

INDEX OF ACTS RELATED TO COUNTY GOVERNMENT

2013 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 316

SB 91 – HB 294

Beer Boards

Enacts 57-1-2__ to require the ABC to send notice by certified mail to the local beer board in the county in which a holder of an ABC license is located when the ABC suspends or revokes an on-premises liquor license. Upon receipt of the notice, the beer board may temporarily suspend the establishment's beer permit and shall schedule a hearing for the next regularly scheduled meeting of the beer board that is at least 14 days after receipt of the notice, and notify the permit holder of the date and time to appear and show cause why the on-premises beer permit should not be suspended or revoked. If the permit is suspended or revoked, no permit to sell beer on premises shall be issued to any person for that location for the period of time stated in the decision of the ABC. The beer board's decision is final and may be appealed.

If a local beer board suspends or revokes an on-premises beer permit, the beer board is required to send notice by certified mail to the ABC stating the record of evidence and determination made.

Applies in all counties other than Hancock, Union, Grainger, Claiborne, Cocke, Jefferson, Hawkins, Hamilton, and Knox (those counties that are participating in the pilot project enacted in 2012).

Effective April 29, 2013.

Public Chapter 386

SB 747 – HB 903

Breweries/Brew Pubs

Amends 57-5-101 to authorize beer manufacturers licensed under Title 57, Chapter 4, as restaurants or limited service restaurants to sell their beer for off-premises consumption and at other restaurants and limited service restaurants owned by the same person.

Effective May 14, 2013.

Public Chapter 394
SB 590 - HB 70

Wholesale Liquor License

Amends 57-3-203(i). Provides that a wholesale liquor license, limited to the sale and distribution of wine only, not to exceed six thousand (6,000) cases of wine per year, may be issued to an entity that is located in any municipality which: (A) Has authorized the sale of alcoholic beverages for consumption on the premises pursuant to 57-4-103; (B) Has a bond rating of AAA issued by a nationally recognized bond rating agency; and (C) Is located within a county which has a bond rating of AAA issued by a nationally recognized bond rating agency.

Effective May 14, 2013.

Public Chapter 445
SB 129 - HB 102

Manufacturing of Alcoholic Beverages

Amends 57-2-103(d) and (f) and 57-3-202. Clarifies where intoxicating liquors or drinks may be manufactured without the approval of such manufacturing by voter referendum, authorizes the manufacture of high alcohol content beer where a voter referendum approved the manufacture of intoxicating liquors or drinks in such jurisdiction, and revises present law regarding retail licenses for manufacturers.

Subsection (d) of 57-2-103 provides that the county legislative body may adopt a resolution to remove the unincorporated areas of the county from the application of subsection (d), which allows the manufacture of intoxicating liquors or intoxicating drinks, or both, within the boundaries of the county. The county mayor must notify the alcoholic beverage commission if such action is taken and approved. Such action may be taken by the county legislative body pursuant to subsection (d) until a written notification is filed with the county mayor by any person as an official notice that the person intends to pursue all lawful avenues to manufacture intoxicating liquors or intoxicating drinks, or both, within the unincorporated areas of the county. Once the notice is filed, no action may be taken by the county legislative body unless such interest is withdrawn or the person's application to manufacture such intoxicating liquors or intoxicating drinks, or both, is denied by the state or federal government.

Effective July 1, 2013.

Public Chapter 458
SB 1345 - HB 413

Consumption of Alcoholic Beverages on Premises
Amends 57-4-102(20)(A). Reduces from 50 to 20 the number of rooms used for sleeping accommodations that an establishment must maintain in order to qualify as a “hotel” for purposes of authorizing the sale of alcoholic beverages for on-premises consumption.

Effective May 20, 2013.

ANNEXATION

Public Chapter 441
SB 279 – HB 475

Annexation Moratorium
Enacts 6-51-122 to place a moratorium on annexations by ordinance from April 15, 2013 to May 15, 2014. Applies to property being used primarily for residential or agricultural purposes. Provides that if a municipality had formally initiated an annexation by ordinance prior to April 15, 2013, the municipality may still go through with the annexation if the county legislative body votes, by majority vote, to waive the restrictions imposed in this section. Directs the Tennessee Advisory Commission on Intergovernmental Relations (TACIR) to do a comprehensive study of the state’s growth policy and issue a written report on or before January 14, 2014.

Effective May 16, 2013.

Public Chapter 462
SB 1054 - HB 1263

Annexation by Court Order and Assessments
Amends 6-51-108 to impose certain notice requirements on municipalities whose annexation ordinances become effective by court order pursuant to 6-51-103(d). Amends 67-5-504 to provide that municipalities shall only assess property within the annexed territory if the annexation takes effect prior to January 1 of the year in which the assessment is made. Amends 6-51-102 (b)(1) and 6-51-103(d) to provide that municipalities whose annexation ordinances become effective by court order may petition the court to defer the effective date of the annexation to

December 31 following the date of entry of the judgment or determination of appeal.

Effective May 20, 2013 (portion amending 67-5-504 applicable to assessments made on or after January 1, 2012).

COUNTY CLERKS

Public Chapter 62 SB 10 – HB 25

Commercial Drivers Licenses

Amends 55-50-322(b) to allow the department to waive the required skills test for persons possessing a valid military commercial driver license and meeting other conditions set forth in the subsection.

Effective July 1, 2013.

Public Chapter 117 SB 629 – HB 917

Special Event Plates

Amends 55-4-221 to authorize any dealer owning a vehicle suitable for special event services to operate or move the vehicle on any highway of the state without registering the vehicle, as long as the vehicle displays a special event plate issued to the owner. A vehicle is suitable for special event services if it: (1) is rented to legal entities of this state, or any political subdivision, pursuant to a rental agreement; (2) only travels in this state during the rental period; (3) is capable of holding 15 or more passengers; and (4) has fewer than 2,500 miles on the odometer. A vehicle suitable for a special event plate may not use a special purpose dealer plate. Any dealer who has a valid number assigned by the motor vehicle commission may apply to the department of safety for special event plates. The fee shall be more than [sic] \$152.63 and no dealer may purchase more than 100 special event plates during a registration year. Special event plates expire on May 31 of each year.

Effective April 12, 2013.

Public Chapter 183 SB 184 – HB 178

Motor Vehicle Registrations

Amends 55-4-103 to allow registration plates to contain up to seven, instead of six, alpha-numerical characters. Amends 55-4-113 to authorize the commissioner of revenue to require an owner of a registered freight trailer, semi-trailer, or pole trailer to provide written

confirmation to the department as to whether or not the trailer has been destroyed, abandoned, sold, or otherwise transferred to another owner and still bears the permanent registration plate originally issued to the trailer. If the owner provides written confirmation to the department of revenue that the trailer has been destroyed, abandoned, sold, or otherwise transferred to another owner and the trailer has not been properly registered to the new owner, the commissioner must immediately terminate the registration and plate originally assigned to the trailer under the name of the owner of record. If such owner fails to provide written confirmation within 90 days of the commissioner's request, the commissioner may, in his discretion, terminate the registration and plate originally assigned to the trailer under the name of the owner of record. When the title to a registered freight trailer, semi-trailer, or pole trailer is destroyed, abandoned, sold, or otherwise transferred to another owner, the registration of the trailer must expire. If the trailer is sold or otherwise transferred to a new owner, the new owner must obtain a new registration of the trailer. The department may issue to such new owner a new or existing registration plate bearing the same alpha-numerical characters as was affixed to such trailer at the time of transfer to the new owner.

Amends 55-4-135 to extend the grace period from 14 to 30 days within which the owner of a motor vehicle who is performing full-time military service and who is stationed outside of the continental United States is given from the owner's return to Tennessee to renew the registration for a motor vehicle.

Amends 55-4-221 to authorize dealers to allow customers to operate vehicles with special purpose plates for up to 72 hours, and also for drivers' education purposes when the dealer provides such vehicle to a school.

Effective July 1, 2013.

Public Chapter 264
SB 259 – HB 687

Special License Plates

Amends 55-4-201 to provide that any cultural or new specialty earmarked license plates authorized by statute on or after July 1, 2013 must have a minimum

order of 1,000 plates prior to initial issuance. Cultural or new specialty earmarked plates must have a minimum order of 800 for renewal. Plates not meeting minimum issuance requirement within 1 year of effective date of authorizing act, or not meeting renewal requirement for 2 successive renewal periods, will be deemed obsolete and invalid. Does not apply to in-state collegiate plates.

Effective April 25, 2013.

Public Chapter 303
SB 652 – HB 1238

Native American Indian Association License Plate
Enacts 55-4-__ to authorize the issuance of new specialty earmarked license plates for the Native American Indian Association, with the funds to be used exclusively for the association’s emergency assistance and education program providing services to American Indians in Tennessee.

Effective April 29, 2013.

Public Chapter 318
SB 1152 – HB 32

Memorial License Plates
Enacts 55-4-__ to provide for the issuance of free memorial plates for recipients of the Congressional Medal of Honor. Amends Title 55, Chapter 4 to provide for the issuance of paid military cultural plates for recipients of the Air Medal.

Effective May 13, 2013.

Public Chapter 376
SB 1178 – HB 849

Delinquent Motor Vehicle Registration Fees
Amends 55-4-105 to authorize county clerks to refuse to renew a motor vehicle registration until the person makes full payment on any motor vehicle registration fees that are owing. The clerk may charge a clerk’s fee of 10% of the fee owing, and shall retain 80% of such fee and transmit 20% to the department of revenue.

Effective May 7, 2013.

Public Chapter 392
SB 620 – HB 1234

Study Gift Vouchers for Special License Plates
Directs the department of revenue to study the establishment of a program to authorize the sale of

nonrefundable gift vouchers for cultural and new specialty earmarked motor vehicle registration plates.

Effective May 14, 2013.

Public Chapter 460
SB 1080 – HB 1098

Study Exemptions from Emissions Testing

Requires the department of environment and conservation to develop a proposal for a revised state implementation plan that eliminates motor vehicle inspection testing requirements for all motor vehicles in this state that are three or less model-years old.

Effective May 20, 2013.

Public Chapter 481
SB 69 – HB 30

Accurate VIN Reporting Advisory Committee

Creates the Accurate Vehicle Identification Number Advisory Committee to make recommendations regarding the creation of an automated, real-time system to assist private industries, law enforcement agencies, and the state in verifying the accuracy of VINs of motor vehicles that are purchased for parts, dismantling or scrap. The committee will also study the cost and feasibility of making a system available to motor vehicle dismantlers, recyclers, scrap metal processors, state and local law enforcement agencies, the department of safety, and the department of revenue.

Effective May 20, 2013.

Public Chapter 484
SB 23 – HB 1029

Special License Plates

Amends Title 55, Chapter 4. Authorizes the following new plates: (1) Concerned Motorcyclists of Tennessee/American Bikers Active Towards Education with funds allocated to C.M.T./A.B.A.T.E. to assist motorcyclists involved in accidents caused by uninsured motorists with cost of living expenses while the motorcyclists are unable to work; (2) Tennessee Tech University with funds allocated to Tennessee Tech University to be used to support initiatives that directly relate to the goals established by the Complete College Act of 2010; (3) Alpha Eta Rho International Aviation Fraternity with funds allocated to Alpha Eta Rho Foundation for distribution to the Tennessee chapters of the fraternity to be used to further the fraternity's educational goals for the future of collegiate aviation in

Tennessee, including supporting educational and scholarship programs; (4) Vanderbilt University Athletic Department with the funds allocated to the Vanderbilt University Board of Trust for distribution to the Vanderbilt University Athletic Department to be used exclusively to fund scholarships for student athletes at Vanderbilt University; (5) Northwest Tennessee Disaster Services with the funds allocated to Northwest Tennessee Disaster Services for the sole purpose of disaster relief efforts; (6) Suicide Prevention with the funds allocated to the Tennessee Suicide Prevention Network (TSPN) for the sole purpose of promoting the cause of suicide prevention in this state; (7) Safe Schools with the funds allocated to the department of education and deposited in a special account, to be used solely for implementing safety upgrades at schools, hiring school resource officers, improving school security, and providing resources for school safety plans and teams, and persons who obtain such plates may designate that the proceeds from the fees be allocated to a particular named school; (8) Harpeth River Watershed Association with the funds allocated to the Harpeth River Watershed Association to be used for restoring and protecting the ecological health of the Harpeth River and clean water in Tennessee; (9) Juvenile Diabetes Research Foundation with the funds allocated to the foundation; (10) Tennessee Theatre with the funds allocated to the Tennessee Theatre to be used exclusively to benefit and further the goals of the Tennessee Theatre; (11) Adoption with the funds allocated equally to the Adoption Foundation of Tennessee, Inc. and Harmony Adoptions of Tennessee, Inc. to be used exclusively to facilitate adoption in Tennessee; (12) Sons of the American Revolution with the funds allocated to the Tennessee Society of the Sons of the American Revolution to be used to promote the activities of the society, including youth programs and patriot grave identification, location, documentation and marking.

Extends the time for meeting the minimum order requirement for the following plates to the later of July 1, 2014, or one year from the effective date of this bill: (1) The Tennessee Federation of Garden Clubs new specialty earmarked license plate; (2) The Autism Awareness new specialty earmarked license plate; (3)

The Tennessee Tennis new specialty earmarked license plate; (4) The "I RECYCLE" new specialty earmarked license plate; (5) The East Tennessee Children's Hospital new specialty earmarked license plate; and (6) Historic Collierville new specialty earmarked plate. The Almost Home Animal Rescue and the Niswonger Children's Hospital new specialty earmarked license plates are extended to July 1, 2014. Authorizes the widow of a deceased spouse who was entitled to receive the Masons new specialty earmarked license plate, to receive a Masons plate. The application must be accompanied by a copy of the death certificate.

Sections extending the time to meet minimum issuance requirements are effective May 20, 2013; all other sections effective July 1, 2013.

COUNTY GOVERNMENT

Public Chapter 21 SB 80 - HB 53

Office of Local Government

Amends 4-16-101 to redefine the duties of the office of local government. Deletes the current statutory general duties of the office and provides for more narrowly drawn specific duties, primarily, providing geographic information system assistance to the division of property assessments and local governments and providing assistance with redistricting. Provides that the office shall have such other duties as may be assigned by the comptroller of the treasury.

Effective March 20, 2013.

Public Chapter 62 SB 10 - HB 25

Commercial Drivers Licenses

Amends 55-50-322(b) to allow the department to waive the required skills test for persons possessing a valid military commercial driver license and meeting other conditions set forth in the subsection.

Effective July 1, 2013.

Public Chapter 64 SB 2641 - HB 2658

Audit Committees

Amends 9-3-406 to require audit committees to establish a process for employees, taxpayers, and citizens to report suspected fraudulent, illegal, wasteful, or improper activity confidentially to the audit

committee. If the chair believes the activity may have occurred, the chair is required to report it to the comptroller. The detailed information received and generated pursuant to a report of suspected activity is not an open record.

Effective April 1, 2013.

Public Chapter 91
SB 35 – HB 501

Regulation of Private Business

Enacts 50-2-1__ to prohibit local governments from requiring a private employer, as a condition of doing business in the jurisdiction or contracting with the local government, to pay its employees an hourly wage in excess of the applicable federal or state minimum wage. For construction contracts, a local government cannot require a prevailing wage in excess of the wages set by the prevailing wage commission for state highway construction projects or the Tennessee occupational wages prepared annually by the department of labor and workforce development, employment security division, labor market information for state building projects. Does not apply if a specific project or contract requires a different wage in order to receive federal funding.

Amends 7-51-1802 to prohibit local governments from requiring, as a condition of doing business in or with the local government, that employers establish leave policies that are different from those required under state and federal law except where federal contracts require differently, or that employers provide health insurance except as required by federal law.

Enacts 50-2-1__ to be known as the “Tennessee Wage Protection Act.” Prohibits counties, cities, and other political subdivisions from regulating or addressing wage protection.

Effective April 11, 2013 (applicable to contracts entered into or renewed on or after that date).

Public Chapter 120
SB 597 – HB 323

Eligibility Verification for Entitlements Act

Amends 4-58-102 and 4-58-103 to revise the definition of “qualified alien” and to add the SEVIS system as an additional method of verification.

Effective July 1, 2013.

Public Chapter 124
SB 461 – HB 1001

Public Notices

Enacts 1-3-120 to require newspapers, beginning April 1, 2014, to publish, for the same price, notices required to be published in newspapers of general circulation on their websites contemporaneously with the notices’ print publication. The notices are to remain online for at least as long as they appear in the newspaper. Newspapers are also required to publish the notices on a statewide website maintained by the majority of Tennessee newspapers. Any error in the online notices shall be considered harmless error as long as the print notices are accurate. These online notices shall be available to the public for free and newspapers are required to include links on their homepages to these sites.

Effective April 12, 2013.

Public Chapter 145
SB 848 – HB 1119

Adoption of Codes by Reference

Amends 5-20-101(1) to allow fire prevention codes to be adopted by reference.

Effective April 12, 2013.

Public Chapter 150
SB 1176 – HB 953

Deputy Electrical Inspectors

Amends 68-102-143(b)(2) and 68-102-147 to authorize the commissioner of commerce and insurance to set maximum inspection fees.

Effective April 12, 2013 for rulemaking purposes; effective January 1, 2014 for all other purposes.

Public Chapter 157
SB 581 – HB 462

Seizure of Animals

Amends 39-14-210 to revise the agencies with whom victimized animals shall be placed after seizure by law enforcement. Under revised subsection (f), such animals shall be placed with any governmental animal control agency, law enforcement agency or their

designee. Also amends subsection (g) to revise the provisions on abandonment.

Effective July 1, 2013.

Public Chapter 249
SB 62 – HB 348

Child Safety

Enacts 68-106-101 and 68-106-102 to authorize counties and municipalities to prohibit children from being in the roadway for the purpose of soliciting money.

Effective July 1, 2013.

Public Chapter 277
SB 1017 – HB 915

Right to Work

Enacts 50-1-207 to prohibit the state and its political subdivisions from enacting any law, ordinance, or regulation that imposes any contractual, zoning, permitting, licensing, or other condition that requires any employer or employee to waive its rights under the National Labor Relations Act. Also prohibits the state and its political subdivisions from enacting any law, regulation, or ordinance that requires, in whole or in part, an employer or multi-employer association to accept or otherwise agree to any provisions that are mandatory or non-mandatory subjects of collective bargaining under federal labor laws, including, but not limited to, any limitations on an employer's or multi-employer association's rights to engage in collective bargaining with a labor organization, to lock out employees, or to operate during a work stoppage. Specifies that this section will not invalidate or otherwise restrict a governmental body from requiring the use of project labor agreements to the extent permissible under federal labor laws. Declares that any agreement, contract, understanding, or practice, written or oral, implied or expressed, between any employer and any labor organization required in violation of this section is unlawful, null, and void, and of no legal effect. Authorizes employers and employees to seek injunctive relief in the Davidson County chancery court for violations of this section.

Effective April 25, 2013.

Public Chapter 280
SB 1209 – HB 850

Prevailing Wage Act

Amends 12-4-401 *et seq.* to revise the Prevailing Wage Act so that it only applies to state-funded highway construction projects (removes all references to state-funded building construction projects). Amends 12-4-903(3)(C)(i) to prohibit the state or its political subdivisions from requiring any bidder, offeror, contractor or subcontractor to pay certain wages for state highway construction projects or other types of construction projects. Enacts 12-4-906 and 12-4-907 to authorize the state and its political subdivisions to require private employers to pay federally-prescribed wages in order to obtain federal funds. Amends 41-6-204 and 7-4-205 to replace references to the Prevailing Wage Act with references to the Tennessee Occupational Wages Report.

Effective January 1, 2014.

Public Chapter 287
SB 727 - HB 715

Dead Bodies

Amends Title 68, Chapter 4, Part 1. Provides that the coroner, medical investigator or county medical examiner may direct the cremation of an unclaimed dead body; provided: (1) proper notice is given in accordance with 68-4-103; and (2) the body is held for the time period provided in 68-4-103. Amends 38-5-118 and 68-4-103. Clarifies existing provisions governing unclaimed bodies to include cremation.

Effective April 25, 2013.

Public Chapter 315
SB 135 – HB 100

Officials' Bonds

Amends 8-19-102 to require all bonds to be sent to the county clerk (rather than the comptroller) after execution, approval and recordation in the register's office. Amends various statutes to change reference to filing office from comptroller to county clerk. Amends 8-11-103 to revise calculation of minimum amount of trustee's bond. Amends 5-6-109 to increase minimum amount of county mayor's bond to \$100,000. Amends 8-8-103 to increase the minimum amount of sheriff's bond to \$100,000. Amends 8-13-103 to increase minimum register's bond from \$15,000 and \$25,000 to \$50,000 and \$100,000, depending on population. Amends 5-13-103 to increase minimum amount of director of accounts and budgets' bond to \$100,000.

Amends 5-14-103 to increase minimum amount of purchasing agent's bond to \$100,000. Amends 5-21-109 to increase minimum amount of blanket bond covering director and employees of finance department to \$100,000. Amends 18-2-201 to increase minimum bond amount for clerks of court from \$25,000 and \$50,000 to \$50,000 and \$100,000, depending on population. Amends 9-3-301 to increase minimum bond amount for officials administering state-shared funds to \$100,000. Amends 13-14-114 to revise calculation of minimum bond for development district officers and employees. Amends 13-26-110 to revise calculation of the minimum bond for human resource agency officers. Amends 8-19-101 to require counties to have blanket surety bonds for all county employees not covered by individual bonds, in a minimum amount of \$150,000. Enacts 8-19-122 to require officials and employees to obtain new bonds instead of renewing their bonds.

Effective April 29, 2013, and applies to new bonds and renewals of existing bonds obtained after that date.

Public Chapter 358
SB 570 - HB 6

School Security Act of 2013

Amends Title 49, Chapter 6, Part 8. Authorizes certain school employees to carry a firearm on school property after meeting numerous requirements, including the successful completion of forty hours in basic training in school policing and being in compliance with all POST rules and regulations. All costs must be borne by the school employee.

Provides that the written authorization of the director of schools given pursuant to this law, the notification transmitted to the chief of the appropriate law enforcement agency pursuant to this law, the names and contact information of any person authorized to carry or possess a firearm on school property pursuant to this law, any listing or compilation of names or individual names of persons who are authorized to carry or possess a firearm on school property, whether the director of schools has or has not issued written authorization to carry or possess a firearm on school property, or any other document, file, record, information or material relating to the carrying or possessing of a firearm on school property pursuant to

this law that is received by, transmitted to, maintained, stored or compiled by the director of schools, any LEA, or city, county or municipal law enforcement agency, shall be confidential and not open for public inspection.

Provides that nothing in 49-3-315 shall be construed to require an LEA or a law enforcement agency of the county to assign or provide funding for a school resource officer to any city school system within that county on the basis of the WFTEADA as defined by 49-3-302. States that the providing of security or school resource officers by a sheriff shall be considered a law enforcement function and not a school operation or maintenance purpose that requires the apportionment of funds pursuant to 49-3-315.

Effective July 1, 2013.

Public Chapter 364
SB 1006 - HB 848

State Guard - Emergencies and Civil Defense

Amends 58-1-106(c). Provides that local authorities will be responsible for reimbursing the military department for travel expenses that result from calling up state guard members from outside the territorial boundaries of the requesting jurisdiction.

Effective May 13, 2013.

Public Chapter 418
SB 1015 - HB 581

Knives

Amends 39-17-1314. Provides that this part is preemptive with respect to the transfer, ownership, possession or transportation of knives and no city, county, or metropolitan government shall occupy any part of the field of regulation of the transfer, ownership, possession or transportation of knives.

Effective July 1, 2013.

COURTS & COURT CLERKS

Public Chapter 23
SB 273 - HB 967

Healthcare Liability Actions

Amends 29-26-121(f) to add to the conditions in a qualified protective order allowing the defendant the right to obtain protected health information upon the filing of any healthcare liability action. Provides that such order must provide that participation by a

healthcare provider is voluntary and the defendant must return or destroy any protected health information at the end of the litigation.

Effective July 1, 2013 (applicable to healthcare liability actions commenced on or after such date).

Public Chapter 33
SB 560 - HB 463

Probation Fees

Amends 40-35-303(i) to provide that the willful failure to pay the probation supervision fee to the supervising entity shall be grounds for revocation of probation and the supervising entity shall report all instances of nonpayment to the sentencing court.

Effective July 1, 2013.

Public Chapter 100
SB 180 - HB 174

Defendants Found Incompetent to Stand Trial

Amends 33-7-301 to provide that if a defendant is found to be incompetent to stand trial, any misdemeanor charges pending at the time of the incompetency determination shall be retired no later than 11 months and 29 days after the date of arrest unless the defendant is restored to competency prior to such date.

Provides that the reporting obligation of the chief officer of the hospital shall cease at the point the misdemeanor charges are retired.

Effective April 10, 2013.

Public Chapter 137
SB 175 - HB 169

Youth Service Officers' Qualifications

Amends 37-5-117(6). Provides that the applicant must have been certified by a Tennessee licensed health care provider qualified in the psychiatric or psychological field as being free from any impairment, as set forth in the current edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM) of the American Psychiatric Association at the time of the examination, that would, in the professional judgment of the examiner, affect the applicant's ability to perform an essential function of the job, with or without a reasonable accommodation.

Effective April 12, 2013.

Public Chapter 279
SB 1057 - HB 1226

Electronic Court Filing Systems

Enacts a new section in Title 16, Chapter 1, Part 1 to provide that, unless otherwise provided by law, all courts in this state that implement an electronic court filing system pursuant to Tennessee Supreme Court Rule 46 and Tennessee Rule of Civil Procedure 5B shall utilize only a system provider authorized by the administrative office of the courts.

Provides that the administrative office of the courts shall establish technical standards with the goals of ensuring integrity of filings, assuring an environment that promotes uniformity and ease of filing, and providing the framework for future compatibility among e-filing solutions implemented by local and state courts.

Effective July 1, 2013.

Public Chapter 300
SB 789 - HB 645

Mental Illness Reporting

Amends numerous provision in Title 16 and Title 33 relative to mental illness reporting requirements.

Amends 16-10-213, 16-11-206, 16-15-303 and 16-16-120 to provide that the clerks of those courts wherein commitments to a mental institution are ordered or persons are adjudicated as a mental defective shall report the information required to be reported under those statutes to the FBI-NICS Index "as soon as practicable, but no later than the third business day following the date of such an order or adjudication" (instead of the prior requirement that such information shall be reported quarterly).

Amends 16-1-117 to provide that the clerks shall also report to the AOC the information reported to the FBI-NICS Index. Provides that the report to the AOC must include the date in which such information was reported to the FBI-NICS Index.

Provides that clerks unable to make direct reports to the FBI-NICS Index shall provide sufficient information to the AOC who shall make such reports on behalf of those clerks as soon as practicable, but no later than the third business day following the date of receipt of a signed order.

Provides that the information reported shall be maintained as confidential similarly to the report to the FBI-NICS Index.

Provides that the AOC shall provide written notification to any party not in compliance with these reporting requirements or with the reporting requirements of 16-10-213, 16-11-206, 16-15-303 and 16-16-120. Provides that if compliance is not achieved during the subsequent reporting period following notification, the AOC will no longer accept data from the office not in compliance. Provides that notification of this action will be sent to all judges, district attorneys general, district public defenders and court clerks within the district where the noncomplying office is located. Notification will also be sent to the district attorneys general conference, the district public defender conference, the AOC, and COAT. Any periods of noncompliance will also be reported in the annual report to the chair of the senate judiciary committee and the chair of the house of representatives civil justice committee.

Enacts 33-3-117 which provides that if a service recipient is involuntarily committed to an inpatient treatment facility, the inpatient treatment facility shall report certain information about the service recipient to local law enforcement as soon as practicable, but no later than the third business day following the date of such commitment, who shall report the information to the FBI-NICS Index and the department of safety as soon as practicable, but no later than the third business day following the date of receiving such notification (for the purposes of complying with the NICS Improvement Amendments Act of 2007).

Enacts 33-3-210 which provides that if a service recipient has communicated to a qualified mental health professional or behavior analyst an actual threat of serious bodily harm or death against a reasonably identifiable victim or victims, the qualified mental health professional or behavior analyst, using the reasonable skill, knowledge, and care ordinarily possessed and exercised by the professional's specialty under similar circumstances, who has determined or reasonably should have determined that the service

recipient has the apparent ability to commit such an act and is likely to carry out the threat unless prevented from doing so, shall immediately report the service recipient to local law enforcement, who shall take appropriate action based upon the information reported.

Effective July 1, 2013.

Public Chapter 324
SB 294 - HB 234

Withholding of Juvenile Trust Funds

Amends 29-13-308 and 29-13-111 to provide that the juvenile court clerk may withhold from criminal injury compensation award trust funds, without further order of the court, any funds within the trust for the purpose of paying court costs, fines, fees, or restitutions resulting from the minor beneficiary's actions pending in juvenile court.

Effective May 13, 2013.

Public Chapter 343
SB 934 - HB 453

Alternatives to Commitments to DCS

Amends 37-1-131 to provide that in lieu of committing a child to the custody of the department of children's services, the court may order either of the following if the child is found to be a delinquent child: (i) assign a long-term mentor to such child; or (ii) require that the delinquent child or any of the child's family members receive counseling services from any counseling service provided through or approved by the juvenile court.

Provides that the court may only issue such orders if the funding necessary to implement the order is appropriated by the legislative body of the county in which the court is located or is provided by grants from public or private sources.

Effective July 1, 2013.

Public Chapter 360
SB 937 - HB 987

Small Estates

Amends 30-4-103 to provide that if a decedent left a will then along with the small estate affidavit the original will shall be presented to the court for examination by the clerk. Provides that since the original will has not been proven it shall not be recorded.

Provides that a copy of the original will shall be filed to support the affidavit. Provides that the original will shall be deposited with the court for safekeeping.

Deletes the requirement that the affidavit state whether the affiant elects to give notice to creditors in the manner required for regular administration.

Provides that the clerk shall deliver to the affiant as many certified copies of the affidavit as are requested, onto which are affixed a clerk's stamp and seal certifying that the affidavit has been filed in the office of the probate court.

Provides that an affidavit may be amended to the extent that the aggregate amount does not exceed the statutory limitation.

Deletes requirement that the clerk send a certified copy of the affidavit to the commissioner of revenue.

Provides that the clerk shall receive a \$5.00 fee for receiving and keeping the will.

Provides that the court shall automatically discharge the affiant and the sureties on the affiant's bond upon the first anniversary of the filing of the affidavit.

Effective July 1, 2013 (applicable to small estate affidavits filed on or after July 1, 2013).

Public Chapter 384
SB 860 - HB 1275

Expunction of Certain Non-Violent Pardoned Crimes
Amends 40-32-101 to authorize an individual to file a petition for expunction of that person's records involving a crime if: (i) the individual petitions the court in which the petitioner was convicted and the judge finds that the crime was a non-violent crime; (ii) the individual has received a positive vote from the board of parole to receive a pardon; and (iii) has received a pardon by the governor.

Effective July 1, 2013.

Public Chapter 412
SB 1089 - HB 869

Clerk's Fee for Receiving Funds
Amends 8-21-401(i)(6) to provide that the clerk may only charge the \$40 fee for "receiving funds paid into

court on confirmation of private sales or other funds paid into the clerk pursuant to court order and collecting and paying out the proceeds” if the funds relate to “court orders concerning a redemption of delinquent taxes property sale.” Provides that in such cases, the fee shall only be charged one (1) time against the total amount of proceeds generated from the property.

Effective May 16, 2013.

Public Chapter 435
SB 555 - HB 692

Guardians and Conservators

Amends numerous provisions in Title 34, Chapter 1, Part 1; Title 34, Chapter 3, Part 1; and 40-20-115 relative to the appointment, powers, rights, duties and compensation of guardians, conservators, minors and those with a disability.

Enacts a new section in 34-1-133 relative to the appointment of an expedited limited healthcare fiduciary.

Effective July 1, 2013 (applicable to actions commenced on or after such date).

Public Chapter 443
SB 237 - HB 457

Expunction Payment Plan

Amends 40-32-101(g) to provides that if the petitioner is unable to pay the fee required by subdivision (g)(10) (the \$350 fee for expunction of certain non-serious crimes) the petitioner may enter into a payment plan with the clerk in order to pay the fee in installment payments; provided, however, that no order of expunction shall be granted until the total amount of the fee is paid. Provides that once the petitioner has paid to the clerk of the court a total of \$350, the fee shall be allocated by the clerk in the same manner set forth for the disposition of \$350.00 fee under subdivision (g)(10).

Provides that the department of finance and administration shall review the number of expunction petitions pursuant to subsection (g), the cost of processing each petition and the amount of money paid in expunction fees to determine if the amount allotted to the state under subdivision (g)(10)(C) (the portion allocated to the state general fund) to implement this

subsection is adequate and if some portion of such funds could be used for other criminal justice purposes such as the criminal injuries compensation fund or drug court funding. The department shall report its findings to the general assembly in January of 2014.

Effective July 1, 2013.

Public Chapter 463
SB 1040 - HB 256

Costs to Abate Nuisances

Amends 29-3-110 to provide that in the order of abatement in a nuisance action, the court may also assess costs of public services required to abate or manage the nuisance, including, but not limited to, law enforcement costs, if any, caused by the public nuisance. Provides that the governmental entity shall submit evidence of such costs to the court.

Effective May 20, 2013.

ECONOMIC DEVELOPMENT

Public Chapter 71
SB 155 - HB 149

FastTrack Grants

Amends 4-3-717(b) to provide that for purposes of the FastTrack grant program, land owned by a political subdivision is not considered private land and such land that is subject to a purchase option by a private entity is not considered land expected to become privately owned as long as the option cannot be exercised for at least five years after the grant is awarded.

Effective April 2, 2013.

Public Chapter 265
SB 568 - HB 838

Regional Megasite Authorities

Amends 64-6-105 and 64-6-110 to create term limits for regional megasite authorities' boards of directors. Specifies the manner in which vacancies on the boards are to be filled. Also specifies that boards shall cease to exist upon the sale of the megasite governed by the board.

Effective April 25, 2013.

Public Chapter 302
SB 661- HB 558

PILOT Agreements

Amends 7-53-305 to prohibit municipalities that do not levy a property tax from negotiating PILOT agreements

unless the county signs off on the agreement or the municipality or the IDB agree to pay the county the property taxes that would otherwise be due.

Effective April 29, 2013.

Public Chapter 347
SB 1212 – HB 1341

Tourist Development Zones

Enacts 7-88-117 to authorize a metropolitan government which has created a tourism development zone and which tourism development zone completely includes one or more central business improvement districts to impose a fee up to .25% on the sales price of services and tangible personal property sold at retail within one central business improvement district located within the tourism development zone. The fee cannot be imposed on the following: (A) professional services; (B) lodging provided to transients; (C) tickets to sporting events or other live ticketed events; (D) alcoholic beverages which are subject to the liquor by the drink tax in addition to sales tax; (E) newspapers and other publications; and (F) overnight and long term parking. Specifies that the funds derived from the fee may not be used to assist in the recruitment of conventions or group meetings which are considering other meeting and convention venues located in a county in which such fee is imposed. For fiscal year 2013-2014, the first \$165,000 of the fee collected must be deposited into the state general fund prior to any distribution to metropolitan government. For fiscal year 2014-2015 and subsequent fiscal years, the first \$50,000 of the fee collected must be deposited into the state general fund prior to any distribution to metropolitan government.

Effective January 1, 2014.

Public Chapter 378
SB 1127 – HB 855

Adventure Tourism

Amends 11-11-203(4) to revise the definition of "best interests of the state" to add an additional requirement that the commissioner of revenue, with approval by the commissioner of economic and community development, determine that the zone is not structured to create a competitive advantage for one business. Amends 67-4-2109(b)(2)(C) to expand the availability of an additional job tax credit to various types of qualified business enterprises. Amends 11-11-205(d)

to require that certain signs and contracts of an adventure tourism professional or business provide that the state is held harmless for any act of approval of an adventure tourism business.

Effective May 14, 2013.

Public Chapter 474
SB 608 – HB 479

Cumberland Regional Business and Agribusiness
Enacts a new part at Title 64, Chapter 10 to create the Cumberland Regional Business and Agribusiness Marketing Authority, which is a governmental body that will act as an agent and instrumentality of its creating counties. Authorizes the Authority to create a business support process for start-up and fledging companies, to establish and operate a market for regional agricultural products, and to operate and maintain support for small business incubators. Authorizes the Authority to issue bonds, notes and other obligations. Authorizes member counties to make appropriations to the Authority and issue bonds to finance public works projects of the Authority. Authorizes any county, city or utility district to transfer all or part of its system to the Authority. Authorizes any county, city or utility district to donate or lend money to the Authority. Provides that any county, city or utility district has the same right to enter into an agreement with the Authority as such entity would have to enter into similar agreements with wastewater treatment authorities. Provides that the Authority is a local government unit and as such, is eligible for the same grants, loans and other assistance as any other local government unit.

Effective May 20, 2013.

EDUCATION

Public Chapter 214
SB 1291 – HB 1270

Dedicated Fund/Career Ladder/Procedure
Amends 49-3-352(b) to require that all appropriations from all sources intended to fund any function or expense of the LEA be appropriated to the dedicated education fund, and an affirmative vote by a majority of the school board is required in order to disburse funds from the dedicated education fund.

Amends Title 49, Chapter 5, to repeal parts 50, 52, 53, 54, and 55 relative to the career ladder program. Amends 49-1-302 to require the state board of education to continue payment of career ladder supplements to eligible recipients as long as they remain in positions in public schools that qualify, and to notify the commissioner of finance and administration when the last eligible recipient separates from service.

Amends 49-6-512 relative to disciplinary suspensions; amends 49-6-3401 relative to student discipline; amends 49-6-3105 relative to transfer students.

Effective April 23, 2013.

Public Chapter 256
SB 1353 – HB 1288

Creation of New Municipal School Districts

Amends 6-58-112 to repeal subdivision (b) which prohibited the establishment of new municipal school districts. Amends 49-2-127 to make existing provisions for creating new city school systems in Shelby County applicable statewide, and to provide that new city school systems will begin instruction no earlier than August 1 following the commissioner's determination that statutory requirements have been or will be met and the system has demonstrated readiness to commence. Amends 49-5-203 to provide that creation of a city school system shall not impair the rights of existing teachers.

Effective April 24, 2013.

Public Chapter 292
SB 1354 – HB 1291

No Limit on Number of Districts in County

Repeals 49-2-501(b)(1), removing the limitations on the number of school districts in a county.

Effective April 29, 2013.

Public Chapter 294
SB 1146 – HB 866

Epinephrine Injections

Amends 49-5-415 to authorize each school to maintain at least two epinephrine auto-injectors in safe places, and authorizes a physician to prescribe the auto-injectors in the name of the LEA. Relieves prescribing

physician and administering school nurse or other trained staff from liability except for intentional disregard for safety.

Effective April 29, 2013.

Public Chapter 301
SB 663 – HB 449

School Nepotism

Amends 49-2-202 to require school board members who have a relative employed by the board to declare the relationship before voting on anything affecting the relative's employment. Requires the director of schools to notify the board each time there is intent to employ a relative of a board member or a relative of an elected county official, certifying that the prospective employee is qualified for the position. "Relative" means spouse, parent, parent-in-law, child, son-in-law, daughter-in-law, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, or any person who resides in the same household. Does not prohibit two or more relatives from working for the LEA, but if two or more relatives are within the same direct line of supervision, the director of schools shall attempt to resolve the issue by transferring one of the employees, and if that is not feasible an alternate evaluation plan shall be devised for one of the employees.

Effective July 1, 2013.

Public Chapter 305
SB 612 – HB 1156

Maintenance of Effort

Amends 49-3-314(c) to authorize a local government to enter into a written agreement with an LEA for appropriation of funds for education for non-recurring expenditures, and those funds will be excluded from maintenance of local funding requirements and from any apportionment requirement. Agreements are subject to review by the state department of education to ensure the non-recurring nature of the funds.

Effective April 29, 2013.

Public Chapter 326
SB 205 – HB 315

Charter Schools

Amends Title 49, Chapter 13, relative to charter schools. Amends 49-13-111 to raise the bid threshold to \$10,000. Amends 49-13-106 to provide for a sponsor to convert an existing public school to a charter school. Amends 49-13-112 to authorize an LEA to withhold

funds to cover administrative costs in charter agreements. Enacts 49-13-1__ to require a parent representative on the governing body or an advisory school council at each school. Amends 49-13-104 to define "charter management organization" (CMO) as a nonprofit entity operating multiple charter schools. Amends 49-13-112 to require any fee for service agreed to by a charter school and the chartering authority to be in an addendum or a separate document. Amends 49-13-121 to require the chartering authority to give the charter school a performance report reflecting the renewal evaluation at least one year before the charter school is required to submit a renewal application. Amends 49-13-113 regarding preferences when applications exceed capacity. Amends 49-13-127 to allow CMOs to submit a single audit for all charter schools operated in Tennessee. Amends 49-13-106 to delete references to "eligible public school" and "eligible school" and replace with "school". Amends 49-13-108 to repeal certain requirements surrounding a determination by a local board of education that the establishment of a charter school will have a negative fiscal impact on the LEA such that authorization of the charter school would be contrary to the best interests of the pupils, school district or community.

Effective July 1, 2013.

Public Chapter 351
SB 634 – HB 705

Pilot Project for AP Courses/Charter Schools

Establishes a two-year pilot project for state to study whether enhanced accessibility of AP courses and examinations and career and technical certification examinations encourages students to pursue completion of rigorous course work and pass exams. Also makes changes to Title 49, Chapter 13, regarding charter schools that appear identical to those made by Public Chapter 326, summarized above.

Effective July 1, 2013.

Public Chapter 358
SB 570 – HB 6

School Resource Officers – No Sharing Requirement

Enacts 49-6-815(e) to provide that nothing in 49-3-315 requires an LEA or a law enforcement agency of the county to assign or provide funding for a school resource officer to any city school system within that county on the basis of WFTEADA, and that the providing

of security or school resource officers will be considered a law enforcement function and not a school operation or maintenance purpose requiring apportionment of funds under 49-3-315. (Other provisions concerning firearms on school property are summarized separately.)

Effective July 1, 2013, for the 2013-14 academic year and subsequent years.

Public Chapter 369
SB 1149 – HB 1112

Dismissal of Teachers

Amends 49-5-511 relative to procedures for dismissal and reemployment of teachers.

Effective July 1, 2014.

Public Chapter 383
SB 867 – HB 847

Professional Employees' Organization Release Time

Enacts 49-5-4__ to authorize an LEA to grant release-time to a professional employee to be a representative of professional employees' organization as long as the organization reimburses the LEA (1) for the full per diem salary of the employee for each day of service or the employee takes accumulated leave, if for less than the entire school year, or (2) for the full cost of the employee's salary and benefits, if for the entire school year. If release-time is granted for more than 90 days the employee's position is maintained without advancement on the salary scale.

Effective July 1, 2013.

Public Chapter 393
SB 592 – HB 210

High Performing School Districts Flexibility Act

Enacts the "High Performing School Districts Flexibility Act." A "high performing school district" is an LEA that satisfies a majority of the following criteria, if applicable to that LEA, according to the state report card: (1) graduation rate of 90 percent or higher; (2) average student ACT score of 21 or higher; (3) TCAP three-year average composite normal curve equivalent (NCE) score of 55 or higher; (4) TVAAS three-year average composite NCE gain of 1.75 or higher; and (5) meets or exceeds achievement and gap closure annual measurable objectives and receives an "exemplary" or similar status from the department. An LEA meeting a majority of the applicable criteria may, by action of its local board of education, declare itself to be a high

performing school district. The designation would be in effect beginning July 1 following local board action and would last for three years, at which time the LEA may again declare itself a high performing school district if it meets a majority of the criteria. A high performing school district, without first seeking or obtaining approval from any other state or local governmental agency or unit, may: (1) appropriate additional funds as needed from the fund balance of self-sustaining or self-sufficient funds, including, but not limited to, the central cafeteria fund and the extended school program fund; (2) utilize a teacher evaluation system that varies from the evaluation system established by the department of education as though a flexibility waiver had been applied for and granted to the district, as long as the alternative teacher evaluation system used complies with all rules of the state board; and (3) add educational days to that district's school calendar, so long as the minimum number of school days required by law is met. Additionally, a high performing school district may apply to the commissioner of education for a waiver of any state board rule, regulation or statute that inhibits or hinders the district's ability to meet its goals or comply with its mission statement. The waiver may be granted at the commissioner's discretion, except that the commissioner may not grant waivers that are otherwise prohibited by law or waive regulatory or statutory requirements related to: (1) civil rights; (2) health and safety; (3) public records; (4) immunizations; (5) possession of weapons on school grounds; (6) background checks and fingerprinting of personnel; (7) special education services; (8) student due process; (9) parental rights; (10) student assessment and accountability; (11) open meetings; and (12) at least the same equivalent time of instruction as required in regular public schools.

Effective May 6, 2013.

Public Chapter 395
SB 547 – HB 334

No Messages Supporting or Opposing Referendum
Enacts 49-6-20__ to prohibit any sign or message in support of or opposition to a referendum to be displayed on a sign owned by an LEA or attached to an LEA-owned building. Also prohibits audio and video

messages from being disseminated using LEA telephonic or electronic equipment or accounts.

Effective July 1, 2013.

Public Chapter 397
SB 496 – HB 243

Education of Children in Foster Care

Amends 49-6-3102 to provide that a child placed in foster care shall remain in the same public school the student attended before placement in foster care unless the department of children’s services determines that attendance at that school is not in the child’s best interest, and then the child will be enrolled in the local school system where the child has been placed or where the parent resides. Amends 49-6-3201 to provide that the parents (if living) or parent, guardian, legal custodian, guardian ad litem, or attorney of any student dissatisfied with the school assignment may request a hearing before the board and request a transfer.

Effective July 1, 2013.

Public Chapter 404
SB 157 – HB 151

Virtual Schools

Amends 49-16-211 to limit enrollment in a public virtual school to 1,500 students for schools not in operation as of January 1, 2013, but allows exceeding enrollment cap if TVAAS scores exceed specified level. Amends 49-16-213 to provide that if a public virtual school is “significantly below expectations” in student achievement growth for three consecutive years, the commissioner may reinstitute the enrollment cap. If a public virtual school is closed at the direction of the commissioner or the LEA, the BEP payments to the establishing LEA will be exclusive of any student who was enrolled in the school the prior year and did not remain enrolled in the LEA.

Effective May 14, 2013.

Public Chapter 411
SB 1175 – HB 941

Open Enrollment Period

Enacts 49-2-128 to require each LEA to develop a policy for an open enrollment period during which parents or guardians may choose from a list of LEA schools with available space and request a transfer. If granted, parents/guardians are responsible for transportation

and student must maintain satisfactory attendance, behavior, and effort to remain.

Effective July 1, 2013.

Public Chapter 439
SB 302 – HB 362

Leave for Teachers

Amends 49-5-712 to provide that if a teacher is absent as a result of personal injury caused by physical assault or other violent criminal act committed on the teacher in the course of the teacher’s employment, the LEA must continue to pay the teacher’s full benefits until the earlier of the date the teacher is released to return to work or is determined to be permanently disabled.

Effective May 16, 2013.

Public Chapter 454
SB 501 – HB 506

BEP Capital Outlay Component

Repeals 49-3-351(a)(4), which contained a reduction in the cost per square foot calculation in the capital outlay component of the BEP formula in the amount of \$14 per square foot for K-4 classrooms and \$12 per square foot for other classrooms in 2010-11 and subsequent years.

Effective July 1, 2013.

ELECTIONS

Public Chapter 146
SB 873 - HB 578

State Employees Serving as Election Officials

Amends 2-1-112 to authorize state employees to serve as election officials. Removes provision which provided that the prohibitions in 2-1-112 relative to serving as a member of a county election commission, a member of a county primary board, or as an election official do not apply to “an employee, faculty member, or instructor at an institution of higher education, a school teacher.” However, retains provision which provides that prohibitions in 2-1-112 do not apply to “any employee of a county or city school system who does not work directly under the supervision of an elected official.”

Effective April 12, 2013.

Public Chapter 178
SB 125 - HB 229

Photo ID for Voting

Amends 2-7-112 to narrow the list of acceptable agencies that may issue an identification card for voting.

Provides that an identification card issued by a county or municipality or entity thereof, including a public library, containing a photograph shall not be evidence of identification for purposes of verifying the person's identification on the application for ballot.

Effective April 23, 2013.

Public Chapter 179
SB 127 - HB 889

Posting of Sample Ballot on Web Site

Amends 2-5-211 to require that the sample ballot must also be posted on a web site.

Amends 2-8-101 to require the county election commission to send the results of an alcoholic beverage referendum to the alcoholic beverage commission.

Amends 2-2-109 to provide that if the 30th day before an election falls on a weekend or holiday, applications for registration shall be accepted through the next business day.

Effective July 1, 2013.

Public Chapter 231
SB 906 - HB 704

Election Procedures

Amends numerous provisions relative to elections. Amends 2-2-111 to remove the four hour time requirement relative to supplemental voter registration. Amends 2-3-107 to broaden the requirement that the election commission use public buildings for voting. Amends 2-5-102 relative to a governmental entity having a charter provision for a petition for recall, referendum or initiative. Provides that such petitions must be filed with the election commission 90 days prior to an election. Amends 2-5-208(f) regarding the form of ballots. Amends 2-6-201 relative to absentee voting by those possessing a valid commercial driver license or a valid transportation worker identification credential. Amends 2-6-401 to remove requirement that emergency absentee ballots must be witnessed by a notary public. Amends 2-7-112 relative to using an electronic poll book. Amends 2-10-101(b) to increase the compensation a candidate may receive while still being exempt from the Campaign Financial Disclosure Act from \$500 to \$1000.

Effective July 1, 2013.

Public Chapter 372
SB 1320 - HB 1208

Consolidation of Polling Places

Amends 2-3-101 relative to consolidating polling places for municipal elections upon request of the municipality.

Effective May 14, 2013.

Public Chapter 449
SB 26 - HB 16

Elections Ending in a Tie

Amends 2-8-111 to provide that the county legislative body shall cast the deciding vote for offices filled by the votes of a single county or civil district, or, in the alternative, the legislative body may by resolution call for a run-off election between the tied candidates.

Effective July 1, 2013.

EMERGENCY COMMUNICATIONS

Public Chapter 116
SB 33 - HB 503

Non-Emergency Use of 911

Amends 7-86-316. Extends the present law criminal penalties for making nonemergency 911 calls to apply to all nonemergency contacts with 911. Creates the offense of aggravated nonemergency contact.

Effective July 1, 2013.

Public Chapter 438
SB 333 - HB 807

State Emergency Communication Board Members

Amends 7-86-302. Among other changes, provides that one representative of county government, appointed by the governor, may be appointed from lists of qualified persons submitted by interested county services groups including, but not limited to, the Tennessee County Services Association.

Effective May 16, 2013.

ENVIRONMENT

Public Chapter 49
SB 82 - HB 55

Solid Waste Accounting

Amends 68-211-874 to provide that each county and solid waste authority shall account for financial activities related to the management of solid waste in accordance with generally accepted accounting principles (GAAP). The activities related to the

management of solid waste must be accounted for in either a special revenue or enterprise fund, unless explicitly prohibited by GAAP. Where GAAP prohibits the use of a special revenue or enterprise fund, the solid waste financial activities may be individually accounted for in the general fund, as a separate department, program or function and sufficient detail shall be reported in the annual financial report to identify all applicable revenues and expenditures related to the management of solid waste. Any county or solid waste authority that operates a landfill or incinerator shall account for financial activities related specifically to that landfill or incinerator in an enterprise fund.

Provides that no state funds for solid waste management shall be released to a county or solid waste authority unless financial activities related to the management of solid waste are accounted for in accordance with these requirements.

Effective March 26, 2013.

Public Chapter 93
SB 397 - HB 338

Release of Balloons

Amends 68-101-108 to delete provision that indicates a person can obtain a permit to release more than twenty-five (25) helium balloons.

Effective April 8, 2013.

Public Chapter 156
SB 943 - HB 550

Open Burning Waivers

Amends 68-201-115 to provide that if a county has received a certificate of exemption from the air pollution control board, then the county shall offer a process to grant waivers from its open burning regulations. Provides that open burning waivers may be approved by the director of the county air pollution program, if there is no other practical, safe, and lawful method of disposal, provided the burning is conducted in a manner to protect public health and the environment.

Effective April 16, 2013.

Public Chapter 342
SB 1160 - HB 952

Increases in Landfill Classification

Amends 68-211-701 and 707 to increase the scope of the Jackson Law (local approval of landfills) to include a

change in classification of a landfill to a classification with higher standards. Provides that this provision shall only apply if independently approved by a two-thirds vote of the county legislative body if the county adopted the Jackson Law prior to the effective date of this act.

Effective May 13, 2013.

Public Chapter 362
SB 1232 - HB 1066

Water and Wastewater Operator Certification Act
Amends 68-211-901 to renames the “Water Environmental Health Act” the “Water and Wastewater Operator Certification Act.” Amends the appointment and membership provisions relative to the board of directors under the Act. Amends numerous other sections in Title 68, Chapter 221, Part 9.

Effective July 1, 2013.

Public Chapter 421
SB 941 - HB 945

Aluminum Cans and Plastic Bottles
Amends 68-211-861(c) to provide that any region shall be permitted to multiply by three (3) the gross weight of any aluminum cans and plastic bottles that are diverted from Class I municipal solid waste disposal facilities and incinerators located within the geographic area encompassed by the region for purposes of calculating the total percentage waste reduction and diversion that the region has achieved.

Effective May 16, 2013.

Public Chapter 457
SB 1349 - HB 877

Waste Tire Disposal Fee
Amends 67-4-1610 to provide that a minimum of one dollar (\$1.00) of the one dollar and thirty-five cents (\$1.35) per tire pre-disposal fee shall be returned to the county in which the fee was imposed. Provides that the money must be used for beneficial end use of waste tires in accordance with 68-211-867 and not used for any other purposes.

Provides that if a county does not have a tire grant contract with TDEC, one dollar (\$1.00) per tire sold in that county shall be sent directly by the commissioner of revenue to such county.

Provides that if a county has a tire grant contract with TDEC or had such a tire grant contract that was in effect

at the time the fee was imposed, TDEC shall return a minimum of one dollar (\$1.00) per tire sold in such counties to the county under its grant contract.

Provides that counties shall include in their annual progress report to TDEC data on how many waste tires it manages and what is done with them.

Effective July 1, 2014 (applicable to any pre-disposal fee received by the commissioner of revenue or TDEC after such effective date regardless of when the fee was imposed).

ETHICS

Public Chapter 403 SB 170 - HB 164

Conflicts of Interest

Amends Title 12, Chapter 4, Part 1, by adding a new section with the language which was formerly 4-56-109. 4-56-109 dealt with state procurement only, but may now apply to counties.

Amends 12-4-104 by deleting the section in its entirety and by substituting instead the language which was formerly 4-56-110. 4-56-110 dealt with violations of 4-56-109, but may now apply to counties.

Effective July 1, 2013.

HIGHWAYS

Public Chapter 47 SB 65 – HB 403

Vehicle Weight Limits

Amends 55-7-203(b) to provide that the maximum weight limits for vehicles equipped with emissions-reduction technology shall be increased by the weight of that technology up to 550 lbs. or the maximum amount allowed by federal law.

Effective July 1, 2013.

Public Chapter 308 SB 521 – HB 325

State and County Highway Laws

Amends multiple sections of Title 54 to delete obsolete code provisions and clean up other provisions. Amends 54-7-206, which addresses theft and embezzlement by county highway officials, to bring the statute in line with other theft and embezzlement statutes and increase the

penalties for those offenses. Deletes Title 54, chapter 8, which authorized the creation of county highway commissions under general law. Amends 54-10-103 to provide that county legislative bodies may amend the road list at any session.

Effective July 1, 2013.

Public Chapter 472
SB 653 – HB 511

Vandalism

Enacts a new section as part of the County Uniform Highway Law at Title 54, Chapter 7, Part 2 to create a Class A misdemeanor for vandalizing county highway structures. Also creates a civil cause of action for such damage. Establishes a county fund for rewards for reporting vandalism. Deletes 54-7-201(d), which created a Class C misdemeanor for damage to highway structures.

Effective July 1, 2013.

JAILS

Public Chapter 168
SB 524 - HB 681

Work Programs

Amends 40-35-314. Provides that any defendant convicted of a felony and sentenced to serve such sentence in a local jail or workhouse pursuant to 40-35-104(b), 40-35-306, or 40-35-307 shall be ordered, as a part of the sentence, to participate in any work program operated by the jail or workhouse in which the defendant is incarcerated. Provides that the sheriff may opt the county out of this requirement if the sheriff's local jail or workhouse does not operate a work program or, if it does operate such a program, the increased number of inmates participating would exceed the sheriff's ability to provide security, transportation, or requested work projects. The sheriff may excuse any one or more individual inmates sentenced to the work program if, in the judgment of the sheriff: (A) the inmate would pose a security or escape risk to the public or other inmates if allowed to participate in a work program outside the facility; (B) the inmate has physical or mental health conditions that would preclude the inmate from successfully participating in a work program or would endanger others if allowed to participate; or (C) the county cannot

afford to provide the security or transportation for one or more inmates sentenced to the work program pursuant to this section. Provides further that any inmate who knowingly refuses to participate in a work program after being sentenced to do so shall be considered to have violated a rule of the local jail or workhouse and the court may act upon such violation.

Effective July 1, 2013.

Public Chapter 173
SB 1376 - HB 1339

Qualifications and Waivers for Correctional Officers
Amends 41-7-106(g). Provides that the board shall not grant waivers for any person hired as a jail administrator, workhouse administrator, jailer, corrections officer, or guard in any county jail or workhouse who has been dishonorably discharged from the military, has any mental impairment which affects the person's ability to perform any essential function of the job with or without a reasonable accommodation, has a conviction for domestic assault or a felony conviction.

Amends 41-4-144 (9). Provides that the applicant must have been certified by a Tennessee licensed health care provider qualified in the psychiatric or psychological field as being free from any impairment, as set forth in the current edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM) of the American Psychiatric Association at the time of the examination, that would, in the professional judgment of the examiner, affect the person's ability to perform an essential function of the job, with or without a reasonable accommodation.

Effective July 1, 2013.

Public Chapter 388
SB 736 - HB 1023

Bail Bond Fee
Amends 8-21-901(a)(3). Increases from \$5.00 to \$10.00 the fee the sheriff collects on each bail bond. Provides that the fee is to be paid as cost at the time there is a disposition of the case.

Effective May 6, 2013.

LAW ENFORCEMENT

Public Chapter 16

SB 142 - HB 118

Handguns - Parking Areas

Adds 39-17-1313. Allows a person with a valid handgun carry permit to transport and store a firearm or firearm ammunition in the permit holder's privately-owned motor vehicle in public or private parking areas.

Effective July 1, 2013.

Public Chapter 32

SB 442 - HB 880

Mental Health Transport

Amends 33-6-407, 33-6-901(a)(3) and 8-42-101(3)(D). Provides that a hospital, treatment resource, or health care provider will be immune from any civil liability and will have an affirmative defense to any criminal liability arising either from a determination relative to admission of a person to a facility or treatment resource or from the transportation of a person to and from the hospital or treatment resource.

Effective July 1, 2013.

Public Chapter 68

SB 1041 - HB 1040

Judicial District Criminal Investigators

Amends Title 16, Chapter 2, Part 5. Provides that the number of criminal investigator positions to which the district attorney general of each judicial district is entitled shall be the minimum number of positions authorized in each judicial district. States that no provision of law shall be construed to prohibit the employment of additional criminal investigators in a judicial district, regardless of whether the positions are funded by a state or non-state source, or whether they are specifically enumerated in any other provision of law.

Amends 16-2-508 (f). Provides that all criminal investigators shall possess the same power and authority as deputies of the county sheriffs or if the judicial district includes a metropolitan government then their power and authority shall include all police powers of law enforcement officers in that area.

Effective July 1, 2013.

Public Chapter 90
SB 638 - HB 505

Rules of the Road

Amends 55-10-308. Authorizes the Commissioner of Safety to revoke or refuse to issue authorization for municipalities with populations of 10,000 or less persons to enforce the rules of the road on portions of the interstate in their city limits if such municipalities do not comply with applicable rules or act without proper authority.

Effective July 1, 2013.

Public Chapter 137
SB 175 - HB 169

Sheriff's & Police Officers' Qualifications

Amends 8-8-102(a)(8) and 38-8-106(9). Provides that the applicant must have been certified by a Tennessee licensed health care provider qualified in the psychiatric or psychological field as being free from any impairment, as set forth in the current edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM) of the American Psychiatric Association at the time of the examination, that would, in the professional judgment of the examiner, affect the applicant's ability to perform an essential function of the job, with or without a reasonable accommodation.

Effective April 12, 2013.

Public Chapter 137
SB 175 - HB 169

POST Commission - Waivers

Amends 38-8-104(e). Provides that the commission shall establish criteria for determining whether to grant an exception to or to waive the qualifications of § 38-8-106, for a person hired as a police officer after July 1, 1987, except that no waiver or exception shall be granted for dishonorable discharge from the military, mental impairment which affects the person's ability to perform an essential function of the job with or without a reasonable accommodation, or a narcotics violation that could result in a felony charge. The commission's decisions with regard to exceptions or waivers shall be appealable to the chancery court.

Effective April 12, 2013.

Public Chapter 151
SB 1363 - HB 1294

Prescription Drug Fraud

Amends 39-14-150 and adds 53-11-4___. Creates the offense of prescription drug fraud and adds the theft of identifying information used to prescribe a controlled

substance to the offense of identity theft.

Effective July 1, 2013.

Public Chapter 154
SB 186 - HB 180

Driving Under the Influence

Amends 55-10-401 *et seq.* Reorganizes the DUI law.

Effective July 1, 2013.

Public Chapter 161
SB 48 - HB 12

Drug Offenses

Amends 39-17-438 and 39-17-454. Revises various drug offenses to clarify the definition of "analogue controlled substance" and add new drugs and compounds to lists of synthetic cannabinoids and synthetic derivatives or analogues of methcathinone. Adds the term "controlled substance analogues" to 55-10-402.

Effective July 1, 2013.

Public Chapter 184
SB 187 - HB 181

P25 Interoperable Communications System

Amends Title 4, Chapter 3, Part 20. Authorizes the Department of Safety and Homeland Security to promulgate rules and regulations regarding access to its statewide P25 Interoperable Communications System, including the authority to collect, by rules or regulations, assessments for the use and/or maintenance of the system.

Effective April 23, 2013.

Public Chapter 247
SB 633 - HB 225

Nuisance

Amends 29-3-101(a)(2)(A). Designates as a nuisance any place in which the sale or possession with intent to sell of drug paraphernalia is carried on or permitted.

Effective July 1, 2013.

Public Chapter 270
SB 714 - HB 1282

Handgun Carry Permit

Amends 39-17-1351(c). Limits the 10-year period that person must wait between exiting a drug or alcohol program or hospital before being eligible for a handgun carry permit to three years if the applicant entered

rehab voluntarily; the 10-year period still applies to those who enter rehab pursuant to a court order.

Effective July 1, 2013.

Public Chapter 278
SB 1038 - HB 358

Organized Crime

Amends 39-12-203. Expands the definition of "racketeering activity" to also include the commission of an act for financial gain that involves one of the following offenses: trafficking for commercial sex acts, promoting prostitution, patronizing prostitution from a minor or a person with an intellectual disability, solicitation of a minor, or soliciting sexual exploitation of a minor or exploitation of a minor by electronic means. In addition, expands the definition of "unlawful debt" to include a debt that was incurred or contracted in violation of any such offense.

Effective July 1, 2013.

Public Chapter 285
SB 823 - HB 93

Forfeiture

Amends 40-33-101. Subjects conveyances to forfeiture if used in the transport, concealment or storage of money or goods that were the subject of a burglary, aggravated burglary or especially aggravated burglary.

Effective July 1, 2013.

Public Chapter 319
SB 1250 - HB 88

Use of Minors in Law Enforcement Efforts

Amends 39-15-413 and 39-17-1504(b). Removes the requirement that the juvenile court approve the use of minors in law enforcement efforts.

Effective May 13, 2013.

Public Chapter 325
SB 412 - HB 306

Assault and Aggravated Assault

Amends 39-13-101 and 39-13-102. Provides that for purposes of 39-13-101 and § 39-13-102, "health care provider" means a person who is licensed, certified or otherwise authorized or permitted by the laws of this state to administer health care in the ordinary course of business in the practicing of a profession.

Effective July 1, 2013.

Public Chapter 327
SB 512 - HB 478

Electronic Device to Display Insurance Documents

Amends 55-12-139. Specifies that documentation regarding insurance may be in paper or electronic format. Acceptable formats of display include electronic images on a cellular phone or any other type of portable electronic device. Further specifies that displaying insurance information electronically does not mean that the person is consenting for law enforcement to access any other contents of the electronic device.

Effective May 13, 2013.

Public Chapter 336
SB 705 - HB 868

Pain Management Clinics

Adds 63-1-313. Prohibits pain management clinics from dispensing controlled substances; however it does not prohibit a medical doctor, osteopathic physician, advanced practice nurse with certificates of fitness to prescribe, or physician assistant working at a pain management clinic from providing to that practitioner's patient, without charge, a sample of a schedule IV or schedule V controlled substance in a quantity limited to an amount that is adequate to treat the patient for a maximum of 72 hours.

Effective July 1, 2013.

Public Chapter 344
SB 670 - HB 353

Driving Under the Influence

Amends 55-10-401 *et seq.* Reorganizes the DUI law. This Public Chapter was drafted in conformity with the changes that will be made to present law by Public Chapter 154, which, generally, rewrites the present DUI law and makes certain clarifications and changes.

Effective July 1, 2013.

Public Chapter 368
SB 1382 - HB 1331

Campus Police

Amends 49-7-118(h). Extends authorization to employ and commission campus police officers to private universities or colleges that are accredited by the Southern Association of Colleges and Schools and that have an enrollment which is 30 percent or more of the population of the municipality in which the main campus is located.

Effective May 13, 2013.

Public Chapter 382
SB 891 - HB 1078

Seizure of Property Subject to Forfeiture

Adds 40-33-203(d). Provides that upon the seizure of any personal property subject to forfeiture pursuant to 40-33-201 where the person in possession is not being arrested, the seizing officer shall provide the person found in possession of the property, if known, a notice entitled "Notice of Forfeiture Warrant Hearing".

Amends 40-33-204(b) and 40-33-204(c). Makes changes to the forfeiture warrant process. Provides for a hearing in certain cases.

Effective January 1, 2014.

Public Chapter 407
SB 66 - HB 99

Aggravated Assault

Amends 39-13-102(e)(1). Increases the maximum fine for the offense of aggravated assault to \$15,000 only when the victim is a law enforcement officer, firefighter, medical fire responder, paramedic, emergency medical technician or any other first responder.

Effective July 1, 2013.

Public Chapter 430
SB 676 - HB 1264

Pain Management Clinics

Enacts the "Addison Sharp Prescription Regulatory Act of 2013," 63-1-401 – 63-1-403. Amends various other code sections regarding pain management clinics. Revises the definition of "pain management clinic." Revises the topics required to be addressed by state rules and regulations addressing the operation of pain management clinics. Removes the authorization for a pain management clinic to accept money orders in payment for services provided at the clinic. Increases the administrative penalty for operating an uncertified pain management clinic. Prohibits prescriptions in quantities greater than a 30 day supply for "any opioids or benzodiazepines" instead of "a schedule II-IV controlled substance."

Effective October 1, 2013.

Public Chapter 433
SB 614 - HB 1043

Imitation Controlled Substance

Amends 39-17-453(d). Revises the definition of "imitation controlled substance." "Imitation controlled substance" means a pill, capsule, tablet, or other

substance if it: (1) Is not a controlled substance under present law; (2) Is subject to abuse; (3) Purports, by express or implied representations, to act like a controlled substance that is a stimulant or depressant of the central nervous system; and (4) Is not commonly used or recognized for use in that particular formulation for any purpose other than as a stimulant or depressant of the central nervous system; or (1) The chemical structure of the substance is a derivative or analogue of the chemical structure of a controlled substance; and (2) The substance is not commonly used or recognized for use in that particular formulation for any purpose other than as a stimulant or depressant of the central nervous system.

Effective July 1, 2013.

Public Chapter 436
SB 446 - HB 126

Solicitation of a Minor

Amends 39-13-528(a). Expands the offense of solicitation of a minor to include solicitations that, if completed, would constitute the offenses of trafficking a person for commercial sex acts; patronizing prostitution; promoting prostitution or aggravated sexual exploitation of a minor.

Effective July 1, 2013.

Public Chapter 464
SB 1036 - HB 919

Human Trafficking Task Force

Enacts 4-3-3001 *et seq.* Provides that the governor shall establish a human trafficking task force to develop and implement a state plan for the prevention of human trafficking. Provides that the task force shall meet at least bi-annually and is authorized to address all aspects of human trafficking, including, but not limited to, sex trafficking and labor trafficking of both United States citizens and foreign nationals. Provides that a representative of the Tennessee Sheriffs' Association will be a member.

Effective July 1, 2013 (effective May 20, 2013, for the purpose of making appointments).

Public Chapter 470
SB 796 - HB 591

Search & Seizure - Drones

Enacts the "Freedom from Unwarranted Surveillance Act." Provides that no state or local law enforcement agency shall use a drone to gather evidence or other

information except under the following circumstances: (1) To counter a high risk of a terrorist attack by a specific individual or organization if the United States secretary of homeland security determines that credible intelligence indicates that there is such a risk; (2) If the law enforcement agency first obtains a search warrant signed by a judge authorizing the use of a drone; (3) If the law enforcement agency possesses reasonable suspicion that, under particular circumstances, swift action is needed to prevent imminent danger to life; (4) To provide continuous aerial coverage when law enforcement is searching for a fugitive or escapee or is monitoring a hostage situation; or (5) To provide more expansive aerial coverage when deployed for the purpose of searching for a missing person. Provides that no data collected on an individual, home, or areas other than the target that justified deployment may be used, copied or disclosed for any purpose. Such data must be deleted as soon as possible, and in no event later than twenty-four (24) hours after collection.

Effective July 1, 2013.

Public Chapter 479
SB 251 - HB 431

Financial Responsibility Law

Amends 55-12-139(c). Provides that it is a Class A misdemeanor if a person is not in compliance with the financial responsibility law at the time of an accident resulting in bodily injury or death and the person was at fault for the accident.

Effective July 1, 2013.

Public Chapter 481
SB 69 - HB 30

Accurate VIN Reporting Advisory Committee

Enacts 55-5-____. Creates the accurate vehicle identification number (VIN) reporting advisory committee composed of 12 members to include the Executive Director of the Tennessee Sheriffs' Association or the Director's designee.

Effective May 20, 2013.

PERSONNEL

Public Chapter 99

SB 190 – HB 184

Medicaid False Claims Act – Retaliation

Amends 71-5-183 to rewrite provisions prohibiting retaliation against employees, contractors, or agents for actions taken to stop a violation of the Medicaid False Claims Act.

Effective April 11, 2013.

Public Chapter 140

SB 134 – HB 61

Post-Employment Benefit Trusts

Amends 8-50-1204 to clarify that post-employment benefit trusts established to provide non-pension benefits to former public employees are irrevocable trusts.

Effective April 12, 2013.

Public Chapter 166

SB 628 – HB 554

Employment Security Law

Enacts 50-7-407 to provide that if a claimant employed by a reimbursing employer on a part-time basis continues to be employed while separated from another employment and is eligible for benefits, the benefits will not be considered attributable to the reimbursing employer.

Effective April 16, 2013 (applies to benefits accruing on or after that date).

Public Chapter 170

SB 742 – HB 1035

Social Security for Public Officers and Employees

Amends Title 8, Chapter 38, Part 1. Provides that the state or political subdivision employer (rather than the state) will pay the social security contributions to the internal revenue service (rather than the secretary of the treasury). Removes the present law provision for state contribution fund and provides that what will be paid to the IRS is contributions with respect to wages, equal to the applicable taxes that would be imposed by "the 'Rate of Tax' sections of the Federal Insurance Contributions Act" for employees of the state and employees of political subdivisions of the state. Deletes provisions regarding administrative costs paid by political subdivisions; recovery of delinquencies and penalties and contracts assuring social security contributions; appropriations for contributions and

administrative costs; payments to the treasury department; appropriation estimates; sick payments on account of illness or accident disability to an employee. The state social security administrator (the state treasurer) may implement procedures for the filing and retention of social security documents by electronic means and may authorize electronic signatures in the signing of such documents.

Effective April 16, 2013.

Public Chapter 257
SB 179 – HB 173

Hazardous Chemical Right to Know Law

Repeals the state’s Hazardous Chemical Right to Know Law at 50-3-2001, and requires instead that employers comply with the federal Hazard Communication Standard issued by the federal occupational safety and health administration (OSHA) requirements regarding providing information to employees about hazardous chemicals to which they are exposed. Retains present law requirements regarding firefighter protection, requiring coordination between employer and fire chief, including the providing workplace chemical lists and safety data sheets to fire chief, and requires posting of warning signs for flammable, poisonous, or radioactive materials. Retains present law requirements regarding workplace chemical lists. Provides certain state requirements regarding employee training (requires employers to keep a record of the dates of training sessions given to their employees and requires annual refresher training).

Effective April 23, 2013.

Public Chapter 427
SB 783 – HB 639

Unemployment Insurance

Amends 50-7-218 regarding the definition of “base period.” Amends 50-7-301(e) to repeal dependency benefits. Amends 50-7-303 relative to the disqualification for discharge from employment for misconduct, to provide that “misconduct” includes conduct constituting a criminal offense for which the claimant has been charged or convicted that involves dishonesty arising out of the claimant’s employment or that was committed while the claimant was acting within the scope of employment. Amends 50-7-304 to add a one-year limitation on the agency representative reconsidering a decision if a claimant is subsequently

convicted of a misdemeanor or felony that caused the separation from employment, provided that the employer gives notice of the conviction within a reasonable time. Amends 50-7-302 to repeal the provision that no claimant who is otherwise eligible shall be deemed ineligible for benefits solely for the reason that the claimant seeks, applies for or accepts only part-time work instead of full-time work, if the part-time work is for a minimum of 20 hours per week. Amends 50-7-302 (a)(4) to require the state to conduct random audits of 1,500 (rather than 1,000) claimants weekly to ensure they are contacting at least three employers or accessing services at a career center each week. Amends 50-7-303(d) relative to waivers of collection of overpayments.

Effective July 1, 2013.

Public Chapter 432
SB 667 - HB 1074

Reservists' Leave of Absence

Amends 8-33-109. Provides that after the twenty (20) working days of full compensation, members of any reserve component of the armed forces of the United States, including members of the Tennessee army and air national guard, may use up to five (5) days of sick leave in lieu of annual leave for the purposes of not having to take leave without pay.

Effective July 1, 2013.

PLANNING AND ZONING

Public Chapter 456
SB 1380 - HB 1259

Regional Planning Commission Education

Amends 13-3-101(j)(1) to require that at least one hour of the annual education requirement concentrate on the rights of private property owners and the relationship of those rights to the public planning process.

Effective May 20, 2013.

PROPERTY TAXES

Public Chapter 63
SB 137 - HB 650

Tax Relief and Tax Freeze

Amends 67-5-701, 703, 704, and 705. Provides that financial records and information concerning the disability status of taxpayers applying for a tax relief

program or tax freeze program shall be confidential and are not subject to inspection under the Tennessee public records law, but are available to local or state officials who administer, enforce, or audit the programs.

Effective April 1, 2013.

Public Chapter 209
SB 1002 - HB 656

Boards of Equalization and Assessors of Property

Amends 67-1-401(a)(2). Provides that in counties having one or more cities with population exceeding sixty thousand (60,000) according to the federal census of 1970 or any subsequent federal census, two (2) of the members of the board shall be appointed by the governing body of the largest city.

Amends 67-1-401 by adding a new section, providing that in addition to its regular appointments, an appointing authority may designate one or more alternates, and the board of equalization chair may call upon an alternate to sit for a regular member who becomes unavailable for a particular hearing due to disqualification or other reason.

Amends 67-1-402 and 67-1-507. Authorizes, in addition to the county mayor, other officials to administer oaths to board of equalization members and assessors of property.

Amends 67-5-1407. Adds a new subsection providing that wherever personal appearance at a hearing is required, in the discretion of the board all or part of the hearing may be conducted by telephone, television, software or other electronic means, if each participant in the hearing has an opportunity to participate in, to hear, and, if technically feasible, to see the entire proceedings while taking place.

Effective April 23, 2013.

Public Chapter 209
SB 1002 - HB 656

Property Tax Exemptions - Notice

Amends 67-5-212(b)(2). Provides that written notice of the initial determination to the applicant and the assessor of property, granting or denying an exemption,

includes notification by electronic means and that the notice may be preserved in digital or electronic format.

Effective April 23, 2013.

Public Chapter 209
SB 1002 - HB 656

Assessment of Property

Amends 67-5-303(a)(2). Gives the assessor of property the power to inspect or require the production of books and papers.

Amends 67-5-303(d). Provides that the assessor or deputy assessor shall reduce to writing all statements made by the owner of any property interest or witness and such statement shall be filed and maintained in the office of the assessor for a period of not less than three (3) years or the end of the then current reappraisal cycle, whichever is greater. Provides further that the information obtained pursuant to this section shall be confidential and shall not be disclosed by state or local officials, agents or employees, except as authorized by law.

Amends 67-5-508. Adds new subsection providing that as an alternative to notice by mail as provided in this section, notice may be sent by email using the email address provided to the assessor by the taxpayer.

Amends 67-5-509(b). Provides that as used in this subsection, "assessment" includes a back assessment, reassessment, or correction of assessment error.

Amends 67-5-806(a). Provides that property maps prepared for property tax and assessment purposes shall not be conclusive evidence of property ownership in any court of law.

Amends 67-5-1302(b)(1). Provides that no equalization factor for purposes of this section may exceed a factor of one (1.000).

Amends 67-5-1501 by deleting subdivision (d)(2), regarding processing fees or costs for electronically filed appeals to the state board of equalization.

Amends 67-5-1509(a). Provides that no equalization factor for purposes of this section may exceed a factor of one (1.000).

Effective April 23, 2013.

Public Chapter 209
SB 1002 - HB 656

Periodic Reappraisal and Equalization

Amends 67-5-1601(a)(2). Deletes the words “the review cycle” in the first sentence of subdivision (a)(2) and substitutes instead the words “a six year reappraisal cycle”.

Amends 67-5-1601(a)(3). Provides that the state board may approve a reappraisal plan specifying a schedule for on-site review that is different than the standard schedule provided in subdivision (a)(1), but is no longer than five (5) years, whether the frequency of revaluation is four, five, or six years.

Effective April 23, 2013.

Public Chapter 297
SB 1000 - HB 62

Green Energy Property

Amends 67-5-601(e). Provides that the sound, intrinsic and immediate value of 'green' energy source property should not initially exceed a percentage of total installed costs equal to the ratio of projected electricity output over a period of one year to the maximum capacity of the property, as follows: (1) The sound, intrinsic and immediate value of wind source property should not initially exceed one-third of total installed costs; (2) The sound, intrinsic and immediate value of solar source property should not initially exceed 12.5 percent of total installed costs; and (3) The sound, intrinsic and immediate value of other 'green' source property should not initially exceed its appropriate capacity factor as determined by the state board of equalization in consultation with the department of environment and conservation. Provides that the assessor of property, or the comptroller of the treasury, in the case of public utility property, shall take the foregoing findings into account in determining the sound, intrinsic and immediate value of 'green' source property when the property is initially appraised and each time the property is reappraised. Provides that on or before the scheduled reappraisal in each county, the comptroller shall advise the assessor of known

locations of certified or other 'green' energy property and whether the property is assessable locally or centrally. Also amends 67-5-604 by deleting subsection (d) in its entirety.

Effective April 29, 2013.

Public Chapter 328
SB 885 - HB 574

Assessment of Insurance Companies

Amends 67-5-1203. Provides that the present law provisions detailing the manner in which the value is determined apply to "an insurance company with stockholders".

Effective May 13, 2013.

Public Chapter 353
SB 601 - HB 493

Delinquent Tax Sales

Amends 67-5-2010(c). Makes numerous revisions to present law regarding tax liens for delinquent property taxes and the sale of property at tax sales.

Effective May 13, 2013.

Public Chapter 370
SB 1346 - HB 1313

Delinquent Taxes - Penalties and Interest

Amends 67-5-2010(c). Provides that delinquent taxes on property that was demolished, or substantially damaged as a result of a coal ash spill occurring in this state after December 1, 2008, and before January 1, 2009 shall not be subject to the penalty and interest provided in subsection (a) but shall only accrue interest from the delinquency date of the respective tax year at the composite prime rate published by the federal reserve board as of the delinquency date, minus two (2) points. Property shall be deemed substantially damaged when, as a consequence of such coal ash spill, it has been rendered unfit for use or occupancy, the owner has filed legal action against TVA in the appropriate court of law and the court has issued an order finding TVA responsible for the damage. Provides that the owner must apply for this relief to the appropriate collecting official by September 1, 2013, using a form approved by the director of the state division of property assessments and shall file a copy with the assessor of property. The owner shall provide the address and description of any destroyed, demolished or substantially damaged real property for which such relief is sought and a copy of the legal action filed

against TVA. The collecting official shall adjust the penalty and interest in accordingly and collection of such tax, penalty and interest shall be in full satisfaction of the property tax assessment for those tax years. Provides that this relief shall be effective retroactively to January 1, 2009 and shall apply only to penalties and interest imposed for the 2009 and 2010 tax years.

Effective May 14, 2013 (ceases to be effective on January 14, 2014).

Public Chapter 417
SB 1024 - HB 737

Private Act Hospital Authorities

Amends 67-5-209. Specifies that private act hospital authorities are required to apply to the State Board of Equalization for claims for exemption of property residing outside the boundaries of their creating or participating governing authorities or entities.

Effective May 16, 2013.

Public Chapter 423
SB 852 - HB 1272

Energy Independence Act of 2013

Enacts the Energy Independence Act of 2013. Provides that public utility property or commercial and industrial property engaging in the fueling of natural gas vehicles shall be deemed a "certified green energy production facility" for purposes of tax valuation and caps the value of such property at 30 percent of its installed cost.

Effective May 16, 2013.

PURCHASING

Public Chapter 115
SB 74 - HB 300

Sale of Surplus Property

Enacts 12-2-501 to authorize any county, metropolitan government, municipality, or other political subdivision by majority vote of the legislative body to dispose of real or personal property by private negotiation and sale where (1) the property is significant for architectural, archaeological, artistic, cultural, or historical purposes or for its open, natural, or scenic condition, and (2) the property is sold to a nonprofit corporation or trust in furtherance of its preservation or conservation purposes; and (3) a preservation or conservation agreement is placed in the deed, and the nonprofit may only dispose of the property subject to

covenants promoting preservation or conservation, or if applicable, securing the right of public access.

Effective April 12, 2013.

Public Chapter 162
SB 588 – HB 73

Surplus Property under 1957 Purchasing Law

Amends 5-14-108(o) to authorize the county legislative body to establish by 2/3 vote a procedure to authorize the purchasing agent, upon request of the county mayor, to declare surplus and dispose of personal property with an estimated value of \$1,000 or less by selling the property on the open market, or by gift, trade or barter to a nonprofit or charitable organization, at the discretion of the purchasing agent. Items having an accumulated estimated value exceeding \$1,000 shall not be subdivided to circumvent the requirement for public sale. The purchasing agent must keep records for 5 years.

Effective April 16, 2013.

Public Chapter 195
SB 647 – HB 219

Bonds on Public Works Projects

Amends 12-4-201 (requiring surety bonds on public works contracts for 25% of the contract price on all contracts in excess of \$100,000) to add the following requirements: (1) the bond must be written by a surety or insurance company listed on the U. S. department of the treasury financial management service list of approved bonding companies at the time the bond is provided; (2) the bond may not be written for an amount in excess of the amount approved for sureties or insurance companies on the list; (3) any surety bond for a public works project must be written by a surety or insurance company that is licensed do business as a surety or insurer in this state; and (4) any bond not in compliance is void as against the public policy and must be rejected by the building or bidding authority.

Effective April 23, 2013.

Public Chapter 272
SB 774 – HB 663

State and Local Government Advisory Committee

Repeals Title 12, Chapter 3, Part 11, which created the state and local government advisory committee to monitor the use of the Internet for purchasing and advise the legislature of needed changes in the law to

ensure the state and local governments can apply technology to facilitate purchasing.

Effective April 25, 2013.

Public Chapter 281
SB 1270 – HB 1193

Education Energy-Related Services

Amends 49-2-203(a)(3) to provide that contracts for energy-related services that include both engineering services and equipment to reduce energy costs in public schools or school facilities shall not be competitively bid but shall be awarded based on recognized competence and integrity. The board may seek and evaluate qualifications and experience data.

Effective April 25, 2013.

Public Chapter 329
SB 458 – HB 739

Cooperative Purchasing / Bid Addenda

Amends 12-3-1004 (in-state “piggyback” purchasing) to allow a county, city, or other local government entity to purchase supplies, goods, equipment, and services under contracts entered into by other local governmental units of this state. Removes current \$10,000 per unit limitation on such purchases. Does not apply to purchases of new motor vehicles unless they are manufactured for a special purpose as defined in 12-3-1012; also does not apply to purchases related to transportation infrastructure projects (road construction and improvements).

Amends 12-3-1009 (out-of-state and regional cooperative purchasing agreements) to allow counties, cities, and other local government entities to participate in out-of-state cooperative purchasing programs to buy goods, supplies, services or equipment by entering into a master agreement that is approved by the local legislative body. The goods, supplies, services or equipment must have been procured through competitive bidding that was advertised, evaluated, and awarded by a governmental entity and made available for use by other governmental entities in the cooperative. If a participant is required to advertise and receive bids, then it will be deemed sufficient for those purposes that the purchasing entity or the entity that procured the bid complied with its own purchasing requirements and participants must maintain documentation to that effect. Does not apply to

purchases of new motor vehicles unless they are manufactured for a special purpose as defined in 12-3-1012; also does not apply to construction, engineering, or architectural services, or construction materials.

Amends 12-4-126 regarding addenda to bid solicitations, which statute currently prohibits issuing any addenda to bid documents within 48 hours of the bid opening date, to allow addenda to be sent within this period if the bid deadline is extended for at least 48 hours. Clarifies the meaning of the 48-hour period by excluding weekends and legal holidays.

Effective May 13, 2013.

Public Chapter 335
SB 591 – HB 841

Prohibited Elements in Bid Specs

Amends 12-4-903 to delete confusing language concerning “manufacture of public works”.

Effective May 13, 2013.

Public Chapter 355
SB 631 – HB 480

Roofing Contractors

Amends 62-6-102, -103, and -105 to require licensure of contractors performing roofing work where the roofing portion of the contract is \$25,000 or more.

Effective January 1, 2014 (effective May 13, 2013 for rulemaking).

Public Chapter 403
SB 170 – HB 164

Reorganization of State Purchasing Laws

Expansive rewrite/reorganization of state purchasing laws. Primarily consists of a reorganization of existing laws pertaining to purchases by state government but could also impact local government purchasing.

Effective July 1, 2013.

Public Chapter 469
SB 835 – HB 328

Construction Licensure Requirements

Amends 62-6-103(a) to declare it unlawful for to engage in or offer to engage in contracting unless, at the time of engagement or offer, the person, firm or corporation has been licensed with a monetary limitation sufficient for the project; authorizes the board for licensing contractors to grant or allow an exception not exceeding 10% to the monetary limitation. Amends 62-6-103 and 66-11-102 to provide

that liens are not established for contractors not in compliance with contractor licensure laws.

Effective July 1, 2013; applicable to contracts entered into or renewed and liens filed on or after that date.

RECORDS

Public Chapter 15 SB 83 - HB 56

Allegations of Unlawful Conduct

Amends 10-7-504(a)(22) to make confidential all information and records received or generated by the comptroller of the treasury containing allegations of unlawful conduct or fraud, waste or abuse.

Effective March 14, 2013.

Public Chapter 50 SB 124 - HB 136

Workers' Compensation Insurance Policies

Enacts 50-6-421 to provide that the commissioner of labor and workforce development may request and obtain information regarding employer workers' compensation insurance policies in order to ensure compliance with the law. Generally provides that the information relating to workers' compensation insurance policies obtained by the commissioner shall be deemed confidential and shall not constitute a public record.

Effective March 26, 2013.

Public Chapter 135 SB 284 - HB 407

County Records Commission

Amends 10-7-401 to provide that the judge selected to serve on the county records commission may designate someone to serve in the judge's place.

Provides that in counties having a technology department or information technology department, the county legislative body may designate the director of such department as an ex officio member of the commission, and if so designated, the director or designee of the director shall also serve as an ex officio member of the commission.

Effective April 12, 2013.

Public Chapter 229
SB 834 - HB 942

Personal Information and Computer Software

Amends 10-7-504 to make confidential the personal, non-government issued, email address of present and former county employees.

Provides that the confidentiality provisions relative to the personal information of county employees also apply to applicants for county employment.

Clarifies that the confidentiality provisions relative to the personal information of immediate family members of county employees apply even if the family member does not live with the county employee.

Provides that computer programs, software, software manuals, and other types of information manufactured or marketed by persons or entities under legal right and sold, licensed, or donated to counties shall not be open to public inspection.

Adds "family safety centers" to provision which makes certain records of a domestic violence shelter and rape crisis center confidential.

Effective April 19, 2013.

Public Chapter 284
SB 108 - HB 9

Handgun Carry Permits

Enacts a new subsection in 10-7-504 to make confidential information relative to applications and renewals for handgun carry permits. Also makes confidential information provided or obtained during the investigation of the applicant.

Provides that this subsection does not prohibit the release to law enforcement or to a child support agency. Also provides that any person may request the department of safety search its handgun permit holder database to determine if a named person has a Tennessee handgun carry permit, as of the date of the request, if the person presents with the request a judgment of conviction, criminal history report, order of protection, or other official government document or record that indicates the named person is not eligible to possess a handgun carry permit.

Effective April 25, 2013.

Public Chapter 400
SB 405 - HB 278

Confidentiality of Tax Returns

Amends 67-1-1702(a) and 67-1-1709(a). Adds district attorney generals and their employees, and law enforcement officers and employees, to the list of public officers and employees required to maintain the confidentiality of tax information. A violation of 67-1-1709 is a Class E felony and any person convicted of this offense shall be discharged from their employment.

Effective May 6, 2013.

REGISTER OF DEEDS

Public Chapter 413
SB 1052 – HB 354

Penalties for Filing Illegal Deeds and Liens

Amends 39-17-116 and 39-17-117 to increase the violation for recording a deed or lien without having a legal interest in the subject property from a Class A misdemeanor to a Class E felony. These penalties are for persons presenting documents for recordation—not for registers of deeds who record such documents.

Effective July 1, 2013.

RETIREMENT

Public Chapter 259
SB 1005 – HB 948

Hybrid Retirement Plan For New Employees

Enacts a new retirement plan in Title 8, Chapter 36, Part 9 that is mandatory for new teachers and state employees hired after July 1, 2014 and optional for local governments for new employees hired after July 1, 2014, styled as the Hybrid Retirement Plan for State Employees and Teachers.

Provides for a hybrid plan with both a defined benefit component and a defined contribution component.

Generally, the defined benefit component provides for a retirement allowance of 1.0% of the member's average final compensation multiplied by the number of years of service. Provides for a mandatory employee contribution of 5% of the employee's salary to the defined benefit component (with a targeted employer contribution of 4% to the defined benefit component).

In addition to the defined benefit component, there is a defined contribution component (such as a 401(k)). Generally, the defined contribution component provides for a 5% employer contribution and a 2% employee contribution. However, employees are allowed to opt-out of the 2% employee contribution.

The hybrid plan provides for automatic adjustments to plan terms if the employer contribution to the defined benefit component exceeds 4% of payroll or if unfunded liabilities exceed the target maximum unfunded liabilities established by the actuary of the retirement system.

Provides for different plan terms for judges and an additional optional plan for higher education employees exempt from FLSA.

Provides that the General Assembly may freeze, suspend or modify benefits, employee contributions, or plan terms prospectively so long as accrued benefits are not affected.

Effective July 1, 2014 (only applicable to new employees and optional for local governments).

Public Chapter 296
SB 1003 – HB 950

TCRS and Deferred Compensation Plans

Amends numerous section in Title 8 relative to TCRS and deferred compensation plans.

Provides that a local board of education may elect to participate in the state's deferred compensation plan or TCRS (with the approval of the county legislative body) separately from the county and a county may elect to participate in the plan or TCRS without extending coverage to the employees of the local board of education.

Provides that a county that withdraws its participation from TCRS and elects to participate in the state's deferred compensation plan must give the board of trustees at least six months advance written notice of the effective date of the withdrawal.

Provides that after the chair of the retirement board and commissioner of finance and administration

implement an automatic deferred compensation plan, any new state employee must participate with an initial salary deferral of 2% unless that employee chooses to opt-out.

Revise the early retirement provisions under the alternate defined benefit plan or hybrid plan.

Provides that subsequent to a county's election to decrease the required years of credible service to qualify for retirement benefits from 10 to five, the county may then increase the required years of service from five to 10 for employees hired on or after the increase in the years of service.

Provides that no benefit will be paid to a member in excess of benefit limitations established in federal law, however, authorizes the TCRS board to establish a separate qualified excess benefit arrangement (QEBA) solely for the purpose of providing eligible members with retirement system benefits that are in excess of the benefit limits established federal law.

Specifies that TCRS will honor claims under a qualified domestic relations order at a time designated by the state treasurer. However, such order may only relate to the provision of marital property rights relating to TCRS for the benefit of the retirement system member's former spouse.

Specifies that any retiree restored to employment, whether the employee is a contributory or non-contributory employee, who reenrolls as an active member of TCRS will be treated as voiding any optional benefit previously elected for purposes of in-service death benefits.

Revises provisions relative to establishing retirement credit through equal monthly installments.

Revises numerous other provisions relative to TCRS and deferred compensation plans.

Effective April 29, 2013.

Public Chapter 467
SB 875 – HB 724

Pension Obligations of Metropolitan Governments
Amends 9-21-105 and 127 to broaden the authority of metropolitan governments with a general obligation rating of at least Aa1 to issue bonds for certain unfunded pension obligations.

Effective May 20, 2013.

TAXATION

Public Chapter 189
SB 422 – HB 999

Wholesale Beer Tax
Amends 57-6-103 to change the wholesale beer tax from the current rate of 17% of the wholesale price to a flat rate of \$35.60 per barrel.

Effective July 1, 2013.

Public Chapter 313
SB 183 – HB 177

Business Taxes
Amends Title 67, Chapter 4, Part 7, to enact the “Uniformity and Small Business Relief Act of 2013.” Restructures and revises the business tax to make it a state-levied tax; revises the distribution of the tax; revises various deductions, credits, and exemptions of the tax and revises the minimum tax that would be applicable; revises law regarding business licenses; and makes other revisions to business tax laws.

All businesses privileges (classes 1 through 5) are taxable by the state, but preserves city business taxes levied by ordinance on classes one through four. Any person engaged in business in this state in classes 1 through 4 without establishing a physical place of business in the state is subject to the state business tax but is exempt from any municipal business tax.

Decreases the business tax on the sales of gasoline and diesel fuel at wholesale from 0.1 percent to 0.03125 percent. Exempts providers of direct-to-home satellite television programming services. Makes imposition of fees on antique malls, flea markets, craft shows, antique shows, gun shows, auto shows and transient vendors at the discretion of each county and city, but each county and city imposing the fee as of the effective date of the act is deemed to have made an election to continue the

fee and is not required to pass an additional resolution or ordinance.

The tax levied by the state, including any associated interest and penalties, will be distributed as follows: (1) \$7.00 per return would be paid to the county clerk with respect to each tax return filed by a taxpayer that is either located within the county or otherwise obtains a business license for such county and of that amount, \$3.00 is earmarked for computer hardware purchases or replacement, but may be used for other usual and necessary computer-related expenses at the discretion of the county clerk; (2) 5 percent of the remaining proceeds will be paid to the county clerk in the case of returns filed by taxpayers located or otherwise licensed within the county; (3) 43 percent of the remaining proceeds is allocated to the state's general fund; (4) an administration fee of 1.125 percent of the remaining proceeds of the tax is allocated to the department to cover the expenses of administration and collection; (5) the remaining proceeds would be distributed to the county in which the taxpayer has established a physical place of business from which the sales are made.

Receipts from sales made by a person subject to the state tax are sourced to the county in which the person's established place of business is located. If the person has no established place of business in the state, then receipts are sourced to the state. Receipts from taxable sales of services or tangible personal property by a provider of video programming services or a provider of direct-to-home satellite television programming services are sourced to the county where received by the customer. Compensation of more than \$50,000 from contracts performed in one county by a person performing certain construction, installation, repair, or extermination services are sourced to that county; compensation of \$50,000 or less from contracts performed in one county are sourced to the county of the person's domicile or location but if the person does not have a domicile or location in the state it will be allocated to the state's general fund.

All of the tax, interest, and penalty collected from a taxpayer that does not have either a license or an established place of business in the state will be

allocated exclusively to the state's general fund. Any tax, interest, and penalty assessed by the commissioner as a result of an audit of the taxpayer's books and records is retained by the state and allocated to the general fund.

Revises the deduction for sales of service substantially performed in other states to instead allow a deduction for "sales of services that are received by customers located outside the state".

The current business tax exemption for businesses in this state having a total value of sales of less than \$3,000 per year is revised to instead specify that: (1) any person having sales of less than \$10,000 within a county is exempt from the state business tax and the licensing provisions with respect to the sales sourced to that county; (2) any person having sales of less than \$10,000 within a municipality is exempt from the municipal tax and the licensing with respect to the sales sourced to that municipality; and (3) any person subject to the tax who does not have a place of business in this state and having sales of less than \$10,000 within a county is exempt from the tax with respect to the sales occurring in that county.

The minimum business tax applies "per location", and any person subject to the tax that has no established place of business in the state will be subject to a single \$22.00 minimum tax for all activity within the state.

If a taxpayer has more than one location within the county or municipality, then a separate license, including payment of the \$15.00 fee, will be required for each location. Each license expires 30 days after the date that the taxpayer's business tax return is due.

Persons who are exempt from the business tax and licensing requirements and who have sales of between \$3,000 and \$10,000 per year within the jurisdiction must be issued a minimal activity license upon application and payment of \$15.00. No person with sales of between \$3,000 and \$10,000 per year within the jurisdiction may conduct business in a jurisdiction without first acquiring a minimal activity license. If a person has more than one location within the jurisdiction, a separate minimal activity license,

including payment of the \$15.00 fee would be required for each location. Persons with sales of \$3,000 or less per year in any municipality or county may, but do not have to, apply for a minimal activity license. \$3.00 per minimal activity license is retained by the county clerk or city official that issues such license. The fee retained by the county clerk is earmarked for computer hardware purchases or replacement but may be used for other usual and necessary computer-related expenses at the discretion of the county clerk. The amount is preserved for these purposes and would not revert to the general fund at the end of a budget year if unexpended.

The fee levied by a county or municipality, including any associated interest and penalties, is retained by the county or municipality that levied the fee, except that 5 percent of the proceeds of the fee would be paid to the county clerk, in the case of fees collected by a county, and to the appropriate city official, in the case of fees collected by a municipality.

Any county or municipality may enter an agreement with the commissioner pursuant to which the department will issue or renew businesses licenses or minimal activity licenses, or both, on behalf of the county or municipality.

Licenses already in effect as of the effective date of the bill would continue to be valid until their original renewal date.

Effective January 1, 2014, and applies to tax periods beginning on or after that date.

Public Chapter 322
SB 198 - HB 192

Hall Income Tax Exemption

Amends 67-2-104. For tax years beginning January 1, 2013, and thereafter, the annual income a person at least 65 years of age may earn and still be exempt from the Hall income tax increases from \$26,200 to \$33,000 for single filers and from \$37,000 to \$59,000 for persons filing jointly.

Effective May 13, 2013.

Public Chapter 323
SB 199 – HB 193

State Sales Tax on Food

Amends 67-6-228(a) to lower the state sales tax on food and food ingredients from 5.25% to 5.0%.

Effective July 1, 2013.

Public Chapter 356
SB 430 – HB 342

Nursing Homes

Amends 68-11-216(c) to extend the nursing home privilege tax for a year. Renames the tax an “annual assessment fee.”

Effective July 1, 2013.

Public Chapter 410
SB 1245 - HB 1094

Nursing Home Tax

Amends 68-11-216(c)(7)(B). Provides that if a nursing home is more than ninety (90) days delinquent in paying an installment of its annual nursing home assessment fee, the commissioner shall initiate proceedings before the board so that the board may suspend admissions to the facility or otherwise direct the facility to pay the assessment fee and any accrued penalties and interest in full within a prescribed period of time.

Adds new 68-11-216(c)(7)(B). Provides that in cases where a licensed nursing home is delinquent on assessment fees beginning July 1, 2009 and ending June 30, 2012 and is currently participating in a payment plan, the commissioner shall be authorized to reduce the amount of penalties and interest due for that time period to twenty-five (25%) of the total assessment fee outstanding balance as of June 30, 2012. For purposes of this subdivision, the total assessment fee outstanding balance is calculated as the total assessment fees owed not including any penalties and interest, less any payments made by the facility, beginning July 1, 2009 and ending June 30, 2012. Provides that subdivision (c)(7)(C) shall terminate on July 1, 2015, unless re-enacted or extended by the general assembly prior to such date.

Effective May 16, 2013.

Public Chapter 480
SB 182 - HB 176

Streamlined Sales Tax Provisions Delayed

Amends Section 187 of Chapter 602 of the Public Acts of 2007, as amended by Chapter 530 of the Public Acts of 2009, and as further amended by Chapter 72 of the Public Acts of 2011, to delay the effective date of streamlined sales tax provisions from July 1, 2013 to July 1, 2015.

Effective May 20, 2013.

UTILITIES

Public Chapter 65
SB 851 - HB 940

Underground Utility Damage Prevention

Enacts a new section in Title 65, Chapter 31 to establish the underground utility damage prevention advisory committee. The committee is composed of 20 members, including a representative from the Tennessee County Services Association. The committee is charged with recommending a revised damage prevention program to the governor, speakers and comptroller by November 1, 2013.

Effective April 1, 2013.

Public Chapter 141
SB 764 - HB 60

Water Losses and Utility Petition Procedures

Amends numerous provisions in Title 7, Chapter 82 and in Title 68, Chapter 221, Part 10.

Amends the law to authorize the utility management review board and the wastewater financing board to regulate, and to make those managing the utility responsible for, certain water losses even if they are not unaccounted for water losses.

Amends the petition procedure under which the utility management review board may review the rates charged and services provided by public utility districts. Amends the petition procedure requesting the removal of a member or members of the utility district board of commissioners.

Amends rate and services review and protest procedures.

Effective April 12, 2013.

Public Chapter 320
SB 73 - HB 116

Utility District Vacancies

Amends 7-82-307(a) to provide that if the county mayor enters an order rejecting the third list of nominees for the utility district vacancy, then the county legislative body shall appoint a commissioner from the third list of nominees to fill the vacancy at the meeting of the county legislative body in which the mayor's order rejecting the third list of nominees is entered of record on the minutes of the county legislative body.

Effective May 13, 2013.

WORKERS' COMPENSATION

Public Chapter 210
SB 1174 - HB 626

Volunteer Firefighters

Amends 50-6-401(a)(1). Provides that "volunteer firefighter" means any member or personnel of a fire department, volunteer fire department, rescue squad or volunteer rescue squad, including, but not limited to, a junior member, a board member or an auxiliary member of the department or squad.

Effective April 23, 2013.

Public Chapter 282
SB 1275 - HB 1159

Workers' Compensation System

Requests the Tennessee Code Commission to change appropriate references in Title 50, Chapter 6 from "commissioner" to "administrator" whenever the reference is to the commissioner of labor and workforce development in the code as supplements are issued and volumes are replaced, except in 50-6-102, 50-6-118 and 50-6-412.

Amends 50-6-207(4)(C)(v). Provides that prior to filing any request for reconsideration, the employer, insurer or department shall file a petition for benefit determination and participate in alternative dispute resolution pursuant to 50-6-236. Provides that in the event the parties are unable to reach an agreement

through alternative dispute resolution, the workers' compensation mediator shall issue a dispute certification notice and the employer, insurer or department may file a request for a hearing, as provided in 50-6-239, to determine the issue of reconsideration.

Revises several other code sections regarding workers' compensation, such as removing references to benefit review conferences in accordance with the changes made by other workers' compensation legislation. Removes references to workers' compensation "specialists" and replaces such references with references to "judges".

Effective July 1, 2014.

Public Chapter 289
SB 200 - HB 194

The Workers' Compensation Reform Act of 2013
Enacts "The Workers' Compensation Reform Act of 2013" to make various changes to the operation of the workers' compensation system in Tennessee. Removes the Division of Workers' Compensation from the supervision and charge of the Commissioner of Labor and Workforce Development. Under this act, the division will be an autonomous unit that will be attached to the Department of Labor and Workforce Development for administrative matters only.

Effective July 1, 2014 (effective April 29, 2013, for the purposes of promulgating rules and regulations, making appointments and making necessary provisions for the implementation of the act).

Public Chapter 367
SB 432 - HB 864

Working Out Of State – Benefits
Amends 50-6-115. Provides that if an employee in this state who is subject to the Workers' Compensation Law temporarily leaves this state incidental to the employee's employment and receives an accidental injury arising out of and in the course and scope of the employee's employment, the employee, or the employee's beneficiaries in the case of an injury that results in the employee's death, will be entitled to the benefits of the Workers' Compensation Law as if the employee was injured in this state.

Effective May 13, 2013.

Public Chapter 476
SB 519 - HB 549

Religious Exemption

Amends 50-6-903. Exempts from the present law requirement that all construction services providers carry workers' compensation insurance on themselves a construction services provider who is an individual and who does not meet the other exemption criteria established in present law, but who is a member of a recognized religious sect or division and is an adherent of established tenets or teachers of such sect or division by reason of which such construction services provider is conscientiously opposed to acceptance of the workers' compensation benefits.

Effective January 1, 2014.

PART II - PUBLIC ACTS OF LOCAL APPLICATION

CAMPBELL

Public Chapter 295
SB 1129 - HB 971

Consumption of Alcoholic Beverages on Premises
Amends 57-4-102(26). Authorizes the Sequoyah Landing marina in Monroe County to serve and sell alcoholic beverages for on premises consumption. Authorizes the Caryonah hunting lodge in Cumberland County to serve and sell alcoholic beverages for on premises consumption. Authorizes a facility in Campbell County that has cabins, RV hookups, and at least three miles of ATV trails connected to the North Cumberland Wildlife Area to serve and sell alcoholic beverages for on premises consumption.

Effective April 29, 2013.

CLAY

Public Chapter 458
SB 1345 - HB 413

Consumption of Alcoholic Beverages on Premises
Amends 57-4-102(26). Authorizes a facility in Clay County near Dale Hollow Lake that has a kitchen that serves food to customers and is licensed to sell beer to serve and sell alcoholic beverages for on premises consumption.

Effective May 20, 2013.

COCKE

Public Chapter 450
SB 24 - HB 7

Litigation Tax
Amends 67-4-601 to authorize Cocke County to adopt, by a two-thirds (2/3) majority vote, an additional litigation tax in all civil and criminal cases instituted in the general sessions court in an amount not to exceed \$4.75.

Provides that any revenue collected pursuant to this tax shall be deposited in the county general fund, with the proceeds to be used exclusively for the funding of the general sessions court, and for ensuring compliance with fire codes for the existing courthouse justice center facilities. Provides that no proceeds derived from the tax shall be used to increase or decrease the salary of

the general sessions judge during such judge's term in office. Provides that all expenditures made for courthouse justice center facilities in accordance with this subsection shall be administered by the county sheriff, subject to the appropriation of funds for such purposes by the county legislative body.

Provides that the tax may not be charged after July 1, 2020.

Effective May 16, 2013.

CUMBERLAND

Public Chapter 295
SB 1129 - HB 971

Consumption of Alcoholic Beverages on Premises
Amends 57-4-102(26). Authorizes the Sequoyah Landing marina in Monroe County to serve and sell alcoholic beverages for on premises consumption. Authorizes the Caryonah hunting lodge in Cumberland County to serve and sell alcoholic beverages for on premises consumption. Authorizes a facility in Campbell County that has cabins, RV hookups, and at least three miles of ATV trails connected to the North Cumberland Wildlife Area to serve and sell alcoholic beverages for on premises consumption.

Effective April 29, 2013.

DAVIDSON

Public Chapter 340
SB 707 - HB 1213

Hotel-Motel Tax
Amends 7-4-202(d) to provide that the authority to charge the amount of privilege tax on room occupancy in excess of \$2.00 and the terms of the committee members will expire six years from May 21, 2014.

Effective July 1, 2013.

Public Chapter 371
SB 1327 - HB 1254

Consumption of Alcoholic Beverages on Premises
Amends 57-4-102(38). Expands the definition of "urban park centers" for purposes of on-premises consumption to include the following facilities: (1) A 52,000 square foot entertainment complex in Davidson County that was originally constructed in 1883 as a flour mill; (2) A 14,000 square foot live music venue in Davidson County

that was originally constructed in the 1920's as an automobile factory; (3) A live music venue opened in 1971 in Davidson County that is located in the Elliston Place neighborhood, approximately three blocks from a private university and one block from a non-profit hospital; (4) A 1,800 square foot live music venue opened in 2001 in Davidson County that is located beneath an independent and nationally acclaimed record store on 8th Avenue; and (5) A 2,700 square foot live music venue opened in 2003 in Davidson County that is located on Forrest Avenue across from a branch of a public library.

Effective May 6, 2013.

Public Chapter 373
SB 1319 - HB 1207

Notification of Service Discontinuance by Utility
Amends 65-32-104 to provide that placing a telephone call or sending electronic mail by the utility representative constitutes a reasonable, good faith effort to notify the user that service shall be discontinued. Provides that the utility representative need not place a telephone call or send electronic mail to any residence where service has been discontinued within the previous four (4) years.

Effective July 1, 2013.

Public Chapter 399
SB 408 - HB 251

Boundary Lines
Alters the boundary between Davidson and Wilson counties in such manner as to detach certain parcels of real property currently located in Davidson County and to attach such parcels to Wilson County. Provides a legal description of the two parcels of land that will be detached from Davidson County and attached to Wilson County.

Effective January 1, 2014.

DICKSON

Public Chapter 310
SB 453 - HB 711

Firefighters – Minimum Training Requirements
Amends 4-24-112(g) to delete the exemption of Dickson

County from the minimum training requirements for firefighters.

Effective April 29, 2013.

HAMILTON

Public Chapter 34
SB 293 - HB 76

E-911 Districts

Amends 7-86-105(b) (3). Allows a representative of the sheriff and county mayor to serve on the governing body of an emergency communications district instead of the sheriff or the mayor, in Knox and Hamilton Counties.

Effective March 22, 2013.

Public Chapter 67
SB 1077 - HB 901

Autopsies

Amends 38-7-105. Extends the date from July 1, 2012, to July 1, 2014, for a facility in Hamilton County where autopsies are performed to receive accreditation from the National Association of Medical Examiners.

Effective April 1, 2013.

KNOX

Public Chapter 34
SB 293 - HB 76

E-911 Districts

Amends 7-86-105(b) (3). Allows a representative of the sheriff and county mayor to serve on the governing body of an emergency communications district instead of the sheriff or the mayor, in Knox and Hamilton Counties.

Effective March 22, 2013.

MONROE

Public Chapter 295
SB 1129 - HB 971

Consumption of Alcoholic Beverages on Premises

Amends 57-4-102(26). Authorizes the Sequoyah Landing marina in Monroe County to serve and sell alcoholic beverages for on premises consumption. Authorizes the Caryonah hunting lodge in Cumberland County to serve and sell alcoholic beverages for on premises consumption. Authorizes a facility in Campbell County that has cabins, RV hookups, and at least three

miles of ATV trails connected to the North Cumberland Wildlife Area to serve and sell alcoholic beverages for on premises consumption.

Effective April 29, 2013.

SHELBY

Public Chapter 268

SB 626 - HB 1033

Election Officials

Amends 2-12-116, 2-12-201 and 2-12-202 to remove several exceptions from the general law for Shelby County relative to the duties and authority of the election commission and administrator of elections.

Effective April 25, 2013.

SULLIVAN

Public Chapter 237

SB 1156 - HB 0087

County Budgeting Law of 1957

Amends 5-12-104 to authorize the budget committee in Sullivan County to have between five and nine members, one of which will be the county mayor. The county legislative body will determine the number of members annually.

Effective April 23, 2013.

WILLIAMSON

Public Chapter 160

SB 924 - HB 1088

Consumption of Alcoholic Beverages on Premises

Amends 57-4-102(26). Authorizes the Grove in Williamson County to serve and sell alcoholic beverages for on premises consumption.

Effective April 12, 2013.

WILSON

Public Chapter 399

SB 408 - HB 251

Boundary Lines

Alters the boundary between Davidson and Wilson counties in such manner as to detach certain parcels of real property currently located in Davidson County and to attach such parcels to Wilson County. Provides a legal

description of the two parcels of land that will be detached from Davidson County and attached to Wilson County.

Effective January 1, 2014.

PART III – PRIVATE ACTS

CANNON

Private Chapter 23 SB 1401 – HB 1346

Hotel-Motel Tax

Enacts Chapter 23 of the Private Acts of 2013. Authorizes the county legislative body of Cannon County to levy a privilege tax upon the privilege of occupancy in any hotel of each transient, in the amount of five percent (5%) of the rate charged by the operator. The proceeds of the tax shall be deposited in the general fund of the county to fund the Cannon County Chamber of Commerce for the purpose of tourism development. The tax is collected by the county clerk. Operators must preserve records for three years.

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

CARROLL

Private Chapter 2 SB 37 – HB 18

Highway Commission

Amends Chapter 148 of the Private Acts of 1986. Reduces, beginning with the August 2014 election, from four to two, the number of road supervisors on the highway commission; divides Carroll County into two road districts, rather than four; requires road supervisors to have qualifications as provided by the County Uniform Highway Law; increases the amount of highway department funds received from gasoline tax revenues that can be spent in each road district; conforms other charter provisions to general law.

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

Private Chapter 8 SB 1159 – HB 856

Special School District

Amends Chapter 374 of the Private Acts of 1919. Authorizes the Huntingdon Special School District to issue and sell school bonds and notes; to provide the form and terms of said bonds and notes; to authorize the refinancing of said bonds and notes and other bonds and notes of the District; to establish and provide for the payment of the bonds and notes; to provide for the pledge, levy and collection of taxes and other revenues

for the payment of the principal of, interest and redemption premium, if any, on such bonds and notes.

Effective April 12, 2013.

CARTER

Private Chapter 17
SB 1412 – HB 1357

Landfill Director

Enacts Chapter 17 of the Private Acts of 2013.
Authorizes the Carter County landfill committee to appoint the landfill director and to exercise oversight of the county landfill.

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

DEKALB

Private Chapter 7
SB 1203 – HB 1340

Purchasing

Amends Chapter 63 of the Private Acts of 1979.
Increases the threshold required competitive bidding from \$5,000 to \$10,000.

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

GIBSON

Private Chapter 5
SB 505 – HB 433

Special School District

Amends Chapter 62 of the Private Acts of 1981.
Authorizes the Gibson County Special School District to issue and sell school bonds or notes, enter into loan agreements with the State of Tennessee or to participate in federal or state matching grants or loans in an aggregate principal amount of not to exceed \$3,000,000 for the purpose of providing adequate school facilities and equipment for school children in the District.

Effective March 14, 2013.

GILES

Private Chapter 22

SB 1407 – HB 1355

Hotel-Motel Tax

Amends Chapter 133 of the Private Acts of 1996. Provides that the proceeds received by the County from the tax shall be designated and used for the maintenance and renovation for all County owned buildings, excluding schools.

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

HAMBLLEN

Private Chapter 14

SB 1405 – HB 1350

Courts

Amends Chapter 235 of the Private Acts of 1947 to repeal Chapter 337 of the Private Acts of 1972, relative to a juvenile court in Hamblen County, and to repeal Chapter 21 of the Private Acts of 2001, relative to a part-time general sessions court in Hamblen County. Creates a full-time general sessions court in Hamblen County with juvenile court jurisdiction.

Effective September 1, 2014, upon approval by a 2/3 (two-thirds) vote of the county legislative body.

HAMILTON

Private Chapter 1

SB 139 – HB 107

Chattanooga-Hamilton County Hospital Authority

Amends Chapter 297 of the Private Acts of 1976. Revises governance of the Chattanooga-Hamilton County Hospital Authority.

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

KNOX

Private Chapter 6

SB 1213 – HB 1269

Office of Legislative Affairs

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

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

McNAIRY

Private Chapter 16

SB 1410 – HB 1354

Wheel Tax

Repeals Chapter 221 of the Private Acts of 1992 to repeal the McNairy County wheel tax.

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

MACON

Private Chapter 11

SB 1397 – HB 1343

Hotel-Motel Tax

Enacts Chapter 11 of the Private Acts of 2013. Authorizes the county legislative body of Macon County to levy a privilege tax upon the privilege of occupancy in any hotel of each transient, in the amount of five percent (5%) of the rate charged by the operator, with the proceeds to be deposited into the general fund and used for such purposes as specified by resolution of the county legislative body. The tax is collected by the county clerk, or other authorized collector. Operators must preserve records for three years.

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

MONTGOMERY

Private Chapter 27

SB 1420 – HB 1364

Juvenile Court

Enacts Chapter 27 of the Private Acts of 2013. Creates the Juvenile Court of Montgomery County.

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

OBION

Private Chapter 24

SB 1416 – HB 1360

Juvenile Court

Repeals Chapter 326 of the Private Acts of 1982 relative to the exercise of juvenile court jurisdiction in Obion County. Allows a general sessions judge to exercise

juvenile court jurisdiction in the event the office of the juvenile court judge becomes vacant.

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