

2010

**Index of Acts
Related to
County Government**

**Enacted by the
106th General Assembly**

July, 2010

**INDEX OF ACTS
RELATED TO COUNTY GOVERNMENT**

2010 EDITION

**COUNTY TECHNICAL ASSISTANCE SERVICE
...a service of The University of Tennessee**

**Prepared By
CTAS Legal Staff**

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INTRODUCTION

The second regular session of the 106th General Assembly convened on January 12, 2010, and adjourned, sine die, on June 10, 2010. The second session of the 107th General Assembly will convene in January, 2011.

At the time of publication of this index, there are 540 new designated public chapters and 34 new private acts passed in 2010. The acts relating 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>.

PART I - PUBLIC ACTS OF GENERAL APPLICATION

AIRPORT AUTHORITIES

Public Chapter 802
SB 3399 - HB 3309

Regional Airport Authorities

Amends 42-3-102 to revise the definition of “governing body.”
Amends 42-3-104(a) to provide for the creation of a regional airport authority comprised of three or more municipalities and counties and at least one political subdivision of another state.

Effective July 1, 2010.

ALCOHOLIC BEVERAGES

Public Chapter 622
SB 2617 - HB 2571

Consumption of Alcoholic Beverages on Premises

Amends 57-4-102(12). Authorizes the Oak Ridge Playhouse in Anderson County to sell alcoholic beverages for consumption on premises.

Effective March 2, 2010.

Public Chapter 623
SB 2492 - HB 2758

Consumption of Alcoholic Beverages on Premises

Amends 57-4-102(12). Authorizes the Roxy Regional Theatre in Montgomery County to sell alcoholic beverages for consumption on premises.

Effective March 2, 2010.

Public Chapter 632
SB 3224 - HB 3185

Consumption of Alcoholic Beverages on Premises

Amends 57-4-102(18). Authorizes the Ryman Auditorium in Davidson County to sell alcoholic beverages for consumption on premises.

Effective March 10, 2010.

Public Chapter 641
SB 3578 - HB 3006

Consumption of Alcoholic Beverages on Premises

Amends 57-4-102(19). Authorizes the Walking Horse Hotel in Bedford County to sell alcoholic beverages for consumption on premises.

Effective March 17, 2010.

Public Chapter 647
SB 2496 - HB 3243

Consumption of Alcoholic Beverages on Premises

Amends 57-4-102(__). Authorizes the Clayton Center in Blount County to sell alcoholic beverages for consumption on premises.

Effective March 22, 2010.

Public Chapter 649
SB 2731 - HB 2580

Consumption of Alcoholic Beverages on Premises
Amends 57-4-102(35). Authorizes the Majestic Theater in Hamilton County to sell alcoholic beverages for consumption on premises.

Effective March 22, 2010.

Public Chapter 664
SB 3464 - HB 3354

Consumption of Alcoholic Beverages on Premises
Amends 57-4-102(19). Authorizes the Sewanee Inn in Franklin County to sell alcoholic beverages for consumption on premises.

Effective July 1, 2010.

Public Chapter 695
SB 3553 - HB 3453

Consumption of Alcoholic Beverages on Premises
Amends 57-4-102(24). Authorizes the Pates Ford Marina in DeKalb County to sell alcoholic beverages for consumption on premises.

Effective March 31, 2010.

Public Chapter 744
SB 3552 - HB 3646

Consumption of Alcoholic Beverages on Premises
Amends 57-4-102(24). Authorizes The Company Store and Maggie's Landing in DeKalb County to sell alcoholic beverages for consumption on premises.

Effective April 9, 2010.

Public Chapter 763
SB 3339 - HB 3344

Consumption of Alcoholic Beverages on Premises
Amends 57-4-102(24)(Q). Authorizes any commercial boat for charter that departs from Angelo's at the Point in Jefferson County to obtain a license to sell wine, alcoholic beverages and beer for on-premises consumption. Amends 57-4-102(24)(R). Revises the geographic requirement for a facility to qualify as premier type tourist resort in Jefferson County. Amends 57-4-102(24)(___). Authorizes the Pinecrest Golf Course in Gibson County to sell alcoholic beverages for consumption on premises.

Effective April 14, 2010.

Public Chapter 771
SB 3545 - HB 3469

Consumption of Alcoholic Beverages on Premises
Amends 57-4-102(24). Authorizes the Historic Rugby in Morgan County to sell alcoholic beverages for consumption on premises.

Effective April 14, 2010.

Public Chapter 788
SB 3610 - HB 3522

Local Option - Licensed Manufacturers or Distillers
Amends 57-3-204(h)(1). Authorizes voters to approve the issuance

of liquor retailer's licenses to manufacturers of such products by referendum held pursuant to 57-3-106 as an alternative to holding a special local option election. Amends 57-3-204(f)(6). Provides that a retail licensee, held by a manufacturer or distiller, may serve samples of the product manufactured or distilled at the premises to any person of legal drinking age without cost or may include such samples as part of a tour of the manufacturer's or distiller's premises available to the public with or without cost. Such samples may be made available at either the premises of the retailer or at such other location on the premises of the manufacturer or distiller holding such retail license which other location has been disclosed to the Commission and may be any location on the premises permitted by federal law.

Effective April 19, 2010.

Public Chapter 835
SB 3597 - HB 3635

Consumption of Alcoholic Beverages on Premises

Amends 57-4-102(24)(D). Authorizes the sale of alcoholic beverages for on-premises consumption at a commercially operated recreational facility in Blount County.

Effective April 27, 2010.

Public Chapter 927
SB 3161 - HB 3248

Consumption of Alcoholic Beverages on Premises

Amends 57-4-101(1) and 57-4-102(27)(K). Authorizes sale of alcoholic beverages for on-premises consumption at Country Boy Restaurant in Leiper's Fork in Williamson County. Amends 57-4-102(18). Authorizes the sale of alcoholic beverages for on-premises consumption at the Memorial Auditorium and the Tivoli Theatre in Hamilton County.

Effective May 26, 2010.

Public Chapter 1002
SB 3330 - HB 3355

Criminal Background Checks for Beer Permits

Amends 57-5-103 to revise the provisions authorizing local governments to seek criminal history background or fingerprint checks on applicants for beer permits to provide that these checks may include fingerprint checks against state and federal criminal records maintained by the TBI and the FBI. The TBI is authorized to charge fees for the searches in accordance with its established fee schedule (but the local government is not authorized to require the applicant to pay the fee).

Effective July 1, 2010.

Public Chapter 1121
SB 3034 - HB 3034

Consumption of Alcoholic Beverages on Premises

Amends 57-4-102(24). Authorizes certain facilities in DeKalb County, Cumberland County, and Henry County to sell alcoholic

beverages for on-premises consumption as a premier type tourist resort.

Effective June 29, 2010.

Public Chapter 1133
SB 274 - HB 499

Restaurants and Limited Service Restaurants

Amends 57-4-101(a)(___) and 57-4-102(___). Authorizes the sale of wine and alcoholic beverages for on-premises consumption at appropriately licensed "limited service restaurants" that are located in counties that have adopted liquor by the drink.

Amends 57-4-102(27)(A). Specifies that in order to qualify for licensure to sell wine and alcoholic beverages for on-premises consumption as a restaurant, more than 50-percent of the gross revenue of the restaurant must be generated from the serving of meals.

Amends 57-4-301(b)(1)(V). Establishes annual privilege tax on limited service restaurants that are licensed to sell alcoholic beverages and wine for on-premises consumption.

Amends 57-4-201(b). Authorizes businesses that are presently licensed to sell wine and alcoholic beverages for on-premises consumption as restaurants to exchange such licenses for limited service restaurant licenses.

SECTION 6 provides that two liquor stores in the city of Lakewood would be able to continue to be issued licenses for the retail sale of alcoholic beverages if Lakewood gives up its charter as a separate municipality within Davidson County.

Effective June 30, 2010.

ANIMALS

Public Chapter 775
SB 2796 - HB 3749

Treatment and Care of Animals

Enacts a new section in Title 39, chapter 14, part 2. Protects animal control agencies and their employees from civil liability when such agencies or employees take into custody and care for non-livestock animals running at large. Provides similar protections for veterinarians and private persons.

Effective April 16, 2010.

Public Chapter 816
SB 3540 - HB 3913

Cruelty to Animals

Amends 39-14-202(g) to make violations of any prohibition or restriction imposed by the sentencing court pursuant to subsection (e) a Class A misdemeanor.

Effective July 1, 2010.

Public Chapter 882

Animal Control

SB3715 - HB3383

Amends 44-17-120 to specify that notice to dog owners shall be given in accordance with Rule 4.01 of the Tennessee rules of civil procedures. Authorizes Shelby and Davidson counties, as well as the municipalities within those counties, to adopt local ordinances allowing for the county or municipality to petition in general sessions court for the disposition of dangerous dogs or dogs that have caused death or serious bodily injury to humans or other animals.

Effective May 5, 2010.

Public Chapter 949
SB555 - HB238

Vicious Animals

Enacts 39-17-1363 to make it a Class A misdemeanor for persons convicted of a violent felony to knowingly own, possess, or have custody or control of a vicious or potentially vicious dog for a period of ten years after the person has been released from custody or is no longer under active probation, community correction or parole supervision, whichever date is later. It is also an offense for such persons to own, possess, or have custody or control of a dog that is not micro chipped and not spayed or neutered and is older than twelve weeks of age. These provisions only apply to those persons convicted of a violent felony on or after July 1, 2010.

Effective July 1, 2010.

ANNEXATION

Public Chapter 917
SB2581 - HB2713

Annexation in Non-Urban Growth Boundary Areas

Amends 6-58-111 to clarify that municipalities seeking to annex by ordinance territory outside their existing urban growth boundaries must first amend the urban growth boundary and not just propose an amendment to the boundary before they may annex the territory by ordinance. Municipalities may still annex territory within a county's planned growth area or rural area, but they must do so by referendum in accordance with 6-51-104 and 6-51-105.

Effective May 26, 2010.

Public Chapter 1026
SB3489 - HB3864

Expansion of Urban Growth Boundaries

Amends 6-58-104 to permit municipalities to expand their urban growth boundaries to include tracts of land that meet the following conditions: (1) The tract is contiguous to a tract of land that has the same owner and has already been annexed by the municipality; (2) The tract is being provided water and sewer services; and (3) The owner of the tract consents to being included within the urban growth boundaries. Provides that the only approval required for this process is approval of the amendment by the municipality involved. This provision expires July 1, 2012.

Effective June 9, 2010.

BUILDING CODES

Public Chapter 630 SB 670 - HB378

Educational Occupancies

Amends 68-120-101(b) to authorize entities constructing educational occupancies within a local jurisdiction that enforces its own building codes that are the same or more stringent than the state standards to begin construction upon approval of their plans by the local government while awaiting final approval from the state fire marshal. Also provides that if a conflict arises between the state fire marshal and the local government relative to the application or interpretation of the same or substantially identical building construction safety standards or fire safety standards, then the determination of the state fire marshal shall supersede the conflicting application or interpretation by the local government.

Effective March 10, 2010.

CONSTABLES

Public Chapter 1047 SB 1299 - HB 1184

Office of Constable

Amends 8-10-101(c). Exempts Sumner County and Washington County from the provision that abolishes the Office of Constable in all Class 2 counties in the event that the county becomes a Class 2 county after the date that this law becomes effective.

Effective June 21, 2010.

COUNTY CLERKS

Public Chapter 628 SB 2101 - HB 2069

Golf Carts on Public Roadways

Authorizes a pilot program in certain cities to allow golf carts to be driven on public roads that are not state, county, or federal roads.

Effective July 1, 2010.

Public Chapter 712 SB 2275 - HB 2282

Issuance of Copies of Birth Certificates

Amends 68-3-206 to require the department of health to implement a pilot program to authorize, but not require, county clerks to issue certified copies of birth certificates to walk-in customers in the counties of Hamilton, Knox, Davidson, Shelby, Unicoi, McMinn, Tipton, Hamblen, Sevier, Anderson, and Blount. The department will provide state security paper, but the county clerk is responsible for all other expenses, including but not limited to connectivity, hardware, and direct cost of training staff. The county clerk may charge a reasonable fee to defray reasonable costs associated with issuing the certificates.

Effective July 1, 2010.

Public Chapter 1151
SB 2871 - HB 2896

Special License Plates

Amends 55-4-239 to authorize the widow or widower of a holder of the Purple Heart to obtain a plate; amends 55-4-244 to authorize a surviving spouse of deceased active, retired, or honorably discharged service member to obtain plates until remarriage.

Rewrites 55-4-253 regarding special plates for honorably discharged veterans; rewrites 55-4-278 regarding motorcycle plates for those eligible for national guard plates, Tennessee State Guard plates, memorial plates, and military plates. Extends the time to meet initial issuance requirements for: I RECYCLE plate; Share the Road plate; Tennessee Off-Highway Vehicle Association plate; Rotary International plate; Teachers plates; and Cherochala Skyway plates. Amends 55-4-255 to change distribution of funds for Trout Unlimited plates. Amends 55-4-221 to provide for the redesign of temporary plates to permit conspicuous display of alpha-numerical characters.

Amends Title 55, Chapter 4, to authorize the following new special license plates: International Association of Firefighters for motorcycles; Habitat for Humanity; Submarine Veteran; Blue Star Family; Friends of Coal; Fisk Jubilee Singers; Down Syndrome Awareness; Oak Ridge Revitalization Effort; government service plates for human resource agencies, development districts, and community action agencies; Tennessee Soccer; Music City Alumni Chapter of Western Kentucky University; Lions Club; University of Tennessee Volunteer Athletics; Volunteer Wounded Warriors; International Brotherhood of Electrical Workers; First Families of Tennessee; Magistrates; Memphis Rock 'n' Soul Museum; Kappa Delta Sorority; T.C. Thompson Children's Hospital; and Boy Scouts of America.

Effective July 1, 2010 (some sections effective June 19, 2010).

COUNTY GOVERNMENT

Public Chapter 740
SB 3683 - HB 3610

Charitable Contributions

Amends 5-9-109(b) to delete the requirement that the comptroller of the treasury devise standard procedures to assist county legislative bodies with granting charitable contributions.

Effective April 9, 2010.

Public Chapter 784
SB 3682 - HB 3611

Government Fraud - Reporting

Amends 8-4-402, 404 and 406. Requires that the comptroller maintain a hotline whereby government employees and citizens can report alleged fraud, abuse, or wrongdoing by local governments and private corporations that contract with a local government to receive one or more community grants. The comptroller is required to investigate the information received through the calls to the hotline or refer such information to the appropriate program or investigative agency. Upon receiving the information relating to a

call, a local government or community grant agency must undertake investigatory and remedial measures.

Amends 8-4-502(4). Expands the definition of “unlawful conduct” for purposes of the Local Government Instances of Fraud Reporting Act to mean theft, forgery, credit card fraud, or any other act of unlawful taking, waste, or abuse of, or official misconduct involving public money, property, or services.

Amends 8-4-503(a). Requires a public official with knowledge based upon available information that reasonably causes the public official to believe that unlawful conduct has occurred shall report the information in a reasonable amount of time to the office of the comptroller of the treasury.

Effective April 16, 2010.

Public Chapter 853
SB 3277 - HB 3641

Fireworks

Amends 68-104-211(a). Removes the requirement that the chief law enforcement official of the county or municipality must also approve the permits for the public fireworks display along with the fire chief of the county or municipality. Requires the permittee, at the time the application for a permit is filed, to send written notification to the chief law enforcement official of the municipality or county stating the date, time and location of the public fireworks display.

Effective April 30, 2010.

Public Chapter 902
SB2817 - HB3651

Uniform Unsworn Foreign Declarations Act

Enacts Title 24, chapter 9, part 3 as the “Uniform Unsworn Foreign Declarations Act” to provide that unsworn declarations made by declarants located outside the boundaries of the U.S. shall have the same effect as a sworn declaration, with some stated exceptions. Provides the form to use for unsworn declarations.

Effective July 1, 2010.

Public Chapter 990
SB 2638 - HB 2653

Parking Regulations

Amends 55-8-161(d). Authorizes a county, by resolution of the county legislative body, to prohibit parking on any roadway under its jurisdiction other than a federal aid or state highway when such parking is dangerous to those using the highway or interferes with the free movement of traffic. The county, with respect to highways under its jurisdiction, shall place signs prohibiting or restricting the stopping, standing or parking of vehicles on any highway where, as designated by the county, stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic on those highways. Such signs shall be official

signs and no person shall stop, stand or park any vehicle in violation of the restrictions stated on such signs. The primary responsibility for enforcement shall be on the county prohibiting parking on any roadway under its jurisdiction. A violation of this section shall be punishable as provided by 55-8-103. Each day a motor vehicle is in violation of this subsection shall be a separate event. In the interest of public safety a county may remove a motor vehicle that is abandoned or disabled.

Effective July 1, 2010.

COUNTY GOVERNMENT

Public Chapter 1000

SB 2703 - HB 2952

Traffic Offense Quotas

Enacts 39-16-516. Prohibits a political subdivision or any agency of this state from establishing or maintaining, formally or informally, a plan to evaluate, promote, compensate, or discipline a law enforcement officer solely by the issuance of a predetermined or specified number of any type or combination of types of traffic citations. Provides that a political subdivision or any agency of this state may not require or suggest to a law enforcement officer that the law enforcement officer is required or expected to issue a predetermined or specified number of any type or combination of types of traffic citations within a specified period.

Effective July 1, 2010

Public Chapter 1006

SB 3753 - HB 2719

Handguns in County Parks - Greenways

Amends 39-17-1311. Defines "greenway" for purposes of statute prohibiting possession of handguns in county parks. Provides that a greenway that traverses a county park is part of the park unless otherwise designated by the county legislative body. Accordingly, if the county legislative body elects to prohibit handgun carry permit holders from carrying a handgun within the park, the greenway is considered part of the prohibited area, unless designated otherwise by the county legislative body.

Effective July 1, 2010.

Public Chapter 1091

SB 2839 - HB 2822

Flood Insurance

Amends Title 6, Chapter 58. Provides that, in cooperation with the Department of Economic and Community Development, all counties and municipalities in this state that have an effective flood insurance rate map or flood hazard boundary map published by FEMA that identifies a special flood hazard area within the political boundaries of the county or municipality shall meet the requirements for participation in the national flood insurance program authorized by 42 U.S.C. §§ 4001 et seq. and administered by FEMA on or before June 30, 2012. Provides that if a county or municipality does not currently have an effective flood insurance rate map or flood hazard boundary map published by FEMA that

identifies a special flood hazard area within the political boundaries of county or municipality, the county or municipality shall have 24 months from the effective date of any future flood insurance rate map or flood hazard boundary map published by FEMA to meet the requirements for participation in the national flood insurance program.

Effective June 23, 2010.

COURTS & COURT CLERKS

Public Chapter 620

SB 983 - HB 699

Oaths

Amends 17-1-104 to provide that a retired judge or chancellor may administer the required oath to support the constitutions of the United States and this state to an inferior court judge or chancellor.

Effective July 1, 2010.

Public Chapter 644

SB 1122 - HB 736

Receipt for Payment of Judgment

Enacts a new section in Title 18, Chapter 1, Part 1 to provide that whenever a judgment is required by the court, or by agreement of the parties, to be paid through the court clerk, upon the request of the debtor, the clerk shall provide the debtor a copy of the judgment or agreement between the parties. Additionally, provides that the clerk shall, at the request of the debtor, issue the debtor a receipt for any amount paid by the debtor to the clerk in discharge of the judgment or agreement.

Effective March 17, 2010.

Public Chapter 754

SB 2966 - HB 2690

Payment of Appointed Private Counsel

Amends 40-14-202 to provide that if a court orders an indigent defendant who has been appointed private counsel to pay a portion of the expenses of his representation, such money shall be paid by the court clerk to the Administrative Office of the Courts. If the amount received by the Administrative Office of the Courts is greater than the amount the appointed counsel has been reimbursed pursuant to Supreme Court Rule 13, then the excess shall be paid to the appointed attorney.

Effective April 13, 2010.

Public Chapter 757

SB 3527 - HB 3586

Special Judges

Amends 16-15-209 to provide that if a lawyer is appointed as a special judge, the limitations on lawyers serving as special judges in 16-15-209(a) shall be announced at the opening of any court session presided over by such lawyer. Provides that if a sudden and unexpected emergency occurs which causes a general sessions or juvenile judge to be absent, the judge may forego the requirements of first seeking a judge by interchange and contacting the administrative office of the courts for assistance in finding a judge

to sit by designation prior to appointing a lawyer as special judge.

Effective April 13, 2010.

Public Chapter 760

SB 3004 - HB 3426

Definition of Legal Relative under Adoption Laws

Amends 36-1-102 to add the spouse of any legal relative or related person to the definition of “legal relative” and “related.”

Effective April 14, 2010.

Public Chapter 761

SB 3030 - HB 3103

Service of Summons upon Employee of Garnishee

Amends 26-2-203 to provide that if service of the summons is made upon an employee of the garnishee rather than the garnishee, and such employee is also the judgment debtor, such summons is voidable by the court by reason of improper service.

Effective July 1, 2010.

Public Chapter 809

SB 3726 - HB 3954

Postponing Trial for Forcible Detainer

Amends 29-18-118 to provide that the general sessions judge may, at the request of either party, and on good reason being assigned, postpone the trial for forcible detainer to any time not exceeding fifteen (15) days. Provides that the postponement shall not be for a longer period of time unless agreed upon by the parties, no civil court is being conducted, or upon request of the plaintiff.

Effective April 20, 2010.

Public Chapter 817

SB 444 - HB 608

Guardianship and Protective Proceedings Jurisdiction Act

Enacts the Uniform Adult Guardianship and Protective Proceedings Act in Title 34, Chapter 14. Establishes uniform laws on jurisdiction to appoint a guardian or conservator, the transfer of a guardianship or conservatorship, and the enforcement of a guardianship or protective order.

Effective January 1, 2011.

Public Chapter 820

SB 2584 - HB 2627

Child Custody Placement Recommendation

Amends 37-1-129(e)(2) to provide that a court’s placement recommendation regarding a child in the custody of the department of children’s services shall be based on a preponderance of the evidence.

Effective July 1, 2010.

Public Chapter 831

SB 2552 - HB 2668

Placement of Property of Disabled Person of Minor

Amends 34-1-101(9) to remove “a brokerage firm whose accounts are insured by the Security Protection Insurance Corporation” from the definition of “financial institution” for purposes of determining whether to require a conservatorship or guardianship bond and whether to approve certain investments of property of disabled persons or minors.

Effective April 27, 2010.

Public Chapter 833
SB 2867 - HB 3022

Drug Court

Amends 16-22-104 and 16-22-106 to provide that drug courts may provide access to mental health services and drug court grant funds may be used to fund mental health services.

Effective April 27, 2010.

Public Chapter 849
SB 2999 - HB 3425

Unknown Father

Amends 36-1-117 to remove requirement that an unknown father or other father who is not a putative father, legal parent or established father of the child must be a party to an adoption proceeding of the child and such father's parental rights must be terminated before the child may be adopted by other persons.

Effective April 30, 2010.

Public Chapter 867
SB 3346 - HB 3281

Bail

Amends 40-11-118(a) and 40-11-148. Provides that if a defendant has one or more prior convictions of DUI, vehicular assault, or vehicular homicide due to intoxication, then the defendant may not be released from jail on a bail bond unless a court first determines that the defendant is not a danger to the community. The court may consider the use of monitoring devices to eliminate danger to the community including ignition interlock devices, transdermal monitoring devices, electronic monitoring with random alcohol or drug testing, or pretrial residency in an in-patient alcohol or drug rehabilitation center. Further provides that if a defendant has been admitted to and released on bail for a violation of DUI, vehicular assault, or vehicular homicide due to intoxication and commits any of those crimes after release, then the defendant would be considered a danger to the community. The defendant may not be released with another bail unless the court first determines he or she is no longer a danger to the community, as described above.

Effective January 1, 2011.

Public Chapter 893
SB 735 - HB 172

Fees for Providing Notice of Legatee of Distributee

Amends 30-2-301(b)(6) to provide that the fee for providing notice with the clerk's office of the name, current mailing address and actual physical address of any legatee or distributee who was not identified by the personal representative must be determined by a contract between the legatee or distributee and the person or entity filing the notice instead of having the court set the fee. However, the fee shall not exceed one-third of the legatee or distributee's interest. Provides that any contract entered into prior to the expiration of the 60-day period immediately following entrance on

the administration of the estate by the personal representative will be null and void and unenforceable in a court of law. If more than one person or entity submits accurate identifying information to the clerk, then the person or entity that has a contract with the legatee or distributee will be entitled to the fee. In order to receive the fee, the person or entity filing notice will be required to provide satisfactory proof, of the legatee or distributee's relationship to the decedent, which may be demonstrated by filing with the clerk an affidavit of pedigree, an affidavit of heirship, vital records establishing the relationship, or other proof satisfactory to the court.

Effective No Effective Date.

Public Chapter 898
SB 2832 - HB 2778

Order of Protection - Vulnerable Adults

Amends Title 71, Chapter 6, Part 1. Authorizes concerned family members to obtain court order to intercede when an adult is subject to abuse, neglect, or exploitation.

Effective May 10, 2010.

Public Chapter 908
SB 744 - HB 185

Unclean Hands Doctrine

Enacts Title 16, Chapter 1, Part 2 to codify the equitable and common law defense of unclean hands in commercial transactions. Provides that if any person, or such person's predecessor-in-interest from whom the claim has derived, is found by the applicable trier of the fact in any court to have unclean hands with respect to any claim, such claim shall not be enforceable unless the holder of such claim is a holder in due course of a negotiable instrument. Defines "unclean hands" as any fraud, deceit, intentional misrepresentation or other unconscionable or inequitable scheme or conduct in connection with any commercial transaction pursuant to which any person has or may seek financial or other gain from another person, or by recourse to such other person's property, in connection with such fraud, deceit, intentional misrepresentation or other unconscionable or inequitable scheme or conduct.

Effective May 12, 2010.

Public Chapter 921
SB 2965 - HB 2768

DUI - Ignition Interlock Devices

Amends Title 40 and Title 55. Requires certain DUI offenders to operate only a motor vehicle that is equipped with a functioning ignition interlock device. Establishes the Interlock Assistance Fund to pay for the costs associated with the lease, purchase, installation, removal, and maintenance of an ignition interlock device or with any other cost or fee associated with such a device of persons deemed by the court to be indigent. Provides that in addition to all other fines, fees, costs and punishments now prescribed by law, an ignition interlock fee of \$40 shall be assessed for each violation of 55-10-401 occurring on or after July 1, 2010, that results in a conviction for such offense. Provides that the administrative office

of the courts shall develop and provide training to judges with jurisdiction over violations of 55-10-401 to provide such judges with adequate knowledge to perform their duties under this act.

Effective July 1, 2010, Section 9 regarding collection of the ignition interlock fee. For all other purposes, this act shall take effect January 1, 2011, and shall apply to applicable offenses of driving under the influence occurring on or after January 1, 2011.

Public Chapter 951
SB 1113 - HB 1277

Destruction of Records After Not Guilty Verdict

Enacts 40-32-101(a)(1)(F) to provide that upon a verdict of not guilty being returned, whether by a judge following a bench trial or by a jury, on all charges for which the defendant was accused, the judge shall inquire of the person acquitted whether such person requests that all public records associated with the charges for which such person was acquitted be removed and destroyed without cost to the person and without the requirement that the person petition for destruction of such records. If the person requests that the public records related to such charges be removed and destroyed, the court shall so order. If the person acquitted does not request that such records be destroyed at the time the judge inquires, but subsequently requests that such records be destroyed, the person shall be required to follow the regular petition procedure.

Effective May 26, 2010.

Public Chapter 956
SB 2750 - HB 2698

Modification of Parenting Plan

Amends 36-6-405 to provide that in a proceeding for a modification of a permanent parenting plan, the existing residential schedule shall not be modified prior to a final hearing unless the parents agree to the modification or the court finds that the child will be subject to a likelihood of substantial harm absent the temporary modification. Provides that if a temporary modification of the existing residential schedule is granted ex parte, the respondent shall be entitled to an expedited hearing within fifteen (15) days of the entry of the temporary modification order.

Effective July 1, 2010.

Public Chapter 959
SB 2708 - HB 2780

Order of Protection - Forms

Amends 36-3-606(a). Adds that an order of protection may prohibit the respondent from coming about the petitioner for any purpose, from telephoning, contacting, or otherwise communicating with the petitioner, directly or indirectly.

Amends 36-3-604. Provides that forms developed by the administrative office of the courts shall be used exclusively in all courts exercising jurisdiction over orders of protection.

Effective July 1, 2010.

Public Chapter 969
SB 3394 - HB 3583

Investment of Idle Funds of Minors or Incompetents

Amends 18-5-105 to remove citation to repealed law and provide citation to present law (8-21-401 or 8-21-409) which controls investment of idle funds by court clerks.

Effective May 26, 2010.

Public Chapter 983
SB 3740 - HB 3768

Civil Procedure

Enacts law which establishes public policies relative to granting comity to foreign decisions, choice of law provisions, choice of venue or forum provisions, and granting of forum non conveniens claims.

Effective May 27, 2010.

Public Chapter 989
SB 2636 - HB 2671

Judicial Commissioners - Training

Amends 40-1-111(f). Provides that in any county in which the judicial commissioner is selected by the general sessions judge or judges, the county legislative body of such county may elect, by a 2/3 majority, to allow each judicial commissioner to receive 12 hours of appropriate continuing education each calendar year under the supervision of the appointing general sessions judge or judges rather than the Judicial Commissioners Association of Tennessee or the Tennessee Court Clerks Association..

Enacts 40-1-111(g). Provides that judicial commissioners duly appointed in Knox County shall be known as “magistrates”.

Effective June 2, 2010.

Public Chapter 1003
SB 3003 - HB 3428

Court Appointed Counsel in Parental Rights Case

Amend 40-14-103 to provide that a defendant provided with court-appointed counsel, including a defendant in a termination of parental rights case, shall be assessed by the court at the time of appointment a nonrefundable administrative fee in the amount of \$50.00. Provides that failure to pay the administrative fee assessed by the court shall not reduce or in any way affect the rendering of services by court-appointed counsel. Provides that the defendant’s willful failure to pay the fee may be considered by the court as an enhancement factor when imposing sentence if the defendant is found guilty of criminal conduct, and may also be considered by the court as evidence of the defendant’s financial responsibility, or lack thereof, in a determination of the best interest of the child.

Effective June 2, 2010.

Public Chapter 1016
SB 3059 - HB 3380

Depositions Taken by an Employee

Amends 24-9-136 to revise definition of “employee” relative to prohibition on employee taking a deposition unless all parties have

entered into a written stipulation allowing the employee to take the deposition. Defines employee to include any person who has a contractual relationship with a person or entity interested in the outcome of the litigation, including anyone who may ultimately be responsible for payment to provide reporting or other court services, and any person who is employed part-time or full-time under contract or otherwise by any person who has a contractual relationship with a party to provide reporting or other court services. Provides that this prohibition shall not restrict in any way the ability of an attorney or a pro se litigant to hire court reporting services on a case-by-case basis in any case where the attorney is not a party, nor restrict an attorney from reimbursement for such court reporting services.

Effective July 1, 2010.

Public Chapter 1037
SB 3907 - HB 3791

Traffic Citation in Lieu of Arrest

Amends 55-10-207. Adds to types of information that must be included in traffic citations.

Amends 55-10-306. Adds to types of information that must be included in abstracts of court records pertaining to traffic violations.

Amends 55-50-409. Changes the time within which the court clerk must provide notice to the department of the conviction of any resident or nonresident holder of a commercial driver license of any violation of state law or local ordinance relating to motor vehicle traffic control, other than a parking violation, committed in a commercial motor vehicle from "10 days" to "five days."

Effective January 1, 2011.

Public Chapter 1080
SB 844 - HB 919

Driving Under the Influence

Amends 55-10-403. Provides that only those DUI violations occurring within 10 years of the present violation and resulting in a conviction will be counted as prior offenses.

Effective July 1, 2010.

Public Chapter 1090
SB 3431 - HB 2813

Sentencing - Non-Violent Offenders

Amends 40-35-122. Prohibits a judge from sentencing a defendant convicted on or after July 1, 2010, of any non-violent property offense to continuous confinement in a local jail or workhouse or in the department of correction unless the court determines that the defendant has at least 1 prior conviction at the time the non-violent property offense is committed; or violated the terms and conditions of the alternative sentence originally imposed upon the defendant..

Effective July 1, 2010.

Public Chapter 1094
SB 3100 - HB 3142

Bond Required When Order of Protection Violated

Amends 36-3-610 to require the judge upon finding a violation of an order of protection or a court approved consent order to require a bond of the respondent until such time as the order of protection expires. Provides that the bond shall not be less than two thousand five hundred dollars (\$2,500) and shall be set at whatever higher amount the court determines is necessary to reasonably assure the safety of the petitioner. Provides that any respondent for whom bond has been set may deposit with the clerk of the court cash equal to the amount of the bond. The clerk may deposit funds received in lieu of bonds, or any funds received from the forfeiture of bonds, in an interest bearing account. Any interest received from such accounts shall be payable to the office of the clerk. Failure to file the bond may be punished by the court as contempt of court.

Provides that if a respondent posting bond does not comply with the conditions of the bond, the court shall enter an order declaring the bond to be forfeited. Notice of the order or forfeiture shall be mailed by the clerk to the respondent at the respondent's last known address. If the respondent does not within thirty (30) days from the date of the forfeiture satisfy the court that compliance with the conditions of the bond was met, the court shall enter judgment for the state against the defendant for the amount of the bond and costs of the court proceedings.

Provides that the proceeds of a judgment for the amount of the bond pursuant to shall be paid quarterly to the administrative office of the courts. The quarterly payments shall be due on the fifteenth day of the fourth month of the year; the fifteenth day of the sixth month; the fifteenth day of the ninth month; and on the fifteenth day of the first month of the next succeeding year.

Effective July 1, 2010.

Public Chapter 1096
SB 3121 - HB 3282

Implied Consent Law

Amends 55-10-406 to provide that the determination of whether a driver has violated the implied consent law shall be made at the driver's first appearance or preliminary hearing in the general sessions court, but no later than the case being bound over to the grand jury, unless the refusal is a misdemeanor offense in which case the determination shall be made by the court which determines whether the driver committed the offense; however, upon the motion of the state, the determination may be made at the same time and by the same court as the court disposing of the offense for which the driver was placed under arrest. Provides that if a person's driver license is suspended for a violation of the implied consent law prior to the time the offense for which the driver was arrested is disposed of, the court disposing of such offense may order the department of safety to reinstate the license if: (1) the implied

consent violation and the offense for which the driver was arrested result from the same incident; and (2) the offense for which the person was arrested is dismissed by the court upon a finding that the law enforcement officer lacked sufficient cause to make the initial stop of the driver's vehicle.

Effective January 1, 2011.

Public Chapter 1116
SB 900 - HB 1244

Sentencing - Contributing to the Delinquency of a Minor

Amends 37-1-156(a). Provides that an adult convicted of a violation of this law shall be sentenced to the county jail or workhouse to serve 100% of the maximum authorized sentence for a Class A misdemeanor if: (1) The adult's conduct constituting a violation of this law involves supplying, giving, furnishing, selling, or permitting a child to buy or obtain, a product or substance that is unlawful for the child to possess; and (2) As a proximate result of the product or substance, the child engages in conduct that causes the death of another.

Effective July 1, 2010.

DEAD BODIES

Public Chapter 967
SB 3411 - HB 3293

Cremation

Amends 62-5-5__. Sets the priority as to who has the right to dispose of a dead body through cremation.

Effective July 1, 2010.

DEVELOPMENT DISTRICTS

Public Chapter 730
SB 135 - HB 187

Development District Boards

Amends 13-14-107 to authorize development district boards to construct a building for their own use. Authorizes the boards to borrow money for construction of the buildings and to mortgage or otherwise pledge their property to secure the loans.

Effective April 9, 2010.

ECONOMIC DEVELOPMENT

Public Chapter 940
SB3622 - HB3417

Economic Impact Plans

Amends 7-53-312 to provide that infrastructure for projects located within a mixed-use development of more than 500 acres situated in a county meeting certain federal poverty guidelines can be financed by a corporation pursuant to chapter 53. Also provides that in calculating the maximum effective rate applicable to bonds or other obligations used to finance these costs, the formula rate shall be calculated using "seven (7) percentage points above the average prime loan rate" rather than four (4) percentage points. This subsection applies to debt issued on or before June 30, 2012 and the

subsection expires July 1, 2012.

Effective May 26, 2010.

Public Chapter 970

SB3335 - HB3598

Megasite Authorities

Amends 64-6-110(c)(4) to revise the governor's appointment powers relating to the authority's board. Provides that the governor shall appoint two at-large members and three additional members representing and residing in counties contiguous to the county in which the megasite is located.

Effective May 26, 2010.

EDUCATION

Public Chapter 798

SB 3067 - HB 2772

Written Notification of Dismissal or Nonrenewal of Teachers

Amends 49-5-409 to change the date by which the school board or director of schools must send written notification to teachers of their dismissal or failure of reelection for the next school year from April 15 to May 15.

Effective April 19, 2010.

Public Chapter 819

SB 2505 - HB 3250

Automated External Defibrillators in Schools

Amends 49-2-122 to require that the first automatic external defibrillator received by a school must be placed in the gymnasium, or if there is no gym, in a readily accessible location in an area used for physical education or activity.

Effective April 23, 2010.

Public Chapter 925

SB 3053 - HB 3133

Appeals of Suspension/Dismissal Hearings

Amends 49-5-512(c)(4) to clarify that, following a suspension or dismissal hearing before the board, a tenured teacher has 30 days within which to appeal the board's decision.

Effective May 26, 2010.

Public Chapter 935

SB 3425 - HB 3544

Donation of Surplus Computers

Amends 49-6-207 to authorize a local education agency to donate computers that have been removed from inventory to low-income families within the school district. The state department of education is to develop guidelines for eligibility.

Effective July 1, 2010.

Public Chapter 943

SB 3693 - HB 3589

School Bonds

Amends 49-3-1207 to provide that for bonds issued by the Tennessee state school bond authority with respect to which the local government has elected to have the federal Build America

Bonds program apply (26 U.S.C. § 54AA), the effective interest rate will be determined by reducing the interest payable by the authority by the amount of payments from the U.S. treasury that the authority expected to receive, at the time of the issuance of such bond, as a result of the election.

Effective July 1, 2010 and expires on June 30, 2012.

Public Chapter 1082
SB 1997 - HB 1911

Military Children

Enacts the Interstate Compact of Educational Opportunity for Military Children in Title 49, Chapter 12, to remove barriers to educational success placed on children of military families because of frequent moves and deployment of families.

Effective July 1, 2010.

Public Chapter 1135
SB 2616 - HB 2556

Education Funding - BEP Formula

Amends 49-3-351 to provide that in fiscal year 2010-2011 and subsequent fiscal years, the BEP formula will not include growth in capital outlay that otherwise would have occurred in 2010-2011. Does not preclude the appropriation of non-recurring funds to the BEP for distribution to local education agencies through the BEP formula.

Effective June 30, 2010.

Public Chapter 1136
SB 2621 - HB 3200

Student Drug Testing

Amends 49-6-4213 to authorize random suspicionless drug testing of students who participate in voluntary extracurricular activities. Clarifies that local education agencies (LEAs) are not required to administer drug tests to students, and provides that any LEA electing to do drug testing must supply the testing materials and any subsequent counseling within existing local funds. If an LEA adopts a policy permitting random drug testing of students in voluntary extracurricular activities the LEA must notify the parents and guardians of these students, and the parent or guardian of the student must provide written consent for random drug testing prior to the student participating in the voluntary extracurricular activity. Makes records of positive drug tests confidential, and prohibits suspending or expelling a student solely for a positive drug test.

Effective July 1, 2010.

Public Chapter 1144
SB 3125 - HB 3193

Health Insurance for Support Staff of LEA

Amends 8-27-303 to include support staff of local education agencies (LEAs) as eligible employees in the state group health insurance for local education employees. The state department of education is authorized to pay an amount determined annually in the General Appropriations Act on the total cost of participation of each eligible support staff employee and the employee's

dependents, which may be different from the amount set for instructional employees. Beginning January 2012, LEAs must pay on behalf of each support staff employee participating in the group health plan, an amount no greater than 10% of the premium for calendar year 2012, no greater than 15% for 2013, no greater than 20% for 2014, and no greater than 25% for 2015, as specified in the General Appropriations Act.

Effective June 30, 2010.

ELECTIONS

Public Chapter 612 SB 872 - HB 614

Tennessee Voter Confidence Act

Amends Chapter 1108 of the Public Acts of 2008 and numerous provisions in Title 2 to delay the required use of precinct-based optical scanners until the November 2012 general election. Amends audit method of precinct-based optical scanners.

Effective January 22, 2010.

Public Chapter 636 SB 2681 - HB 2799

Absentee Voting By Military and Others Out of the Country

Amends 2-6-301, 2-6-502, and 2-6-503. Provides that military and others temporarily outside the country who request an absentee ballot under 2-6-502 but do not submit such ballot may still vote in person. Adds social security number to the required information that must be included in the application for the absentee ballot for military and others temporarily outside the country and provides that the social security number along with the date of birth, mailing address and electronic address contained in the application are confidential. Provides that the ballot shall be mailed or electronically sent by the administrator of elections not later than 45 days prior to a federal election and not later than 30 days prior to any other election. Revises the procedure for filling a vacancy in a congressional office if there is not sufficient time to send absentee ballots to military and others temporarily outside the country and the coordinator of elections cannot obtain a federal waiver.

Effective August 20, 2010.

Public Chapter 906 SB 3392 - HB 3456

Deficient Voter Registration Forms

Amends 2-2-120 to provide that at least quarterly at a regularly scheduled county election commission meeting, every new voter registration form which has been filed since the last regularly scheduled meeting of the county election commission shall be inspected by a county election commission member of the majority party and the minority party. If a deficiency is found, the deficiency shall be recorded and a written report shall be prepared including the name of the administrator at the time the voter registration form was filed, the nature of the deficiency, and whether the individual has voted since the deficient form was filed and accepted. The report shall be filed with the state coordinator of elections. If no deficiencies are identified, the coordinator of elections shall be

notified in writing of the finding. The commission members who inspect the voter registration forms shall sign and date the report. Provides that if a significant number of deficient voter registration forms are discovered, then the administrator of elections may be subject to discipline by the state election commission or be terminated by the county election commission. Authorizes the coordinator of elections to develop a policy to implement these provisions.

Provides that no voter shall be purged due to a deficient registration form once the administrator has declared the person a registered voter unless the administrator later determines the voter knowingly made or consented to false information being placed on the registration form or failed to provide a valid signature.

Effective May 11, 2010.

Public Chapter 947
SB 3894 - HB 3764

Help America Vote Act Consolidated Report

Enact 2-1-118 to require the secretary of state to file a copy of the previous year's consolidated report on Help America Vote Act Title I, Section 101 funds and Title II, Section 251 requirements and payments to the Finance, Ways and Means Committees of the Senate and House of Representatives, the Fiscal Review Committee and the Office of Legislative Budget Analysis by February 1 of each year.

Effective May 26, 2010.

Public Chapter 948
SB 129 - HB 195

Nominating Petitions for Charter Commission

Amends 5-1-205(e) to revise the deadline for filing nominating petitions for candidates for a charter commission from the 40th day before the election to the date established in 2-5-101.

Effective May 26, 2010.

Public Chapter 1008
SB 3526 - HB 3404

Date of Municipal Elections

Amends 6-3-104, 6-20-102, 6-31-102, and enacts a new part in Title 6, Chapter 54 to authorize any municipality, notwithstanding the provisions of any private act, to change the date of municipal elections by ordinance to coincide with the August or November general elections. Authorizes any municipality to extend the terms of incumbents to meet the new election date so long as no term is extended for more than two years. Provides that if the election date is changed, it can be changed back at a later time, but cannot then be changed again.

Effective June 3, 2010.

Public Chapter 1095
SB 3198 - HB 3182

Corporate Contributions

Deletes 2-19-132 and 2-19-133. Enacts two sections in Title 2,

Chapter 10, Part 1 providing that no corporation shall use any of the funds of the corporation for the purpose of making contributions to any candidate with respect to any election. Provides that prohibition does not apply to a contribution made by a national committee of a political party when such committee contributes to a state political party executive committee if the funds contributed do not contain any corporate contributions to the national committee of the political party. Provides that notwithstanding any other provision of law to the contrary, a corporation that uses corporate funds for communications expressly advocating the election or defeat of a clearly identified candidate which funds are not used with the cooperation of, or suggestion of, a candidate or any agent or authorized committee of the candidate shall be considered a political campaign committee for purposes of reporting such expenditures.

Effective June 23, 2010.

Public Chapter 1115
SB 440 - HB 969

Requirements to Restore Right to Vote

Amends 40-29-202. Provides that a person shall not be eligible to apply for a voter registration card and have the right of suffrage restored unless the person has paid all court ordered restitution. Provides that beginning September 1, 2010, a person shall not be eligible to apply for a voter registration card and have the right of suffrage restored unless the person has paid all court costs assessed against the person at the conclusion of a trial, except where the court has made a finding at an evidentiary hearing that the applicant is indigent at the time of application.

Effective June 29, 2010.

Public Chapter 1137
SB 2684 - HB 2750

Primary Results

Amends 2-8-113 and 2-9-108. Changes the date on which the state coordinator of elections must publicly calculate and compare the votes received by each person and declare who has been nominated for office in a primary election or elected to the state executive committee from the third Thursday after a primary election to the fourth Thursday after a primary election. Changes the amount of time a voting machine must remain locked from 10 days after an election to five days after the certification of the election.

Effective June 30, 2010.

**EMERGENCY
MANAGEMENT/SERVICES**

Public Chapter 745
SB 3852 - HB 3810

Civil Defense and Disaster Compacts

Amends 58-2-401 and 58-2-403. As enacted, clarifies that the governor may enter into civil defense and disaster compacts with the "states" instead of the "contiguous states"; and renames the

emergency management assistance compact that the governor may enter into under present law from the “southern regional emergency management assistance compact” to the “emergency management assistance compact.”

Effective April 9, 2010.

Public Chapter 774
SB 2497 - HB 3533

E-911

Amends 7-86-103 and 108. Adds 7-86-128. Imposes a statewide prepaid wireless emergency telephone charge of fifty-three cents, or an adjusted amount, on each retail transaction. Provides that the prepaid wireless emergency telephone service charge imposed by this section shall be the only E911 funding obligation imposed with respect to prepaid wireless telecommunications service in this state, and no tax, fee, surcharge, or other charge shall be imposed by this state, any political subdivision of this state, or any intergovernmental agency, for E911 funding purposes, upon any provider, seller, or consumer with respect to the sale, purchase, use or provision of prepaid wireless telecommunications service.

Effective July 1, 2011.

Public Chapter 885
SB 2391 - HB 3240

Emergency Management Powers of the Governor

Amends 58-2-107(e). Removes the authority of the governor to commandeer or limit the sale or transportation of firearms, ammunition, or firearm or ammunition components during a state of emergency, major disaster, or natural disaster.

Effective May 10, 2010.

ENERGY

Public Chapter 693
SB 3131 - HB 3204

Energy Acquisition Corporations

Amends 7-39-305 to increase the maximum rate that may be charged on debt issued by energy acquisition corporations by amending part of the “applicable formula rate” to seven percentage points above the average prime loan rate. This maximum rate applies to debt issued on or before June 30, 2012.

Effective March 31, 2010.

ENVIRONMENTAL

Public Chapter 698
SB 2180 - HB 2216

Research Relative to Uses of Solid Waste

Amends Title 68, Chapter 211 to authorize Tennessee State University and Middle Tennessee State University to research and develop methods to use the materials in solid waste as raw materials for businesses or for compost. Provides that such research and development shall be funded entirely from non-state sources.

Effective March 31, 2010.

Public Chapter 840
SB 2403 - HB 3218

Mercury Products

Enacts the Mercury Product Disposal Control Act in Title 68, Chapter 211. Prohibits covered generators from disposing of a mercury-added consumer product as non-hazardous solid waste on or after January 1, 2011. Requires a covered generator to ensure that its discarded mercury-added consumer products are shipped for recycling, treatment, or disposal to either a universal waste destination facility or a hazardous waste management facility that has been permitted to manage such materials by the federal Environmental Protection Agency (“EPA”) pursuant to the federal Resource Conservation and Recovery Act (“RCRA”), by a state program that has been authorized by the EPA to implement the pertinent portions of RCRA in the state, or by a foreign government. Requires various departments and agencies attempt to educate businesses of requirements for disposing of mercury-added consumer products and the importance of recycling and proper handling of such products.

Effective April 30, 2010.

Public Chapter 903
SB 3854 - HB 3842

Tennessee Petroleum Underground Storage Tank Act

Amends numerous provision in Title 68, Chapter 215, Part 1 relative to the Tennessee Petroleum Underground Storage Tank Act.

Provides that the petroleum underground storage tank fund may additionally be used for the investigation, identification, and for the reasonable and safe cleanup of locations from which underground storage tank systems have been removed.

Adds the following persons to the definition of “responsible party” under the Act: (1) Any person whose intentional actions directly cause the release of petroleum at a petroleum site; and (2) Any person other than an employee, officer, director, principal, or shareholder of the owner or operator of the underground storage tank system or of the owner of the petroleum site, whose negligent actions directly cause the release of petroleum at a petroleum site.

Adds to the list of unlawful acts under the Act submitting to the department of environment and conservation any document known to contain any false or fraudulent statement or entry, knowingly making any false or fraudulent statement or representation, or knowingly falsifying, concealing or covering up a material fact.

Provides that the commissioner may issue an order to the responsible party to close a system or use the petroleum underground storage tank fund to permanently close the system and seek cost recovery if the commissioner determines that:

(1) The tank has not been brought into compliance within six months of being prohibited from receiving petroleum for not paying annual fees or penalties when due or for being in violation of requirements of the rules of the Act; or (2) All fees, penalties, and interest have not been paid on a tank at the time the tank fees for the following year are payable.

Provides that owners or operators, with respect to releases eligible for fund reimbursement, will be liable for all costs not covered by the fund. Revises the Act regarding recovery of costs by the state to make the recovery an administrative instead of judicial process. Authorizes the commissioner to issue assessments under certain circumstances. Provides that any person against whom an assessment is issued may secure a review of the assessment before the petroleum underground storage tank board.

Effective May 11, 2010.

Public Chapter 1143
SB 3052 - HB 3232

Storm Water Fees

Amends 68-221-1102 and 68-221-1107 to exempt from payment of the graduated storm water user fee owners and/or operators of agricultural land, in the municipality, upon which the owner and/or operator conducts activities that enable the owner and/or operator to satisfy the requirements of a qualified farmer or nurseryman.

Effective July 1, 2010.

ETHICS

Public Chapter 916
SB 2416 - HB 3130

Code of Ethics for Public School Teachers

Amends Title 49, Chapter 5. Establishes a new teacher code of ethics.

Effective July 1, 2010.

FINANCE

Public Chapter 982
SB3692 - HB3601

Local Government Bonds

Amends 9-9-101 to revise the composition of the state funding board. Amends various other provisions relating to the state funding board. Amends 9-21-132, which applies to counties having a population greater than three hundred seven thousand (307,000), according to the 2000 federal census or any subsequent federal census, and the municipality that is the county seat of the county, to extend the authority of those local governments to sell certain bonds at private sale to June 30, 2012. Enacts a new section at Title 9, chapter 21, part 1, which expires June 30, 2012, to establish the interest rate for bonds with respect to which local governments have elected to have the federal Build America Bonds program apply to such bonds.

Effective May 27, 2010.

Public Chapter 1109
SB3916 - HB3925

Bonds

Authorizes the state, through its funding board, to issue direct general obligation bonds. Provides that a portion of the proceeds dedicated to the Department of Finance and Administration shall be used for grants to counties for projects approved by the state building commission. Provides that the notes and interest are exempt from local taxation.

Effective June 25, 2010.

Public Chapter 1117
SB 2041 - HB 1987

Emergency Financial Aid to Local Governments

Amends Title 9, Chapter 3, Part 2, the Emergency Financial Aid to Local Governments Law of 1995, to provide for financial flexibility in the event of economic distress due to natural disasters. Amends the definition of local government to include utilities. In the case of economic distress due to natural disaster certified by FEMA, authorizes the comptroller to approve notes issued by local governments maturing beyond the fiscal year in which they are issued.

Effective June 29, 2010.

Public Chapter 1126
SB3415 - HB3443

Tax Increment Financing

Amends 13-20-202 to provide that a development authority created by private act and designated by a municipality as its housing and redevelopment authority shall also be considered a housing authority and shall have the authority to enter into an economic development agreement as defined in 4-17-302(2) and shall have all the powers of a housing authority provided in this part. Such a designation shall be made only after the municipality receives the written consent of the housing authority, if any, designated by the municipality and shall not be made if a housing authority created by the municipality has ever issued debt secured by tax increment financing. Also provides that any redevelopment plan previously prepared by a development authority created pursuant to any such private act and approved by a municipality shall be deemed authorized by this subsection and shall be deemed a valid redevelopment plan.

Effective June 29, 2010.

FIREFIGHTERS

Public Chapter 1028
SB 2411 - HB 3890

Minimum Training Requirements

Amends 4-24-112. Removes the exemption from the minimum training requirements for firefighters for the following counties: Campbell, Cocke, Greene, Hamblen, Hawkins, Henderson, Henry, Jackson, Jefferson, Obion, Roane, Stewart, Washington, and

Weakley.

Effective June 11, 2010.

Public Chapter 1039

SB 2487 - HB 2492

Minimum Training Requirements

Amends 4-24-112. Exempts firefighters located within the unincorporated area of Smith County and any municipality located within Smith County from the minimum training requirements unless the governing body of such a municipality or the county adopts a resolution to apply such requirements within their respective jurisdictional boundaries. Provides that the yearly pay supplement for firefighters completing 40 hours of in-service training is not available to firefighters in Smith County who are exempt from meeting the minimum training requirements for firefighters, unless the firefighter meets the minimum training requirements.

Effective June 11, 2010 .

HEALTH AND SAFETY

Public Chapter 614

SB1092 - HB 950

Regulation of Food Service Establishments

Amends 68-14-303 to prohibit non-elected bodies of municipalities, counties, or metropolitan governments from enacting any rules or regulations relating to menus and/or nutritional information at food service establishments.

Effective March 20, 2010.

Public Chapter 766

SB 806 - HB 1871

Emergency Dental Services to Adult Patients

Amends 68-1-304 to provide that the statutory language “to the extent possible within budget limitations” does not relieve metropolitan health departments with dental staffs and clinical facilities from occasionally providing emergency services to adult patients who present for relief of pain and infection. Provides that subject to and within current or existing budget limitations, metropolitan health departments are to see adult emergency patients during cancelled or open appointments in their schedule. Provides that nothing in 68-1-304 prohibits health departments from charging a fee for these services.

Effective April 14, 2010.

Public Chapter 850

SB 3019 - HB 3156

Swimming Pools

Enacts a new part at Title 68, chapter 14, which requires pool alarms to be installed for private residential pools that are purchased after the date of the act. Prohibits electrical inspectors from giving final approval of electrical wiring related to the installation of a swimming pool unless a functioning pool alarm has been installed. Prohibits local governments from issuing building permits for a

pool unless a functioning pool alarm will be installed prior to completion of the construction project. Violations of this part are Class C misdemeanors punishable by a fine of up to \$100. Second and subsequent offenses are punishable by a fine of up to \$500. This part does not apply to public swimming pools or multi-family residential swimming pools.

Effective January 1, 2011.

Public Chapter 862
SB 2563 - HB 2651

Medical Records Used for Educational Purposes

Amends 63-2-101 and 68-11-1503 to enact the Colby Stansberry Act. Provides that a health care provider shall have in place a policy to protect the dignity of a patient, even if the patient dies or becomes incapacitated, by limiting the use and disclosure of medical records, images, videos or pictures intended to be used for appropriate medical educational purposes, even if the patient's information is de-identified. The policy shall include when and to whom it is appropriate to use and disclose the patient's information, and when a written authorization from the patient or their authorized representative is required. If the patient becomes incapacitated or dies, and there is no legal representative for the patient, the patient's next of kin will be considered to be an authorized representative for the patient. When required, the written authorization will include the core elements required by 45 CFR Parts 160 and 164.

Effective April 30, 2010.

Public Chapter 865
SB 2959 - HB 3049

Fees for Medical Records

Amends 63-2-102 to revise fees for medical records provided by certain health care providers. Provides that charges for copying and certifying medical records requests made by the department of human services shall remain the same as the charges that existed as of January 1, 2010

Effective July 1, 2010.

**INDUSTRIAL
DEVELOPMENT**

Public Chapter 619
SB2637 - HB2806

Four Lake Regional Industrial Development Authority

Amends 64-5-203(a) to provide that in the event a county within the region adopts a metropolitan form of government, the mayor of that county shall appoint a citizen to serve as an ex officio member of the board.

Effective March 2, 2010.

Public Chapter 800
SB 3050 - HB 3044

Industrial Development Corporations

Amends 7-53-101(13) to add another definition of "project"

applicable only to municipalities with a central business improvement district. This type of “project” includes public infrastructure, public improvements, public facilities, or a combination thereof, located within the municipality’s center city area. Also enacts 7-53-315 which allows municipalities with a central business improvement district to provide financial assistance, except property tax revenues, for public infrastructure, public improvements or other public facilities located within the municipality’s center city area.

Effective April 19, 2010.

Public Chapter 805
SB 2827 - HB 2915

Nonviolent Offenders

Amends Title 41, Chapter 21. Urges the Comptroller of the Treasury to study county jails throughout the state concerning the number of nonviolent offenders incarcerated in county correctional institutions who have been incarcerated for offenses for which they have not been convicted. The general assembly requests that, if any such study is undertaken, the Comptroller of the Treasury report to the Select Oversight Committee on Corrections concerning the study on or before February 15, 2011.

Effective April 20, 2010.

JAILS

Public Chapter 886
SB 2726 - HB 2805

Donations of Food

Amends 53-13-102(a). Provides that any local education agency may donate any apparently wholesome food fit for human consumption to a county jail or bona fide charitable or nonprofit organization for free distribution, and shall not be subject to criminal penalty for violation of unfair trade practice laws or civil damages arising from the condition of the food, unless an injury is caused by the negligence, recklessness or intentional conduct of the agency.

Effective May 10, 2010.

Public Chapter 1112
SB 1141 - HB 670

Verifying Citizenship Status - Procedure

Enacts 40-7-123. Provides that when a person is arrested, booked or confined for any period in a county or city jail, the keeper of the jail verify the citizenship status of each arrested, booked, or otherwise confined individual and report those individuals to the appropriate Immigration and Customs Enforcement Detention and Removal Operations field office if the keeper of the jail determines that the individual is in violation of the Immigration and Naturalization Act. Requires the POST Commission to develop a standardized written procedure for verifying the citizenship status of individuals who are arrested, booked, or confined for any period in a county or municipal jail or detention facility and reporting to

the appropriate Immigration and Customs Enforcement Detention and Removal Operations field office those individuals who may be in violation of the Immigration and Naturalization Act.

Effective January 1, 2011.

JUVENILES

Public Chapter 662 SB 2974 - HB 3020

Children Placed in State Custody

Amends 37-2-205(f). As enacted, removes provision that requires a county to pay the state for the actual daily cost to the state for the length of stay of a child in state custody after such county exceeds 300 percent of the state average commitment rate for dependent and neglected children or delinquent children. Requires the department of children's services to provide the juvenile court judges for each county a report that includes: (1) The number of commitments to state custody for dependent and neglected children, unruly children, and delinquent children for the previous 12-month period by county; and (2) The statewide average commitment rate per 1,000 youth based on the latest county population data as provided by the department of health. The report must be provided to judges on a semiannual basis and must also be made available on the department's web site. Authorizes the department to initiate a collaborative planning process at the time a county's commitment rate is believed to be likely to exceed 200 percent of the statewide average commitment rate. Upon request of the court, the department must partner with the court to develop and implement strategies to address any factors contributing to higher commitment rates in such county.

Effective March 30, 2010.

Public Chapter 803 SB 3471 - HB 3420

Juvenile Offenders - Escape

Amends 37-1-116. Provides that upon an escape by a juvenile who is alleged or adjudicated to be delinquent by virtue of an act which would be a felony if committed by an adult and who is confined to a secure detention or correctional facility designated, operated or approved by the court, the appropriate facility or departmental official shall immediately report the escape to the chief law enforcement officer of the county in which the facility is located. The report shall include the facts of the escape, the time when it occurred and the circumstances under which it occurred, together with the particular description of the escapee, the escapee's age, size, complexion, race, color of hair and eyes, and from what county committed, for what offense, and when.

Effective April 19, 2010.

Public Chapter 860 SB 2395 - HB 2438

Transfer from Juvenile Court

Amends 37-1-134(a)(1). Adds aggravated rape of a child to the list of offenses for which a juvenile offender who is less than 16 years of age may be transferred to adult criminal court.

Effective July 1, 2010.

Public Chapter 870
SB 2198 - HB 2341

Education of Juveniles in Detention

Amends Title 33; Title 37; Title 41 and Title 49. Requires juvenile detention facilities and facilities for children who are not in DCS custody that provide community-based alternative education programs to report to the Department of Education the number of youth detained or served, as well as relevant demographic and service delivery information as specified by the department including, but not limited to, date of entry and date of exit from the facility for the time period of July 1, 2008 through June 30, 2010. Requires the department to provide a report containing a compilation of the data and a detailed analysis of the findings to the Chair of the Select Committee on Children and Youth, the Executive Director of the Commission on Children and Youth, the Chairs of the Education Committees of the Senate and the House of Representatives and the Commissioner of the Department of Children's Services. Requires the State Board of Education, in consultation with the Department of Children's Services and the Department of Education, to develop or modify curriculum-based standards, as necessary, for the education of children in such facilities consistent with those applicable to all other school systems.

Effective May 3, 2010.

LAW ENFORCEMENT

Public Chapter 618
SB 2613 - HB 2576

Crisis Intervention - Privileged Communications

Amends 24-1-204(d)(2). Clarifies that privileged communication between critical incident stress management team members and persons participating in crisis intervention does not apply if the communication indicates the existence of past or present child abuse or neglect of the individual, abuse of an adult or family violence.

Effective March 2, 2010.

Public Chapter 621
SB 842 - HB 770

Possession of Firearm While Bow Hunting

Amends 70-4-123(a). Provides that persons authorized to carry a handgun may carry a handgun while hunting big game with a bow and arrow during the archery-only deer season.

Effective July 1, 2010

Public Chapter 629
SB 2334 - HB 2376

Disposition of Confiscated Weapons

Amends 39-17-1317. Provides that proceeds of sale of confiscated weapon by the sheriff shall be placed in the county general fund and be allocated solely for law enforcement purposes. Provides that the court shall order the weapon to be destroyed or recycled if the head

of the law enforcement agency that confiscated the weapon certifies to the court that the weapon is inoperable or unsafe.

Effective July 1, 2010.

Public Chapter 631
SB 565 - HB 414

Inmate Relations Coordinators Carrying Firearms

Amends 39-17-1350. Authorizes state inmate relations coordinators to carry firearms to same extent as state correctional officers.

Effective March 1, 2010.

Public Chapter 646
SB 2388 - HB 2568

Community Supervision

Amends 39-13-524(a). Adds aggravated rape of a child to the list of sexual offenses for which an offender must be sentenced to community supervision for life.

Effective July 1, 2010.

Public Chapter 692
SB 3130 - HB 3021

Multi-Level Response System

Amends 37-5-607. Removes the district attorney general from the list of participants involved with the independent local advisory board for each county in which the multi-level response system, which is used to protect children from abuse, is operating.

Effective March 31, 2010.

Public Chapter 703
SB 2860 - HB 2769

Admissibility of Evidence

Enacts 24-7-124. Provides that in any judicial or administrative proceeding in which the results of a radar, laser or similar device used to measure the speed of a motor vehicle are being introduced for the purpose of proving the speed of the motor vehicle or the conduct of the driver of the vehicle, such results shall not be admissible for such purposes unless the law enforcement officer operating the device has been trained pursuant to guidelines established by the National Highway Traffic Safety Administration or the Tennessee Peace Officer Standards and Training (POST) Commission.

Further provides that in any judicial or administrative proceeding in which the results of a breathalyzer or similar device used to measure the alcohol content in a person's blood are being introduced for the purpose of proving the alcohol content in a person's blood or the intoxication of such person, such results shall not be admissible for such purposes unless the law enforcement officer operating the device has been trained by a recognized organization in the field as qualified to operate the device used.

Effective July 1, 2010.

Public Chapter 729
SB 3859 - HB 3844

Security Guards

Amends 62-35-130. Provides that whenever an armed or unarmed security guard/officer pleads guilty or is convicted of any offense enumerated in this chapter, the licensee must within 30 days notify the commissioner of that conviction and provide the commissioner with certified copies of the conviction. The licensee's license shall automatically be revoked 30 days after the licensee's conviction unless the licensee makes a written request to the commissioner for a hearing during the thirty-day period. Following any such hearing, the commissioner may impose upon that licensee any sanction or discipline permitted by law.

Effective April 9, 2010

Public Chapter 733
SB 2903 - HB 2941

Missing Senior Citizen Alert Program

Amends 38-6-121. Provides that in addition to missing senior citizens, the present law alert provisions would also apply to a person of any age who suffers from a documented case of dementia, whose whereabouts are unknown, and who is believed to be in danger because of dementia or physical impairment, and is believed to be unable to return to safety without assistance. Further revises current law so that a caregiver of a missing senior citizen must give a statement verifying the senior citizen's condition and for a missing citizen with dementia, medical documentation of the person's dementia must be provided prior to a search being initiated.

Provides that additional local resources that can be utilized include, but not limited to, reserve units, emergency service units, air support, K-9 units, or automated phone dialer capabilities. Requires that additional resources shall be identified and maintained as part of the local law enforcement agency's program.

Encourages local law enforcement agencies to collaborate with surrounding law enforcement agencies to identify additional resources available that will help aid in the safe recovery of endangered missing persons. Local law enforcement agencies may choose to seek the assistance of nonprofit organizations including, but not limited to, A Child is Missing, the Alzheimer's Association, or the Center for Human Identification.

The Tennessee Bureau of Investigation, the Tennessee Sheriffs' Association and the Tennessee Association of Chiefs of Police are encouraged to educate law enforcement as to the requirements of the missing senior citizen alert program by methods including, but not limited to: newsletters, press releases, media relations, access to TBI's current media list and educational instruction through the Tennessee Law Enforcement Training Academy.

Effective July 1, 2010.

Public Chapter 750

SB 2988 - HB 3263

Restrictions

Amends 40-39-211(d)(2). Requires a sex offender to have received written permission or a request from the school's principal or the facility's administrator in order to attend a conference with school, day care, child care, park, playground or recreation center officials as a parent or legal guardian of a child who is enrolled in the school, day care center, other child care center or of a child who is a participant at the park, playground or recreation center.

Requires registered sexual offenders to provide written notice of the parent's offender status to the principal or school administrator upon enrollment in order for the offender to drop off or pick up the offender's child on school grounds.

Effective July 1, 2010.

Public Chapter 793

SB 2390 - HB 2567

Firearms - Transporting Rifle or Shotgun

Amends 39-17-1307. Allows person without a handgun carry permit to transport a rifle or shotgun in a privately-owned motor vehicle provided there is no ammunition in the chamber or cylinder and no loaded clip or magazine in the weapon or in close proximity to the weapon.

Effective July 1, 2010.

Public Chapter 799

SB 2654 - HB 2801

Bail Bondsman

Amends 40-11-133. Provides that any approved bail bondsman in good standing is authorized to return the defendant to the jurisdiction for which the bail bond is obligated for the defendant's appearance; provided, the bail bondsman is liable for the expenses of returning the defendant and the defendant is located within the state of Tennessee.

Effective April 19, 2010.

Public Chapter 827

SB 3725 - HB 3955

Civil Process - Forcible Entry and Detainer

Amends 29-18-115(e). Provides that in addition to the other methods set out in the law, service of process for an action commenced under this chapter shall be good and sufficient to enable the landlord to regain possession of such landlord's property if a sheriff or sheriff's deputy personally serves a copy of the warrant or summons upon any one named defendant who has a contractual or possessory property right in the subject premises. Provides that if after attempting personal service of process on three different dates and documenting such attempts on the face of the warrant, the sheriff, or sheriff's deputy, is unable to serve any such one named defendant personally, service of process for determining the right of possession of the subject premises as to all who may have a contractual or possessory property right therein may be had

by the sheriff or sheriff's deputy taking the following actions at least six days prior to the date specified therein for the defendant or defendants to appear and make a defense: (1) Posting a copy of the warrant or summons on the door of the premises; (2) Sending by United States Postal Service first class mail a copy of the warrant or summons to the so named defendant or defendants at the address of the subject premises or the defendants' last known address, if any; and (3) Making an entry of this action on the face of the warrant or summons filed in the action. Provides that this procedure shall apply only to the service of process in an action brought to regain possession of real property, and shall not apply to the service of process in any action seeking monetary judgment. Removes the provision that this method of service of process may be used only after the defendant who has a contractual or possessory property right in the subject premises is more than 10 days past due on rental installment payments or has held over after expiration of proper notice of termination of tenancy for more than 10 days.

Effective July 1, 2010.

Public Chapter 856
SB 3583 - HB 3161

School Resource Officers

Amends 49-10-1304(b)(3). Authorizes any school resource officer who witnesses an offense by a student receiving special education to take the student into custody.

Effective April 30, 2010.

Public Chapter 866
SB 2916 - HB 3138

Bail

Amends 40-11-201(c). Mandates, rather than allows, release of surety's liability if detainer request is refused or if detaining authority releases principal upon the detainer's filing.

Effective April 30, 2010.

Public Chapter 873
SB 3008 - HB 2762

Drug Testing - Synthetic Urine

Amends 39-17-437. Enacts offense of selling synthetic urine; exempts sales for bona fide educational, medical, and scientific purposes; violation punishable as Class C misdemeanor.

Effective July 1, 2010.

Public Chapter 895
SB 1912 - HB 1665

Reserve Deputy Sheriffs

Amends 39-17-1350(d). Allows a commissioned reserve deputy sheriff, as authorized in writing by the sheriff, or commissioned reserve or auxiliary police officer, as authorized by the chief of police, to carry a firearm to the same extent as a full time POST certified officer.

Effective May 10, 2010.

Public Chapter 899
SB 2969 - HB 3270

Meth - Quarantined Property

Amends 68-212-503(d). Provides that it is a Class B misdemeanor for any person, other than one carrying out the cleanup of the quarantined property, knowingly to inhabit quarantined property; to enter onto quarantined property without federal, state, county or municipal government authorization; to offer such property to the public for temporary or indefinite habitation; or to remove any signs or notices of the quarantine.

Effective July 1, 2010

Public Chapter 910
SB 769 - HB 564

Law Enforcement Training

Amends Title 49. Provides that the Peace Officers Standards and Training Commission, in consultation with the Law Enforcement Training Academy, shall report to the Select Committee on Education Oversight on current law enforcement training and procedures for responding to violent school incidents in elementary and secondary schools and in postsecondary institutions by February 1, 2011.

Effective May 26, 2010.

Public Chapter 921
SB 2965 - HB 2768

DUI - Ignition Interlock Devices

Amends Title 40 and Title 55. Requires certain DUI offenders to operate only a motor vehicle that is equipped with a functioning ignition interlock device. Establishes the Interlock Assistance Fund to pay for the costs associated with the lease, purchase, installation, removal, and maintenance of an ignition interlock device or with any other cost or fee associated with such a device of persons deemed by the court to be indigent. Provides that in addition to all other fines, fees, costs and punishments now prescribed by law, an ignition interlock fee of \$40 shall be assessed for each violation of 55-10-401 occurring on or after July 1, 2010, that results in a conviction for such offense. Provides that the administrative office of the courts shall develop and provide training to judges with jurisdiction over violations of 55-10-401 to provide such judges with adequate knowledge to perform their duties under this act.

Effective July 1, 2010, Section 9 regarding collection of the ignition interlock fee. For all other purposes, this act shall take effect January 1, 2011, and shall apply to applicable offenses of driving under the influence occurring on or after January 1, 2011..

Public Chapter 922
SB 2982 - HB 2968

Illegal Synthetic Drugs

Amends 39-17-438(a). Provides that it is an offense to knowingly produce, manufacture, distribute, possess or possess with intent to produce, manufacture, or distribute the active chemical ingredient in the hallucinogenic plant salvia divinorum or the synthetic cannabinoids JWH-018, JWH-073, HU-210 and HU-211; provided

however, the provisions of this subsection concerning the synthetic cannabinoids JWH-018, JWH-073, HU-210 and HU-211 shall not apply to drugs or substances lawfully prescribed or to drugs or substances which have been approved by the federal Food and Drug Administration.

Effective July 1, 2010.

Public Chapter 937
SB 3439 - HB 3691

Bail - Persons with Mental Illness

Amends 40-11-111. Provides that individuals who are unable to perform activities of daily living as the result of a severe and persistent mental illness, or individuals who have been adjudicated mentally incompetent, or infants, need not personally make the deposit or execute the bail bond as may be required under current law, but the deposit and execution may be made for such individuals by anyone found by the sheriff or clerk taking the bond to be a responsible substitute.

Amends 40-11-150. Provides that any officer who has reason to believe that a defendant under arrest may pose a substantial likelihood of serious harm to the defendant or to others may make a recommendation to the community mental health crisis response service that the defendant be evaluated by a member of such service to determine if the defendant is subject to admission to a hospital or treatment resource pursuant to 33-6-403 (emergency involuntary admission). The assessment of the defendant by a member of a community mental health crisis response service shall be completed within 12 hours from the time the defendant is in custody or the magistrate or other official with the authority to determine bail shall set bail and admit the defendant to bail, when appropriate. However, if the assessment is being conducted at the end of the 12 hour period, the member of the community mental health crisis response service may complete the assessment. The magistrate or other official duly authorized to release the defendant may, however, release the accused in less than 12 hours if the official determines that sufficient time has or will have elapsed for the victim to be protected. If the assessment of the defendant by the member of the community mental health crisis response service indicates that the defendant does not meet the standards of 33-6-403, the officer who has reasonable cause to believe that the defendant may pose a substantial likelihood of serious harm shall so report to the magistrate or other official with the authority to determine bail and such magistrate or official shall set bail and admit the defendant to bail, when appropriate. The officer who has reasonable cause to believe that the defendant may pose a substantial likelihood of serious harm shall note the time the defendant was taken into custody for purposes of beginning the 12 hour assessment period.

Effective July 1, 2010.

Public Chapter 941
SB 3627 - HB 3964

Drug Testing Fees

Amends 39-17-420(k). Provides that any drug testing fee of \$20.00 and any other fees that were assessed and collected in any county of the Ninth Judicial District before such fees were repealed in 2007 shall be designated for use by the Ninth Judicial District drug task force.

Effective May 26, 2010.

Public Chapter 953
SB 2545 - HB 2506

Interception of Radio Transmissions

Enacts 39-13-608. Provides that it is an offense for a person to knowingly intercept any radio frequency transmission with the intent to use the intercepted transmission to commit, facilitate, or aid in the flight from a criminal offense. Defines “radio frequency transmission” as any radio transmission made by a law enforcement, fire fighting, emergency medical, federal, state or local corrections or homeland security official during the course of the official’s duties.

Effective July 1, 2010.

Public Chapter 964
SB 3169 - HB 3196

DNA Specimens - Uniform Collection Procedures

Amends 38-6-113(c). Provides that the bureau shall adopt uniform procedures to maintain, preserve and analyze human biological specimens for DNA. The bureau shall establish a centralized system to cross-reference data obtained from DNA analysis. The centralized system shall contain convicted felon profiles, forensic unknown profiles, criminal suspect profiles, violent juvenile sexual offender profiles, and missing person profiles. The detention, arrest or conviction of a person based upon a databank match or database information is not invalidated, if it is later determined that the specimens or samples were obtained or placed in the database by mistake. Defines violent juvenile sexual offender.

Effective July 1, 2010.

Public Chapter 979
SB 3267 - HB 3412

Child Abuse - Mandatory Reporting

Amends 37-1-403(b). Provides that the report shall include, to the extent known by the reporter, the name, address, telephone number and age of the child, the name, address, and telephone number of the person responsible for the care of the child, and the facts requiring the report. The report may include any other pertinent information.

Amends 37-1-403(c). Provides that if the department receives information containing references to alleged human trafficking or child pornography which does or does not result in an investigation by the department, the department shall notify the appropriate law enforcement agency immediately upon receipt of such information.

If the department initiates an investigation of severe child abuse, including, but not limited to, child sexual abuse, the department shall notify the appropriate local law enforcement agency immediately upon assignment of such case to a department child protective services worker. Provides that both the department and law enforcement shall maintain a log of all such reports of such information received and confirmation that the information was sent to the appropriate party.

Amends 37-1-403(i). Provides that any school official, personnel, employee or member of the board of education who is aware of a report or investigation of employee misconduct on the part of any employee of the school system that in any way involves known or alleged child abuse, including, but not limited to, child physical or sexual abuse or neglect, shall immediately upon knowledge of such information notify the Department of Children's Services, the sheriff, chief of police, or the judge having juvenile jurisdiction of the abuse or alleged abuse.

Effective May 27, 2010.

Public Chapter 981
SB 3380 - HB 3577

Domestic Abuse & Domestic Abuse Victims

Amends 36-3-606(e), 39-13-101(b)(2), 39-13-102(e)(2), 40-35-303(c)(2)(C), 40-11-150(a), and 40-35-303(m). Changes incorrect cross-references to definition of domestic abuse victim and domestic abuse.

Effective May 27, 2010.

Public Chapter 1004
SB 2901 - HB 3538

TBI - Drug Chemistry Unit Drug Testing Fund

Amends 39-17-420(h) and (j). Increases the amount of the fine for violations of the Tennessee Drug Control Act from \$100 to \$250 and shall be assessed upon a conviction of or upon the granting of pretrial diversion or judicial diversion for a violation of any part of the Tennessee Drug Control Act. Authorizes the use of excess funds in the TBI drug chemistry unit drug testing fund to pay for the education, training and scientific development of employees or for any other purpose so as to further allow the TBI to analyze and return the results of testing done on submitted substances in a more efficient and expeditious manner.

Effective July 1, 2010.

Public Chapter 1009
SB 3012 - HB 3125

Firearms - Restaurants

Repeals 39-17-1305. Amends 39-17-1321(b). Creates a Class A misdemeanor to possess a firearm within an establishment open to the public that serves alcohol while consuming alcohol. Amends 39-17-1359. Authorizes the use of the international circle and slash symbolizing the prohibition of the item within the circle as an

alternative to the statutory signage language to prohibit the possession of firearms on the posted property.

Effective June 4, 2010.

Public Chapter 1015
SB 2970 - HB 3280

Driving Under the Influence

Amends 55-10-401. Adds controlled substance, drug, and substance affecting the central nervous system to list of items that make up the offense of driving under the influence.

Effective January 1, 2011.

Public Chapter 1019
SB 2902 - HB 3537

TBI - Forensic Services Division - Fees

Amends 38-6-103. Designates fees for certain laboratory procedures conducted by the TBI and allocates proceeds from such fees to a fund for use by the bureau.

Effective July 1, 2010.

Public Chapter 1020
SB 2900 - HB 3543

Blood Alcohol or Drug Concentration Test Fee

Amends 55-10-419(a). Increases the blood alcohol or drug concentration test fee from \$100 to to \$250 and adds persons who are convicted of simple possession or casual exchange of a controlled substance or of reckless driving to the list of persons who must pay this fee. Authorizes the use of moneys in the TBI toxicology unit intoxicant testing fund to pay for the education, training and scientific development of employees or for any other purpose so as to allow the bureau to operate in a more efficient and expeditious manner.

Effective July 1, 2010.

Public Chapter 1022
SB 3905 - HB 3792

Tennessee Criminal Justice Coordinating Council

Enacts 41-52-___ et seq. Creates the Tennessee Criminal Justice Coordinating Council. Provides that the the council is charged with collaborating with and coordinating the services of state and local governmental agencies and non-governmental entities in the criminal justice system to increase public safety. In performing these duties, the council shall conduct planning, research and evaluation activities to improve criminal justice system operations and coordination. The council shall be attached to the Department of Finance and Administration for administrative purposes.

Effective July 1, 2010.

Public Chapter 1025
SB 3317 - HB 2522

Sheriff's Civil Service Law - Political Activity

Amends 8-8-419(a). Provides that an employee of the sheriff's office, including a deputy sheriff, who is running for an elected office is allowed to solicit and accept campaign contributions for such person's own election campaign if the person is not on duty or

in uniform when such activities occur. Provides that an employee of the sheriff's office, including a deputy sheriff, who is running for an elected office is allowed to make a public endorsement of their own campaign.

Effective June 9, 2010.

Public Chapter 1037
SB 3907 - HB 3791

Traffic Citation in Lieu of Arrest

Amends 55-10-207. Adds to types of information that must be included in traffic citations.

Amends 55-10-306. Adds to types of information that must be included in abstracts of court records pertaining to traffic violations.

Amends 55-50-409. Changes the time within which the court clerk must provide notice to the department of the conviction of any resident or nonresident holder of a commercial driver license of any violation of state law or local ordinance relating to motor vehicle traffic control, other than a parking violation, committed in a commercial motor vehicle from "10 days" to "five days."

Effective January 1, 2011.

Public Chapter 1099
SB 3459 - HB 3376

Harboring a Runaway

Enacts 39-15-414. Creates the Class A misdemeanor offense of harboring a runaway.

Effective June 23, 2010.

LEGISLATION

Public Chapter 758
SB 2275 - HB 2282

Notification of Need for Local Approval

Enacts 8-3-205 to provide that the secretary of state is required to notify local governments of the passage of an act only when the act (1) does not amend general law, (2) names and specifically only applies to the named municipality or county, and (3) in the date requires approval by a two-thirds vote of the legislative body or in a referendum.

Effective April 13, 2010.

LOCAL GOVERNMENT

Public Chapter 728
SB 3807 - HB 3327

Local Government Investment Pool

Enacts a new section in Title 9, chapter 4, part 7. Requires local governments participating in the pool to, beginning July 1, 2011, electronically transfer investment funds to the pool and electronically file any report or document related to such funds with the pool. Authorizes the state treasurer to waive these requirements in extenuating circumstances. Such a waiver may only be obtained if the local government provides written documentation of such

circumstances.

Effective April 9, 2010.

**MEDICAL SCHOOL
AUTHORITIES**

Public Chapter 1078
SB131 - HB193

Medical School Authorities Act of 2010

Enacts the Medical School Authorities Act of 2010 which authorizes one or more municipalities to form a medical school authority which is authorized to plan, finance, construct, acquire, renovate, equip and enlarge educational and research facilities to be used for the education of physicians, dentists, nurses and allied health professionals. Defines "municipality" as any county, metropolitan government or incorporated city or town in this state located in a county having a population of not less than ninety-one thousand eight hundred (91,800) according to the 2000 Federal census or any subsequent federal census.

Effective June 23, 2010.

MOTOR VEHICLES

Public Chapter 628
SB 2101 - HB 2069

Golf Carts on Public Roads

Amends Title 55, Chapter 1, Part 1. Enacts pilot program in specified municipalities. Authorizes the governing body in designated cities to authorize and regulate the operation of golf carts on any public roadway within such municipality that is not a part of the county highway system or the state system of highways or the interstate and national defense highway system. Includes the following municipalities: Graysville, Lakeland, Lawrenceburg, McEwen, New Johnsonville, Ridgely, Soddy-Daisy, Spring City, and Waverly. Provides that the pilot program will end on July 1, 2011.

Effective July 1, 2010.

Public Chapter 938
SB 3457 - HB 3489

Lighting on Highway Maintenance or Utility Vehicles

Amends 55-9-402(e)(1). Allows highway maintenance or utility vehicles to operate a white, amber, or white and amber light system on any location on the vehicle.

Effective May 26, 2010.

Public Chapter 984
SB 1678 - HB 1561

Unclaimed or Abandoned Vehicles

Amends 55-16-105(a) and (f). Requires that the notice of tow of an abandoned or unclaimed vehicle be given to the last registered owner within three business days of receiving verification of ownership of the vehicle.

Effective May 31, 2010.

PERSONNEL

Public Chapter 919

SB 2908 - HB 2975

Long Term Care

Amends 8-27-302 and 8-27-207 to provide an opportunity for eligible local education employees and local government employees to enroll in a long term care benefits program, with the coverage to be effective January 1, 2012. The program may be combined with the long term care plan for state employees. Agencies electing to provide this benefit for their employees may be required to provide payroll deduction capability for collection of premiums, and TCRS may be required to deduct monthly premiums for members participating in the plan.

Effective July 1, 2010.

Public Chapter 1089

SB 2753 - HB 2685

English in the Workplace/Rescue Squad Workers

Amends 4-21-401 to provide that it is not a discriminatory practice under the Tennessee Human Rights Act for an employer to require employees speak only in English at certain times when the employer has a legitimate business necessity for the rule, as long as employees have notice of the policy and the consequences for violating it.

Prohibits an employer from terminating an employee who is a volunteer rescue squad worker for being absent or late to work in order to respond to an emergency, but allows the employer to reduce the employee's pay for the time off and request a written statement from the rescue squad supervisor with the date and time of the emergency. The employee must make a reasonable effort to notify the employer that the employee will be late or absent.

Effective June 23, 2010.

PLANNING AND ZONING

Public Chapter 634

SB2578 - HB 2711

Planning Commissions

Enacts 13-3-413 which authorizes regional planning commissions to promulgate subdivision regulations and recommend zoning ordinance amendments establishing review and approval powers for site plans and to recommend zoning ordinance amendments establishing review and approval powers for PUDs, overlay districts, mixed use developments, condominiums and other types of sustainable design and development of property. Also requires that infrastructure and internal development improvements required by the planning commission be subject to bonding or other methods of guaranteeing installation. Authorizes the planning commission to set and hold these guaranteeing instruments or to designate another governmental body to do so. Enacts a similar section, 13-4-310, for municipal planning commissions.

Effective March 17, 2010.

Public Chapter 648
SB 2576 - HB 2709

Boards of Zoning Appeals

Amends 13-3-304(b) to require that land use decisions made by the board of zoning appeals, other than variances, be consistent with the regional plan if the legislative body adopts the general regional plan in the form of an ordinance by the municipality or a resolution by the county. Also amends 13-4-202(b)(2)(B)(iii) relative to municipal planning commissions.

Effective July 1, 2011.

Public Chapter 701
SB 2580 - HB 2712

Planning Commissions

Amends 13-3-103 to require each regional planning commission to adopt rules for the transaction of business which shall include but not be limited to the selection of additional officers from among its members it deems appropriate to fulfill the organizational needs of the regional planning commission, the requirements for the regional planning commission to make findings of fact, statements of material evidence and reasons for its actions as part of each motion or action of the regional planning commission and the keeping of a record of its resolutions, transactions, motions, actions, and determinations which shall be a public record. Requires that planning directors be appointed pursuant to the applicable charter, private act, or interlocal agreement and in the absence of such, provides that the county mayor, county executive or metropolitan mayor shall appoint the planning director. Specifies qualifications for planning directors. Authorizes planning commissions to contract with planners or other experts for services within the budget appropriated by the legislative body. Authorizes single county regional planning commissions to receive and expend funds from grants, gifts, contracts, fees and appropriations from other governments or private sources, subject to appropriation by the county legislative body. Authorizes multi-jurisdictional regional planning commissions to expend funds from grants, gifts, contracts, fees and appropriations from other governments or private sources, subject to the applicable interlocal agreement. Also amends 13-4-102 relative to municipal planning commissions.

Effective March 31, 2010.

Public Chapter 936
SB3430 - HB3956

Grandfather Protections for Multifamily Residential Establishments

Amends 13-7-208(d) to allow for the reconstruction of multifamily residential establishments in the event of partial or complete damage caused by natural disasters. Provides that the new facilities cannot exceed their original footprint without losing grandfathered status. Allows local governments to provide for stricter standards to determine the amount of partial damage that may be allowed without forfeiture of grandfathered status. Requires the new

facilities to comply with all current architectural standards.
Effective May 26, 2010.

PURCHASING

Public Chapter 755 SB 3070 - HB 2754

Construction Managers for Schools

Amends 49-2-203(A)(3)(C)(iii) to clarify present law which requires that a contract manager providing construction management services for school buildings or additions be a contractor licensed in this state. This act provides that construction management services for school construction or additions may be performed by (1) a licensed general contractor, as long as none of the services performed by the general contractor involve architectural and engineering services, unless, with regard to those services, the general contractor is also licensed as an architect or engineer; or (2) a licensed architect or engineer, as long as none of the services performed by the architect or engineer involve any of the services required to be performed by a contractor, unless, with regard to those services, the architect or engineer is also licensed as a contractor.

Effective April 13, 2010.

Public Chapter 768 SB 2722 - HB 2794

License Information on Bid Envelopes

Amends 62-6-119 to require the name, license number and expiration date, and license classification of masonry contractors to be placed on the outside of the envelope containing the bid when the cost of the masonry portion of a construction project exceeds \$100,000.

Effective July 1, 2010.

Public Chapter 801 SB 3607 - HB 3158

License Information in Electronic Bids

Completely rewrites 62-6-119 regarding information required to be placed on the outside of the envelope containing a bid, to allow the required information to be placed in an electronic bid. Removes Class A misdemeanor criminal penalty for acceptance of bid when the envelope or electronic bid does not have the required information (penalties under 62-6-120 continue to apply).

Effective April 19, 2010.

Public Chapter 897 SB 2688 - HB 2766

Fuel Purchase Stabilization

Amends 7-51-911 to authorize fuel stabilization contracts to be for a maximum term of 24 months.

Effective May 10, 2010.

Public Chapter 950 SB 1560 - HB 1242

Licensed Masonry Contractors

Amends 62-6-102 to require masonry contractors to be licensed by

the state board for licensing contractors when the total cost of the masonry portion of the construction project exceeds \$100,000 for materials and labor.

Effective January 1, 2011 (with earlier effective dates for administrative provisions).

Public Chapter 955
SB 2608– HB 2552

Purchase of Used or Secondhand Items

Amends 12-3-1003 to change the terms under which a county may purchase used or secondhand items from private individuals, to state that the price paid cannot be more than 5% higher than the highest value of the documented range, established through a listing in a nationally recognized publication or by an appraisal.

Effective May 13, 2010.

Public Chapter 994
SB 2508 - HB 2485

Sale of Surplus Property by TRICOR

Enacts 41-24-413 to authorize TRICOR to sell equipment and raw materials determined to be surplus to businesses, government, or nonprofit organizations, or by auction to the public.

Effective June 2, 2010.

Public Chapter 1067
SB 3194 - HB 3175

Cooperative Purchasing

Amends 12-3-1004 to authorize cities, counties, utility districts, and other local government units in Tennessee to purchase equipment under the same terms as a legal bid initiated by any other city, county, utility district, or other local governmental unit in Tennessee, as long as the unit cost of the equipment is \$10,000 or less. The equipment may be purchased from a vendor as long as it is at the same price and under the same terms as provided in the contract entered into by the entity that bid the equipment.

Effective June 21, 2010.

RECORDS

Public Chapter 951
SB 1113 - HB 1277

Expungment

Amends 40-32-101. Provides that upon a verdict of not guilty being returned, whether by a judge following a bench trial or by a jury, on all charges for which the defendant was accused, the judge shall inquire of the person acquitted whether such person requests that all public records associated with the charges for which such person was acquitted be removed and destroyed without cost to the person and without the requirement that the person petition for destruction of such records. If the person requests that the public records related to such charges be removed and destroyed, the court shall so order. If the person acquitted does not request that such records be destroyed at the time the judge inquires but subsequently requests that such records be destroyed, the person shall be required

to follow the petition procedure set out in 40-32-101.

Effective May 26, 2010.

Public Chapter 1101
SB 3480 - HB 3631

Archives and Records Management Fee

Amends 10-7-408 and 6-54-136. Excludes the register of deeds from the list of officers that the county legislative body may require to collect an archives and records management fee. Provides that the county legislative body may require court clerks to collect such a fee on documents filed for the purpose of initiating a legal proceeding.

Effective July 1, 2010.

REGISTERS OF DEEDS

Public Chapter 722
SB 2607 - HB 2509

Data Processing Fee

Amends 8-21-1001 to allow registers in Marshall, Lincoln, Maury, Rutherford and Hamilton counties to utilize revenue from the data processing fee that is above what is necessary to purchase computer equipment and software, upgrades to computer equipment and software, and supplies, maintenance and services relating to computer equipment and software for other purposes directly related to the official functions of the office. Registers must obtain county legislative body approval prior to making purchases with this revenue.

Effective upon adoption of a resolution by a two-thirds (2/3) vote of the county legislative body.

Public Chapter 797
SB 2667 - HB 2670

Military Discharge Records

Amends § 10-7-513 and enacts a new section in Title 8, chapter 13. Makes military discharge records confidential for 75 years from the time the records are recorded or otherwise come into a register's possession. During this 75 year period, the register may disclose information or may permit inspection or copying only in accordance with § 10-7-513 or a court order. Authorizes only certain persons to have access to the documents and allows certain persons to request that the records be removed or redacted. Requires registers to store military records separate from other records and to keep military records in a location not accessible to the general public (there is an exception for older military records already being kept in books with other public records). In counties that record and store documents electronically, provides that registers shall not make available to the general public any display of military discharge records and shall only provide copies of such records in compliance with § 10-7-513.

Effective April 19, 2010.

Public Chapter 1053
SB2606 - HB2510

Registers of Deeds

Amends 8-21-1001(j) to permit registers, upon receiving county legislative body approval, to charge a \$2.00 filing fee for documents filed through the register's county electronic filing portal. Documents filed by federal, state and local governmental entities are exempt from this fee.

Effective upon the adoption of a resolution by a two-thirds (2/3) vote of the county legislative body.

RETIREMENT

Public Chapter 777
SB 3138 - HB 3088

Retirement System and Retirement Benefits

Amends numerous provisions in Chapters 34, 35, 36 and 37 of Title 8 relative to the retirement system and retirement benefits.

For numerous listed participating employers, extends membership in the TCRS to all employees instead of just the administrative employees. Authorizes the board of directors of several listed participating associations to pass a resolution to extend retirement coverage to all non-administrative employees of the respective association, instead of only the administrative employees of such association.

Authorizes a political subdivision employer that adopts a resolution on or after July 1, 2010 regarding the noncontributory provisions in 8-34-206(d), to reserve the right within its adopting resolution to thereafter discontinue the noncontributory provisions for all its current and future employees. Provides that to discontinue the noncontributory provisions, the chief governing body of that employer must pass a resolution by a two-thirds vote of that body. Any resolution to discontinue the noncontributory provisions would be irrevocable and the employer may not elect at a later date to provide such noncontributory provisions.

Revises the terms and conditions upon which a political subdivision may terminate participation in TCRS and the options available to the employees of such terminating political subdivision.

Amends numerous provisions relative to the authority of the TCRS board of trustees.

Provides that the minimum service retirement allowance with respect to creditable service of certain school board members would equal either \$14.00 or \$20.00 per month for each year of such creditable service at the discretion of the chief legislative body of the city, special school district, or county. Provides that on July 1, 2011, and on each July 1 thereafter, such minimum retirement must be adjusted pursuant to the cost-of-living provisions in present law.

Such provisions do not apply unless the chief legislative body of the respective city, special school district or county passes a resolution authorizing these provisions and accepting the liability therefore. Any such resolution would apply to current and future retirees and would become on the first day of any quarter following the filing of the resolution with the retirement system. For cities, special school districts and counties that do not elect this provision, the minimum benefit for service of such school board members would be \$7.00 or \$8.00 depending upon which option is exercised by the respective city, school district or county under present law.

Removes provision that sunset the authorization in present law that any person retired for at least one year from the TCRS, from any superseded system administered by the state, or from any local retirement fund may accept employment as a K - 12 teacher without loss or suspension of retirement benefits under certain conditions.

Provides that for the payroll period ending July 1, 2011, or on such later date as the state treasurer may provide, the contributions described in present law must generally be paid by the employer to the retirement division by electronic funds transfer.

Revises the terms and conditions which govern certain employee's ability to transfer membership from an optional retirement program to TCRS.

Revises provisions relative to the retirement of Group 1 members covered by the mandatory retirement provisions.

Effective July 1, 2010.

Public Chapter 806
SB 3140 - HB 3090

Deferred Compensation Program

Enacts a new section in Title 8, Chapter 25, Part 1 to authorize any entity eligible to participate in the TCRS pursuant to the provisions governing participation by local government units to become a participating employer in any deferred compensation program established on behalf of state employees, subject to the approval of the chair of the retirements system and in conformity with such terms and conditions as may be prescribed by the chair. Provides that all employees shall be eligible to participate in the deferred compensation programs under the same terms and conditions as state employees, except for the state matching provisions. Allows the option of providing for employer matching of contributions in any amount for which the entity is willing to contribute, provided that the amount conforms to all applicable laws, rules and regulations of the Internal Revenue Service. Provides that all costs associated with participation, including administrative costs, shall be the responsibility of such entities or the entities' participating employees.

Effective April 20, 2010.

SEX OFFENDERS

Public Chapter 904 SB 3362 - HB 3369

Revocation of License to Practice Medicine

Amends Title 63, Chapter 6, Part 2. Establishes procedures for revocation of license to practice medicine if licensee is found to be a person required to register as a sex offender.

Effective July 1, 2010.

Public Chapter 1138 SB 2724 - HB 2788

Sex Offender Registration Act

Amends 40-39-202. Makes various changes to definitions section. Amends 40-39-203(i). Mandates the TBI registration form require the offender's complete name and all aliases, including, but not limited to, any names that the offender may have had or currently has by reason of marriage or otherwise, including pseudonyms and ethnic or tribal names. Also requires copies of all passports and immigration documents and professional licensing information that authorizes an offender to engage in an occupation or carry out a trade or business.

Amends 40-39-206(e). Makes the following information public: The offender's complete name, as well as any aliases, including, but not limited to, any names that the offender may have had or currently has by reason of marriage or otherwise, including pseudonyms and ethnic or tribal names; the address of the offender's employer or employers; and the license plate number and a description of all of the offender's vehicles.

Amends 40-39-207(i)(3). Provides that if a person convicted of an offense was not required to register as an offender prior to July 1, 2010, for an offense now classified as a sexual offense, the person may file a request for termination of registration requirements with TBI headquarters in Nashville, no sooner than 5 years from July 1, 2010, or the date the person first registered with the SOR, whichever date is later. Further provides that if a person convicted of an offense was not required to register as an offender prior to July 1, 2010, for an offense now classified as a violent sexual offense, the person shall continue to comply with the registration, verification and tracking requirements for the life of that offender.

Amends 40-39-213. Provides that every offender required to register pursuant to this part who is a resident of this state, and who is eligible, shall be responsible for obtaining a valid driver license or photo identification card that has been properly designated by the Department of Safety pursuant to § 55-50-353. Every offender eligible to receive the license or identification card shall always have the license or identification card in the offender's possession. If the offender is ineligible to be issued a driver license or photo identification card, the department shall provide the offender some

other form of identification card or documentation that, if it is kept in the offender's possession, will satisfy the requirements of this section and § 55-50-353; such identification must be kept in the offender's possession at all times. If any offender is determined to be indigent, an identification card or other documentation in lieu of an identification card shall be issued to the offender at no cost. Provides that a violation is a Class E felony punishable by fine only of not less than \$250. Requires that every offender required to register shall have obtained the documentation required by this section and presented it to the offender's registering agency no later than 60 days from the date in which such person is required to register.

Amends 40-39-204(b). Requires violent sexual offenders to report in person during the months of March, June, September, and December of each calendar year, to the designated law enforcement agency, on a date established by such agency, to update the offender's fingerprints, palm prints and photograph, as determined necessary by the agency, and to verify the continued accuracy of the information in the TBI registration form. Also requires violent sexual offenders to pay the annual administrative fee at the time of the violent offender's initial registration or initial reporting date for the calendar year. Amends 40-39-204(c). Requires sexual offenders whose initial registration occurs after the annual reporting period to pay the administrative fee at the time of the initial registration.

Effective July 1, 2010.

Public Chapter 1145
SB 3290 - HB 3181

Residential and Work Restrictions

Amends 40-39-211. Prohibits sexual offenders and violent sexual offender from establishing a primary or secondary residence with two or more other such offenders, or where two or more other such offenders currently reside. Provides that no person, corporation or other entity shall knowingly permit more than three sexual offenders, violent sexual offenders, or a combination thereof to establish a primary or secondary residence in any house, apartment or other habitation owned or under the control of such person, corporation or entity. Provides that the provisions of this subsection shall not apply to any residential treatment facility in which more than three sexual offenders, violent sexual offenders, or combination thereof, reside following sentencing to such facility by a court or placement in such facility by the board of probation and parole for the purpose of in-house sexual offender treatment; provided, the treatment facility complies with the guidelines and standards for the treatment of sexual offenders established by the sex offender treatment board pursuant to § 39-13-704.

Effective July 1, 2010.

SHERIFF'S FEES

Public Chapter 1130
SB 3495 - HB 2851

Waiting on Court

Amends 8-21-901(a)(4)(A). Increases the sheriff's fee for attending the grand jury or waiting on court from \$75.00 per day to \$100.00 per day. Applies only in Wilson County.

Effective July 1, 2010.

TAXES

Public Chapter 616
SB 2551 - HB 2657

State Tax on Soft Drinks and Barrels of Beer

Amends 57-5-201 and 67-4-402 to extend the state tax on bottled soft drinks and barrels of beer to fund programs for the prevention and collection of litter to June 30, 2016, or June 30 of any year following the enactment of any state or federal law that imposes mandatory deposits by consumers on beverage containers sold in Tennessee.

Effective June 1, 2010.

Public Chapter 962
SB 3134 - HB 3164

Unauthorized Substance Tax

Amends Title 67, Chapter 4, Part 28. As enacted, revises the tax on unauthorized substances based on the decision of the Tennessee Supreme Court in *Waters v. Farr* to impose the tax on the merchant of unauthorized substances. Requires every local law enforcement agency and every state law enforcement agency to report to the department of revenue within 48 hours after seizing an unauthorized substance from or making an arrest of a merchant when the appropriate stamps have not been affixed to the unauthorized substances.

Effective July 1, 2010

Public Chapter 1134
SB 3901 - HB 3787

Miscellaneous Taxation Amendments

Amends numerous tax-related provisions detailed below.

Amends 67-6-102 to provide that "sale for resale" does not include (and thus sales tax applies to) a sale of services to a dealer for use in the business of selling, leasing, or renting tangible personal property or software. Provides for numerous exceptions.

Amends 67-6-322 to provide that computer software shall be exempt from sales and use if sold, given, or donated to certain charitable organizations.

Amends Chapter 530 of the Public Acts of 2009 relative to qualified headquarter facilities.

Amends 7-88-106 to provide that relative to any facility in Sevier County which elects to qualify as a qualified public use facility, any

revenue derived from an increase in the local sales and use tax rate occurring on or after January 1, 2009, may not be apportioned and distributed for such facility and instead must be apportioned and distributed as provided in present law for local option sales and use tax. Provides exemption for any increase in the local sales and use tax enacted after July 1, 2010.

Amends 67-6-102 to provide for a limited sales tax exemption for certain expansions to an existing warehouse or distribution facility.

Amends 67-6-103 relative to sales and use tax revenue allocation if a hotel in the footprint of a convention center undertakes a significant capital improvement program in connection with the construction of the convention center.

Enacts a new section in Title 67, Chapter 6, Part 2 to provide for a sales tax credit for a taxpayer who engages in a qualified disaster restoration project if such project involves a minimum investment of \$50 million.

Amends 67-6-103 relative to the apportionment of sales tax revenues from the sales of tangible personal property or amusements on the premises of certain zoos or aquariums.

Amends numerous provisions relative to captive real estate investment trusts (REITs).

Amends 67-4-2004 to provide a tax credit against a key tenant's franchise and excise tax liability equal to any qualified medical trade center relocation expenses incurred by the key tenant under certain circumstances.

Amends 67-4-2109 to authorize the lowering of the wage and investment criteria under certain circumstances in the present law provisions governing job tax credits and headquarter relocation credits.

Amends 67-4-2109 relative to taxation of qualified production companies.

Amends 67-4-2109 to provide a credit against excise and franchise taxes for certain contributions to the Tennessee rural opportunity fund or the Tennessee small business opportunity fund.

Amends 67-4-708 to clarify that for business tax purposes, gasoline and diesel fuel sold at wholesale is taxable under the rate applicable for classification 1(B).

Amends 67-4-713 to provide that personal property taxes are allowable as a credit only to the extent that the property is located at the place of business covered by the return and the property is taxed by the same city or county that levied the business tax.

Amends 67-4-409 relative to rollback taxes on certain land acquired by the state.

Amends numerous provisions relative to tax credits for pollution controls.

Amends 7-39-307 to authorize an energy acquisition corporation, that acquires an ongoing concern engaged in the sale and distribution of liquefied petroleum gas (propane), to enter into agreements for payments in lieu of taxes with any local government to which the acquired concern formerly paid ad valorem property tax.

Amends 67-4-2109 to provide that the Commissioner of Revenue, the Commissioner of Economic and Community Development, and the Commissioner of Finance and Administration are authorized, with the approval of the comptroller of the treasury, to jointly establish a program pursuant to which buildings, facilities, or other infrastructure may be developed utilizing a state funding mechanism and pursuant to which the value of tax credits that have been earned by the taxpayer but remain unutilized may be applied, in lieu of payments, toward the purchase or lease of such property pursuant to a contractual agreement between the taxpayer and the program.

Amends 67-5-606 to provide that in the event commercial and industrial tangible personal property is destroyed, demolished or substantially damaged as a result of a disaster certified by the Federal Emergency Management Agency (FEMA), the annual assessment of such qualifying personal property in a FEMA certified county shall be prorated for the actual time the qualifying personal property is not replaced or restored notwithstanding that such personal property is replaced or restored by September 1, provided the total time the qualifying personal property is not replaced or restored exceeds thirty (30) days. Provides that the owner must apply for this relief to the assessor by September 1 using a form approved by the director of the state division of property assessments. Provides the owner must provide the assessor a listing of the destroyed, demolished or substantially damaged personal property for which the proration is sought. Provides that this provision shall be effective retroactively to January 1, 2010, but shall not take effect as to any particular county or municipality unless approved by two-thirds (2/3) vote of its governing body. Provides that this provision shall expire on December 31, 2010.

Amends 7-53-303 to change from four to seven the percentage points above the average prime loan rate for recovery zone facility bonds that are issued by industrial development boards on or before June 30, 2012.

Enacts 67-4-114 to exempt from the barrel tax quantities of beer of

50 barrels or more, or an equivalent volume, that were rendered unsalable and subsequently destroyed as a result of the floods occurring from May 1, 2010 through May 8, 2010.
Amends 67-4-2009 relative to tax credits for certain purchases of Brownfield properties.

Amends numerous other provisions relative to taxation.

Effective Most sections effective June 30, 2010 (unless otherwise stated, other sections are effective July 1, 2010)

TAXES - PROPERTY

Public Chapter 660
SB 2792 - HB 2870

Payment of Municipal Property Taxes

Amends Title 6, Chapter 56, Part 1. Authorizes municipalities that collect their own property taxes to accept partial payments of property taxes under certain conditions.

Effective March 29, 2010.

Public Chapter 711
SB 2493 - HB 3878

Redemption of Property

Amends 67-5-2704. Defines "lawful charges" by a purchaser of property sold for taxes to include reasonable payments made for maintenance and insurance for purposes of determining amount to be paid to redeem the property.

Effective April 5, 2010.

Public Chapter 739
SB 3684 - HB 3609

Double Assessment

Amends 5-2-115. Provides that when property has been assessed in one county for five years or more, the state board shall not have authority to rule that such property shall be located in a different county, but the board shall have authority to redress double assessment in these circumstances by voiding the later assessment to the extent it represents an assessment by both counties.

Effective April 9, 2010.

Public Chapter 889
SB 3348 - HB 2635

Property Owned by a Charitable Organization

Amends 67-5-221(a). Exempts from real property tax, buildings on land owned by charitable institutions and developed for construction of residences for low-income households.

Effective May 10, 2010 Applies to tax year beginning January 1, 2010.

Public Chapter 928
SB 3191 - HB 3448

Agricultural, Forest and Open Space Land

Amends 67-5-1008. Specifies that the general assembly finds that value for agricultural, forest, or open space land should not be deemed the value of property for any purpose other than a future

assessment of rollback taxes, because it does not determine the actual tax liability of a qualifying owner at the time of valuation.

Effective July1, 2010.

Public Chapter 932
SB 3361 - HB 2998

Municipal Tax Relief Applications

Amends 67-5-701. Provides that any municipality within a county may, upon ordinance or resolution of the legislative body, enter into a contract with another collecting official within the same county for the purpose of outsourcing the processing of tax relief applications received from taxpayers. The collecting official shall submit such applications and supporting documents to the state for tax relief processing.

Effective May 26, 2010.

Public Chapter 942
SB 3686 - HB 3607

Assessment of Motor Bus and Truck Companies

Amends 67-5-1301(a)(11), 67-5-1308 and 67-5-1308(1). Clarifies that under present law regarding the classification and assessment of property taxes relating to public utilities, a motor bus and/or truck company owning or leasing real or personal property located in the state would include those owner operators who operate under such motor bus and/or truck company's motor carrier authority.

Effective May 26, 2010.

Public Chapter 1007
SB 2809 - HB 3259

Payment of Delinquent Taxes by PMSI Holder

Amends 67-5-1805 and 67-5-2003(h). Allows a secured party to pay delinquent personal property taxes on repossessed property. Sets forth procedure to determine amount of delinquent taxes owing. Limits secured party's liability to four years.

Effective June 3, 2010.

Public Chapter 1014
SB 3174 - HB 3190

Delinquent Tax Sales

Amends 67-5-2508. Designates procedures for delinquent tax sales when delinquent taxes are owed to both municipality and county.

Effective July 1, 2010.

Public Chapter 1036
SB 3687 - HB 3606

Property Taxes

Amends 67-5-1301(c). Specifies that all of the provisions generally applicable to post-certification revision of local assessments under present law would also apply to public utility property or information, including, without limitation, back assessment or reassessment, correction of assessment errors under 67-5-509, proration of assessments under 67-5-603, and relief from forced assessments and amendment of taxpayer filed schedules under 67-5-903. Provisions for confidentiality of taxpayer information under 67-5-402 shall likewise be applicable to information provided by

public utility taxpayers.

Amends 67-5-212(b)(3)(B). Provides that the purpose of this subdivision is to provide continuity of exempt status for property transferred from one exempt religious institution to another in the specified circumstances. For purposes of this subdivision, property transferred by a lender following foreclosure shall be deemed to have been transferred by the foreclosed debtor, whether or not the property was assessed in the name of the lender during the lender's possession.

Amends 67-5-603(d). Provides that in the case of damage resulting from a disaster certified by the Federal Emergency Management Agency (FEMA), the annual assessment of an affected building or improvement in a county included in the FEMA declaration shall be prorated as otherwise provided in 67-5-603(a), for the actual time the building or improvement is destroyed and not replaced, or the actual time the building or improvement is substantially damaged, notwithstanding the building or improvement is restored or replaced by September 1, provided the total time the building or improvement is destroyed or damaged and not replaced or restored, exceeds thirty (30) days. The owner must apply for this relief to the assessor by September 1 using a form approved by the director of the state division of property assessments. This subdivision shall be effective retroactively to January 1, 2010, but shall not take effect as to any particular county or municipality unless approved by two-thirds (2/3) vote of its governing body. This subdivision shall expire on December 31, 2010.

Effective June 11, 2010.

Public Chapter 1064
SB2810 - HB3069

Government-Owned Property

Amends 67-5-2509(d)(4) to broaden the authority of Shelby County, or a municipality located therein, to convey property it purchased at a tax sale to a nonprofit community development corporation.

Effective June 21, 2010.

Public Chapter 1074
SB 3685 - HB 3608

Fees - Exemptions and Appeals

Amends 67-5-212 and 67-5-1501. Increases the amounts that may be charged for filing an application for exemption from property taxes as a religious, charitable, scientific, or educational institution and the costs of a hearing on the assessment of property taxes; and removes the prohibition against assessing fees over \$1.00 per parcel for electronically filed appeals until the actual appeal forms are filed.

Effective June 21, 2010.

Public Chapter 1134
SB 3901 - HB 3787

Personal Property (Flood Relief)

Amends 67-5-606(c). Provides that in the event commercial and industrial tangible personal property is destroyed, demolished or substantially damaged as a result of a disaster certified by FEMA, the annual assessment of such qualifying personal property in a FEMA certified county shall be prorated as otherwise provided in 67-5-606(a), for the actual time the qualifying personal property is not replaced or restored notwithstanding that such personal property is replaced or restored by September 1, provided the total time the qualifying personal property is not replaced or restored exceeds 30 days. The owner must apply for this relief to the assessor by September 1 using a form approved by the director of the state division of property assessments. Furthermore the owner must provide the assessor a listing of the destroyed, demolished or substantially damaged personal property for which the proration is sought. This subdivision shall be effective retroactively to January 1, 2010, but shall not take effect as to any particular county or municipality unless approved by 2/3 vote of its governing body. This subdivision shall expire on December 31, 2010.

Effective June 30, 2010.

TAXES - SALES

Public Chapter 1033
SB 2835 - HB 3216

Special Allocation of State Sales Tax to Eligible Counties

Amends 67-6-103(o) to provide for a special state sales tax revenue distribution scheme for "eligible counties" which adopt a resolution on or before June 30, 2011, with the approval of the Commissioner of Revenue and the Commissioner of Economic and Community Development, designating a "commercial development zone" for "mixed use development."

The act defines "eligible counties" as any county in which: (1) at least twenty-five percent (25%) of the county consists of federally-owned land; (2) at least thirty and three-fifths percent (30.6%) of the county's population, eighteen (18) years of age and younger, lives in poverty as determined by the United States Census Bureau, Small Area Income and Poverty Estimates (SAIPE) program, or any comparable successor program, within the three-year period immediately preceding establishment of the commercial development zone; and (3) the Federal Highway Administration has approved an interstate exit in close proximity to the area proposed for a commercial development zone, and such approval was based on the need to stimulate local economic development opportunities.

Defines "commercial development zone" as an area in which a mixed-use development is planned or located. Provides that to comprise a commercial development zone, the area: (1) must be located entirely within an eligible county; (2) shall not exceed one thousand two hundred (1,200) acres; and (3) must be located adjacent to a federally designated interstate highway.

Defines “mixed-use development” as an area, located entirely within an eligible county, containing not less than five hundred (500) acres nor more than one thousand two hundred (1,200) acres.

Effective June 11, 2010.

Public Chapter 1114
SB 231 - HB 228

Limited Sales Tax Refund for Flood Victims

Enacts 67-6-396 to provide for a limited sales tax refund for certain home related purchases made by individuals receiving disaster assistance through the Federal Emergency Management Agency as a result of a disaster occurring between May 1, 2010 and May 8, 2010. Provides that all refunds under the act shall be paid from the state’s general fund and nothing in the act shall be construed to reduce the amount of sales and use tax payable to local governments.

Effective June 29, 2010.

UTILITIES

Public Chapter 716
SB 3295 - HB 2991

Storm Water Billing Statements

Amends 68-221-1112 to change the required wording on storm water bills from “THIS TAX HAS BEEN MANDATED BY CONGRESS” to “THIS FEE HAS BEEN MANDATED BY CONGRESS.” Provides that this change is not required until the current supply of water bills is exhausted.

Effective April 5, 2010.

Public Chapter 751
SB 3172 - HB 3555

Loans to Wastewater Facilities and Water Systems

Amends 68-221-1006 and 68-221-1206 relative to the prerequisites for and terms of loans under the Wastewater Facilities Act of 1987 and the Drinking Water Revolving Loan Fund Act of 1997. Allows loans to be made to local governments which are relying upon using ad valorem taxes or other lawful sources of revenue, in addition to fees and charges, to timely repay loan.

Effective April 13, 2010.

Public Chapter 825
SB 2945 - HB 2970

Report on Underground Utility Damage

Amends Section 1 of Chapter 470 of the Public Act of 2009 to change the reporting deadline of the Tennessee Advisory Commission on Intergovernmental Relations to the general assembly on the effectiveness of Tennessee’s current underground utility damage prevention program from January 29, 2010, to January 17, 2011.

Effective April 23, 2010.

Public Chapter 876

Water Loss

SB 3690 - HB 3603

Amends 7-82-401 and 68-221-1010 to provide that failure of a utility district or water system to report the required data on unaccounted for water loss shall constitute excessive water loss. Provides that a government joint venture that supplies or treats water or wastewater for wholesale use only to other governments, shall not fall under the jurisdiction of the utility management review board or the water and wastewater financing board for the purpose of reporting negative change in the net assets annually, but shall be referred to the appropriate board if the government joint venture is in a deficit or default position.

Public Chapter 1035
SB 3333 - HB 3504

Effective July 1, 2010.

Payments in Lieu of Taxes

Amends 48-69-103 to add that “governmental electric system” may include, at the election of the G&T cooperative, for purposes of membership in the G&T cooperative, the Tennessee Valley Authority.

Amends 48-69-106 to authorize a G&T cooperative to enter into one or more agreements providing for the making of payments in lieu of taxation to any state or local taxing jurisdiction within or outside of the state to the extent that the G&T cooperative’s wholesale sale of capacity and energy to a member or patron of the G&T cooperative results in a diminution in payments in lieu of taxes from the Tennessee Valley authority to such state and local governments.

Enacts 67-4-3103 to require each person, including each governmental and cooperatively organized person, engaged in the business of making covered wholesale sales of electric current to a municipality, electric cooperative or other similar customer, for the privilege of doing such business, to remit to the state for state purposes a payment in lieu of tax in an amount calculated in accordance with the act to help keep Tennessee and its local governments whole from any diminution in the in lieu of tax payments paid by the Tennessee Valley Authority on account of the provision of wholesale electric current to municipal utilities, electric cooperatives and other similar entities for resale within the state by sources other than the Tennessee Valley Authority. Provides that if the person making covered wholesale sales of electric current does not make the required in lieu of tax payment, then each municipality, electric cooperative or other similar customer engaged in making use of covered wholesale sales of electric current shall be responsible for making such payment in lieu of taxes applicable to the customer’s use of such power and energy.

Requires the Tennessee advisory commission on intergovernmental relations to continue to monitor, within existing resources, whether the current wholesale power supply arrangements between the Tennessee Valley Authority and municipal utilities and electric

cooperatives are likely to change in the future in a way that could affect payments in lieu of taxes from the Tennessee Valley Authority to the state and to its local governments.

Effective June 11, 2010.

Public Chapter 1071
SB 3215 - HB 3446

Feasibility Study Relative to Freezing Utility Rates

Creates a special joint committee to study the feasibility of providing relief to senior citizens by freezing or capping their utility rates.

Effective June 21, 2010.

Public Chapter 1146
SB 3513 - HB 2865

Utility District Commissioners

Amends numerous provisions in 7-82-307, 7-82-308, and 7-82-607. Provides that when the member of a utility district board of commissioners is absent from four (4) consecutive regular board meetings or from one-half (1/2) or more of the regular board meetings in a calendar year, the utility district shall report such absenteeism in writing to the county mayor of the county in which the utility district commissioner resides or is a customer and to the county mayor of the county in which the utility district's principal office is located, if different.

Provides for twelve (12) hour training and continuing education requirement for utility district commissioner. Provides that if a utility district commissioner fails to meet the training and continuing education requirements before the end of the commissioner's term of office such commissioner shall not be eligible for reappointment or reelection to another term of office. Relative to the training and continuing education requirement, provides that "utility district commissioners" include the members of the governing board of any utility district created pursuant to Title 7, Chapter 82 or any public or private act and the members of the governing board of any water or sewer authority created by any public or private act.

Amends numerous other provisions relative to utility district commissioners.

Effective June 30, 2010.

WORKERS' COMPENSATION

Public Chapter 792
SB 3162 - HB 3948

Medical Payments

Amends Title 50, Chapter 6, Part 2. Defines "workers' compensation payor" to mean an employer, workers' compensation trust, workers compensation pool or insurer responsible for paying a medical provider for the delivery of workers compensation related health care services. Requires that the payor's explanation of

payment or explanation of review transmitted to the medical provider must delineate the following information: (1) Employer's name; (2) Injured worker's name; (3) Name of the workers' compensation payor and the name of the third party administrator, if utilized; (4) Name and telephone number of the entity that analyzes the medical provider bill for the purpose of ensuring that the billed amount complies with the workers' compensation medical fee schedule; (5) Name and telephone number of the contracting agent that has a written medical provider contract signed by the medical provider whereby the contracting agent or a third party is entitled to access and pay rates other than those provided under the workers' compensation medical fee schedule; (6) Name and telephone number of the entity that analyzes the medical provider bill for the purpose of reducing the billed amount below the medical fee schedule pursuant to a preferred provider organization network contract, unless the entity is the same entity referenced in (5); (7) Amount billed by the medical provider; (8) Amount permitted by the workers' compensation fee schedule; and (9) Amount of payment.

Effective January 1, 2011.

Public Chapter 920
SB 2928 - HB 3015

Maximum Medical Improvement

Amends 50-6-207(1). Establishes a presumption that a patient who is beyond the expected period of healing but who is referred to pain management to be at maximum medical improvement for workers' compensation purposes upon the earlier of the date that the treating physician determines the patient to be at maximum medical improvement or 104 weeks after the commencement of pain management.

Effective July 1, 2010.

Public Chapter 1034
SB 2943 - HB 2928

Reconsideration of Claims

Amends 50-6-241(d)(1)(B)(I) and (ii). Provides that employees who have had a reduction in pay or a reduction in hours due to economic conditions will not be entitled to reopen their claims if the reduction in pay or reduction in hours affected at least 50 percent of other hourly employees operating at or out of the same location.

Effective July 1, 2010.

Public Chapter 1149
SB 3591 - HB 3163

Construction Industry

Amends Title 50, Chapter 6; enacts 50-6-901 et seq. Revises various laws governing workers' compensation insurance for persons or entities in the construction industry. Requires all construction services providers to carry workers' compensation insurance on themselves. This requirement applies whether or not

the provider employs fewer than five employees. A construction services provider would be exempt from this requirement if the provider: (1) Is a construction services provider rendering services on a construction project that is not a commercial construction project and is listed on the construction services provider workers' compensation exemption registry; (2) Is a construction services provider rendering services on a commercial construction project and is listed on the registry. No more than three construction services providers who are performing direct labor on a commercial construction project may be exempt; (3) Is covered under a policy of workers' compensation insurance maintained by the person or entity for whom the provider is providing services; (4) Is a sole proprietor or partner engaged in the construction industry doing work directly for the owner of the property; (5) Is a sole proprietor or partner building a dwelling or other structure, or performing maintenance, repairs, or making additions to structures, on the sole proprietor or partner's own property for the sole proprietor or partner's own use and for which the sole proprietor or partner receives no compensation; or (6) Is a provider whose employment at the time of injury is casual and thus is not subject to the workers' compensation laws under present law. Provides that a subcontractor engaged in the construction industry under contract to a general contractor engaged in the construction industry may elect to be covered under any policy of workers' compensation insurance insuring the general contractor upon written agreement of the general contractor, regardless of whether such subcontractor is on the registry, by filing written notice of the election with the department of labor and workforce development. The election of coverage may be terminated by the subcontractor or general contractor by providing written notice of the termination to the department and to all other parties consenting to the prior election. Provides that an action to recover damages for personal injury or death by a construction services provider on the registry will proceed as at common law, and the defendant may make use of common law defenses, but the provider will forego the right to sue to establish or reestablish workers' compensation coverage while the provider is listed on the registry.

Effective March 1, 2011.

PART II – PUBLIC ACTS OF LOCAL APPLICATION

CLAIBORNE

Public Chapter 661
SB 2410 - HB 2491

Minimum Training Requirements

Amends 4-24-112(g). Exempts firefighters in Claiborne and Grainger counties and any municipality located within those counties from the minimum training requirements unless the governing body of a municipality or the county adopts a resolution to apply such requirements within their respective jurisdictional boundaries; makes eligibility to receive pay supplement for completing in-service training course contingent on meeting minimum training requirements.

Effective March 30, 2010

DAVIDSON

Public Chapter 696
SB 3713 - HB 3733

Pilot Program on Class Size Limits

Amends 49-1-104 to extend the pilot program for class size limits in career and technical education courses in Davidson County, and the committee to study the effect of the pilot program, for two years, through July 1, 2011.

Effective March 31, 2010

Public Chapter 845
SB 2813 - HB 3391

Appointment of Masters

Amends 17-2-123 to provide that circuit courts exercising domestic or probate jurisdiction may appoint one or more suitable persons to act as masters at the pleasure of the judge. Provided the respective circuit court has jurisdiction in the manner provided for the hearing of cases by the court, the judge or judges for whom the master serves may direct that the master hear in the first instance the following types of cases: (1) Orders of protection (both hearings and reviews); (2) Motions to amend or alter orders of protection; (3) Child support petitions; (4) Signing appearance orders for child support cases; (5) Signing and hearing Show Cause orders for Temporary Support and Parenting Time; (6) Signing attachment orders; and (7) Temporary parenting plans.

Effective April 30, 2010

GRAINGER

Public Chapter 661
SB 2410 - HB 2491

Minimum Training Requirements

Amends 4-24-112(g). Exempts firefighters in Claiborne and Grainger counties and any municipality located within those counties from the minimum training requirements unless the governing body of a municipality or the county adopts a resolution to apply such requirements within their respective jurisdictional boundaries; makes

eligibility to receive pay supplement for completing in-service training course contingent on meeting minimum training requirements.

Effective March 30, 2010

RUTHERFORD

Public Chapter 1083
SB 1686 - HB 2052

Wheel Tax

Amends 55-4-105(a) to require an applicant for motor vehicle registration to pay all unpaid wheel taxes for prior years before being issued a registration. Does not apply to dealers, financial institutions, or rental agencies.

Effective July 1, 2010

SHELBY

Public Chapter 752
SB 3296 - HB 3462

Governmental Tort Liability

Amends 29-20-102(3)(B)(iii). Removes the provision that would repeal the inclusion of a nonprofit public benefit corporation as a "governmental entity" in Shelby County.

Effective April 13, 2010

SHELBY

Public Chapter 923
SB2983 - HB2827

Dilapidated Property

Amends 5-1-115 and 13-21-204 to authorize community organizations, upon adoption of a resolution by the county legislative body, to clean up vacant properties. Allows the county to contract with these organizations for the clean-up of the properties. Also amends 6-54-113 to authorize this within municipalities located within Shelby County.

Effective July 1, 2010

WASHINGTON

Public Chapter 974
SB 3655 - HB 3892

Group Health Insurance

Amends 5-14-108, 8-27-403, and 8-27-502 to authorize Washington County to purchase group health insurance without competitive bidding.

Effective July 1, 2010

PART III – PRIVATE ACTS

ANDERSON

Private Chapter 37
SB2381 - HB2415

Register of Deeds

Repeals Chapter 394 of the Private Acts of 1947, and any other acts amendatory thereto, requiring deeds for the conveyance of land to be presented to county and city tax assessor offices prior to being registered with register's office.

Effective upon approval by a 2/3 (two-thirds) vote of the county legislative body.

BLEDSON

Private Chapter 36
SB2380 - HB2414

Bledsoe County General Hospital

Repeals Chapter 94 of the Private Acts of 1967, as amended by Chapter 75 of the Private Acts of 1981, and any other acts amendatory thereto, and replaces the Board of Hospital Directors for Bledsoe County General Hospital with the Healthcare Facilities Board.

Effective upon approval by a 2/3 (two-thirds) vote of the county legislative body.

Private Chapter 65
SB3951 - HB3992

Bledsoe County General Hospital

Repeals Chapter 94 of the Private Acts of 1967, as amended by Chapter 75 of the Private Acts of 1981, and any other acts amendatory thereto, and replaces the Board of Hospital Directors for Bledsoe County General Hospital with the Healthcare Facilities Board. This Act is almost identical to Private Chapter 36 with two exceptions: (1) It does not specifically name the Healthcare Facilities Board as being the successor entity to the Board of Hospital Directors and (2) It does not state that the assets, liabilities and obligations of the Board of Hospital Directors shall be transferred to the Healthcare Facilities Board.

Effective upon approval by a 2/3 (two-thirds) vote of the county legislative body.

GIBSON

Private Chapter 46
SB 3926 - HB 3967

Trenton Special School District

Amends Private Acts of 1996, Chapter 202, as amended, to raise the property tax rate for the Trenton Special School District from \$2.16 to \$2.30.

Effective April 9, 2010

Private Chapter 52
SB 3925 - HB 3966

Milan Special School District

Amends Private Acts of 1945, Chapter 504, as amended, to provide

for the election of the seven-member school board to staggered terms of office beginning with the August 2010 elections.

Effective April 20, 2010

Private Chapter 68
SB 3948 - HB 3991

Gibson County Special School District

Amends Private Acts of 1981, Chapter 62, to authorize the Gibson County Special School District to incur debt in an aggregate principal amount not exceeding \$3,200,000, to be used to pay or reimburse the school district for prior payment of the construction costs of school buildings and facilities, to purchase computers and fire alarm systems, and to make other capital improvements throughout the district. Levies an additional property tax in the amount of 40¢ per \$100 of assessed value to retire the debt and to operate the district.

Effective May 10, 2010

HANCOCK

Private Chapter 75
SB3943 - HB3981

Home Health Agency

Authorizes Hancock County to own and operate a home care organization in Hancock, Claiborne, Grainger and Hawkins counties.

Effective upon approval by a 2/3 (two-thirds) vote of the county legislative body.

HENRY

Private Chapter 77
SB 3957 - HB 3995

Transfer of Jurisdiction and Clerking Responsibilities

Amends Private Acts of 1989, Chapter 82, as amended, to provide that effective September 1, 2010, all clerking responsibilities for probate jurisdiction formerly exercised by the county clerk shall be transferred to the clerk and master and all clerking responsibilities for juvenile jurisdiction formerly exercised by the county clerk shall be transferred to the circuit court clerk, together with all of the respective records pertaining to such matters. Provides that effective September 1, 2010, probate jurisdiction is transferred to chancery court, pursuant to 16-16-201.

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

ROANE

Private Chapter 70
SB3939 - HB3979

County Attorney

Amends Chapter 111 of the Private Acts of 1937; as amended by Chapter 793 of the Private Acts of 1949; Chapter 77 of the Private Acts of 1969; Chapter 186 of the Private Acts of 1974; Chapter 254 of the Private Acts of 1980 and Chapter 149 of the Private Acts of 1986; and any other acts amendatory thereto, relative to the office of county attorney, to provide that the salary of the county attorney

shall be shall be sixty percent (60%) of the Roane County General Sessions Judges' salary per annum payable monthly out of the general fund of the county upon a warrant by the County Executive upon the County Trustee. Also provides that reasonable travel expenses related to said office shall be paid upon a warrant by the County Executive upon the County Trustee upon the presentation of vouchers and receipts showing such expenses.

Effective upon approval by a 2/3 (two-thirds) vote of the county legislative body.

ROBERTSON

Private Chapter 67
SB 3950 - HB 3990

Hotel-Motel Tax

Amends Private Acts of 1990, Chapter 226, to authorize the county legislative body of Robertson County to increase the hotel-motel tax from 5% to 7% of the rate charged by the operator, with the proceeds to be deposited in the general fund and used by the industrial development board for industrial and economic development and tourism promotion. Cities within the county may apply to the board for grants in the amount of 30% of the net hotel-motel tax proceeds collected in each such municipality, to be used for the same purposes. The tax is collected by the county clerk and paid over monthly to the trustee. Operators must preserve records for 5 years.

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

RUTHERFORD

Private Chapter 56
SB3931 - HB3972

County Attorney

Repeals Chapter 123 of the Private Acts of 1955 and Chapter 67 of the Private Acts of 1957, as amended by Chapter 23 of the Private Acts of 1965, and any other acts amendatory thereto, and provides that the County Attorney shall be appointed or elected by the county legislative body and the terms, conditions, term of appointment, functions and duties of the office of County Attorney shall be as set forth in a written agreement approved by the county legislative body. Also provides that the county may enter such additional written agreements with private attorneys and law firms for the provision of additional legal services as the county legislative body may deem appropriate.

Effective upon approval by a 2/3 (two-thirds) vote of the county legislative body.

SULLIVAN

Private Chapter 72
SB3953 - HB3996

Fireworks

Repeals Chapter 16 of the Private Acts of 1953 and any acts amendatory thereto.

Effective upon approval by a 2/3 (two-thirds) vote of the county legislative body.

SUMNER

Private Chapter 69 SB 3923 - HB 3957

Hotel-Motel Tax

Amends Private Acts of 1985, Chapter 7, to provide that the proceeds of the hotel-motel tax in Sumner County be distributed as follows: the first (up to) \$350,000 to the Sumner County Board of Tourism, with any excess to be appropriated as determined by the county legislative body.

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

UNION

Private Chapter 51 SB 2527 - HB 2521

Hotel-Motel Tax

Authorizes the county legislative body of Union County to levy a hotel-motel tax in an amount not to exceed 5% of the rate charged by the operator, to be collected by the county clerk who retains 5% of the amount collected. Delinquent taxes accrue interest at the rate of 12% per annum, and a penalty of 1% for each month of delinquency. Willful refusal to collect the tax carries a civil penalty of \$50 per day. Proceeds will be used for tourist-related activities specified by resolution of the county legislative body.

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