

INDEX OF ACTS RELATED TO COUNTY GOVERNMENT

2012 EDITION

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

**Prepared by
CTAS Legal Staff**

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PART I - PUBLIC ACTS OF GENERAL APPLICATION

ALCOHOLIC BEVERAGES

Public Chapter 515 SB 1772 - HB 2035

Manufacture of Alcoholic Beverages

Amends 57-2-103(d)(1)(B). Adds Cocke County to those counties where distilleries may be located without conducting an additional referendum if within the boundaries of the county both retail package sales and liquor-by-the-drink have been approved through voter referendum.

Effective February 16, 2012.

Public Chapter 661 SB 2768 - HB 2800

Consumption of Alcoholic Beverages on Premises

Amends 57-4-102(26). Authorizes the Riverview Restaurant, also known as the Catfish Place under the bridge, located in Cheatham County, to serve or sell alcoholic beverages for consumption on premises.

Effective April 4, 2012.

Public Chapter 691 SB 3552 - HB 2679

Farm Wine Permits

Amends 57-3-207. Authorizes the issuance of a farm wine permit to a farm (farm wine producer) that produces its own locally grown product from a vineyard, fruit orchard or fruit garden on the farm upon verified, written application to the alcoholic beverage commission. The issuance of permits is exempt from present law regarding local option elections.

Effective April 11, 2012.

Public Chapter 742 SB 2532 - HB 2196

Beer Permits

Amends 57-5-108 to provide that beer permits issued by the county (or metropolitan government or city) may be revoked by the county legislative body, committee,

or board (or metro or city entity) which issued the permit.

Effective April 16, 2012.

Public Chapter 790
SB 2563 - HB 3039

On Premises Consumption

Amends 57-4-102(21) and (29) and 57-4-301(b).
Allows a restaurant to have a minimum of 40 seats instead of 75 seats for the purpose of selling alcoholic beverages. Provides that a limited service restaurant may sell more than 50 percent food and still qualify for a license.

Effective April 23, 2012.

Public Chapter 881
SB 3581 – HB 3633

Pilot Project for Reciprocal Revocation of Licenses

Amends various provisions in Title 57 to create a pilot project in the counties of Hancock, Union, Grainger, Claiborne, Cocke, Jefferson, Hawkins, Hamilton, and Knox that authorizes the local beer board to notify the state Alcoholic Beverage Commission (ABC) when it suspends or revokes a beer permit issued to an establishment that also has a liquor license issued by the ABC, and authorizes the ABC to notify the local beer board when the ABC suspends or revokes a liquor license in an establishment selling beer in that county. Notifications are to be made by certified mail, return receipt requested, and shall include the record of evidence and the determination made. Upon receipt of such notice, the respective board shall take appropriate action with respect to the violations. A beer board receiving such notice is required to hold a show cause hearing at least 14 days after the certified letter is received, providing notice to the permit holder of the opportunity to appear and show cause why the beer permit should not be suspended or revoked based on the actions taken by the ABC. If the beer board finds that sufficient violation or violations occurred, the beer board shall suspend or revoke the beer permit to the same extent and at least for the same period of time as the ABC did. Contains similar provisions for actions to be taken by ABC upon receipt of notice from a beer board. The ABC is to file a report with the state and local government committees of each house not later

than March 15, 2014, on the success or failure of the pilot project, with specified information to be included in the report with recommendations as to whether the project should be extended, continued, or terminated.

Effective May 9, 2012 and terminating July 1, 2014 unless extended.

Public Chapter 964
SB 2420 – HB 2402

Responsible Vendor Statistical Information

Amends 57-5-605. Defines “beer board” as the local legislative body or committee appointed by that body having authority to issue beer permits. Requires the beer board to file an annual report with the Alcoholic Beverage Commission (ABC) by February 1 each year containing the following statistical information (to the extent the beer board has access to it) for the prior calendar year: (1) total number of permits issued for off-premises consumption, (2) number of violations for sale of beer for off-premises consumption to a minor resulting from a sting, and arrests made not related to a sting, (3) whether the violations reported occurred at an establishment participating in the responsible vendor program, (4) for stings conducted at establishments participating in the responsible vendor program, whether the underage person was unsuccessful in making the purchase, (5) type and number of violations, other than sales of beer to minors for off-premises consumption, that occurred at establishments selling beer for off-premises consumption, (6) name of permit holder at location where violations occurred, and (7) specific penalty imposed for each violation. The ABC will compile the information and file it with the State and Local Government Committees of each house by March 15 each year.

Effective May 10, 2012.

Public Chapter 1005
SB 3248 - HB 3381

Consumption of Alcoholic Beverages on Premises

Amends 57-4-102(26). Authorizes the Inn at Long Branch on Dale Hollow Lake in Clay County to obtain a license as a premier type tourist resort; authorizes the sale of alcoholic beverages from on-premises consumption at the Oliver Hotel in Knox County;

changes the meal criteria for the Buffalo River Resort so that such establishment will be required to have food available rather than being required to serve meals at least four days on a weekly basis in order to qualify as a premier type tourist resort.

Effective May 10, 2012.

Public Chapter 1045
SB 2882 - HB 3119

Consumption of Alcoholic Beverages on Premises
Amends 57-4-102(26). Authorizes a commercially operated recreational facility to qualify as a premier type tourist resort for purposes of the sale of alcoholic beverages for on-premises consumption. Also authorizes a restaurant around Center Hill Lake in DeKalb County that meets certain criteria to qualify as a premier type tourist resort.

Effective May 21, 2012.

BUILDING CODES

Public Chapter 517
SB 2203 – HB 2341

Public Buildings
Amends 68-120-204(a)(1) to require public buildings constructed, enlarged or substantially altered or repaired after July 1, 2012 be designed and constructed pursuant to standards approved by the responsible authority. The minimum standards shall be the 2010 ADA Standards for Accessible Design and any amendments thereto. If a local building inspector is the responsible authority, the local government may use the 2010 ADA Standards for Accessible Design or choose other standards from the codes or publications of other nationally recognized agencies or organizations.

Effective February 23, 2012.

Public Chapter 839
SB 2492 – HB 2639

Residential Sprinklers
Amends 68-120-101(a)(8) to provide that if a local government seeks to require sprinklers in residential construction, such requirements must be adopted by a 2/3 vote only after reading such ordinance or resolution in open session of the legislative body at meetings specially called on two (2) different days that

are no less than two (2) weeks apart. Also requires that mandatory sprinkler requirements shall be voted on in an ordinance or resolution separate from any other ordinance or resolution addressing building construction safety standards.

Effective April 27, 2012.

COUNTY CLERKS

Public Chapter 677

SB 2552 – HB 2826

Marriage

Amends 36-3-301 to authorize all municipal court judges to perform marriages in any county of the state.

Effective April 4, 2012.

Public Chapter 684

SB 3626 – HB 2437

Scrap Metal Dealers

Amends 55-3-202 to exempt motor vehicle dismantlers and recyclers or scrap metal processors from obtaining a copy of the title before purchasing a motor vehicle for scrap if the vehicle was manufactured more than 12 years ago (current law is 10 years); specifies that state law preempts any local regulation.

Effective April 10, 2012.

Public Chapter 713

SB 2403 – HB 2294

Hunting Licenses for Disabled Persons

Amends 70-2-104 to authorize the issuance of a hunting license to persons with intellectual disabilities who reside in the state and are over the age of 10. The fee for issuance of this license is unclear, but it appears that a “one-time-only fee in an amount sufficient to cover the costs of implementing the provision of this act” is to be established by TWRA regulation.

Effective April 11, 2012.

Public Chapter 845

SB 429 – HB 429 [sic]

Specialty Plate Decals for Disabled Persons

Amends 55-21-103 to provide for issuance of a decal for disabled drivers to affix to new specialty earmarked license plates issued to them, with the cost of the decal

to be considered a cost incurred by the department of revenue.

Effective July 1, 2011 [sic].

Public Chapter 908
SB 668 – HB 929

Wheel Tax Decals

Amends 55-4-103 to remove the provision stating that wheel tax decals are required, and to provide instead that the county legislative body determines whether a wheel tax decal is required pursuant to 5-8-102(d)(3); also provides that wheel tax records are to be maintained by the county clerk for the same period of time as state registration records. Amends 55-4-104(d)(1) to provide that the state registration renewal sticker will be evidence that all state and local taxes have been paid unless the county legislative body requires a separate decal pursuant to 5-8-102.

Effective May 10, 2012.

Public Chapter 948
SB 3403 – HB 3504

Medium-Speed Vehicles

Amends 55-1-125 to add mini-trucks to the definition of medium-speed vehicles.

Effective May 10, 2012.

Public Chapter 954
SB 3655 – HB 3690

Hunting and Fishing Licenses

Enacts the “Hunter Wright Hunting and Fishing Act” to authorize the issuance of annual sport combination hunting and fishing licenses to Tennessee residents who are under the age of 18 and are disabled, upon payment of \$5.00.

Effective May 10, 2012.

COUNTY GOVERNMENT

Public Chapter 539
SB 524 - HB 548

Ambulances

Amends 65-15-128(a). Exempts ambulances from the requirement that each for-hire motor carrier providing passenger transportation service in a motor vehicle must maintain at least \$1,000,000 in liability insurance,

drug test operators, conduct biennial physical exams of operators, and conduct annual safety examinations.

Effective March 6, 2012.

Public Chapter 610
SB 2601 – HB 2754

Libraries

Amends 10-3-103 to allow up to 11 members to serve on a library board created by a single county or city.

Effective March 23, 2012.

Public Chapter 640
SB 2384 - HB 2495

Conflict of Interest - 81 Act and CUHL

Amends 5-21-121 and 54-7-203. Prohibits conflicts of interest in contractual services in regard to county officers in same manner as interests in supplies, material or equipment are prohibited.

Effective March 30, 2012.

Public Chapter 664
SB 2710 – HB 2850

Fireworks

Amends 68-104-112 to prohibit the sale of fireworks in counties with populations of over 335,000 (Davidson, Hamilton, Knox and Shelby counties). Clarifies that present law permits the sale of fireworks in the City of Lakeland in Shelby County at a stand where fireworks have been sold annually for at least 45 years.

Effective April 4, 2012.

Public Chapter 671
SB 3622 - HB 3709

Facility for Performance of Autopsies

Amends 38-7-105. Extends the date from July 1, 2011, to July 1, 2012, for a facility where autopsies are performed to receive accreditation from the National Association of Medical Examiners.

Effective April 4, 2012.

Public Chapter 686
SB 2641 – HB 2658

Display of Historical Documents

Enacts 5-7-115 to authorize counties to display in county buildings and on county public grounds, replicas of historical documents including but not limited to the Ten Commandments, Magna Carta, Mayflower Compact,

Declaration of Independence, United States Constitution, Bill of Rights, Constitution of Tennessee, and other such historically significant documents in the form of statues, monuments, memorials, tablets, or any other display that respects the dignity and solemnity of the documents.

Effective April 10, 2012.

Public Chapter 751
SB 2779 - HB 2933

Traffic Camera Contracts

Amends 55-8-198. Provides that a local government must include in any contract involving unmanned traffic enforcement cameras that the contract must conform to any changes in state law. New and existing contracts, as well as contract renewals occurring after the effective date of this act, must contain a provision that the contract shall comply with all applicable revisions of state law.

Effective July 1, 2012.

Public Chapter 757
SB 2565 - HB 2669

Child Labor

Enacts 50-3-920 to prohibit public funds of the state or any political subdivision from being used to regulate or enforce any change made after December 1, 2011, to the U. S. Department of Labor's Hazardous Occupations Orders for Agricultural Employment relating to children, compiled in 29 CFR part 570.

Effective April 16, 2012.

Public Chapter 759
SB 2140 - HB 2809

Construction of Statutes

Enacts 1-3-119 to provide that statutes must expressly create a private right of action and that no court, board or agency shall construe or interpret a statute to impliedly create such a right.

Effective July 1, 2012.

Public Chapter 766
SB 2566 - HB 2763

Criminal Offenses Committed by Public Official

Amends 40-15-105(a) and 40-35-313(a). Makes elected and appointed public officials ineligible for pretrial diversion or probation for criminal offenses committed

in their official capacity or that involve the duties of their offices.

Effective July 1, 2012.

Public Chapter 779
SB 3447 – HB 3101

Regional Libraries

Amends 10-1-112 to add Cocke, Hawkins, Hamblen, and Hancock counties to the Northeast Tennessee public library region and renames the library board the Holston River regional library board.

Effective July 1, 2012.

Public Chapter 828
SB 2916 - HB 3300

Disposition of Human Remains

Amends Title 62, Chapter 5. Establishes priority of right to the disposition of human remains. Provides that if the disposition of the remains of the decedent is the responsibility of the state or a political subdivision of the state, the public officer, administrator or employee responsible for arranging the final disposition of the decedent's remains shall have the right to control the location, manner and conditions of disposition.

Effective April 25, 2012.

Public Chapter 865
SB 2970 – HB 2766

Librarians

Enacts 10-3-112 to require CTAS to conduct a study on the salaries of county librarians throughout the state. Requires CTAS to submit the results of the study to the State and Local Government Committees of the Senate and the House on or before January 1, 2013.

Effective May 1, 2012.

Public Chapter 900
SB 2421 – HB 2403

County Vehicles

Amends 8-26-113 to clarify that counties are authorized to provide vehicles to salaried county officials, or, in the alternative, provide a monthly car allowance to such officials.

Effective May 9, 2012.

Public Chapter 924
SB 2776 – HB 2825

Controlled Substance Database

Amends 53-10-306(a). Permits the county medical examiner to access the controlled substance database. Absolves civil and criminal liability for authorized users acting in good faith within the proscribed limits, and establishes a presumption of good faith action where a medical examiner accesses the information for the purpose of conducting an investigation into a death or making a report as required by the duties of the position.

Effective May 10, 2012.

Public Chapter 942
SB 3217 – HB 3602

Collateral for Public Funds

Amends 9-4-103(9)(A). Changes the requirements for federal home loan banks in regard to the issuance of letters of credit as eligible collateral for public funds to require that the banks be rated “investment grade” by at least one nationally recognized securities rating service instead of being rated in the highest category by at least two nationally recognized securities rating services.

Effective May 10, 2012.

Public Chapter 957
SB 3759 – HB 3778

Qualified Energy Conservation Projects

Amends 4-31-405 to specify that if a capital project is a qualified energy conservation project, the local government unit must first apply to the department of economic and community development.

Effective July 1, 2012.

Public Chapter 959
SB 948 – HB 1455

Greenbelt Rollback Taxes

Amends 11-14-307(b)(1). Authorizes the appropriation of the yearly interest and earnings of the natural resources trust fund for reimbursement of greenbelt rollback taxes assessed against a county or municipal government as the result of acquisition of land for a park. Provides that if the land is not used as a park for 10 years or more, the county or municipality must repay the amount of the reimbursement to the fund.

Effective May 10, 2012.

Public Chapter 966
SB 2788 – HB 3141

Official Misconduct

Amends 39-16-402. Makes it an offense to purchase real property or otherwise obtain an option to purchase real property with intent to make a profit if the public servant knows that such real property may be purchased by a governmental entity and such information is not public knowledge. Makes it an offense to acquire nonpublic information derived from such person's position as a public servant or gained from the performance of such person's official duties as a public servant and knowingly act on such nonpublic information to acquire, or obtain an option to acquire, or liquidate, tangible or intangible personal property with intent to make a profit.

Effective July 1, 2012.

Public Chapter 974
SB 3330 – HB 3526

Official Bonds

Amends 54-4-103(c) to require official bonds of persons vested by law with the authority to administer county highway and bridge funds to be transmitted to the county clerk, rather than the comptroller, for safekeeping. Amends 54-9-119 to require official bonds of road commissioners to be transmitted to the county clerk, rather than the comptroller, for safekeeping. Amends 67-1-505 to increase the amount of the official bond of the assessor of property from \$10,000 to \$50,000 and to provide that the bond be transmitted to the county clerk, rather than the comptroller, for safekeeping. Amends 67-1-505 to delete the requirement that the county legislative body by a two-thirds (2/3) vote, shall elect whether or not the assessor shall make a surety bond or a bond with two (2) or more good sureties, approved by the body, prior to the time such assessor is inducted and sworn into office. Amends 67-1-505 to delete the requirement that the county mayor read the bond required of the assessor to the assessor and the assessor's sureties, and direct their attention to the duties and penalties prescribed by law. Amends 67-1-505 to delete the provision stating that it is a Class A misdemeanor for any county clerk to fail or neglect to keep and preserve

such bonds in a well-bound book or for the county mayor to accept or approve of any bond designated in this section without complying with this section.

Effective May 10, 2012.

Public Chapter 977
SB 3513 – HB 3068

Litter Removal – DUI Offenders - Fee

Amends 55-10-403(s)(3). Provides that in order to compensate the probation office or county official who administers the state litter removal grant for costs related to the supervision of the offender while on a litter removal work crew, the offender shall pay to the probation office or county official who administers the state litter removal grant a fee for each day the offender participates in a litter removal program. The fee shall be fixed by resolution of the county legislative body. The probation office or county official that administers the state litter removal grant may collect the fee before the offender is permitted to perform litter removal services, after each day service is performed, or after all days of litter removal service have been performed, but the fee shall be collected before the office certifies that the offender has completed this condition of probation. The judge has the authority, however, to make an affirmative finding that the offender lacks a present ability to pay the fee and to include such finding in the sentencing order, which shall be submitted to the probation office or county official that administers the state litter removal grant.

Effective May 10, 2012.

Public Chapter 997
SB 2826 – HB 2962

Mental Health – Cost of Evaluation and Treatment

Amends 33-7-304. Specifies that when a court orders a defendant charged with a misdemeanor to be evaluated for insanity or mental illness, the court must also order that any inpatient evaluation be completed within 30 days of admission to the facility.

Effective May 10, 2012.

Public Chapter 1002
SB 3337 – HB 3276

Intermediate-Term Investment Funds

Amends 9-4-608. Provides that the county legislative body may authorize the county trustee to invest county

funds in the state intermediate-term investment fund. County investments in the state intermediate-term investment fund shall be administered by the county trustee within established guidelines.

Effective May 10, 2012.

Public Chapter 1026
SB 3771 – HB 3839

Financial Assistance to Counties

Amends 37-1-161 to provide that the reimbursement account be comprised of such amount of federal funds as are set aside by the commission on children and youth from the state's allocation under the Juvenile Justice and Delinquency Prevention Act formula grant funds and of state funds, if funds for such purpose are appropriated in the general appropriations act. Amends 37-1-162 to provide that the department of children's services administer the supplements to counties provided under this section. Provides that the department shall establish policies regarding the permissible uses of the funds received by counties under this section.

Effective July 1, 2012.

Public Chapter 1029
SB 3768 – HB 3835

Appropriations for FY2012-2013

Makes appropriations for fiscal year 2012-2013. Includes the following appropriations affecting counties: (1) \$4 million in new state funding to increase by \$2/day the reimbursement the state pays local jails for housing certain state prisoners (these increases involve non-contract facilities); (2) \$600,000 in new state funds for the County Revenue Partnership Fund to help offset the projected increase in local costs for housing additional misdemeanants because of new mandatory sentencing required by an Administration initiative and passed by the legislature this session (these funds are distributed on a population basis); (3) \$2.99 million shift in funding within the state Department of Transportation to increase the State-Aid Road fund, which directly benefits county highway departments by offering grants on a 75 state-25 local basis; (4) \$47.8 million increase in Basic Education Program funding for projected population inflationary growth statewide, \$38.1 million restored for non-BEP

programs, including Coordinated School Health, Safe Schools grants, Teacher Extended Contracts, etc., \$58 million in new state funding to pay the state's portion of a 2.5-percent salary increase for BEP-approved, K-12 positions and \$2 million restoration of funds for school Internet connectivity for a one-year period; (5) \$1.4 million increase to the Clean Water & Drinking Water state revolving fund; (6) \$3 million revenue stream restored to its statutorily collected purpose, the help fund the Underground Storage Tanks fund; (7) \$2.6 million revenue stream restored to its statutorily collected purpose, to help fund the Solid Waste Assistance program; (8) \$25.9 million inflationary increase in state-shared revenues to local governments (a majority of those funds go to municipalities, not counties); (9) \$450,000 in new state funding, divided equally between the state's nine development districts, for transition grants for local governments to help overcome the loss of the state's Local Planning Office in FY2012-13; (10) \$750,000 funding within the Tennessee Bureau of Investigation for a comprehensive statewide campaign to warn about the consequences of violating the "I Hate Meth Act, enacted July 1, 2011," and to assist local governments with training and equipment costs related to meth clean-ups; and (11) Funding for the County Officials Certificate Training Program (COCTP), training credit provided by the County Technical Assistance Service, has been maintained at its FY2011-2012 level.

Effective July 1, 2012.

Public Chapter 1062
SB 1329 – HB 101

Adult-Oriented Establishment Registration Act
Amends 7-51-1401 and 7-51-1407 to add "family recreation center" to the list of facilities from which adult establishments shall not locate within 1,000 feet.

Effective May 21, 2012.

COURTS & COURT CLERKS

Public Chapter 659
SB 2189 - HB 2428

Litigation Tax for Law Enforcement Technology

Amends 67-4-601(b) to provide that any county that has adopted the local litigation tax for courthouse/jail construction or renovation and/or the local litigation tax for courtroom security under 67-4-601(b) may by a two-thirds (2/3) vote adopt a resolution to use those funds for the purpose of obtaining and maintaining software and hardware associated with collecting, receiving and maintaining records for law enforcement agencies including county sheriff offices, jails and municipal or metropolitan police departments. Provides that this project may include computerizing agency operations, replacing existing systems with high technology systems that collect and share data on criminal activity and historical data with other law enforcement agencies, including fusion centers, and collecting and sharing biometric information for positive criminal or inmate identification.

Provides that new or replacement systems shall incorporate modern software concepts and architecture, which shall include n-tier architecture, source code compliant with object-oriented programming concepts, and the use of a relational database management system for data storage.

Provides that this use of the funds is only permitted until such time as all expenses for the purchase, installation, training, maintenance and associated costs for the project have been paid, or until such time as the debt for that project has been retired.

Effective July 1, 2012.

Public Chapter 685
SB 2619 - HB 2441

Bail - Surrender of Defendant

Amends 40-11-137. Eliminates the requirement for a hearing where a surrender is based on a condition or

final Judgment of forfeiture issued by the court having jurisdiction over the defendant.

Effective April 10, 2012.

Public Chapter 807
SB 2398 - HB 2456

Senior Psychological Examiners

Amends 34-3-104 and 34-3-105 to add senior psychological examiners to the list of professionals who can examine individuals and submit reports to the court opining whether a conservator is needed.

Effective April 23, 2012.

Public Chapter 857
SB 2728 - HB 2984

Juvenile Court Cases, Reports and Expenses

Amends 37-1-126 and 37-1-150 relative to the appointment of counsel and guardians ad litem; the determination of indigency; and the assessment of administrative fees and costs in juvenile court.

Provides that a child is entitled to a guardian ad litem for proceedings alleging a child to be dependent and neglected or abused.

Adds to the clerk's monthly reporting duties under 37-1-126(c)(4) by requiring each clerk who is responsible for collecting administrative fees pursuant to that section, to file a report with the court and with the Tennessee administrative director of the courts indicating the following: (i) the number of children and adults for whom the court appointed counsel pursuant to that section; (ii) the number of children for whom the court appointed a guardian ad litem pursuant to 37-1-149; (iii) the number of children and adults for whom the court appointed counsel and waived the administrative fee; (iv) the number of children for whom the court appointed a guardian ad litem and waived the administrative fee; (v) the number of children and adults from, or on behalf of, whom the clerk collected administrative fees; (vi) the total amount of commissions retained by the clerk from such administrative fees; and (vii) the total amount of administrative fees forwarded by the clerk to the state treasurer.

Provides that the state, through the administrative office of the courts, shall under certain circumstances pay the reasonable compensation due appointed counsel or appointed guardians ad litem.

Deletes 37-1-150(f) and (g) and enacts new subsections which provide: (i) the costs for proceedings or the costs of the care or treatment of any child that is ordered by the court shall be paid by the state only when specifically authorized; (ii) in proceedings where the child is determined to be indigent pursuant to 37-1-126 and the court appoints counsel or a guardian ad litem to represent the child, but finds the child, the child's parents, legal custodians or guardians are financially able to defray a portion or all of the cost of the child's representation the court shall enter an order directing the child, child's parents or legal custodians or guardians to pay into the registry of the clerk any sum that the court determines the child, child's parents or legal custodians or guardians is able to pay; (iii) in proceedings where an adult is determined to be indigent pursuant to 37-1-126 and the court appoints counsel to represent the adult and finds the adult financially able to defray a portion or all of the cost of the adult's representation, the court shall enter an order directing the adult to pay into the registry of the clerk any sum that the court determines the adult is able to pay; (iv) the sums paid to defray a portion or all of the costs shall be subject to execution as any other judgment; (v) the court may provide for payments to be made at intervals; (vi) the clerk shall collect all monies paid pursuant to these provisions and shall notify the court of any failure to comply with the court's order; and (vii) at the conclusion of the proceedings, the court shall order the clerk to pay to the administrative office of the courts any funds that the clerk collected subject to the clerk's commission of five percent (5%).

Effective April 27, 2012.

Public Chapter 886
SB 2948 - HB 3237

Probate Cases

Amends numerous statutes relative to probate matters. Amends 8-21-401(c)(1) to provide that the clerk's fee for opening and closing an estate and providing notice of the opening of the estate to the department of revenue shall be \$230. Amends 8-21-401(c)(2) to provide that the clerk's fee for filing small estate affidavits and providing notice of the opening of the estate to the department of revenue shall be \$41.

Amends 30-2-306 to modify the Notice to Creditor form to include within the form the exception which allows (if within 12 months) for notice to be filed within 60 days of actual receipt if received less than 60 days prior to the date that is four months from the first date of publication/posting.

Amends 30-2-307 to provide that before the date that is twelve (12) months from the decedent's date of death, the court may permit the personal representative to distribute the balance of the estate in accordance with 30-2-701, make final settlement and enter an order discharging the personal representative.

Amends 30-2-319 to modify the date by which all claims that have been finally adjudged and allowed must be paid by the personal representative from "within 90 days after the expiration of five months after the date of the publication or posting of the notice to creditors" to "within 90 days after the expiration of the date a personal representative could file an exception to a claim."

Clarifies that 32-2-113 (relative to the distribution of residuary shares that fail) does not supersede 33-3-105 (Tennessee's anti-lapse statute which provides that whenever a beneficiary dies before the testator, leaving issue that survives the testator, then the issue of the beneficiary must take the interest devised or bequeathed to the beneficiary, unless a different disposition thereof is made or required by the will).

Enacts a new section in Title 56, Chapter 7, Part 1 that provides that in connection with a claim for death benefits payable under a life insurance policy or an annuity contract, the following persons may execute a medical records release authorization that may be required by the insurance company that issued the life insurance policy or annuity contract: (1) The personal representative of the decedent's estate, if any; (2) A beneficiary of the death benefits named in the policy or contract; or (3) A person who has filed a small estate affidavit in connection with the decedent's estate. Unless prohibited by federal law, a licensed health care provider must honor a medical records release authorization executed in accordance with this section.

Amends 35-15-203 to specify that chancery courts and other courts of record having probate jurisdiction: (1) To the exclusion of all other courts, have concurrent jurisdiction over proceedings in this state brought by a trustee or beneficiary concerning the administration of a trust; and (2) Have concurrent jurisdiction with other courts of record in this state over other proceedings involving a trust.

Amends 35-15-302 to provide that the provision regarding virtual representation would apply to a holder of “any” power of appointment, instead of only to a holder of a “general testamentary” power of appointment.

Effective May 9, 2012 (provides that the section amending 35-15-203 shall apply to all proceedings occurring on or after July 1, 2004).

Public Chapter 894
SB 2569 - HB 2744

Criminal Injuries Compensation Fund

Amends 29-13-111 to provide that if any claimant is entitled to direct compensation from the criminal injuries compensation fund and is in arrears with regard to child support payments, the department of human services shall, without further order by the court, attach a lien to any award of compensation such child support obligor receives from the criminal injuries compensation funds in order to satisfy such arrearage; however, a lien shall not apply to awards made by the division directly to service providers pursuant to 29-13-111(d). Provides that this act shall be effective for decisions made on or after July 1, 2012.

Effective July 1, 2012.

Public Chapter 907
SB 74 - HB 153

Carrying Children on Motorcycles

Amends 55-8-164 to make illegal the operation of motorcycle on the streets of any municipality, roads of any county, or the highways of this state, while carrying a child as a passenger if the child’s feet are not on footpegs. Provides that a person charged with a violation of this law may, in lieu of appearance in court, submit a fine of fifty dollars (\$50.00) to the clerk of the

court that has jurisdiction of the offense within the county. Provides that no litigation tax levied pursuant to Title 67, Chapter 4, Part 6, shall be imposed or assessed against anyone convicted of a violation, nor shall any clerk's fee or court costs, including, but not limited to, any statutory fees of officers, be imposed or assessed against anyone convicted of a violation of this law.

Provides that the revenue generated by ten dollars (\$10.00) of the fifty dollar (\$50.00) fine for a person's first conviction under this law, shall be deposited in the state general fund without being designated for any specific purpose and the remaining forty dollars (\$40.00) of the fifty dollar (\$50.00) fine for a person's first conviction under this law shall be deposited to the child safety fund as provided in 55-9-602(f). Provides that the entire revenue generated from a person's second or subsequent conviction shall be deposited to the child safety fund.

Effective July 1, 2012.

Public Chapter 917
SB 2519 - HB 2648

Appointment of Conservator

Amends 34-1-114 to make the charging of costs against the respondent's estate permissive rather than mandatory when a conservator is appointed.

Amends 34-3-104 to require the petition for the appointment of a conservator to also include: (1) The name, age, residence and mailing address of the petitioner, a statement of the relationship of the petitioner to the respondent, and a statement of any felony or misdemeanor convictions of the petitioner, if any; and (2) The name, age, mailing address, relationship of the proposed conservator and a statement of any felony or misdemeanor conviction of the proposed conservator and, if the proposed conservator is not the petitioner, a statement signed by

the proposed conservator acknowledging awareness of the petition and a willingness to serve.

Effective July 1, 2012.

Public Chapter 928
SB 2911 - HB 3262

Federal Servicemembers Civil Relief Act

Enacts 25-3-144 to provide that if a court wrongly grants a default decision imposing an obligation for child support from or against an eligible individual protected under the federal Servicemembers Civil Relief Act, the court shall issue an order to the individual receiving funds that the funds shall be returned and reimbursed.

Effective May 10, 2012.

Public Chapter 943
SB 3222 - HB 3394

Veterans Courts Study

Directs the Administrative Office of the Courts (AOC) to study the feasibility of establishing specialized veterans courts in Tennessee. Requires the department of veterans' affairs and all other appropriate state agencies to assist the AOC in conducting the study when assistance is requested. Requires the AOC to submit an interim report regarding such study by September 1, 2012, and to submit its final report by December 1, 2012.

Effective May 10, 2012.

Public Chapter 982
SB 3743 - HB 3826

Litigation Tax for Victim-Offender Mediation Center

Amends 16-20-106 to authorize counties by a two-thirds (2/3) vote to levy an additional (\$1.00) litigation tax (for a total of two dollars (\$2.00) per case) to be denominated as a part of the court costs for each petition, warrant and citation, including warrants and citations for traffic offenses, in matters before the local general sessions courts and juvenile courts to be used by the county for the exclusive purpose of supporting a local victim-offender mediation center or centers. Provides that the state is exempted from ever paying this additional amount.

Effective May 10, 2012.

Public Chapter 987
SB 2251 - HB 2389

Mandatory Sentencing for Domestic Violence

Amends 39-13-111(c) to establish mandatory sentences for repeat domestic violence convictions. Provides for

jail terms of 30 days for second offenses and 90 days for third offenses.

Effective July 1, 2012.

Public Chapter 994
SB 2510 – HB 2812

Bail

Amends 40-11-104. Requires persons who have previously failed to appear in court as scheduled to post money or real estate as security for a bail bond.

Effective May 10, 2012.

Public Chapter 996
SB 2922 – HB 2854

Collection of DNA Samples

Amends 40-35-321(b) and (d). Provides that if a sexual offender is not incarcerated at the time of sentencing, the offender must report to a probation officer for the purpose of giving a DNA specimen. Provides that the cost is to be paid by the offender.

Effective May 10, 2012.

Public Chapter 998
SB 2686 - HB 3051

Electronic Filing and Retrieval of Documents

Enacts a new subsection in 8-21-401 that provides that in any court where electronic filing, signing, or verification of papers has been authorized by local court rule, and in accordance with Rule 5B of the Tennessee Rules of Civil Procedure, clerks may charge a one-time subscription fee for each registered user of the electronic filing system in an amount not to exceed one hundred twenty dollars (\$120). In addition, clerks may charge a copy transaction fee not to exceed eight cents (\$.08) per page, provided that such transaction fee shall not apply to the first copy of any document requested by a litigant or a litigant's attorney and shall not exceed a total charge of two dollars and ten cents (\$2.10) for any single document.

Provides that both the electronic filing fee and electronic document retrieval fee shall be set in an amount necessary to defray the expenses associated with implementation and maintenance of the electronic filing and document retrieval system and shall be included in the local court rule authorizing it.

Provides that these fees shall not be assessed against the state and that, notwithstanding any local court rule, the state and any department or contractor of the state shall not be required to file documents electronically.

Effective May 10, 2012.

Public Chapter 1011
SB 2604 – HB 2678

Bail

Amends 40-11-118 and 40-11-105. Declares a defendant who is unlawfully present in the United States and has caused a traffic accident resulting in either the death or serious bodily injury of another while driving without a valid driver license and evidence of financial responsibility may be deemed a risk of flight for bail purposes. Authorizes clerks to set bail for such defendants at a higher amount than normally permitted.

Effective July 1, 2012.

Public Chapter 1017
SB 2958 - HB 3070

Juvenile Court Petitions and Summons

Amends 37-1-120 to provide that juvenile court petitions shall include the name of the legal parents (as opposed to the parents) and also the petition shall include the names, and residence addresses, if known to the petitioner, of any persons, other than the legal father, alleged to be the biological father of the child whose parental rights have not been terminated.

Amends 37-1-121 to provide that the summons shall be sent to the legal parents (as opposed to the parents) and also to any persons, other than the legal father, alleged to be the biological father of the child and whose parental rights have not been terminated, if the child is alleged to be a dependent and neglected or abused child.

Effective July 1, 2012.

Public Chapter 1039
SB 2853 - HB 2633

Clerk Fee for Computerization

Amends 8-21-401 to provide that all the general filing fees charged by court clerks shall be increased by two

dollars (\$2.00). Provides that the revenue collected pursuant to this two dollars (\$2.00) increase shall be earmarked for computer hardware purchases or replacement, but may be used for other usual and necessary computer related expenses at the discretion of the clerk. Since 8-21-401 already provides that out of all the general filing fees charged by court clerks two dollars (\$2.00) of the amount collected shall be earmarked for computerization, this act results in a total of four dollars (\$4.00) of the general filing fees being earmarked for computer related expenses.

Provides that the two dollars (\$2.00) increase shall not be assessed against the state or otherwise represent a cost to the state in criminal cases, child support actions, mental health proceedings, actions under the Tennessee Adult Protection Act, compiled in title 71, chapter 6, part 1, actions with regard to child care licensing, and collection efforts brought by the department of human services.

Provides that the two dollars (\$2.00) increase shall terminate on July 1, 2016, unless continued by the general assembly.

Provides for a similar increase in the Knox County clerks' data entry fee.

Effective July 1, 2012.

Public Chapter 1041
SB 2780 - HB 2774

Additional Diversion/Expungement Fees

Amends 38-6-118 to provide that upon a defendant's request for diversion pursuant to title 40, chapter 15, or 40-35-313, all of which require a certificate from the TBI relative to the defendant's eligibility for diversion, the defendant shall pay a fee of one hundred dollars (\$100) to the TBI.

Amends 40-32-101 to provide that beginning July 1, 2012, a defendant petitioning a court for expunction of records because the charge against the person was dismissed as a result of the successful completion of a diversion program pursuant to 40-15-102 – 40-15-106 (pretrial diversion) shall be assessed a three hundred fifty dollar (\$350) fee (as opposed to the current \$50

fee). The fee shall be transmitted by the clerk of the court to the state treasurer for deposit in a special fund for the use of the TBI.

Amends 40-35-313 to provide that beginning July 1, 2012, a defendant petitioning a court for expunction of records following successful completion of the diversion program authorized by 40-35-313 (deferment) shall be assessed a three hundred fifty dollar (\$350) fee (as opposed to the current \$50 fee). The fee shall be transmitted by the clerk of the court to the state treasurer for deposit in a special fund for the use of the TBI.

Effective June 20, 2012.

Public Chapter 1043
SB 2705 - HB 2982

Interest Rate on Judgments

Amends 47-14-121 to provide that the interest rate on judgments per annum in all courts, including decrees, shall: (1) For any judgment entered between July 1 and December 31, be equal to two percent (2%) less than the formula rate per annum published by the commissioner of financial institutions, as required by 47-14-105, for June of the same year; or (2) For any judgment entered between January 1 and June 30, be equal to two percent (2%) less than the formula rate per annum published by the commissioner of financial institutions, as required by 47-14-105, for December of the prior year.

Provides that in order to assist parties and the courts in determining and applying the interest rate, before or at the beginning of each six-month period, the administrative office of the courts: (1) Shall calculate the interest rate on judgments that shall apply for the new six-month period; (2) Shall publish that rate on the administrative office of the court's website; and (3) Shall maintain and publish on that website the judgment interest rates for each prior six-month period going back to the rate in effect for the six-month period beginning July 1, 2012.

Provides that notwithstanding the above, where a judgment is based on a statute, note, contract, or other writing that fixes a rate of interest within the limits

provided in 47-14-103 for particular categories of creditors, lenders or transactions, the judgment shall bear interest at the rate so fixed.

Effective July 1, 2012.

Public Chapter 1046
SB 2638 - HB 3124

Failure to State a Claim Dismissals

Amends 20-12-119 to provide that where a trial court grants a motion to dismiss pursuant to Rule 12 of the Tennessee Rules of Civil Procedure for failure to state a claim upon which relief may be granted, the court shall award the party or parties against whom the dismissed claims were pending at the time the successful motion to dismiss was granted the costs and reasonable and necessary attorney's fees incurred in the proceedings as a consequence of the dismissed claims by that party or parties.

Provides that the award of costs and attorneys' fees shall be stayed until a final decision which is not subject to appeal is rendered. Also provides that the court shall not require a party to pay costs, pursuant to this provision, in excess of a combined total of ten thousand dollars (\$10,000) in any single lawsuit.

Provides for numerous exceptions to this awarding of costs, including but not limited to, actions by or against the state, other governmental entities, or public officials acting in their official capacity or under color of law.

Effective July 1, 2012 (applies to claims filed on or after such date).

Public Chapter 1048
SB 2773 - HB 3218

Reckless Driving or Reckless Endangerment

Amends 55-10-205 and 39-13-103 to provide that in addition to the other penalties for reckless driving or reckless endangerment, the court shall assess a fine of fifty dollars (\$50.00) to be collected as provided in 55-10-451 and distributed as provided in 55-10-452

(dedicated county fund for alcohol, drug, and mental health treatment agencies/programs).

Effective July 1, 2012.

Public Chapter 1052
SB 3314 - HB 3604

Litigation Tax for Judicial Commissioner Education

Amends 67-4-602 to levy an additional litigation tax of two dollars (\$2.00) on all criminal charges, upon conviction or by order, instituted in the general sessions court of any county served by a judicial commissioner. Creates a special account in the state treasury to be known as the judicial commissioner continuing education account and provides that the two dollars (\$2.00) shall be deposited in such account.

Exempts Robertson County from the provisions of the act.

Effective July 1, 2012.

Public Chapter 1056
SB 2711 - HB 3673

Litigation Tax for Victim Notification

Amends 67-4-602 to provide that effective July 1, 2012, the victim notification litigation tax shall be increased from one dollar (\$1.00) to three dollars (\$3.00).

Effective May 21, 2012 (applies July 1, 2012).

Public Chapter 1073
SB 2349 – HB 2311

Criminal Sentencing for Sexual Offenses

Amends 39-13-523 and 40-35-501. Adds “aggravated rapist” to the list of persons who must serve their entire sentence undiminished by sentence reduction credits. Defines “aggravated rapist” and redefines “multiple rapist.”

Effective July 1, 2012.

Public Chapter 1088
SB 2886 – HB 3225

Fees Upon Conviction of Municipal Traffic Ticket

Amends 38-6-103(d)(1)(A). Enacts 6-54-140 and 7-3-316. Clarifies that the \$13.75 fee is adjudged upon the forfeiture of a cash bond or other surety entered as a

result of a municipal traffic citation “whether considered a fine, a bond or a tax.”

Effective July 1, 2012.

Public Chapter 1103
SB 3520 - HB 2865

Expungement of Certain Convictions

Amends 40-32-101 to provide that a person convicted of certain listed less serious felonies and certain misdemeanors may file a petition for expungement of that person's public records involving the offense if: (1) At the time of filing, the person has never been convicted of any criminal offense, including federal offenses and offenses in other states, other than the offense committed for which the petition for expungement is filed; (2) At the time of the filing of the petition for expungement at least five (5) years have elapsed since the completion of the sentence imposed for the offense; and (3) The person has fulfilled all the requirements of the sentence imposed by the court in which the individual was convicted of the offense, including: (a) Payment of all fines, restitution, court costs and other assessments; (b) Completion of any term of imprisonment or probation; (c) Meeting all conditions of supervised or unsupervised release; and (d) If so required by the conditions of the sentence imposed, remaining free from dependency on or abuse of alcohol or a controlled substance or other prohibited substance for a period of not less than one (1) year.

Provides that the district attorneys general conference shall, by September 1, 2012, create a simple form to enable a lay person to petition the court for expungement. The petition and proposed order shall be prepared by the office of the district attorney general and given to the petitioner to be filed with the clerk of the court.

Provides that a person seeking expungement shall petition the court in which the petitioner was convicted and the clerk shall serve such petition to the district attorney general for that judicial district.

Provides that not later than sixty (60) days after service of the petition, the district attorney may submit recommendations to the court and provide a copy of such recommendations to the petitioner. Provides that in making a decision on the petition, the court shall consider all evidence and weigh the interests of the

petitioner against the best interests of justice and public safety.

Provides that if the court denies the petition, the petitioner may not file another petition until at least two (2) years from the date of the denial.

Requires the petitioner to pay the clerk of the court a fee of three hundred fifty dollars (\$350.00) upon the filing of the petition. Fifty dollars (\$50.00) of the fee shall be transmitted to the Tennessee Bureau of Investigation for the purpose of defraying the costs incurred from the additional expungement petitions filed and granted as the result of this act. The clerk shall retain ten dollars (\$10.00) of the fee and shall remit the remainder to the trustee to be allocated in the following manner: (1) Five percent (5%) to the public defenders expungement fund; (2) Forty percent (40%) to the district attorneys expungement fund for the fiscal year 2012-2013; provided, however, for all fiscal years following 2012-2013 this percent shall be forty-five percent (45%); and (3) Fifty-five percent (55%) to the state general fund for fiscal year 2012-2013; provided, however, for all fiscal years following 2012-2013 this percent shall be fifty percent (50%).

Provides that the clerk of the court maintaining records expunged pursuant to this act shall keep such records confidential. These records shall not be public and can only be used to enhance a sentence if the petitioner is subsequently charged and convicted of another crime. This confidential record is only accessible to the district attorney general, the defendant, the defendant's attorney and the circuit or criminal court judge.

Provides that the district public defender of each judicial district shall annually conduct at least one (1) educational program providing information and assistance with the expungement process generally and the expungement process established pursuant to this act. The district public defenders conference shall

maintain a video of the educational program on the conference's web site, if available.

Effective July 1, 2012.

ECONOMIC DEVELOPMENT

Public Chapter 605

SB 2175 – HB 2231

Tax Increment Financing

Enacts the “Uniformity in Tax Increment Financing Act of 2012” at 9-23-101 *et seq.* Specifies the manner in which property tax revenue collected within the area subject to the TIF plan is to be divided. Provides that allocations of TIF revenues may be made for up to 20 years in the case of economic impact plans and for up to 30 years in the case of redevelopment plans or community redevelopment plans; however, allocations may be made for longer periods of time with the consent of the Commissioner of Economic and Community Development and the comptroller. Specifies the permissible uses of TIF revenues by industrial development corporations.

Effective March 21, 2012.

Public Chapter 755

SB 3080 – HB 2765

Development Rights

Amends 13-7-101 to allow any town, city, county, county with a metropolitan government, the state, or any not-for-profit conservation or preservation organization to purchase and sell development rights in the free marketplace. Requires approval of the applicable legislative body before development rights may be purchased or sold. Also requires legislative body approval prior to accepting a donation of development rights.

Effective April 16, 2012.

Public Chapter 832

SB 3424 – HB 3670

Development of Blighted Property

Enacts a new part at Title 7, chapter 51 to authorize local governments to develop grant programs for

homeowners and developers who invest in blighted property.

Effective April 25, 2012.

Public Chapter 846
SB 1452 – HB 1959

Tourism Development Authority Act

Enacts a new chapter at Title 7 to authorize municipalities and counties to establish tourism development authorities, which would act as agencies of the municipality or county, with the power to issue bonds, acquire visitor's centers and other governmentally-owned tourist attractions, acquire greenways and trails, appoint agents and employees, and operate and maintain any property acquired.

Effective April 27, 2012.

Public Chapter 944
SB 3233 – HB 3396

Industrial Development Corporations

Amends 7-53-101 to add to the list of eligible projects land or buildings, as well as machinery and equipment, necessary or suitable for use in the production, treatment, processing or transportation of biofuels or similar products.

Effective July 1, 2012.

Public Chapter 1033
SB 1715 – HB 1013

Four Lake Regional Industrial Development

Amends 64-5-202, 64-5-203, 64-5-505 and 64-5-207 to revise the governance of the Authority.

Effective July 1, 2012.

Public Chapter 1038
SB 2206 – HB 2344

FastTrack Grants and Loans

Amends 4-3-715, 4-3-716 and 4-3-717 to make funds from the Tennessee Job Growth Act of 2005 available to local governments. Provides that FastTrack economic development grants or loans to assist eligible businesses may be made only to local governments or to their economic development organizations or other political subdivisions of the state. Also provides that FastTrack economic development grants or loans may be used to facilitate economic development activities that are not eligible for FastTrack infrastructure development or job training assistance funds. These activities include, but are not limited to, grants or loans for retrofitting, relocating equipment, purchasing equipment, building repairs and improvements,

temporary office space or other temporary equipment related to relocation or expansion.

Effective May 21, 2012.

Public Chapter 1092
SB 3106 – HB 3722

Border Region Retail Tourism Development District
Amends 7-40-103 to provide that the distribution of state sales and use taxes to the district would only cover the costs of the economic development project in the district that were incurred in the investment period beginning two years prior to the municipality's designation of the proposed district and ending 10 years after certification of the district. Enacts a new section at Title 7, chapter 40 to specify that the Border Region Retail Tourism Development District Act would only apply to a district that has met the requirements in 7-40-104 by January 1, 2012.

Effective May 21, 2012.

EDUCATION

Public Chapter 665
SB 2802 – HB 2851

Advertising on School Buses
Amends 49-6-2109 to delete the requirement that advertising on school buses “be composed of lettering on a background color.”

Effective April 4, 2012.

Public Chapter 690
SB 3060 – HB 3266

First Amendment Rights in Schools
Enacts 49-6-2907 to prohibit LEAs and school administrators from prohibiting personnel from participating in religious activities on school grounds that are initiated by students at reasonable times before or after the instructional day so long as the activities are voluntary and do not conflict with the responsibilities of such personnel. Does not prohibit LEAs and administrators from allowing personnel to participate in other constitutionally permissible religious activities on school grounds.

Effective April 10, 2012.

Public Chapter 712
SB 2648 – HB 2873

Life Insurance

Amends 49-2-209 to authorize the county board of education to use the county's centralized purchasing system to provide a life insurance plan for designated school board employees.

Effective July 1, 2012.

Public Chapter 747
SB 3074 – HB 3323

Charitable School Foundations

Enacts 49-2-612 to authorize a public school, its administrators, or supporters, to form a charitable school foundation as a 501(c)(3) organization to support the school by raising and administering funds for the school and its programs. Amends Charitable Gaming Implementation Law to authorize charitable school foundations to conduct annual events, and to repeal the requirement that an organization be in existence as a 501(c)(3) organization for 5 years before applying to hold a charitable gaming event.

Effective April 16, 2012.

Public Chapter 775
SB 3283 – HB 3770

Budget under 1981 Financial Management Act

Amends 5-21-111 to provide that the county legislative body in counties operating under the 1981 Financial Management Act may only alter or revise the total amount of expenditures proposed by the department of education in its budget, and such alterations or revisions must be in compliance with state law and regulations. Upon such alteration or revision, the director of schools must submit a revised budget within the total expenditures approved by the county legislative body within 10 days. If such revised budget complies with the amount approved by the county legislative body, the revised budget will be the

approved budget for the county department of education.

Effective April 19, 2012.

Public Chapter 794
SB 3178 – HB 3539

Charter School Transparency

Enacts 49-13-1__ to require charter schools to comply with the open meetings law and to place specified information on the charter school website. Makes all records of a public charter school open for inspection and duplication to the same extent as records of public schools are open.

Effective July 1, 2012.

Public Chapter 801
SB 2635 – HB 2237

Teacher Discipline

Amends 49-5-511(a)(1) to provide that a teacher may be suspended as well as dismissed for incompetence, inefficiency, neglect of duty, unprofessional conduct, or insubordination. Amends 49-5-512 to add provisions governing suspensions of 3 days or less, which include written notice of suspension and reasons therefor, with explanation of evidence and copies of documents relied upon for decision; upon written request within 5 days of the suspension letter, conference with director of schools at which teacher may offer rebuttal and at which both parties may be represented by an attorney, and which must be recorded with a copy to the teacher upon request; director must issue written opinion within 10 days of conference; teacher may appeal. Does not affect existing contracts with professional employees' organizations.

Effective April 23, 2012.

Public Chapter 823
SB 2723 – HB 2883

Electronic Board Meetings

Amends 49-2-203 to authorizes boards of education to conduct board meetings by electronic means as long as the board member can be visually identified by the chair, if a member is absent due to work, family emergency, or military service. Must have a quorum physically present at the meeting. Absent member must give at least 5 days' notice prior to the meeting, no board member can participate electronically more than twice a year (except military service), and the board must develop a policy for conducting electronic meetings. Does not apply to metropolitan governments with more than 500,000 population.

Effective July 1, 2012.

Public Chapter 830
SB 2982 – HB 2999

School Building Manager

Enacts 49-3-364 to authorize the expenditure of BEP funds earned for non-classroom components for the purpose of employing a building manager for a school.

Effective April 25, 2012.

Public Chapter 875
SB 1429 – HB 1954

School Board Member Training

Amends 49-2-201 to remove the commissioner of education's authority to remove a school board member for failure to attend the required annual training.

Effective July 1, 2012.

Public Chapter 879
SB 3345 – HB 3540

Charter Schools

Amends Title 49, Chapter 13. Requires that charter school applications and renewal applications include a disclosure of all donations of private funding including gifts from foreign governments, foreign legal entities, and when known, domestic entities affiliated with either of those. Authorizes disapproval of application if staffing plans use non-immigrant foreign worker H1B or J1 visa programs in excess of 3.5% of total positions at a single school location per year (excepts foreign language instructors who meet TN licensure requirements).

Effective July 1, 2012.

Public Chapter 905
SB 1923 – HB 1105

Evaluation of Director of Schools

Amends 49-2-203(a) to require the local board of education to develop and implement an annual evaluation plan for the director of schools, which must include job performance, student achievement, relationships with staff and personnel, relationships with board members, and relationships with the community. Also contains provisions currently affecting Shelby County and Memphis school systems, summarized below.

Effective May 9, 2012.

Public Chapter 905
SB 1923 – HB 1105

Creation of Municipal School Districts

Enacts 49-2-1__ to authorize municipalities in a county in which a transition planning commission has been created under 49-2-502(b) and where the municipal charter authorizes operation of a city school system and the proposed city school system meets state requirements for student population, to call for a referendum to create a new city school system. If a special election is requested, the city pays the cost. Provides for creation of new city school system if the referendum passes. New system goes into operation when the commissioner of education determines the new system is ready, but not before the effective date of transfer of administration of schools in the special school district to the county board of education under 49-2-502(b). (Currently applies in Shelby County and Memphis.)

Effective May 9, 2012.

Public Chapter 934
SB 3044 – HB 2753

Application for Grants

Amends 49-2-203 to authorize local boards of education to apply for and receive federal or private grants, and unless the grant requires matching funds, in-kind contributions of real property, or expenditures beyond the life of the grant, appropriations of the federal or private grant funds shall be made upon resolution passed by the board of education. The board is required to provide a copy of the resolution as notice to the local legislative body within seven days of passage.

Effective May 10, 2012.

Public Chapter 962
SB 2208 – HB 2346

Accountability and Achievement School District

Revises numerous provisions governing school accountability. Requires the commissioner of education to present to the state board for approval annual measurable objectives for achievement and achievement gap closures for the state, LEAs, schools and student subgroups. Each LEA and school will be evaluated on the combination of overall student

achievement data and achievement closure targets set by the state board. LEAs that achieve both targets may be granted increased funding flexibility, among other things. If an LEA misses either or both targets, specified corrective action will be taken. By September 1, 2012, and at least every 3 years thereafter, the commissioner must recommend to the board for approval a list of all schools to be placed in priority, focus, or reward status. Priority schools are the bottom 5% of schools. Focus schools must submit a plan to address the factors that placed the school in focus status. Reward schools will be recognized for outstanding achievement or progress and will have opportunities to serve as partners with the department by sharing best practices. LEAs may create LEA Innovation Zones to oversee and improve priority schools.

Revises numerous provisions governing the management of the achievement school district (ASD) and schools in the ASD. The commissioner of education may choose to directly operate the ASD instead of contracting with a managing entity.

Effective May 10, 2012.

Public Chapter 970
SB 2908 – HB 3234

Creation of Municipal School Districts

Amends 6-58-112(b) to remove the restriction on creation of new municipal school districts from and after the transfer of schools in a special school district to the county board of education under 49-2-502(b). (Currently applies in Memphis and Shelby County.)

Effective May 10, 2012.

Public Chapter 1012
SB 2693 – HB 2738

Dismissal of Teachers

Amends 49-5-511 to prohibit the director of schools and the board of education from using abolition of a position to avoid dismissal charges against a teacher and the accompanying due process rights attaching to tenure status.

Effective May 15, 2012.

Public Chapter 1018
SB 2967 – HB 3238

Education Budgets

Amends 49-2-101(1)(C) to provide that any budget approved under the Local Option Budgeting Law of 1993 shall also be approved by the local board of education prior to becoming effective.

Effective May 15, 2012.

Public Chapter 1021
SB 3553 – HB 3583

Charter Schools

Amends Title 49, Chapter 13, to revise various procedures for operation of charter schools. Among other things, provides that if the local board denies an amended charter school application because of a substantial negative fiscal impact, the treasurer's review of supporting documentation submitted by the local board and the sponsor and determination of the reasonableness of the denial based on substantial negative fiscal impact will be final and not subject to further appeal. Also provides that if the amount of local funds received by an LEA increases or decreases from the budgeted figure, then the LEA may adjust payments to the charter schools in "October, February, and June", instead of in "February or June".

Effective July 1, 2012.

Public Chapter 1065
SB 1688 – HB 1970

Charter Schools

Enacts 49-13-1__ to authorize an LEA to serve as sponsor of a charter school, and if it does, the state board of education serves as chartering authority.

Effective May 21, 2012.

Public Chapter 1097
SB 3247 – HB 3769

Charter Schools

Amends Title 49, Chapter 13. Revises charter school application process time frames; permits LEAs to charge charter school applicants an application fee of up to \$500; authorizes LEAs to withhold up to \$20,000 annually to reimburse the LEA for monies owed it and to pay outstanding debt if the charter school should close within the first four years, and an unlimited amount to cover the costs of employee benefits or

retirement; and revises other charter school-related provisions.

Effective January 1, 2013 for application time frames, and July 1, 2012 for other provisions.

Public Chapter 1099
SB 3270 – HB 3496

Funding for Children in Mental Health Facilities

Amends 49-3-370 to add requirements that in order to receive funds from the local board of education (LEA) for educating a child in a residential mental health facility, the facility must provide a minimum of 16½ hours of educational instruction each week; the student must have been enrolled in an LEA in the academic year immediately preceding admission to the facility and be currently enrolled in an LEA; the student must have been admitted to the facility based on medical necessity under a signed, written order of a qualified physician licensed in Tennessee, and the LEA may require a physician attestation form prior to disbursing funds to the facility.

Effective May 21, 2012.

ELECTIONS

Public Chapter 693
SB 3411 - HB 3733

Statement Certifying Treasurer

Amends 2-10-105(e) to require that the statement certifying a candidate's treasurer must also contain the office the candidate is seeking and the year of the election.

Effective April 11, 2012.

Public Chapter 955
SB 3700 - HB 3471

Qualifying for Elections and Minor Political Parties

Amends 2-5-101 to provide that no person defeated in a primary election or party caucus may qualify or appear on the ballot in a general election as the nominee of a different political party or as an independent.

Amends numerous provisions relative to becoming a recognized minor political party and the appointment/election of candidates of such parties.

Effective May 10, 2012.

Public Chapter 995
SB 2818 - HB 2844

Municipal Elections

Amends 2-3-101 to provide that if a municipal election is not held in conjunction with any other election and a polling place is located outside of the boundaries of a municipality but the precinct the polling place serves includes residents of the municipality the election commission may designate a polling place outside but closest to the geographic precinct within the limits of the municipality.

Effective May 10, 2012.

Public Chapter 1037
SB 2128 - HB 2174

Absentee Voting By Persons Age 60 or Older

Amends 2-6-201 to allow (until July 1, 2017) persons age 60 and older to vote absentee upon request (instead of age 65 and older).

Effective May 21, 2012.

Public Chapter 1101
SB 3350 - HB 3289

Election Procedures

Amends numerous provisions relative to elections.

Amends 2-2-129 to allow a voter to transfer registration by a facsimile transmission.

Amends 2-3-103 to increase the maximum size of precincts from five thousand (5,000) registered voters to six thousand (6,000).

Amends 2-4-108 to change the timing of the instructional meeting for the purpose of training election officials as to their duties during an election.

Amends 2-5-151 relative to certification of petitions for recall, referendum or initiative in governmental entities having a charter provision for such.

Amends 2-6-102 and 2-6-103 to allow the county election commission to designate another office for early voting.

Amends 2-8-104 to provide that the commission, or such persons as it may designate, shall, as soon as possible after the election, compare the votes from the tally tapes of all appropriate sources to the tabulated election results. All candidates, their representatives, representatives of the political parties, and representatives of the press may be present during this process and shall be given ample opportunity to examine the tabulations. The commission shall create a written report of any revisions of any vote totals in such election.

Amends 2-9-109 to provide that any municipality with a population of five thousand (5,000) or less according to the 1980 federal census or any subsequent federal census, may elect to use paper ballots instead of voting machines for municipal elections when there is no opposition for any of the offices involved. Such decision shall be made known to the county election commission at the time the municipality directs the election commission to call its election.

Amends 2-13-203 to provide that if a political party decides to nominate by primary election under 2-13-203, the county executive committee shall, at least ninety (90) days before the qualifying deadline, direct, in writing, the county election commission of each county whose voters are entitled to vote to fill the office to hold the election.

Effective July 1, 2012.

EMERGENCY COMMUNICATIONS

Public Chapter 705 SB 3010 - HB 3172

Non-Emergency Calls

Amends 7-86-316. Authorizes the diversion of harassing non-initialized 911 phone calls to a designated entity.

Effective April 11, 2012.

Public Chapter 815
SB 2413 - HB 3432

"Kelsey Smith Act"

Amends Title 38 Chapter 1. Provides that upon the request of a law enforcement agency, a wireless telecommunications service provider shall provide call location information concerning the telecommunications device of the user in order for the requesting law enforcement agency to respond to a call for emergency services or an emergency situation that involves the risk of death or serious physical harm. The wireless telecommunications service provider shall provide the most accurate call location information available, given the technical and other limitations that may affect the accuracy of the call location information in the relevant area. Provides that when requested by a law enforcement agency, the public safety answering point of the enhanced 911 statewide system shall assist the agency in obtaining call location information from wireless telecommunications service providers. Such assistance shall be provided only upon the requesting agency providing information establishing that the call location information is necessary to assist the agency in responding to a call for emergency services or to an emergency situation that involves the risk of death or serious physical harm.

Effective April 25, 2012.

Public Chapter 935
SB 3061 – HB 2601

Public Safety Answering Point

Amends 7-86-103. Defines Public Safety Answering Point. "Public Safety Answering Point" or "PSAP" means a facility that has been designated to receive 911 phone

calls and route them to emergency services personnel pursuant to 7-86-107(b).

Effective May 10, 2012.

EMERGENCY SERVICES

Public Chapter 728
SB 2221 - HB 2359

Emergency Medical Services

Amends 68-140-302 and 303, 304, 306, 308, 309, 310, 312, 317, 320, 324, 325 and 327. Revises various provisions of present law regarding emergency medical services. Renames emergency medical technicians (EMTs) and emergency medical technician-paramedics (EMT-Ps) as “emergency medical services personnel.” “Emergency Medical Services Personnel” means individuals certified or licensed by the Emergency Medical Services Board in accordance with various categories and classifications of licenses or certificates that the board establishes. Creates definitions for the terms “emergency medical service director” and “emergency medical service medical director.” “Emergency Medical Service Director” means an individual who directs the planning, development, implementation, coordination, administration, monitoring and evaluation of services provided by a licensed ambulance service. “Emergency Medical Service Medical Director” means an individual who has an active, unencumbered license to engage in the practice of medicine pursuant to Title 63, Chapter 6, or Chapter 9, and who provides medical advice, direction, oversight and authorization to emergency medical services personnel at a licensed ambulance service, and/or emergency medical services educational institution, including, but not limited to, quality assurance.

Effective April 11, 2012.

Public Chapter 771
SB 2870 - HB 3567

County-Wide Fire Departments

Amends Title 5, Chapter 17, Part 1. Revises all provisions of present law regarding the “fire tax” to

refer to it as a “fire and emergency services tax” instead of a “fire tax”.

Effective April 19, 2012.

Public Chapter 804
SB 2277 - HB 2296

Yellow Dot Medical Information Program

Amends Title 55, Chapter 20. Authorizes the department of transportation to develop and assist in

the implementation of the "yellow dot" motor vehicle medical information program. The purpose of the "yellow dot" program is to assist drivers and passengers who participate in the program and emergency medical responders in reporting critical medical information in the event of a motor vehicle accident or a medical emergency involving a participant's vehicle.

Effective April 23, 2012.

Public Chapter 844
SB 2480 - HB 2215

Jaclyn's Law

Enacts 29-34-208. Provides that a first responder and the responder's supervisor, agency, employer or supervising entity is immune from civil liability resulting from a forcible entry of a home, business or other structure if the first responder: (1) Is responding to a documented 911 call for emergency assistance; (2) Has made reasonable efforts to summon an occupant of the home, business, or structure that made the call by knocking or otherwise notifying the occupant of the first responder's presence; (3) Has not received a response from an occupant within a reasonable period of time after making reasonable efforts to summon an occupant; and (4) Has a good faith belief that it is necessary to make a forcible entry for the purposes of rendering emergency assistance or preventing imminent bodily harm.

Effective July 1, 2012.

Public Chapter 906
SB 68 - HB 41

Request for Emergency Services

Amends 58-8-105 and 107. Provides that in addition to any agreement for mutual aid made under Title 5 or Title 12, a governmental entity is authorized to request mutual aid for emergency medical services from the emergency communications dispatch center of a county that is contiguous to the requesting county or governmental entity for occurrences that involve serious injuries or possible loss of life in instances that might not reasonably lead to a declared emergency. Provides that in addition to any agreement for mutual aid made under Title 5 or Title 12, a governmental entity is authorized to respond to a request for mutual aid for emergency medical services from a county that is

contiguous to the requesting county or governmental entity for occurrences that involve serious injuries or possible loss of life in instances that might not reasonably lead to a declared emergency. A county is authorized to enter into a mutual aid agreement under Title 12 to permit routine and automatic approval of and response to such requests

Effective July 1, 2012.

Public Chapter 958
SB 720 – HB 1854

Infectious Diseases

Amends Title 7, Chapter 51, Part 2. Creates a rebuttable legal presumption that an emergency rescue worker who suffers disability or death as a result of HIV infection suffered the disability in the line of duty. "Emergency rescue worker" means any person employed full-time by the state or any political subdivision of the state, including any county having a metropolitan form of government as a firefighter, paramedic, emergency medical technician or emergency medical technician advanced.

Effective July 1, 2012.

ENVIRONMENTAL

Public Chapter 860
SB 3549 - HB 3765

Air Pollution Control Board

Enacts a new subsection in 68-201-118 providing that the air pollution control board may delegate the authority to approve certain types of variances to the commissioner, or the commissioner's designee. The types of variances that may be delegated include, but are not limited to: (i) the use of open burning, not otherwise permitted by rules or regulations, for the limited purpose of testing a fire control device or system in order to obtain insurance; and (ii) the use of a variance in the case of financial hardship or other extenuating circumstances under which a vehicle that fails emissions testing required by 55-4-130 and for which a waiver under 55-4-128 is not permitted.

Effective May 1, 2012.

Public Chapter 1019
SB 3187 - HB 3076

Municipal Separate Storm Sewer Systems

Amends 69-3-103 to provide that the department of environment and conservation (TDEC) may establish a program under which municipal separate storm sewer systems may become qualified local programs. Provides that an operator of a construction site located within the jurisdiction of a qualified local program who has obtained a notice of coverage from the program shall not be required to obtain permit coverage from TDEC, or otherwise be required to meet any of the conditions for the issuance of such permit by the TDEC.

Effective July 1, 2013.

ETHICS

Public Chapter 1023
SB 3649 – HB 3697

Disclosure Statements

Amends 8-50-501(a). Requires members of local and regional planning commissions to file disclosure statements of conflict of interests with the Tennessee ethics commission.

Effective July 1, 2012. Applies to any person serving on a local or regional planning commission on or after that date.

FINANCE

Public Chapter 544
SB 2409 – HB 2561

Deposited Funds

Amends 9-1-118 and 9-4-504 to remove the requirement that money deposited by the state and other governmental entities (including counties) be deposited in certificates of deposit. The selected depository would still be required to deposit the funds into federally insured banks or savings and loan associations.

Effective March 8, 2012.

Public Chapter 601
SB 2265 – HB 2422

Bonds

Amends 9-21-132 to allow Davidson, Hamilton, Knox and Shelby counties, and Chattanooga, Knoxville, and

Memphis to sell bonds at private sale upon terms and conditions they determine and upon approval by the governing body of the local government until June 30, 2014. After such time, permits any local government to petition the state funding board for permission to sell specific bonds determined to be required to be sold at taxable interest rates at private sale upon terms and conditions that the local government determines and upon approval by the governing body of the local government.

Effective March 21, 2012.

HIGHWAYS

Public Chapter 689 SB 2807 – HB 3007

County Uniform Highway Law

Amends Title 54, chapter 7, parts 1 and 2 of the County Uniform Highway Law. Deletes the population exemptions relating to qualifications for the office of chief administrative officer. Allows counties to enact more stringent qualifications by private act. Creates a Class C misdemeanor offense and civil liability for damaging roads.

Effective January 1, 2013.

IMMIGRATION

Public Chapter 1061 SB 1325 - HB 1379

Eligibility Verification for Entitlements

Enacts a new Chapter 57 in Title 4 relative to citizenship verification by state entities and local health departments.

Provides that except where prohibited by federal law, every state governmental entity and local health department shall verify (in the manner detailed in the act) that each applicant eighteen (18) years of age or older, who applies for a federal, state or local public benefit from the entity or local health department, is a United States citizen or lawfully present in the United States.

Provides that upon receipt of a final verification that indicates that the applicant is not a United States citizen or qualified alien, the state governmental entity or local health department shall terminate any recurring benefit, and shall pursue any action applicable against the applicant under the act.

Provides that the state shall defray the cost to a local health department of verifying each applicant's status for a benefit.

Provides that the act does not apply to: (1) Any person applying for benefits who lacks the mental capacity to commit perjury under oath and has not been judicially appointed a guardian or conservator; (2) Legal services provided by a district public defender, court-appointed counsel, or other counsel for indigent services; (3) Prenatal care administered by the department of health; or (4) The Special Supplemental Food Program for Women, Infants and Children administered by the department of health.

Effective May 21, 2012 for purposes of state entities promulgating rules and regulations. For all other purposes, effective October 1, 2012 and applies to all applications for benefits submitted to state governmental entities or local health departments on or after October 1, 2012.

JAILS

Public Chapter 848 SB 3018 - HB 3175

Strip Searches - Body Cavity Searches

Amends 40-7-119(b) and 40-7-121(a). Section 28 provides that no person arrested for a traffic, regulatory or misdemeanor offense, except in cases involving weapons, a controlled substance or controlled substance analogue, shall be strip searched unless there is reasonable belief that the individual is concealing a weapon, a controlled substance, a controlled substance analogue or other contraband. Section 29 adds controlled substance analogue to list of items that may be searched for during a body cavity search.

Effective May 15, 2012.

Public Chapter 848
SB 3018 - HB 3175

Jailer Qualifications

Amends 41-4-144(a)(4). Section 38 provides that any person employed as a jail administrator, jailer, corrections officer or guard in a county jail or workhouse shall not have been convicted of or pleaded guilty to or entered a plea of nolo contendere to any felony charge or violation of any federal or state laws relating to controlled substance analogues.

Effective May 15, 2012.

Public Chapter 930
SB 2920 – HB 3243

Minimum Qualifications - Waivers

Amends 41-7-106. Requires the Board of Control of the Tennessee Corrections Institute to establish criteria for determining whether to waive the minimum qualifications required to be a jail administrator, workhouse administrator, jailer, corrections officer, or guard in a county jail or workhouse. The Board's decision to grant such waivers is appealable to the chancery court. After July 1, 2012, the Board may not grant waivers for any person hired as a jail administrator, workhouse administrator, jailer, corrections officer, or guard in a county jail or workhouse who has been dishonorably discharged from the military, suffers from mental illness, or has a conviction for domestic assault or a felony conviction.

Effective May 10, 2012.

Public Chapter 965
SB 2667 – HB 2626

DNA Samples

Amends 40-35-321(e)(3). Expands the list of violent felony offenses that result in a defendant who is arrested for the commission of such offense being required to undergo DNA testing. The offenses added by this bill are: aggravated vehicular homicide; criminally negligent homicide; reckless homicide; vehicular homicide; and voluntary manslaughter.

Effective May 10, 2012.

Public Chapter 972
SB 3207 – HB 3326

Certification Training Fee

Amends 41-7-104. Provides that a fee of ten cents shall be collected for each completed telephone call made by an inmate housed in a local jail or workhouse. Such fees shall be remitted by the telephone service provider to the state treasurer each quarter and credited to a special account in the state general fund designated as the local correctional officer training fund to be used exclusively to fund certification training provided through the institute for local correctional personnel within the state. Provides that the institute's Board of Control shall approve all expenditures from the fund. Funds deposited in the account shall not revert to the general fund at the end of any fiscal year.

Effective July 1, 2012.

Public Chapter 986
SB 2249 – HB 2387

Tennessee Corrections Institute

Amends 41-7-102, 105, and 106. Enacts 41-7-109. Attaches the Tennessee Corrections Institute to the Department of Commerce and Insurance. Provides that the Commissioner of the Department of Commerce and Insurance shall hire the executive director of the Board and that the executive director shall perform all administrative functions for the Board. Authorizes the executive director, instead of the Board, to employ personnel as may reasonably be required. Revises the membership of the Board by removing the employee of TDOC, decreasing the number of criminal justice chairs, and adding a county mayor and a chief of police or a county commissioner.

Effective October 1, 2012.

LAW ENFORCEMENT

Public Chapter 531
SB 2236 - HB 2374

Accident Reports

Amends 55-10-108 and 55-10-111. Deletes requirement for written motor vehicle accident reports. Requires that accident reports made by a law enforcement officer be transmitted to the department in an electronic format approved and according to the standards established by the department.

Effective January 1, 2015.

Public Chapter 532
SB 2204 - HB 2342

Compensation for Officer Killed in the Line of Duty
Amends 7-51-208. Adds police officers employed by the state to provision regarding compensation for officers killed in the line of duty.

Effective February 28, 2012.

Public Chapter 666
SB 2787 - HB 2858

Tests for Alcoholic or Drug Content of Blood
Amends 55-10-406(a)(2) and 55-10-410(a). Adds trained phlebotomist who is operating under a hospital protocol, has completed phlebotomy training through an educational entity providing such training, or has been properly trained by a current or former employer to the list of persons who are authorized to draw blood at the written request of a law enforcement officer for the purpose of determining whether a suspect has committed DUI.

Effective April 4, 2012.

Public Chapter 688
SB 2679 - HB 2834

Reporting Injuries from Meth Labs
Amends 38-1-101(a) and 38-1-103. Specifies that reporting is required where a wound or injury is reasonably believed to have resulted from exposure to a methamphetamine laboratory or a methamphetamine related fire, explosion, or chemical release. Adds that a person acting in good faith in making a report shall be immune from any civil liability and shall have an affirmative defense to any criminal liability arising from that protected activity. Provides that any person who knowingly fails to make the required report within twenty-four (24) hours of tendering aid for any wound or injury commits a Class A misdemeanor.

Effective April 10, 2012.

Public Chapter 709
SB 2872 - HB 3031

Red Light Cameras
Amends 55-8-198. Prohibits the disclosure of traffic citations from red-light cameras to consumer reporting

agencies. Also prohibits such information from being identified in credit reports.

Effective April 11, 2012.

Public Chapter 726
SB 2250 - HB 2388

Unlawful Possession of Firearm

Amends 39-17-1307. Increases the punishment for unlawful possession of firearm by person with previous felony conviction.

Effective July 1, 2012.

Public Chapter 727
SB 2248 - HB 2386

Authority to Carry Handgun

Section 8 of the bill amends 39-17-1315(a). Adds duly authorized employees of the department of corrections to list of persons who may carry a handgun pursuant to a written directive. Removes the authority of duly authorized employees of the board of probation and parole to carry a handgun.

Effective July 1, 2012.

Public Chapter 732
SB 2675 - HB 2656

Sexual Offenses

Amends 39-13-529. Makes technical changes to clarify the offenses of soliciting sexual exploitation of a minor and exploitation of minor by electronic means to make language consistent and to copy from another section definitions for certain undefined terms.

Effective April 16, 2012.

Public Chapter 733
SB 3266 - HB 2644

Tow Trucks

Amends 55-9-402. Provides that a recovery vehicle is authorized to display an amber light that is a strobe, flashing, oscillating or revolving system or any combination of white and amber lights while in the performance of duties involved with towing an abandoned, immobile, disabled or unattended motor vehicle. Such authorized light or lights may be displayed on any location on the vehicle or equipment, other than within the headlight assembly or grill area of the vehicle, in the tail light lamp or stoplight area, or factory installed emergency flasher and backup light area.

Effective April 16, 2012.

Public Chapter 737
SB 2350 - HB 2466

Motor Vehicle Offense - "Ricky Otts Act"

Adds 55-10-119. Provides that an officer shall detain a driver without a warrant and bring the driver before a committing magistrate if the driver is involved in an accident resulting in serious bodily injury or death and does not have a valid driver license and does not have evidence of financial responsibility.

Effective July 1, 2012.

Public Chapter 750
SB 2839 - HB 3023

Motor Vehicle - Towing

Amends 55-16-105(g). Provides that a garagekeeper or towing firm that does not verify ownership of a motor vehicle within three (3) business days after taking possession of such motor vehicle pursuant to this section or that does not notify by mail the owner of such motor vehicle within six (6) days after taking possession shall not be entitled to receive more than six (6) days of storage-related expenses.

Effective July 1, 2012.

Public Chapter 753
SB 2997 - HB 2853

Sexual Offenses - Registration

Amends 40-39-202. Adds the offense of promoting prostitution to the list of sexual offenses requiring registration under the sex offender registry and adds second offense promoting prostitution to the list of violent sexual offenses requiring registration under the sex offender registry.

Effective July 1, 2012.

Public Chapter 763
SB 2166 - HB 2494

Campus Police - Lincoln Memorial University

Amends 49-7-118. Provides that private universities or colleges having a main campus of one thousand (1,000) acres or more that is located in an incorporated municipality which does not operate a police force may employ and commission campus police officers for the main campus under the conditions of this section; provided, that the sheriff of the county in which the

main campus is located has appointed the police officer as a special deputy in accordance with current law.

Effective April 19, 2012.

Public Chapter 764
SB 2235 - HB 2373

Methamphetamine

Amends 39-17-431(m). Revises various present law provisions regarding the sale and purchase of an immediate methamphetamine precursor. Specifies that it is an offense for a person not authorized to do so to knowingly “attempt to sell” an immediate methamphetamine precursor knowing that it will be used to produce methamphetamine, or with reckless disregard of its intended use.

Effective April 19, 2012.

Public Chapter 778
SB 3397 – HB 3822

Electronic Transmission of Pawnbroker Records

Amends 45-6-221 to authorize law enforcement agencies to require pawnbrokers to electronically transfer the required information on pledged goods to them instead of delivering paper records.

Effective July 1, 2012.

Public Chapter 783
SB 3202 - HB 3443

Retiree Carry Permit

Amends 38-8-116(c). Authorizes retired correctional officers and retired inmate relations coordinators who were previously employed by the department of correction to become certified to carry a firearm in the same manner and to the same extent as an active law enforcement officer.

Effective July 1, 2012.

Public Chapter 812
SB 2230 - HB 2368

Controlled Substances

Amends 39-17-406, 408, 410, 412, and 414. Revises various provisions of present law regarding the scheduling of controlled substances.

Effective April 25, 2012.

Public Chapter 816
SB 2551 - HB 2550

Disposal of Unclaimed Property

Amends 8-8-501. Decreases the amount of time that a sheriff must wait before disposing of certain unclaimed property in the sheriff's custody from six months to 90 days from the date of acquisition.

Effective July 1, 2012.

Public Chapter 834
SB 3604 - HB 3207

Landlord/Tenant - Towing of Vehicles

Amends 66-28-519. Provides that if the owner of the vehicle is not present, then prior to removing the vehicle the person, firm or entity that actually tows the vehicle shall notify local law enforcement of the vehicle identification number (VIN), registration information, license plate number and description of the vehicle. Local law enforcement must keep a record of all such information which shall be available for public inspection.

Effective July 1, 2012.

Public Chapter 838
SB 2507 - HB 2645

Controlled Substances

Amends 39-17-452. Rewrites present law regarding synthetic drugs. Makes it a crime to possess the substances regardless of whether there is intent to produce, manufacture, distribute, sell or offer for sale

Effective July 1, 2012.

Public Chapter 843
SB 2280 - HB 2286

Imitation Controlled Substances

Enacts 39-17-453 to create a Class E felony for knowingly manufacturing, delivering, selling or possessing with the intent to sell, deliver or manufacture an imitation controlled substance. Creates a Class A misdemeanor for possessing or using an imitation controlled substance. Provides that the premises of any business wherein a violation of this section is committed by an employee, agent or owner of the business is a public nuisance subject to abatement pursuant to Title 29, chapter 3, part 1.

Effective April 27, 2012.

Public Chapter 848
SB 3018 - HB 3175

Qualifications for Office of Sheriff

Amends 8-8-102(a). Section 5 provides that a candidate for sheriff shall not have been convicted of or pleaded guilty to or entered a plea of nolo contendere to any felony charge or violation of any federal or state laws relating to controlled substance analogues.

Effective May 15, 2012.

Public Chapter 848
SB 3018 - HB 3175

Driving Under the Influence

Amends 55-10-401(a)(1) and 403(c)(2). Section 58 and 59 add controlled substance analogue to DUI statutes.

Effective May 15, 2012.

Public Chapter 848
SB 3018 - HB 3175

Controlled Substances

Enacts 39-17-454. Section 96, makes it is an offense to knowingly manufacture, deliver, dispense or sell a controlled substance analogue or to possess a controlled substance analogue with the intent to manufacture, deliver, dispense or sell such substance.

Effective May 15, 2012.

Public Chapter 852
SB 3691 - HB 3637

Wiretaps

Amends 39-17-417(j). Deletes provision prohibiting district attorney from applying to judge for a wiretap order in marijuana cases in which the amount is less than 700 pounds.

Effective July 1, 2012.

Public Chapter 856
SB 2817 - HB 2986

Missing Children

Amends 37-10-203. Provides that every law enforcement officer receiving information from a parent or any source that it deems creditable shall prepare a formal missing child report. A law enforcement agency reporting a missing child is further required to enter or cause to be entered the report of the missing child into the National Crime Information Center (NCIC) within two (2) hours of the receipt of the initial missing child report.

Effective April 27, 2012.

Public Chapter 858
SB 2856 - HB 2860

POST Certification

Amends 38-8-124. Provides that in addition to any other penalty proscribed by law, where an applicant for POST certification knowingly includes false or misleading information on an application concerning the applicant's qualifications, experience, training or criminal history, the applicant shall be denied POST certification in this state and shall not be eligible to reapply. Provides further that where a POST certified officer obtains POST certification by knowingly providing false or misleading information concerning the officer's qualifications, experience, training or criminal history, POST shall decertify the officer. Any officer decertified by POST under this statute shall be removed from office and shall not be eligible to apply for a law enforcement position.

Effective July 1, 2012.

Public Chapter 859
SB 3602 - HB 3146

Traffic Control

Amends 55-8-109. Defines "traffic or police officer" as every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations or a licensed security guard who a retired POST certified officer in good standing. Such retired officer must notify the chief law enforcement officer in the jurisdiction where the retired officer will be directing or regulating traffic at least twenty-four (24) hours in advance, or as soon as possible in the event of an emergency, prior to performing traffic control functions in such jurisdiction.

Effective May 1, 2012.

Public Chapter 874
SB 1864 - HB 1570

Pawn Shops

Amends 45-6-213. Rewrites law regarding the disposition of stolen property that is in the possession of a pawnbroker. Among other things, provides that when an appropriate law enforcement official has probable cause to believe that property in the possession of a pawnbroker is misappropriated or

stolen, the official may place a written hold order on the property. The written hold order shall impose a holding period not to exceed ninety days unless extended by court order. The appropriate law enforcement official may rescind, in writing, any hold order. An appropriate law enforcement official may place only one hold order on the property. Sets forth the “hold order” procedure.

Effective July 1, 2012.

Public Chapter 882
SB 3635 - HB 3398

Judicial Forfeiture

Amends 39-13-530(a). Revises present law provisions regarding forfeiture of property used in the commission of a sexual offense that property is subject to “judicial forfeiture” instead of “administrative forfeiture”. Provides further that any conveyance or personal property used in the commission of a violation of the residency or work requirements of the sexual offender registry committed on or after July 1, 2012, by a sexual offender or violent sex offender whose victim is a minor is upon conviction subject to judicial forfeiture.

Effective July 1, 2012.

Public Chapter 883
SB 3154 - HB 3283

Statutory Rape

Amends 39-13-506(d)(2) and 40-39-202. Authorizes the trial court, in a case where a person commits statutory rape for the first time, to order that the person be required to register as a sexual offender.

Effective July 1, 2012.

Public Chapter 885
SB 3076 - HB 3257

Indecent Exposure

Amends 39-13-511 and enacts 39-13-517. Revises the punishment for the offenses of public indecency and indecent exposure and revises the definition of “public place” with regards to the offense of public indecency.

Effective July 1, 2012.

Public Chapter 892
SB 2914 - HB 2752

DUI – Implied Consent

Amends 55-10-406(a)(4)(A). Clarifies that the provision regarding not giving the test if the person refuses to

submit does not apply if testing is mandated by a court order or search warrant or is mandated under the present law provision regarding a law enforcement officer having probable cause to believe that the driver of a motor vehicle involved in an accident resulting in the injury or death of another has committed a violation of vehicular homicide, aggravated vehicular homicide or DUI.

Effective May 9, 2012.

Public Chapter 893
SB 2915 - HB 2750

DUI – Defenses

Amends 55-10-402. Provides that it is not a defense to a violation of the DUI law that a person who drives a vehicle while under the influence of any intoxicant, marijuana, controlled substance, drug or substance affecting the central nervous system is or has been entitled to use one or more of such substances.

Effective July 1, 2012.

Public Chapter 899
SB 2544 - HB 2459

Intoxicating Liquors – Prohibited Acts

Enacts 57-3-413. Provides that a person may be charged with criminal trespass if the person is: (1) Between the age of eighteen and twenty-one; (2) Visibly intoxicated; or (3) Otherwise disruptive; and such person is asked by the owner or employee of a retail package store to leave the premises and that person remains on the premises. Provides further that if a person is a minor under the age of eighteen and is asked by the owner or employee of a retail package store to leave the premises, and the minor remains on the premises, such minor commits a delinquent act.

Effective May 9, 2012.

Public Chapter 907
SB 74 - HB 153

Motorcycles

Amends 55-8-164. Provides that a person commits a Class C misdemeanor who on the streets of any municipality, roads of any county, or the highways of this state, carries a child as a passenger on a motorcycle whose feet are not on foot pegs. This provision does not apply to persons riding in a motorcycle sidecar.

Effective July 1, 2012.

Public Chapter 910
SB 2179 - HB 2695

Service Animals

Enacts 39-14-216. Makes it an offense to knowingly: (1) Maim or otherwise inflict harm upon a service animal; (2) Attempt to maim or otherwise inflict harm upon a service animal; or (3) Permit an animal that the person owns or is in the immediate control of to maim or otherwise inflict harm upon a service animal. Makes it an offense to recklessly maim or otherwise inflict harm upon a service animal or permit an animal that the person owns or is in the immediate control of to maim or otherwise inflict harm upon a service animal. Makes it an offense to knowingly interfere with a service animal in the performance of its duties, or permit an animal that the person owns or is in control of to interfere with a service animal in the performance of its duties.

Effective July 1, 2012.

Public Chapter 911
SB 2190 – HB 2333

Methamphetamine Registry

Amends 39-17-436. Revises various provisions of present law regarding the methamphetamine registry and immediate methamphetamine precursors. Requires the court clerk, after reasonable inquiry, to provide the TBI with the person's driver license number and issuing state, or any other state or federal identification number, and such other identifying data as the bureau determines is necessary to properly identify the convicted person and exclude innocent persons. The registry available for public inquiry shall not include the person's social security number, driver license number, or any other state or federal identification number.

Effective May 10, 2012.

Public Chapter 919
SB 2607 – HB 2751

Driving Under the Influence

Amends 55-10-403(a)(1)(B)(i). Provides that if a person is convicted of driving under the influence and the trier of fact finds that, at the time of the offense, the person was accompanied by a child under eighteen

years of age, the person's sentence shall be enhanced by a mandatory minimum period of incarceration of thirty days and a mandatory minimum fine of one thousand dollars. The incarceration enhancement shall be served in addition to, and at the conclusion of, any period of incarceration received for the violation of driving under the influence. The fine enhancement shall be in addition to any fine imposed for the violation of driving under the influence.

Effective July 1, 2012.

Public Chapter 1003
SB 2836 – HB 3365

Interfering with Emergency Calls

Enacts 65-21-117. Provides that an individual commits an offense if the individual knowingly prevents another individual from placing a telephone call or intentionally renders unusable a telephone that would otherwise be used by another individual to place a telephone call to 911 or from requesting assistance in an emergency from a law enforcement agency, medical facility, or other agency or entity the primary purpose of which is to provide for the safety of individuals.

Effective July 1, 2012.

Public Chapter 1006
SB 3412 – HB 3517

Criminal Homicide and Assaults

Amends 39-13-214 and 39-13-107. Specifies that the victim of an assaultive offense or a homicide includes a human embryo or fetus at any stage of gestation in utero when any such term refers to the victim of any act made criminal by the provisions governing such offenses. This provision would not apply to any act or omission by a pregnant woman with respect to an embryo or fetus with which she is pregnant, or to any lawful medical or surgical procedure to which a

pregnant woman consents, performed by a health care professional who is licensed to perform such procedure.

Effective July 1, 2012.

Public Chapter 1015
SB 2890 – HB 2888

Filing Liens without Legal Basis

Enacts a new section at Title 39, Chapter 17, Part 1 to create a Class A misdemeanor for knowingly preparing, signing or filing a lien without having a reasonable basis to place such lien on the property.

Effective July 1, 2012.

Public Chapter 1032
SB 1804 – HB 991

Sheriff's Fees

Amends 8-21-901(a)(1)(A)(i) and (D). Increases the fee for the service of process in person from \$20.00 to \$26.00. Increases the fee for returning service where there was an unsuccessful attempt from \$7.00 to \$9.00.

Effective July 1, 2012.

Public Chapter 1040
SB 2913 – HB 2749

Ignition Interlocks – Restricted License

Amends 55-10-406(c). Provides that a court may also order the person to operate only a motor vehicle that is equipped with a functioning ignition interlock with or without geographic restrictions, which shall remain on the vehicle during the entire period of the restricted license. However, no state funds may be expended to provide a person with an ignition interlock that is ordered pursuant to this subdivision.

Effective July 1, 2012.

Public Chapter 1080
SB 2606 – HB 2655

Theft

Amends 39-14-105. Creates a new Class A felony theft provision if the amount stolen is \$250,000 or more. Allows the state to aggregate the value of the property stolen in certain circumstances and changes venue for all offenses graded by value.

Effective July 1, 2012.

Public Chapter 1091
SB 3092 – HB 2221

Sexual Activity by Minors

Enacts 39-17-___. Creates a new Class A misdemeanor. Provides that it is an offense for a person eighteen years of age or older to knowingly promote or organize a gathering of two or more minors in a public place with

the intent to provide a location for said minors to engage in public indecency.

Effective July 1, 2012.

Public Chapter 1093
SB 3145 – HB 3579

Reporting of Medical Treatment

Amends 38-1-101. Revises certain provisions regarding the reporting of medical treatment for sexual assault or domestic abuse. Provides that the reporting provisions do not apply if the person seeking or receiving treatment: (1) is 18 years of age or older; (2) is a victim of a sexual assault offense or domestic abuse; and (3) objects to the release of any identifying information to law enforcement officials. Provides further that the exception does not apply and the injuries shall be reported if the injuries incurred by the sexual assault or domestic abuse victim are considered by the treating healthcare professional to be life threatening, or the victim is being treated for injuries inflicted by strangulation, a knife, pistol, gun, or other deadly weapon.

Effective May 21, 2012.

Public Chapter 1108
SB 3742 – HB 3749

Accident Reports

Amends 55-10-108(b). Requires investigating officer to note on the written accident report if physical barriers are present at the site of the motor vehicle accident.

Effective May 21, 2012.

PERSONNEL

Public Chapter 803
SB 3282 - HB 2295

Military Leave of Absence

Amends 8-33-110. Provides that, in addition to the leave of absence provided in 8-33-109, members of the Tennessee army and air national guard on active state duty or the Tennessee state guard and civil air are entitled to an unpaid leave of absence from their respective duties, without loss of time, pay not specifically related to leave of absence time, regular leave or vacation, or impairment of efficiency rating for all periods of service under competent orders.

Effective April 23, 2012.

Public Chapter 1069
SB 2212 – HB 2350

Local Government Insurance Committee

Amends 8-27-201 to require the state's local government insurance committee to provide for the financing of the state group health insurance plan for local governments and determine the premiums, copayments, benefit levels, and disposition of government grants and subsidies to assist in funding the plan. Requires local government agencies enrolled in the state plan to cooperate with the local government insurance committee, including entering into contracts or memoranda of understanding reflecting the financial determinations of the committee, and authorizes the committee to assess and collect from uncooperative local government agencies the costs incurred as a result of the agency's failure to cooperate and to terminate the agency's participation in the plan for a period of two years. Amends 8-27-303 to make the same changes for the state group health insurance plan for LEAs.

Effective May 21, 2012.

PLANNING

Public Chapter 863
SB 3165 – HB 3595

Urban Growth Boundaries

Amends 6-58-104 to extend the application of subsection (e) until July 1, 2014. Subsection (e) allows for the expansion of urban growth boundaries without convening the coordinating committee and obtaining approval from the county if the expansion involves tracts of land that are ten acres or less, are contiguous to a tract with the same owner that has already been annexed, are being provided water and sewer and the owner consents to the annexation.

Effective May 1, 2012.

PROPERTY TAXES

Public Chapter 571
SB 2260 - HB 2398

Forced Assessment

Amends 67-5-903(d) and 67-5-1206(d)(2). Provides that a taxpayer may request the assessor to mitigate a forced assessment by reducing the forced assessment to the standard depreciated value of the taxpayer's assessable property plus 25 percent.

Effective March 13, 2012.

Public Chapter 638
SB 2290 - HB 2426

Continuing Education

Amends 67-5-1514. Authorizes the state board to approve a continuing education program for registered taxpayer agents and to charge agents a per-credit hour fee to defray cost of program.

Effective March 30, 2012.

Public Chapter 979
SB 3596 - HB 3527

Notice of Delinquent Property Tax Suit

Amends 67-5-2415(e). Authorizes any alternative delivery service as authorized by § 7502 of the Internal Revenue Code.

Effective May 10, 2012.

Public Chapter 1087
SB 2863 - HB 3213

Property Tax Relief – Disabled Veterans

Amends 67-5-704(g). Extends property tax relief to a qualifying surviving spouse if the soldier's death results "in support of combat or peace operations," instead of "in support of combat operations."

Effective May 21, 2012.

PURCHASING

Public Chapter 517
SB 2203 – HB 2341

ADA Standards for Accessible Design

Amends 68-120-204(a)(1) to adopt the 2010 ADA Standards for Accessible Design for public buildings constructed, enlarged, or substantially altered or repaired after July 1, 2012.

Effective February 23, 2012.

Public Chapter 600
SB 2291 – HB 2427

Cooperative Purchasing of Goods

Amends 12-3-1004 to clarify that the cooperative purchasing provisions of that statute apply to goods as well as equipment.

Effective March 21, 2012.

Public Chapter 609
SB 2564 – HB 2764

Retainage

Amends 66-34-103(e) to provide that in addition to the fine for failure to comply with the statutory requirements on retainage (cannot exceed 5%, must be paid within 90 days after substantial completion, etc.), the court shall order restitution be made to the owner of the retained funds. Amends 66-34-104(a) to require that the escrow account be established upon withholding any retainage. Amends 66-34-104 to require the party with the responsibility for depositing the retained amount in a separate interest-bearing account to provide written notice that it has complied with the requirements of this section to any contractor upon withholding the retained funds from each and every application for payment, including (1) name of financial institution with whom the escrow account has been established, (2) account number, and (3) amount of funds deposited.

Effective July 1, 2012.

Public Chapter 914
SB 2289 – HB 2425

National/Regional Cooperative Purchasing

Amends 12-3-1008 to provide that counties are authorized to use pricing discounts obtained by the National Association of Counties (NACo) Financial Services Center Cooperative Purchasing Alliance, its successor organization, or any other national or regional governmental cooperative purchasing program. However, if the purchase is over the bid threshold under the county's purchasing laws for formal or informal bidding, the county may only consider the price in the same manner as a formal bid or informal quotation obtained under the county's purchasing laws.

Effective May 10, 2012.

RECORDS

Public Chapter 577

SB 2198 - HB 2335

Emergency Contact Information

Amends 10-7-504(f) to make confidential the emergency contact information of any state, county, municipal or other public employee or former employee, or of any law enforcement officer commissioned pursuant to 49-7-118, in the possession of a governmental entity or any person in its capacity as an employer

Effective March 13, 2012.

Public Chapter 648

SB 2885 - HB 2618

Emergency Communications District or Agent

Amends 10-7-504(e) to provide that unpublished telephone numbers in the possession of emergency communications districts, emergency communications boards or designated agents shall be treated as confidential until such time as any provision of the service contract between the telephone service provider and the consumer providing otherwise is effectuated; provided, that addresses held with such unpublished telephone numbers shall be made available upon written request to any county election commission for the purpose of compiling a voter mailing list for a respective county.

Effective March 30, 2012.

Public Chapter 651

SB 2598 - HB 3053

Cable or Video Service Providers

Amends 7-59-306(d) to provide that any records obtained by or disclosed to a municipality or county by a holder of a state-issued certificate of franchise authority or any other cable or video service provider

for the purpose of an audit or review, shall be confidential.

Effective March 30, 2012.

Public Chapter 811
SB 1447 - HB 1908

Teacher Evaluations

Amends 10-7-504(a) to provide that all records containing the results of individual teacher evaluations administered pursuant to the policies, guidelines, and criteria adopted by the state board of education under 49-1-302 are confidential. Provides that this shall not prevent the LEA, public charter school, state board of education, or department of education from accessing and utilizing such records as required to fulfill their lawful functions.

Effective April 25, 2012.

Public Chapter 877
SB 3608 - HB 3758

Energy Usage Data

Amends 10-7-504(a) to make confidential all consumer specific energy usage data held by a utility except for aggregate monthly billing information.

Effective July 1, 2012.

REGISTER OF DEEDS

Public Chapter 707
SB 2961 – HB 3254

Name and Address of Preparers

Amends 66-24-115 to allow for the name and address of the preparer of the instrument to appear anywhere within the instrument rather than only on the first page.

Effective April 11, 2012.

Public Chapter 735
SB 2550 – HB 2468

Assuming Archives Duties

Amends 8-13-108(f) to allow registers to assume the functions and duties of the microfilm, public records or archives departments, or any of these, as established by the county commission, with the endorsement of the

existing county records commission or the county executive.

Effective April 16, 2012.

Public Chapter 792
SB 2962 – HB 3255

Mortgage and Transfer Taxes

Amends 67-4-409 to delete the requirement that registers round up to the nearest hundred when computing mortgage and transfer tax.

Effective April 23, 2012.

RETIREMENT

Public Chapter 939
SB 3216 – HB 3603

Optional Retirement Plans for New Hires

Enacts new sections at Title 8, chapter 35, part 2 to create additional plans through which political subdivisions of the state may participate in the Tennessee Consolidated Retirement System (“TCRS”). However, nothing in the law applies to any current members - the law only applies to county employees hired after July 1, 2012. The law also provides that counties may take no action and just remain in the current system.

Generally provides for two additional optional plans. The first plan provides for a retirement allowance of 1.4% of the member’s average final compensation (as opposed to 1.5%) multiplied by the number of years of service with a maximum annual benefit of \$80,000. The second plan is a hybrid plan that provides for a retirement allowance of 1.0% of the member’s average final compensation multiplied by the number of years of service and in addition money from a defined contribution plan (such as a 401(k)) selected by the county. The maximum annual benefit under the second plan is also \$80,000.

The law also allows counties, for employees hired after July 1, 2012, to freeze, suspend or modify benefits,

employee contributions, or plan terms prospectively so long as accrued benefits are not affected.

Effective July 1, 2012.

TAXES

Public Chapter 624 SB 2232 - HB 2370

Amazon Sales

Enacts a new section in Title 67, Chapter 6, Part 5 relative to the taxation of sales by Amazon. Provides Amazon a temporary exemption from collecting sales tax provided its affiliates make a significant capital investment and create 3,500 jobs in the state. Requires that Amazon notify customers of their obligation to remit use tax to the state. Provides that Amazon will collect sales tax on purchases by Tennessee customers beginning on the earlier of January 1, 2014 or the effective date of federal legislation that authorizes states to require remote vendors to collect sales tax.

Effective March 23, 2012.

Public Chapter 657 SB 2233 - HB 2371

Electronic Filing with Department of Revenue

Enacts and amends numerous sections in Title 67, 57 and 55 relative to documents and payments required to be filed with the Department of Revenue. Authorizes the commissioner to require that any document or payment filed with the department be submitted electronically in a manner approved by the commissioner beginning no sooner than ninety (90) days after the commissioner has certified that a system is in place for the electronic submission of such document or payment. Provides for exceptions and penalties.

Provides that the commissioner is authorized to deduct and retain from the proceeds of any tax administered and collected by the commissioner an amount necessary to offset the fee paid to a third party for the processing of documents and payments that are submitted electronically to the department.

Provides that the commissioner is authorized to change the tax period for business taxes to correspond to the taxpayer's fiscal year. Provides that the commissioner is authorized to change the due date of the associated tax return to a date that is not less than two calendar months following the end of such tax period.

Effective April 4, 2012.

Public Chapter 1013
SB 2701 - HB 2889

Natural Disasters Occurring After January 1, 2012

Amends 67-6-396 to provide that any person receiving assistance from the Federal Emergency Management Agency for damage done to their primary residence from a natural disaster occurring on or after January 1, 2012, shall be entitled to a refund equal to the total amount of Tennessee state and local sales and use tax paid as a result of purchases of major appliances, residential furniture, or residential building supplies; provided that the total amount refunded shall not exceed two thousand five hundred dollars (\$2,500).

Provides that all refunds shall be paid from the state's general fund and the refunds shall not reduce the amount of sales and use tax payable to local governments.

Effective May 15, 2012

Public Chapter 1078
SB 2560 - HB 2551

Airplane Refurbishment

Amends 67-6-313 to exempt from sales and use tax, under certain conditions, repair and refurbishment services within Tennessee with respect to airplanes and airplane components and parts which have their situs outside of Tennessee.

Effective May 21, 2012

Public Chapter 1081
SB 2633 – HB 2747

Tennessee Professional Employer Organization Act

Amends Title 62, chapter 43 to enact the "Tennessee Professional Employer Organization Act." Provides that any tax or assessment imposed upon professional employer services or any business license or other fee which is based upon "gross receipts" shall allow a deduction from the gross income or receipts of the business derived from performing professional employer services that is equal to that portion of the fee charged to a client that represents the actual cost of wages and salaries, benefits, workers' compensation, payroll taxes, withholding or other assessments paid to or on behalf of a covered employee by the professional

employer organization under a professional employer agreement.

Effective May 21, 2012.

UNEMPLOYMENT BENEFITS

Public Chapter 682 SB 884 - HB 984

Military Spouse Unemployment Benefits

Amends 50-7-303. Authorizes spouses of military members who leave employment due to military reassignment to qualify for unemployment benefits. Requires that state pay such benefits and does not count against employer's experience rating.

Effective April 4, 2012.

Public Chapter 940 SB 3241 - HB 2193

Unemployment Benefits

Amends 50-7-303(a)(2) to provide that for unemployment benefits, a discharge from employment shall be deemed to be a discharge for misconduct connected with work (disqualifying the employee from collecting benefits) when an employee is terminated because the employee had a written agreement with the employer to obtain a license or certification by a specified date and the employee willfully failed without good cause to obtain the license or certification by the specified date.

Effective July 1, 2012.

Public Chapter 1050 SB 3658 - HB 3431

Unemployment Insurance Accountability Act

Amends 50-7-302, 303, and 304. Make numerous changes to the present law. Expands the definition of claimant misconduct. Defines "making a reasonable effort to secure work." Adds additional disqualifications from receiving unemployment benefits. Provides that a claimant is considered ineligible for benefits if the claimant is incarcerated four or more days in any week for which unemployment benefits are being claimed.

Effective May 21, 2012. Section 4 and Section 5 of the act take effect September 1, 2012.

Public Chapter 1107
SB 3657 - HB 3430

Unemployment - Seasonal Employment

Enacts 50-7-3_. Allows an employer to qualify as a “seasonal employer” for purposes of unemployment insurance benefits and establishes the benefits an employee of a seasonal worker will receive.

Effective May 21, 2012.

UTILITIES

Public Chapter 538
SB 2170 - HB 2225

Appointment of Utility District Board Members

Amends 7-82-307 and 7-82-607 relative to the appointment of utility district board members.

Provides that the commissioners of any single-county utility district using a selection method other than appointment by a county mayor on May 6, 2004, shall be appointed by the county mayor unless, on July 1, 2011, or hereafter approved by the general assembly, the selection method used by a single-county utility district is a plurality vote of customers of the utility district voting in an election held by the utility district or the single-county district is located in a county with a metropolitan form of government and the selection method is by appointment by a county probate judge.

Provides that effective July 1, 2014, unless, on July 1, 2011, or hereafter approved by the general assembly, the selection method used by a multi-county utility district is a plurality vote of customers of the utility district voting in an election held by the board of commissioners of the utility district or the multi-county district is located in a county with a metropolitan form of government and the selection method is by appointment by a county probate judge, the procedure as provided for submitting nominees to the county mayor to fill a vacancy on a single-county utility district shall be followed by the board of commissioners of multi-county utility districts for the filling of vacancies occurring on the board of commissioners of such multi-county utility district, except that, the utility district’s charter, bylaws, state law or prior order creating or recreating such utility district board of commissioners

shall be followed to determine which county mayor is the appropriate county mayor to fill the vacancy.

Provides that if the first or second list is rejected in its entirety, then within fourteen (14) days (as opposed to 21 days) following the entry of the order rejecting the entire list of nominees, the county mayor shall make a written request to the board of commissioners or its remaining members to submit an additional list.

Removes exceptions in 7-82-607 which allowed the remaining commissioners on certain utility districts to fill vacancies occurring on those boards.

Effective March 6, 2012.

Public Chapter 573
SB 2257 - HB 2395

Watershed Districts

Amends 69-6-142 to provide that each district shall prepare and submit an annual report of its business affairs and transactions to the state soil conservation committee and the comptroller of the treasury.

Amends 69-6-148 relative to dissolution of a district.

Effective March 13, 2012.

Public Chapter 596
SB 2652 - HB 2770

Notice of Utility District Meeting to Select Nominees

Amends 7-82-307(a) to require that at least two (2) weeks prior to the utility district board meeting at which the board intends to select three nominees to certify to the county mayor or county mayors to fill an existing vacancy or upcoming vacancy on the utility district's board of commissioners the utility district shall notify its customers in writing of the board's intent to select nominees and shall invite its customers to submit the names of qualified persons to be considered for nomination to fill the vacancy. The notice shall be: (1) mailed to the district's customers by including the notice on the customer's bill or by a separate insert with the customer's bill; (2) mailed to the district's customers by including the notice in a general mailing to its customers or by a separate insert with a general mailing to its customers; or (3) published in a newspaper of general circulation in the county or

counties in which the utility district is created or recreated.

Effective January 1, 2013.

Public Chapter 748
SB 3334 - HB 3094

Superintendents of Municipal Electric Plants
Amends 7-52-103 and 7-52-114 of the Municipal Electric Plant Law of 1935 to authorize each municipal electric system and each other governmental utility system established by private act that operates an electric plant, acting through the authorization of the board or supervisory body having responsibility for the municipal electric system or governmental utility system, to enter into an employment contract for a term not to exceed five (5) years with the superintendent, general manager or chief executive officer of the electric plant.

Effective April 16, 2012.

Public Chapter 777
SB 3394 - HB 3558

Fluoridation of Water
Amends 68-221-708 to require any public water system or waterworks system which determines to initiate or permanently cease fluoridation of its water supply to notify the department of environment and conservation and the department of health of its intention thirty (30) days prior to any vote. The water system shall additionally give public notice to its customers in a general mailing at least thirty (30) days prior to the meeting at which the vote will take place.

Effective April 19, 2012.

Public Chapter 984
SB 1165 – HB 1376

Municipal Gas System Tax Equivalent Law
Amends 7-39-405 to provide that unless a written agreement was executed prior to April 2012, or becomes effective on the first day of any fiscal year thereafter, by a municipality in a county having a charter form of government that owns and operates a gas system, and another taxing jurisdiction, and such written agreement provides for a different payment, then each taxing jurisdiction would receive a payment that is equal to that portion of the total tax equivalent

payment that is calculated using each taxing jurisdiction's tax rate.

Effective May 10, 2012.

WORKERS' COMPENSATION

Public Chapter 1030 SB 2923 - HB 2808

Venue

Amends 50-6-225(a). Provides that either party in a workers compensation dispute may bring suit in the county in which the employee resided at the time of the injury when issues remain after the benefit review conference.

Effective May 21, 2012.

Public Chapter 1100 SB 3315 - HB 3372

Pain Management

Amends 50-6-102(17), 124, 204. Revises present workers compensation law to specify that if a treating physician determines that pain is persisting for an injured or disabled employee beyond an expected period for healing, then the treating physician, if the physician is a "qualified physician", may either prescribe or refer such employee for pain management, encompassing pharmacological, non-pharmacological and other approaches to manage chronic pain. A "qualified physician" is a physician licensed to practice medicine or osteopathy in this state.

Effective July 1, 2012.

PART II - PUBLIC ACTS OF LOCAL APPLICATION

BLOUNT

Public Chapter 654 SB 13 - HB 59

Probate Clerk

Amends 18-6-106 to transfer the probate court clerking responsibilities in Blount County from the county clerk to the clerk and master.

Effective April 4, 2012.

COCKE

Public Chapter 1021 SB 3458 – HB 3102

Hotel/Motel Tax

Amends 67-4-1425 to exclude the city of Newport from the limitations in that statute on levying a hotel/motel tax, and to authorize the city to levy the tax by 2/3 vote of the governing body on any hotel in the city in an amount not to exceed 5% of the consideration charged, with proceeds to be used solely for tourism development.

Effective May 10, 2012.

DAVIDSON

Public Chapter 558 SB 2883 – HB 2415

Pilot Program for Class Size Limits

Amends 49-1-104(g) to continue pilot program allowing class sizes in career and technical education classes to be extended.

Effective March 13, 2012.

Public Chapter 849 SB 3288 - HB 3828

Indoor Sports Facilities

Amends 67-6-103 and 67-6-712 to provide that the tax revenue derived from an indoor sports facility that is subject to special distribution under present law will be distributed to the sports authority or comparable municipal agency formally designated by the municipality and that such revenue must be used

exclusively for the payment of, or the reimbursement of expenses associated with securing current, expanded, or new events.

Effective April 27, 2012.

HAWKINS

Public Chapter 513 SB 1283 – HB 208

Animal Control

Amends 44-17-503(b) to require that the spay/neuter deposits made at the time of adoption be used to defray operational expenses of the spay and neuter program.

Effective February 7, 2012.

KNOX

Public Chapter 623 SB 2456 - HB 2481

Court Clerk Fees

Amends 8-21-401(n) to provide that the general court clerk fee law (8-21-401) will apply for clerk services in the criminal court, fourth circuit and general sessions court-criminal division of Knox County, but the separate provision of law regarding court clerk fees in Knox County (8-21-409) will continue to apply for clerk services in all other courts of Knox County.

Effective July 1, 2012.

Public Chapter 1060 SB 420 – HB 442

Mental Health

Amends Title 33, Chapter 6, Part 6. Creates a pilot project in Knox County for up to two years for a maximum of 10 patients at any given time to receive assisted outpatient treatment. In addition to any authorized action under the present law provisions governing judicial commitment for involuntary care, a court of competent jurisdiction may order a proposed patient to receive assisted outpatient treatment upon certain findings.

Effective July 1, 2012.

MORGAN

Public Chapter 644

SB 2647 – HB 3048

Coon Dog Training Season

Amends 70-4-112 and 70-4-122 to provide for a coon dog training season of at least six months.

Effective March 30, 2012.

SHELBY

Public Chapter 710

SB 2822 - HB 2966

Environmental Court

Amends Chapter 772 of the Public Acts of 1982, as amended by Chapter 426 of the Public Acts of 1991, as amended by Chapter 182 of the Public Acts of 2003, and Chapter 550 of the Public Acts of 2007, and any other act amendatory thereto by enacting a new section relative to the appointment of referees in General Sessions Division XIV.

Provides for appointment, qualifications, compensation, authority of referee(s) and procedure for rehearing of matters heard by referees.

Effective April 11, 2012.

PART III - PRIVATE ACTS

BLOUNT

Private Chapter 63

SB 3802 – HB 3874

Tourism Board and Hotel Motel Tax

Amends Chapter 102 of the Private Acts of 1979, as amended, to create a Tourism Board for Blount County, Alcoa and Maryville and allocates a portion of the Blount County occupancy tax to such board.

Effective upon approval by a 2/3 vote of the governing bodies of Blount County, Alcoa, and Maryville.

BRADLEY

Private Chapter 51

SB 3781 – HB 3853

Courts

Amends Chapter 17 of the Private Acts of 1955, as amended, to establish a common-docket system.

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

DICKSON

Private Chapter 61

SB 3782 – HB 3857

County Highway Commission

Amends Chapter 53 of the Private Acts of 1985 to decrease, from twelve to six, the number of county highway commissioners beginning in the August 2014 regular election, and require commissioners be elected from the same districts as school board members.

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

HAMBLEN

Private Chapter 48

SB 3772 – HB 3842

Juvenile Court Clerk

Amends Chapter 337 of the Private Acts of 1972 to provide that the clerk of the circuit and general sessions court shall also be the clerk of the juvenile court.

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

HAMILTON

Private Chapter 71

SB 3793 – HB 3851

Chattanooga-Hamilton County Hospital Authority

Amends Chapter 297 of the Private Acts of 1976, as amended, to increase the board of the Chattanooga-Hamilton County Hospital Authority from 11 to 12.

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

HUMPHREYS

Private Chapter 34

SB 2303 – HB 2153

County Highway Department

Repeals Chapter 634 of the Private Acts of 1935, as amended, and rewrites the county road law to conform with the Tennessee County Uniform Highway Law.

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

JOHNSON

Private Chapter 55

SB 3803 – HB 3873

County Highway Commission

Repeals Chapter 567 of the Private Acts of 1949 and abolishes the Johnson County highway commission.

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

KNOX

Private Chapter 35 SB 2473 – HB 2480

Office of Legislative Affairs

Repeals Chapter 64 of the Private Acts of 1971 to repeal the office of legislative affairs.

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

LAKE

Private Chapter 76 SB 3817 – HB 3886

County Highway Commission

Amends Chapter 262 of the Private Acts of 1980, as amended, to restructure the highway commission by increasing the number of highway commission districts from two to three, to be coextensive with the county commission districts.

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

Private Chapter 77 SB 3816 – HB 3887

Board of Education

Repeals Chapter 119 of the Private Acts of 2002. Reduces the number of school districts from four to three and increases the board of education from eight members to nine members.

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

MAURY

Private Chapter 45 SB 3784 – HB 3856

Wheel Tax Proceeds

Amends Chapter 119 of the Private Acts of 1995 to authorize remainder of proceeds from county wheel tax after all indebtedness for road paving projects has been

paid, to be paid into the highway capital projects fund for highway and bridge capital projects.

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

Private Chapter 46
SB 3764 – HB 3833

Board of Education

Repeals Chapter 44 of the Private Acts of 1973 and sets the number of members of the Maury County Board of Education at 11 to be elected from school districts coextensive with the county commission districts.

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

MCMINN

Private Chapter 42
SB 3776 – HB 3848

Woods Memorial Hospital

Repeals Chapter 13 of the Private Acts of 1965, and dissolves the Woods Memorial Hospital District Board of Trustees.

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

MONROE

Private Chapter 54
SB 3801 – HB 3872

County Board of Education

Repeals Chapter 117 of the Private Acts of 1963, as amended, and reapportions the county school districts.

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

OVERTON

Private Chapter 57
SB 3794 – HB 3864

Hotel Motel Tax

Enacts a hotel motel tax in the amount of 5% with

proceeds to be used for tourism development.

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

RUTHERFORD

Private Chapter 47 SB 3765 – HB 3840

County Highway Commission

Amends Chapter 55 of the Private Acts of 1951, as amended, to require that the boundaries of the road districts of the Highway Commission conform to those of the County Commission districts established by 2012 redistricting.

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

Private Chapter 49 SB 3767 – HB 3847

County Board of Education

Amends Chapter 454 of the Private Acts of 1968, as amended, to reapportion the county school districts.

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

Private Chapter 59 SB 3766 – HB 3841

County Highway Commission

Amends Chapter 55 of the Private Acts of 1951, as amended, to adjust the election cycle for county road board to coincide with the elections for school board.

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

SEQUATCHIE

Private Chapter 38 SB 3778 – HB 3834

School Districts

Amends Chapter 83 of the Private Acts of 2002 to divide Sequatchie County into nine school districts, which are

identical to the county legislative body districts, rather than eight districts.

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

SHELBY

Private Chapter 75 SB 3814 – HB 3884

Memphis Convention Center

Amends Chapter 420 of the Private Acts of 1917, as amended, to change the name of the Memphis and Shelby County Convention Center to the Memphis Convention Center and the name of the Memphis and Shelby County Convention Center Commission to the Memphis Convention Center Commission, and to provide for the appointment of the Commissioners solely by the Mayor of the City of Memphis.

Effective upon approval by a 2/3 vote of the local legislative body of the City of Memphis and the County of Shelby.

SUMNER

Private Chapter 70 SB 3808 – HB 3879

2012 Finance Act

Repeals Chapter 113 of the Private Acts of 2002, as amended, and creates the “Financial Management Modernization System of the County of Sumner, Tennessee of 2012.”

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

WASHINGTON

Private Chapter 69 SB 3804 – HB 3875

General Session Court and County Attorney

Creates an additional court of general sessions and office of county attorney.

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

WEAKLEY

Private Chapter 43

SB 3785 – HB 3849

County Highway Commission

Amends Chapter 640 of the Private Acts of 1949, as amended, to abolish the Weakley County highway commission.

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

WILLIAMSON

Private Chapter 56

SB 3792 – HB 3862

Special Juvenile Court

Creates a special juvenile court in Williamson County.

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

PART IV – SPECIAL LICENSE PLATES

Public Chapter 543	Tennessee Tennis
Public Chapter 545	Concerns of Police Survivors
Public Chapter 546	East Tennessee Children's Hospital
Public Chapter 553	Sons of Confederate Veterans (motorcycle plates)
Public Chapter 584	Donate Life (extends deadline)
Public Chapter 587	Almost Home Animal Rescue
Public Chapter 590	American Lung Association
Public Chapter 593	Tennessee Breast Cancer Coalition
Public Chapter 594	Labrador Retriever Foundation (extends deadline)
Public Chapter 597	Ronald McDonald House
Public Chapter 702	Autism Awareness
Public Chapter 746	FedExFamilyHouse
Public Chapter 749	Tennessee Sheriffs' Association
Public Chapter 768	I RECYCLE
Public Chapter 769	Dogwood Arts
Public Chapter 782	Music City Alumni Chapter of Western Kentucky
Public Chapter 791	Military operations in Iraq and Afghanistan
Public Chapter 827	Boy Scouts of America
Public Chapter 864	Teamsters
Public Chapter 868	Brain Injury Awareness
Public Chapter 872	American Red Cross (has until July 1, 2013 to qualify)
Public Chapter 920	Tennessee Federation of Garden Clubs
Public Chapter 1022	Animal Friendly = Spay/Neuter when supplies run out
Public Chapter 1059	Historic Collierville extended to July 1, 2013