Private Acts of 1965 and establishes a Bradley County Government Library Commission.

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

CARROLL

Private Chapter 68
SB 3558 - HB 3282

Purchasing.
Amends Chapter 23 of the Private Acts of 1975, as amended, to raise the amount over which sealed competitive bids are required from \$5,000 to \$10,000 in Carroll County.

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

Private Chapter 82
SB 4233 - HB 4230

South Carroll County Special School District Bonds.
Authorizes South Carroll County Special School District to issue and sell an installment bond not exceeding \$2,694,000 to the United States of America, acting through Rural Development, at a rate not exceeding 4.125% per annum, payable in 456 consecutive monthly payments, for construction, improvement, renovation, expansion, furnishing, fixturing, and equipping of a gymnasium in the district. Levies an additional property tax of 31¢ per \$100 of real and personal property in the district beginning in the 2008 tax year and continuing until the bonds are paid, to be collected by the Carroll County trustee. Any surplus revenues not required for principal and interest on the bond shall first be used for fund any debt service reserve fund established by the board of education, and then may be used for school buildings and facilities, buses and transportation equipment, and other operations and maintenance of the schools. Also authorizes bond anticipation notes.

Effective April 15, 2008.

Private Chapter 83
SB 4235 - HB 4231

South Carroll County Special School District Tax.
Amends Chapter 278 of the Private Acts of 1955, as amended, to reduce the property tax rate from \$2.00 to \$1.30 per \$100 of taxable property for 2008 and each subsequent year.

Effective April 15, 2008.

CARTER

Private Chapter 95
SB 4262 - HB 4259

Watauga River Regional Water Authority.

Amends Chapter 29 of the Private Acts of 2001 relating to the Watauga River Regional Water Authority. Removes the First Utility District and the Hampton Utility District from the regional water authority.

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

HAWKINS

Private Chapter 74
SB 3900 - HB 3747

Juvenile Court.

Amends Chapter 304 of the Private Acts of 1982, as amended, to provide that the judge of the Hawkins County Juvenile Court shall receive a salary of forty percent (40%) of the compensation of the general sessions judge of Hawkins County and shall hold court at least two (2) days per week.

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

LINCOLN

Private Chapter 67
SB 2384 - HB 2399

Title of Chief Executive Officer.

Repeals Chapter 79 of the Private Acts of 2006, which had redesignated the county mayor in Lincoln County as county executive.

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

LOUDON

Private Chapter 94
SB 4252 - HB 4249

Sheriff's Civil Service.

Provides for the establishment of civil service provisions for employees of the Loudon County sheriff's office.

Effective upon approval by 2/3 vote of the county legislative body within 90 days of adjournment of the General Assembly.

MAURY

Private Chapter 65
SB 3138 – HB 2629

Maury County Animal Control Board.

Repeals Chapter 131 of the Private Acts of 2000, as amended.

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

MONTGOMERY

Private Chapter 81
SB 4239 – HB 4234

Montgomery County Highway Commissioners.

Amends Chapter 312 of the Private Acts of 1923, as amended, to increase the annual compensation of associate board members from \$1,200 to \$1,800.

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

PERRY

Private Chapter 84
SB 2777 - HB 2736

Severance Tax.

Amends Chapter 207 of the Private Acts of 1980, as amended, to increase the severance tax on minerals from five cents per ton to ten cents per ton and to provide that future revenues from the severance tax shall go to the highway fund instead of the general fund.

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

PUTNAM

Private Chapter 110
SB 4259 - HB 4256

Probate Court Clerk.

Amends Chapter 229 of the Private Acts of 1965 to provide that the circuit court clerk of Putnam County shall be the clerk of the probate court and all fees received by the circuit court clerk when acting as clerk of the probate court shall continue to be a part of the fees of such clerk's office. Empowers the circuit court clerk to employ any necessary deputy clerk or clerks to be compensated out of the fees of the office upon making application for such assistants under Title 8, Chapter 20.

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

ROBERTSON

Private Chapter 64
SB 2611 – HB 2588

Robertson County Highway Commissioners.

Amends Chapter 380 of the Private Acts of 1947, as amended, to provide that highway commissioners shall receive \$250 per month for serving on the commission.

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

TIPTON

Private Chapter 101

SB 4272 - HB 4268

Purchasing.

Amends Chapter 518 of the Private Acts 1941, as amended, to revise the dollar limit for competitive bidding from \$5,000 to \$10,000, to conform to the County Purchasing Law of 1983.

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

WILLIAMSON

Private Chapter 96

SB 4260 - HB 4257

Franklin Special School District.

Authorizes the Franklin Special School District to issue and sell school bonds and notes in an aggregate principal amount of not to exceed \$5,500,000; to provide the form and terms of said bonds and notes; to authorize the refinancing of said bonds and notes; to establish and provide for the payment of the bonds and notes; to levy a tax for the payment of the principal of, interest and redemption premium, if any, on such bonds and notes; to provide for the issuance and sale of said bonds and notes and the use and disposition of proceeds therefrom; and to authorize the issuance of notes in anticipation of the issuance and sale of bonds.

Effective May 28, 2008.