

INDEX OF ACTS
RELATED TO COUNTY GOVERNMENT

2009 EDITION

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INTRODUCTION

The first regular session of the 106th General Assembly convened on Tuesday, January 13, 2009, and adjourned on Thursday, June 18, 2009. The second session of the 106th General Assembly will convene on Tuesday, January 12, 2010.

At the time of publication of this index, there are 611 new designated public chapters and 34 new private acts. The acts relating to county government have been summarized in this publication. As the table of contents outlines, the public acts of general application are summarized in Part 1. Public acts are arranged alphabetically under broad groupings of subject content. Within a particular subject, the acts are arranged numerically by public chapter. Part 2 contains summaries of public acts of local application, and Part 3 contains summaries of private acts. If your county does not appear in Part 2, no public acts of local application were passed during this session affecting your county. If your county does not appear in Part 3, then your county had no private acts passed during this session. The county names are arranged alphabetically in Parts 2 and 3, with the acts arranged numerically under the county listings.

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

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

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PART I – PUBLIC ACTS OF GENERAL APPLICATION

ALCOHOLIC BEVERAGES

Public Chapter 208

SB 1947 – HB 1580

Regulation of Retail Sales

Amends 57-3-406(c) and 57-5-301(a)(1) to prohibit sales of alcoholic beverages and beer to persons who are visibly intoxicated.

Effective July 1, 2009.

Public Chapter 290

SB 206 – HB 214

Breweries and Brew Pubs

Amends 57-5-101 to authorize manufacturers to operate as retailers at the manufacturer's location for sales of up to 25,000 barrels of beer per year, and to allow such manufacturer/retailers to be licensed as a hotel for alcoholic beverage purposes.

Effective May 27, 2009.

Public Chapter 314

SB 531 – HB 347

Background Checks for Applicants for Beer Permits

Amends 57-5-103 to authorize cities and counties to seek criminal history background or fingerprint checks on applicants for beer permits and enter into an agreement with the Tennessee Bureau of Investigation (TBI) to conduct the search. The TBI is authorized to assess fees for the search in accordance with their fee schedule, but cities and counties are not authorized to recover the fees from the applicant for the beer permit.

Effective July 1, 2009.

Public Chapter 351

SB 600 – HB 1659

Alcoholic Beverages - On Premises Consumption

Amends 57-4-107 to allow alcoholic beverages to be sold for on-premises consumption in unincorporated areas of a county with a charter form of government that has held a countywide local option election approving liquor-by-the-drink.

Effective June 5, 2009.

Public Chapter 524

SB 1955 – HB 1720

Manufacture of Intoxicating Liquors

Enacts 57-2-103(d) to make it lawful to manufacture intoxicating liquors and/or intoxicating drinks within the boundaries of certain counties listed by population classification, if both retail package sales and liquor-by-the-drink have been approved through voter referendum within the county, or if the county is included in the Tennessee River resort district as defined in 57-4-102 and retail package sales have been approved through voter referendum within such county. This provision applies in the following counties: Anderson, Blount, Cheatham,

Cumberland, Davidson, Dickson, Dyer, Franklin, Gibson, Giles, Greene, Grundy, Hardin, Hawkins, Henry, Humphreys, Jefferson, Knox, Lauderdale, Madison, Marion, Marshall, Montgomery, Perry, Roane, Robertson, Rutherford, Sequatchie, Sevier, Shelby, Smith, Sullivan, Tipton, Washington, Williamson. The county legislative body of any such county may adopt a resolution opting out, but only until such time as notification is filed with the county mayor that a person intends to manufacture intoxicating liquor within that county, and once notice is filed no action can be taken to opt out unless the person's interest is withdrawn or application is denied by the state or federal government. The county mayor must notify the Alcoholic Beverage Commission and the Tennessee Code Commission if the county opts out. Also, the county legislative body of any other county to which this subdivision applies [unclear as to which counties this may include] may adopt a resolution to apply this subdivision within the boundaries of its county. The county mayor must notify the Alcoholic Beverage Commission if this action is taken. Any facility producing intoxicating liquors or intoxicating drinks may be located in the unincorporated areas of the county. If a manufacturer which has been issued a license hereunder is also issued a license for the retail sale of alcoholic beverages under 57-3-204(f) in a county that has established a distance requirement which restricts the storage, sale or manufacture of beer near places of public gatherings, then those distance requirements will apply to the building used for retail sale with respect to any building used for religious purposes; the measurement shall be building-to-building.

Effective June 25, 2009.

Public Chapter 605
SB 1273 – HB 898

Issuance of Beer Permits – Guns in Bars

Amends 39-17-1305 to prohibit state and local governments from refusing to issue or renew any beer or alcoholic beverage permit or license, suspend or revoke such permit or license, or otherwise discriminate against the permit or license holder on the basis of whether firearms are allowed to be carried or are prohibited in the establishment in accordance with law.

Effective July 9, 2009.

BUILDING CODES

Public Chapter 210
SB 2241 – HB 2329

Codes

Amends 68-120-101 to authorize the state fire marshal to charge a convenience fee for receiving construction plans, specifications, and related fees electronically.

Effective May 13, 2009.

Public Chapter 237
SB 2113 – HB 2041

Property Unfit for Habitation

Deletes 68-111-109 so that current law on rental property unfit for habitation, enacted in 2008 and set to expire on July 1, 2009, will remain in effect.

Effective May 20, 2009.

Public Chapter 268
SB 59 – HB 867

Building Plans and Specifications

Amends 62-2-102(b) to exempt certain types of signs from the requirement that only licensed architects or engineers prepare the plans and specifications of such structures. The exemption shall not apply if the local building official believes that failure of the support system of the sign is likely to harm people or property.

Effective May 21, 2009.

Public Chapter 424
SB 1830 – HB 1847

Codes and the Neighborhood Preservation Act

Amends 13-6-102(8) to authorize courts to determine that an activity or structure is a public nuisance. Amends 13-6-104 to authorize the court to award reasonable attorney's fees and costs to persons bringing an action under Title 13, Chapter 6. Amends 13-6-106 to specify that if a codes enforcement entity fails to respond to the court's request for an inspection and issuance or denial of a certificate of public nuisance within 30 calendar days, the court shall schedule a hearing requesting that the codes enforcement entity present its findings and participate in the hearing. The court is to determine at the hearing whether or not the certificate of public nuisance should be issued, and the action will be dismissed if the building is not certified as a public nuisance by the municipal corporation, by the codes enforcement entity, or by the court. If a court finds that issuance of a certificate of public nuisance is warranted, the court may issue an order or injunction barring transfer of the property without the nuisance being abated and may award reasonable attorney's fees and costs to the person bringing the action.

Effective July 1, 2009.

Public Chapter 529
SB 2300 – HB 2318

Building Codes

Enacts the Tennessee Clean Energy Future Act of 2009. Part of this act amends 68-120-101 to authorize the department of commerce and insurance to adopt a statewide residential building code. As in the prior version of 68-120-101, local government jurisdictions can be exempt from statewide standards by enforcing standards themselves. The revised 68-120-101 contains an opt-out provision for one- and two-family residential codes available to all local governing bodies regardless of whether the local jurisdiction is enforcing its own code or has no code at all.

The provisions of the act amending 68-120-101 are effective July 1, 2010.

Public Chapter 579
SB2275 – HB2282

Adult Home Care Facilities

Amends Title 68, Chapter 11 and Title 56, Chapter 32 to enact the Critical Adult Care Home Act of 2009. Amends 68-11-202(b)(1) to require adult care homes to meet all state and local building, sanitation, utility and fire code requirements applicable to single family dwellings. Allows the board for licensing health care facilities to adopt more stringent standards in these areas.

Effective January 1, 2010.

CONSOLIDATED GOVERNMENT

Public Chapter 371 SB 2192 – HB 2194

Special School Districts Affected by Consolidation

Amends 7-2-108(a)(18) and 7-3-302(1) to provide that, if there are special school districts within the county, the metropolitan government charter need not provide for consolidation of existing school systems. If the school districts are not consolidated, any special school district continues to operate as a separate entity.

Effective June 5, 2009.

COUNTY CLERK

Public Chapter 123 SB 323 – HB 661

Emissions Testing Using Remote Sensing Devices

Amends 55-4-130 to authorize the air pollution control board to provide an enhanced inspection and maintenance program using remote sensing devices to identify vehicles that comply with air quality criteria.

Effective May 5, 2009.

Public Chapter 252 SB 1339 – HB 1631

Disposal of Inoperable Motor Vehicles to Demolishers

Amends 55-16-108(e) to provide that any person, firm, corporation, or unit of government, upon whose property or in whose possession is found any abandoned, immobile, or unattended motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost or destroyed, may dispose of the motor vehicle to a demolisher without the title and without notification procedures of 55-16-105, if the motor vehicle is over 10 years old and has no engine or is otherwise totally inoperable (prior to this amendment, these provisions applied to vehicles over 5 years old).

Effective May 20, 2009.

Public Chapter 264 SB 939 – HB 465

Certification of Disability or Deafness

Enacts 55-21-1__ to authorize licensed nurse practitioners and physician assistants to issue certified statements of disability or deafness to accompany the application of disabled or deaf persons for registration, license plates, placards, and decals, but only if such authority is expressly included in the written protocol developed by the supervising physician and the nurse practitioner or physician assistant setting forth the range of services such person is authorized to perform.

Effective May 20, 2009.

Public Chapter 265 SB 921 – HB 985

Antique Motor Vehicles

Amends 55-4-111(b) to change the definition of “antique motor vehicle” so vehicles with antique plates can be used for transportation to and from club activities, exhibits, tours, parades, and similar uses, and on highways for selling, testing the operation of, or obtaining repairs or maintenance to the vehicle.

Effective July 1, 2009.

Public Chapter 441
SB 597 – HB 669

Financial Responsibility

Amends 55-12-139 and 55-12-140 to prohibit the dismissal of a misdemeanor charge against a motorist for failure to provide evidence of financial responsibility if the person did not have financial responsibility in effect at the time of citation.

Effective July 1, 2009.

Public Chapter 530
SB 2318 – HB 2275

State Fee for Noting Liens on Titles

Section 108 of the Technical Corrections Act raises the state's fee for noting liens on certificates of title from \$5.00 to \$5.50.

Effective June 25, 2009.

Public Chapter 530
SB 2318 – HB 2275

Collection of Business Taxes by Department of Revenue

Sections 69–93 of the Technical Corrections Act move collection of business tax from county clerks to the state department of revenue, but the commissioner of revenue is given broad discretion to transition the administration of the business tax from the local to the state level from July 1, 2009 through October 1, 2010.

Effective July 1, 2009.

Public Chapter 540
SB 403 – HB 529

Joint Select Committee to Study Business Taxes

Amends 3-15-607 to continue the existence of the joint select committee of the General Assembly to study business taxes until June 30, 2013.

Effective June 25, 2009.

COUNTY GOVERNMENT

Public Chapter 96
SB 2050 – HB 1978

Local Government Electronic Technology Act of 2009

Encourages local governments to use current electronic technology to perform the business functions of their offices. Requires the local government to file a plan with the comptroller at least 30 days before implementation of new electronic technology associated with disbursement of public funds, purchasing, sale of local government assets, or collection of taxes, fines, fees or payments.

Effective April 27, 2009.

Public Chapter 110
SB 890 – HB 713

Emergency Management Directors

Amends 58-2-110 to provide that the emergency management director is subject to the direction and control of the county mayor, not the county legislative body.

Effective April 30, 2009.

Public Chapter 149
SB 2107 – HB 2110

Regulation of Veterinarians

Enacts 63-12-145 to prohibit local governments from regulating the practice of veterinary medicine with the exception of regulating the time and place of business operations.

Effective May 5, 2009.

Public Chapter 172
SB 18 – HB 83

Oath of Office

Amends 8-18-107 to add retired general sessions judges to present list of officials who may administer oaths of office to elected or appointed public officials.

Effective July 1, 2009.

Public Chapter 382
SB 2184 – HB 435

Litter

Amends 39-14-510 to authorize the county mayor to administer the litter program. Empowers the county mayor to authorize disbursements from the county general fund to fund the program, and to enter into agreements with city mayors or city managers as to disbursements for violations occurring within municipal boundaries. Directs counties to establish proper accounting systems to monitor and audit receipts and disbursements under the act.

Effective July 1, 2009.

Public Chapter 389
SB 1502 – HB 1202

Surveillance Cameras

Amends 55-8-198(c) to provide that a state agency or political subdivision of the state that installs, owns, operates, or maintains a traffic-control signal light located in an intersection that employs a surveillance camera for the enforcement or monitoring of traffic violations shall ensure that: (1) the surveillance camera does not identify as a violation of 55-8-110(a)(3), or any municipal law or ordinance that mirrors, substantially duplicates or incorporates the language of that provision, any vehicle which legally entered the intersection during the green or yellow intervals in accordance with 55-8-110(a)(1) and (2); and (2) appropriate signage is placed not less than 500 feet but not more 1,000 feet before the intersection informing drivers of the presence of surveillance cameras at the intersection. Any traffic citation based solely on evidence generated by the surveillance camera will be deemed invalid if the state agency or political division violates the provisions of this subsection.

Effective July 1, 2009.

Public Chapter 428
SB 976 – HB 716

Handguns in Parks

Amends T.C.A. § 39-17-1311 to make it legal, effective September 1, 2009, for persons authorized to carry a handgun pursuant to T.C.A. § 39-17-1351 to carry a handgun while within or on a public park, natural area, historic park, nature trail, campground, forest, greenway, waterway or other similar public place (“parks”) owned or operated by a county or instrumentality thereof unless a county elects, by a

majority vote, to prohibit handguns in its parks. If a county elects to prohibit handguns in its parks, the prohibition will apply to the entire park. If a park is jointly owned or operated by a county and a municipality, then all affected legislative bodies must vote individually to prohibit handguns in the park. Requires counties electing to prohibit handguns in parks to prominently display signs in the parks to provide notice that handguns are not allowed. Makes it a Class A misdemeanor for persons to possess handguns in parks where handguns are prohibited.

The provisions allowing handguns in locally-owned parks are effective September 1, 2009. All other provisions, including the provision allowing local governments to elect to prohibit handguns in their parks, are effective June 12, 2009.

Public Chapter 447
SB 1310 – HB 1354

Illegal Immigration

Enacts Title 7, Chapter 68, to prohibit local governments from adopting any ordinance or written policy prohibiting a local government entity, official or employee from complying with applicable federal law pertaining to persons who reside in Tennessee illegally. Also prohibits local government officials from materially interfering with the ability of a local government entity, official or employee to comply with applicable federal law pertaining to persons who reside in Tennessee illegally. Authorizes any person who believes that a violation of this law has occurred to file a complaint in chancery court.

Effective June 23, 2009, for amending or repealing existing ordinances or policies. Effective September 1, 2009, for all other purposes.

Public Chapter 446
SB857 – HB1122

Airport Authorities Act

Amends 42-3-103 to authorize county legislative bodies, by a 2/3 vote, to dissolve certain municipal airport authorities and to specify that commissioners shall be appointed by the governing body of the municipality. Amends 42-3-103 and 42-3-104 to revise provisions regarding commissioner appointments, removal of commissioners, and filling vacancies created by such removal.

Effective June 23, 2009.

Public Chapter 474
SB1082 – HB1347

Convention Center Authorities

Enacts the Convention Center Authorities Act of 2009 to authorize the creation of convention center authorities. Specifies the rights, duties and obligations of such authorities. Also specifies how an authority is to be created and what must be contained in an authority's charter.

Effective June 23, 2009.

Public Chapter 491
SB1919 – HB1486

Redevelopment Projects

Amends 13-20-202 to expand the types of items housing authorities may pay for in relation to redevelopment projects, including paying expenses for energy efficiency costs, LEED certification requirements and public infrastructure.

Effective June 23, 2009.

Public Chapter 496
SB2068 – HB1958

County Conservation Boards

Amends 11-21-103 to authorize county conservation boards to vote (by majority) to hold less frequent meetings, but such boards must meet at least quarterly.

Effective June 23, 2009.

Public Chapter 500
SB0006 – HB1444

Parks and Recreation

Amends Title 11, Chapter 3, Part 1 to specify that no individual may be disqualified from having a park named for him solely because he is not deceased. Amends 11-21-105 to specify that county conservation boards may not require that parks or other property under their control be named only for people who are deceased. Amends Title 11, Chapter 24, Part 1 to specify that no municipality, recreation board or commission or other authority which runs a supervised recreation system may require that parks or other property under its control be named only for people who are deceased.

Effective June 25, 2009.

Public Chapter 503
SB 307 – HB 409

Continuing Education for Judicial Commissioners

Amends 40-1-111 to require, beginning January 1, 2010, judicial commissioners appointed under this section to complete 12 hours of continuing education each calendar year, 10 hours of which must be conferences or courses sponsored or approved by the Judicial Commissioners Association of Tennessee, and the remaining 2 hours at classes sponsored by either the Judicial Commissioners Association of Tennessee or the Tennessee Court Clerks Association, or by local inservice education; at least 6 hours must be taught by a Tennessee licensed attorney. Judicial commissioners licensed to practice law in Tennessee may use continuing legal education credits. Training must include: (1) at least 2 hours on domestic violence or child abuse; (2) at least 1 hour on bail and bonds; and (3) at least 1 hour on ethics. Counties must provide all necessary funding for their respective judicial commissioners to complete the required continuing education. Records indicating satisfaction of continuing education requirements must be maintained by each county and kept on the file for at least 7 years.

Effective June 25, 2009.

Public Chapter 508
SB605 – HB1603

Dogs in Restaurants

Enacts 6-54-134 to authorize municipalities with populations of at least 100,000 and certain counties (Blount, Carter, Coffee, Davidson, Fentress, Franklin, Grundy, Hamilton, Knox, Montgomery, Rutherford, Sequatchie, Sevier, Shelby, Sullivan, Sumner, Van Buren, Warren, Washington, and Williamson) to permit, by ordinance or resolution, pet dogs in outdoor dining areas of restaurants. Specifies that the ordinances and/or resolutions must provide for a permitting process for the restaurants.

Effective July 1, 2009.

Public Chapter 554
SB2355 – HB2392

Appropriations Act

BEP Funding - Pre-K through 12 funding was increased by an estimated \$75 million next year, with about \$46 million of that amount funding the inflationary cost associated with the state's share.

TACIR Regional Jail Feasibility Study - Some \$200,000 is included in the Governor's appropriation amendment for a feasibility study to be conducted by the Tennessee Advisory Commission on Intergovernmental Relations (TACIR). This study will assist with planning for a proposed facility in the Upper Cumberland area, where several counties are all interested in developing a regional jail to serve the area.

Safe Schools - The budget reduces recurring funding of \$3.09 million to LEAs for school safety grants, replacing it with nonrecurring stream of revenue. School systems that currently employ a school resource officer will continue to receive those recurring funds. The four urban school systems - Memphis City, Metro Nashville, Knox County, and Hamilton County - will receive approximately 50 percent of their normal allocation on a recurring basis. TCA 49-6-4302 and TCA 49-1-214 state the department must have a safety center for data collection and reports but grants are subject to appropriation. A nonrecurring appropriation will be used in fiscal year 2009-2010 to maintain full funding to these school systems.

Internet Connectivity - A \$3.02 million reduction in recurring funding for school internet connectivity is included. This reduction will keep funding intact for internet connectivity at the system level, but will eliminate recurring individual funding for internet connectivity at the school level. A nonrecurring appropriation of \$2.06 million was added back in the revised Administration budget.

Coordinated School Health - Recurring grant funding of some \$15.6 million for health coordinator positions and programs at the local education agencies (LEAs) will be eliminated. A nonrecurring appropriation of \$10.52 million will provide grant funds to the LEAs and funding for two filled positions in fiscal year 2009-2010 under the revised Administration budget plan.

County Reappraisal Grants - The bulk of the \$923,400 reduction in the Comptroller's Office comes from the Division of Property Assessments (\$323,400) and the State Board of Equalization (\$600,000), which administers the reappraisal grant program. The statewide impact is a reduction of about 30 percent for each county's reappraisal grant appropriation. This brings the total grant allocation to about \$1.4 million.

Treasury Department - The Certified Public Administrators appropriation, the pool of funds designated for supplemental payments to those who have earned that designation under the UT County Technical Assistance Service County Officials Certificate Training Program (COCTP), is reduced by \$78,900. While non-recurring funds of \$59,500 are used to offset the reduction, those should be considered one-time monies subject to future revenues being available to continue the program. The net immediate impact is a \$19,400 reduction in FY2009-2010.

Effective July 1, 2009.

Public Chapter 571
SB1468 – HB1432

Nuisances

Amends 29-3-101(a)(2) to amend the definition of nuisance to include gang related activity. Amends 29-3-110 to designate that the current procedure for abatement orders applies to nuisances other than gang related activity, and to create a separate section on abatement orders issued for gang related activity.

Effective July 1, 2009.

Public Chapter 573
SB1283 – HB1598

Religious Freedom

Enacts new provisions stating that no governmental entity shall substantially burden a person's free exercise of religion. A person whose free exercise of religion has been burdened may assert such violation as a claim or defense in any judicial or administrative proceeding. Allows for declaratory judgment and monetary relief, including reasonable costs and attorney's fees. Persons found by the court to have abused the protections provided in this act may be assessed costs and enjoined from filing future claims without the court's permission.

Effective July 1, 2009.

Public Chapter 591
SB258 – HB386

Commercial Breeder Act

Enacts the Commercial Breeder Act at Title 44, Chapter 17, Part 7, which provides for the regulation of commercial breeders by the Commissioner of Health. Enacts 44-17-709 to require the Commissioner of Health to notify applicable local law enforcement agencies if an inspection reveals a violation of Title 39, Chapter 14, Part 2 or if there is credible evidence that a violation exists. Enacts 44-17-714 to require commercial breeders that violate the act to reimburse local governments for any costs they incur in transporting, treating, feeding, maintaining or otherwise caring for the dogs and/or cats. Enacts 44-17-715 to establish a commercial breeder act enforcement and recovery account within the state's general fund. All license fees and civil penalties shall go into the fund and such fund shall be used to pay the cost of administering the act and to pay the state or any local government for its unreimbursed costs incurred as a result of the provisions of this act. The act is set to expire on June 30, 2014.

Effective January 1, 2010.

COURTS & COURT CLERKS

Public Chapter 235
SB 1910 – HB 1439

Child Support Referees and Juvenile Referees

Amends Title 36 and Title 37 to re-designate child support referees and juvenile referees as child support magistrates and juvenile magistrates.

Effective May 20, 2009.

Public Chapter 263
SB 192 – HB 268

Orders of Protection

Amends 36-3-617 to provide that a victim shall not be liable for any costs associated with the filing, issuance, registration, service, dismissal or nonsuit, appeal or enforcement of an ex parte order of protection, order or protection, or a petition for either such order.

Effective May 20, 2009.

Public Chapter 317
SB 1804 – HB 1305

Indian Child Welfare Act

Amends 37-1-101 to provide that whenever a juvenile court conducts a child custody proceeding the court shall ensure compliance with the Indian Child Welfare Act, 25 U.S.C. 1901 *et seq.*

Effective May 27, 2009.

Public Chapter 335
SB 1530 – HB 1260

Jurisdiction to Hear Child Abuse and Neglect Cases

Amends 37-1-103 and 39-15-401 to provide that juvenile courts, courts of general sessions, circuit and criminal courts have concurrent jurisdiction to hear child abuse and neglect cases.

Effective July 1, 2009.

Public Chapter 379
SB 1638 – HB 1454

Uniform Judgment Documents

Amends 40-35-209(e) to require the district attorney general to file uniform judgment document within 30 days after sentencing; requires that the document be signed by all parties, but if not signed by the parties, the clerk must make a copy of the document available to the parties before entry by the court.

Effective July 1, 2009.

Public Chapter 393
SB 1281 – HB 1503

Garnishments and Executions

Amends 26-2-203(a) to provide that a garnishee may be summoned to court 10 business days after being served. Amends 26-2-203(b) to clarify language in the summons to the garnishee regarding the garnishee's duty to forward the garnishment and notice to the judgment debtor. Court clerks are not required to print new garnishment forms, but may make any necessary changes to existing forms.

Effective June 9, 2009.

Public Chapter 427
SB 683 – HB 403

Depositions

Amends 24-9-136 to provide that a deposition shall not be taken before a person who is an employee or relative of one of the parties or an attorney for one of the parties or before someone who has had a sexual relationship within the past two

years with one of the parties or with an attorney for one of the parties. Enacts 24-9-137 to provide that any person forbidden to take a deposition under 24-9-136 in an action shall not record or transcribe for submission to any court or administrative tribunal any hearing before any court or administrative agency concerning such action.

Effective July 1, 2009.

Public Chapter 441
SB 597 – HB 669

Financial Responsibility

Amends 55-12-139 and 55-12-140 to prohibit the dismissal of a misdemeanor charge against a motorist for failure to provide evidence of financial responsibility if the person did not have financial responsibility in effect at the time of citation.

Effective July 1, 2009.

Public Chapter 455
SB 314 – HB 1225

New Petition for an Order of Protection Form

Amends 36-3-604 to direct the administrative office of the courts (AOC) to revise the petition for an order of protection form to include additional language informing the respondent to terminate physical possession of all firearms if the order of protection is granted in a manner that fully complies with the provisions of 18 U.S.C. 922(g)(8). Court clerks may obtain the most current forms by printing them from the Web site of the AOC. Amends 36-3-625 to direct the respondent after disposing of all firearms to complete and return to the court an affidavit of firearms dispossession form to be created by the Domestic Violence State Coordinating Council in consultation with the AOC. The court may provide the respondent with the affidavit of firearms dispossession form or may direct the respondent to print the form from the Web page of the AOC.

Effective July 1, 2009.

Public Chapter 511
SB 837 – HB 1153

Drug Testing Fees

Amends 39-17-420(k) to require the drug testing fee of \$20 assessed and collected in any county of the 9th judicial district before the fee was repealed in 2007 to be designated for use by the 9th judicial district drug task force.

Effective June 25, 2009.

Public Chapter 570
SB 1726 – HB 1379

Fines, Costs, or Litigation Taxes in Default

Amends 40-24-105 to provide that fines, costs, or litigation taxes assessed against a defendant in a criminal case which remain in default after the defendant is released from prison or when the court otherwise loses jurisdiction over the defendant may be converted to a civil judgment which may be enforced in any manner authorized by law for civil judgments. Enacts 40-24-1__ to direct the administrative office of the courts in consultation with the state court clerks association and the general sessions judges conference to study the feasibility of implementing alternative methods by which an indigent defendant in a criminal

case may offset court costs for which the defendant is in default.

Effective July 1, 2009.

Public Chapter 578
SB 2236 – HB 2249

Quarterly Reports–Mentally Defective or Judicially Committed Persons
Enacts 16-10-213, 16-11-206, 16-15-303, 16-16-120, and amends 33-3-115 to direct courts wherein commitments to mental institutions are ordered under Title 33, Chapter 6 or 7 or persons are adjudicated as mentally defective to enter a standing and continuing order directing the court clerk to report January 1, April 1, July 1, and October 1 of every year beginning January 1, 2010 to the federal bureau of investigation-NICS Index and the department of safety, the following information regarding individuals who have been adjudicated as mentally defective or judicially committed: (1) complete name and all aliases; (2) case or docket number; (3) date of judicial commitment or adjudication as mentally defective; (4) hospital or treatment resource to which the individual was sent; and (5) date of birth, if provided to the clerk. The act also provides that the reports shall be confidential.

Effective July 1, 2010.

ECONOMIC DEVELOPMENT

Public Chapter 84
SB 445 – HB 957

Industrial Development Corporations
Amends 7-53-104(b) to clarify that an officer of a municipality, city manager, or other comparable chief administrative officer of a municipality may serve on the board of directors of a joint industrial development corporation and no other employee is eligible to serve. Specifies that the term of such director may be coextensive with the time the person serves as an officer or employee of the municipality. Also amends 7-53-302(a)(11) to allow industrial development corporations to secure debt or obligations of their lessees.

Effective April 27, 2009.

Public Chapter 125
SB 404 – HB 1307

Tourist Development
Amends 4-3-2206(b)(5) to allow the department of tourist development to match funds from development districts, regional councils, and associations of local government for tourism. Also amends 4-3-2207(b) to allow the state to match funds for regional tourist promotion upon the creation of a tax exempt public agency representing a planning region.

Effective May 5, 2009.

Public Chapter 158
SB 653 – HB 1115

Regional Megasite Authorities
Amends 64-6-101, 64-6-102, 64-6-103, 64-6-104, 64-6-105, 64-6-108 and adds a new section 64-6-111 to create an additional method of forming and governing regional megasite authorities and to revise various provisions relating to regional megasites. Also amends 13-16-204(b) and 13-16-206 to allow delegation of

control over industrial parks to regional megasite authorities.

Effective May 7, 2009.

Public Chapter 180
SB 1667 – HB 1211

Industrial Development Corporations

Amends 7-53-101(13)(B)(i) to revise the definition of “project” to include any hotel, motel or apartment building located within an area designated as the center city area in a municipality that has created a central business improvement district. Also revises the definition of “project” to include any hotel, including any conference or convention center facilities related to the hotel, or motel that could provide substantial sources of tax revenue or economic activity to the municipality.

Effective May 7, 2009.

Public Chapter 608
SB517 – HB1749

Economic and Community Development

Enacts 4-3-736 to delegate to the department of economic and community development the authority to allocate portions of the “national recovery zone economic development bond limitation” and the “national recovery zone facility bond limitation” among the counties and large municipalities. Amends 9-21-105(22) to revise the definition of “public works project” to include facilities or capital expenditures paid or incurred with respect to property in a “recovery zone” and facilities or expenditures paid or incurred for “qualified conservation purposes” in connection with the issuance of “qualified energy conservation bonds”. Amends 9-21-107 to authorize local governments to designate one or more areas as a “recovery zone.” Amends 7-54-101 to revise the definition of “energy production facility” to include “qualified renewable energy facilities.” Amends 7-53-101(13)(A) to amend the definition of project to include “recovery zone property” and facilities or expenditures paid or incurred for “qualified conservation purposes” in connection with the issuance of “qualified energy conservation bonds”. Enacts 4-31-119 to delegate to the Tennessee local development authority the authority to allocate the state’s portion of the “national qualified energy conservation bond limitation”.

Effective July 9, 2009.

EDUCATION

Public Chapter 38
SB 73 – HB 921

Commercial Advertising on School Buses

Amends 49-6-2109(e) to delete the requirement that advertising on school buses be in black lettering on a white background, and to prohibit advertising individual food items that cannot be sold to pupils in grades pre-K through 8 in vending machines.

Effective July 1, 2009.

Public Chapter 254
SB 1514 – HB 1683

Reemployment of Retired Teachers

Amends 8-36-821(c) to extend to June 30, 2011, the authorization to employ retired teachers in grades K-12 without loss of their retirement benefits in accordance with the requirements of that statute.

Effective May 20, 2009.

Public Chapter 326
SB 482 – HB 556

Education Pays Act

Enacts 49-1-2__ to encourage local education agencies to develop a pilot program funded through private donations to encourage at-risk students to achieve greater academic success.

Effective May 29, 2009.

Public Chapter 436
SB 23 – HB 92

Extended Use of School Buses

Amends 49-6-2109(b) to permit the use of conventional school buses for a period of 12 years of service, and Class D school buses for a period of 15 years of service, but the commissioner of safety may approve an additional 5 years of service for conventional buses, and an additional 2 years of service for Class D buses, on a year-to-year basis through the inspection process. Provides for additional inspections, the cost of which will be borne by the owner of the bus. The commissioner of safety is to promulgate rules and regulations.

Effective July 1, 2009.

Public Chapter 514
SB 1320 – HB 1868

Extended Learning – Cooperation with Community Organizations

Amends 49-2-203(b) to authorize school boards to cooperate with community organizations to offer extended learning opportunities.

Effective June 25, 2009.

Public Chapter 555
SB 2133 – HB 2146

Charter Schools

Amends 49-13-104 to extend the initial period of a charter school from five years to 10 years. Amends 49-13-106 to expand the students eligible to attend charter schools; includes students in all grades who are eligible for free or reduced-price lunches in LEAs with 14,000 or more students and 3 or more schools which have missed the same benchmark for adequate yearly progress for 2 or more consecutive years resulting in the schools being high priority schools; authorizes all other LEAs to choose by a 2/3 majority vote of the local board of education to allow students who are eligible for free or reduced-price lunches to be eligible to attend charter schools; also deletes limitations formerly applied to these students. Amends 49-13-106(b)(2)(B) to authorize the conversion of failing public schools to charter schools. Amends 49-13-106(b)(2) to exempt conversions of public schools to charter schools from the statewide limit on the number of charter schools that can be created. Revises 49-13-112 regarding allocation of funding to a charter school. Amends 49-13-121 to require an interim review of the charter school in the 5th year of the initial period and in the 5th year of any renewal period.

Amends 49-13-106(b)(2) to authorize the conversion of a public school in “restructuring 2–alternate governance” to a charter school at the option of the commissioner of education. Amends 49-13-120 to require charter schools to provide detailed accounting reports including all sources of funding. Amends 49-13-106 to increase the authorized number of charter schools from 50 to 90 statewide, 35 of which shall be located in a home rule municipality in Shelby County , four of which shall be located in Shelby County, and 20 of which shall be located in Davidson County. Amends 49-13-106 to authorize the formation of charter schools devoted exclusively to the re-enrollment of high school students who have dropped out, but no more than three can be created statewide and no more than one in any LEA; these schools do not count against the statewide caps on the number of charter schools. State department of education is to promulgate rules and regulations.

Effective June 29, 2009.

Public Chapter 601
SB 2040 – HB 1988

School Bonds

Amends Title 49, Chapter 3, Part 12, and 49-13-124 to replace the term "qualified zone academy project" with the term "school credit bond project" in the Tennessee State School Bond Authority Act and the Tennessee Public Charter Schools Act of 2002. "School credit bond project" means the acquisition of land for and the construction, renovation, repair, rehabilitation, improving or equipping of school facilities for a local government or a public charter school, if the project qualifies to be financed through the issuance of qualified zone academy bonds or qualified school construction bonds, as defined in the federal Internal Revenue Code. Authorizes the TSSBA to finance school credit bond projects for a local government to enable a local government to benefit from the issuance of qualified school construction bonds. Authorizes the TSSBA to issue its negotiable bonds for a school credit bond project. Requires "the TSSBA," instead of "the department in conjunction with the TSSBA," to develop the application and review procedure for such loans and bonds and the department only has such other authority as may be necessary "to the extent requested by the TSSBA." Designates the TSSBA as the state education agency and delegates to the agency the authority to allocate, on behalf of the state, the national zone academy bond limitation allocated to the state among the state, local governments and public charter schools in any manner that the TSSBA determines best supports public education in the state. The TSSBA is directed to adopt rules and regulations with respect to the allocation process. The agency may allocate the limitation amount allocated to the state under the federal provisions governing qualified school construction bonds and any limitation amount allocated to a Tennessee large local education agency within the meaning of the federal law and reallocated by such large local education agency to the state, among the state, local governments and public charter schools in any manner that the TSSBA determines best supports public education. Bonds for such projects may be issued only by the TSSBA. Counties having municipal school systems or special school districts may not be required to share the proceeds of county school credit bonds.

Effective July 8, 2009.

ELECTIONS

Public Chapter 14 SB 1712 - HB 1168

Vacancies

Amends 2008 Public Chapter 871 to clarify that such act should not be interpreted to require a member of a county legislative body to resign their seat on such body after accepting an appointment for a vacancy filed by the body if such member could have accepted such appointment without resigning prior to 2008 Public Chapter 871 and provides that any action taken by any board, commission, or committee on or after the effective date of 2008 Public Chapter 871 shall not be invalidated due to any other interpretation of such act. Amends 5-5-111(c) to provide that a member of a county legislative body shall resign their seat on such body if they accept an appointment for a vacancy required by the Tennessee Constitution to be filled by the county legislative body.

Effective March 27, 2009.

Public Chapter 218 SB 1420 - HB 1421

Email Communication with Election Commission

Amends numerous provisions in Title 2 regarding election laws including allowing voters to transfer voter registration and apply for an absentee ballot via email with an attached document which includes a scanned signature.

Effective July 1, 2009.

Public Chapter 308 SB 1833 - HB 1857

Feasibility of Ballot-On-Demand Technology

Enacts a section in Title 2, Chapter 5 which directs the coordinator of elections to study the feasibility of using ballot-on-demand technology for both early voting and election day voting.

Effective May 27, 2009.

Public Chapter 319 SB 139 - HB 519

Multicandidate Political Campaign Committee Contributions

Amends 2-10-117 to provide that no multicandidate political campaign committee may make a contribution to a candidate after the 10th day before an election until the day of the election.

Effective May 27, 2009.

Public Chapter 376 SB 547 - HB 845

State Election Commission

Amends Title 2, Chapter 11, Part 1 to provide that two members shall temporarily be added to the state election commission any time the majority party changes as a result of the regular November election, including the 2008 election.

Effective June 9, 2009.

Public Chapter 556
SB 162 - HB 506

Bureau of Ethics and Campaign Finance

Enacts 4-54-101 through 4-54-105 and amends numerous other statutes to create the bureau of ethics and campaign finance, which is composed of the existing registry of election finance and ethics commission.

Effective July 1, 2009.

EMERGENCY SERVICES

Public Chapter 387
SB 1243 - HB 815

Emergency Services Personnel

Amends 39-16-515 to expand the offense of aiming a laser pointer or other device at a law enforcement officer to include aiming at firefighters, emergency medical technicians, or other emergency service personnel.

Effective July 1, 2009.

Public Chapter 388
SB 1685 - HB 980

Mutual Aid & Emergency & Disaster Assistance Agreements

Amends 58-8-115 to provide that governmental and non-governmental utilities that enter into mutual assistance agreements for the purposes of providing aid or assistance to one another are eligible for reimbursement of all out-of-pocket costs incurred by the responding party. Amends 58-8-103(a) to provide that a separate agreement is required with regard to aid or assistance provided between nongovernmental utilities and governmental entities.

Effective June 9, 2009.

Public Chapter 453
SB 207 - HB 106

Ambulance Services - Mileage Restrictions

Amends 68-140-507(a) to provide that standards for the design, construction, equipment, sanitation, operation and maintenance of ambulances, invalid vehicles, and for the operations and minimum emergency care equipment for emergency response vehicles shall be promulgated by the state EMS board, including restrictions on the amount of mileage of an operational vehicle and mandatory mechanical inspections for vehicles over a certain mileage.

Effective June 23, 2009.

ENVIRONMENT

Public Chapter 73
SB 2066 - HB 1912

Addition of Landfill Methane to Natural Gas

Enacts 65-28-208 to provide that the addition of refined landfill methane into any natural gas stream and the resulting use of such gas stream shall be considered to be the use of natural gas within the meaning of any permit granted by any agency of the state.

Effective July 1, 2009.

Public Chapter 196
SB 1415 - HB 1250

Open Burning of Wood Waste Study

Amends 68-201-115 to direct the commissioner of environment and conservation to conduct a study concerning the open burning of wood waste.

Effective May 13, 2009.

Public Chapter 199
SB 0185 - HB 0341

Jackson Law

Amends 68-211-706(a) to provide that the Jackson Law, 68-211-701 *et seq.*, is applicable to a private landfill which solely accepts solid waste generated by its owner unless the waste is solely generated within the same county as the landfill.

Effective May 13, 2009.

Public Chapter 255
SB 1559 - HB 1628

Coal Ash

Amends 68-211-106 to provide that the commissioner of environment and conservation shall not issue a permit for the disposal of coal ash or for the expansion of an existing coal ash disposal facility unless the plans for such facility include a liner and a final cap. The act does not apply to the use of coal ash for fill, agricultural use, engineered uses as a feedstock for the production of a product, or wastewater treatment units.

Effective May 20, 2009.

Public Chapter 271
SB 881 - HB 1245

Alternatives to Discharges of Wastewater into Surface Waters

Amends 69-3-105 to direct the water quality control board to adopt rules creating a system of incentives for alternatives to discharges of wastewater into surface waters. Amends 69-3-108 to provide that applicants for permits which would authorize wastewater discharge into surface waters shall include in the application a consideration of alternatives, including, but not limited to, land application and beneficial re-use of the wastewater.

Effective May 21, 2009.

Public Chapter 330
SB 1312 - HB 1619

Concentrated Animal Feeding Operations

Amends 69-3-108(b)(7) to provide that only those concentrated animal feeding operations which are required to have a permit under the federal Clean Water Act may be issued a National Pollutant Discharge Elimination System permit.

Effective June 1, 2009.

Public Chapter 402
SB 2305 - HB 2294

Wastewater Facility and Drinking Water Revolving Loan Funds

Amends Title 68, Chapter 221, Parts 10 and 12 to provide that the department of environment and conservation shall deposit into the wastewater facility revolving loan fund and the water system revolving loan fund any funds from the American

Recovery and Reinvestment Act of 2009 in order to make loans or subsidize loans made under the programs authorized by the Wastewater Facilities Act of 1987 and the Drinking Water Revolving Loan Fund Act of 1997.

Effective June 9, 2009.

Public Chapter 409
SB 2038 - HB 1976

Water/Wastewater Authority or Energy Authority

Amends 4-31-102(11), 68-221-1003(7)(i), and 68-221-1203(6) to add water/wastewater authority or any energy authority created by an act of the general assembly to the definition of local government unit under the Tennessee Local Development Authority Act, to the definition of local government under the Wastewater Facilities Act of 1987, and to the definition of system or water system under the Drinking Water Revolving Loan Fund Act of 1997.

Effective June 11, 2009.

Public Chapter 531
SB 2357 - HB 2389

Transfer of Funds from Solid Waste Fund to General Fund

Amends 68-211-835 to provide that from the funds received for the surcharge under 68-211-835(d) the state shall credit \$2,600,000 to the general fund annually for a period of three years starting July 1, 2009; any remainder from this surcharge shall be credited to the solid waste management fund. Amends 68-211-1006 to provide that from the funds received for the fee under 68-211-1006(a) the state shall credit \$400,000 to the general fund annually for a period of three years starting July 1, 2009; any remainder from this fee shall be credited to the used oil collection fund. Amends 68-215-110 to provide that from the funds received for the fee under 68-215-110(h) the state shall credit \$3,000,000 to the general fund annually for a period of three years starting July 1, 2009; any remainder from this fee, except as provided in 68-215-110(h)(3)(A)(i), shall be credited to the petroleum underground storage tank fund.

Effective June 25, 2009.

ETHICS

Public Chapter 556
SB 162 - HB 506

Bureau of Ethics and Campaign Finance

Enacts 4-54-101 through 4-54-105 and amends numerous other statutes to create the bureau of ethics and campaign finance, which is composed of the existing registry of election finance and ethics commission.

Effective July 1, 2009.

FINANCE

Public Chapter 6
SB17 – HB 74

Public Funds

Amends 9-4-103 to revise the definition of “surety bond” as it relates to “eligible

collateral” used to secure repayment of public funds deposited in state or qualified public depositories. Revises the definition of “surety bond” to include new criteria for insurance companies issuing surety bonds as well as new criteria for the bonds themselves. Also provides for periodic monitoring of the financial ratings of the insurance companies issuing the surety bonds.

Effective March 16, 2009.

Public Chapter 223
SB 2044 – HB 1977

Bonds

Enacts 9-21-152, which authorizes Davidson, Hamilton, Knox and Shelby counties to sell bonds at private sale through June 30, 2010.

Effective May 18, 2009.

Public Chapter 489
SB1706 – HB1921

Special Assessments

Amends various provisions in Title 7, Chapters 32 and 33 to authorize municipalities (including counties) to enter into agreements by which private entities will pay all or a portion of the costs of a public facility being constructed by the municipality if the municipality reasonably anticipates that private investment of at least \$25 million will be made on property adjacent to the public facility. Also revises the notice provisions to require that agreements and maps of the area subject to the agreement are to be available to the public at least one week before the hearing to approve the agreement. Allows municipalities to pay the appraised value for the acquisition of real property to be used in connection with public facilities to be constructed or improved by the municipality or other governmental entity. Amends other provisions regarding apportionment of costs, methods and amounts of assessments, and refunding and refinancing bonds.

Effective June 23, 2009.

FIRE SERVICES

Public Chapter 257
SB 1714 - HB 1679

Surrendering Custody of Unwanted Infant

Amends 68-11-255(a)(1) to expand the facilities where infants can be voluntarily delivered to include emergency medical services facilities, and law enforcement facilities and fire departments that are staffed 24 hours a day.

Effective May 20, 2009.

Public Chapter 375
SB 473 - HB 1484

Firefighter Representative to TCRS

Amends 8-34-302(a) to provide that the firefighter representative to the board of trustees of the Tennessee Consolidated Retirement System be selected from a list submitted by the Tennessee Professional Firefighters Association.

Effective June 9, 2009.

Public Chapter 512
SB 878 - HB 1246

Firefighter Minimum Training Requirements

Amends 4-24-112 to require full-time, part-time, or volunteer firefighters hired or accepted as a firefighter on or after July 1, 2009, by a fire department recognized under Title 68, Chapter 102, Part 3, to must meet minimum training requirements. Exempts firefighters in the fire service on July 1, 2009, and who entered the fire service before June 30, 2004; and firefighters who are certified by a medical doctor as medically or physically unable to complete the training requirements; but the fire department may not allow these firefighters to engage in active firefighting operations. Any firefighter certified by the fire department's chief officer that they will not operate in an environment determined to be immediately dangerous to life and health is exempt from the "live firefighting" portion of the training. Any firefighter in the fire service on July 1, 2009, and who was hired or accepted as a firefighter between July 1, 2004, and June 30, 2009, has until July 1, 2012, to show proof of completion of the minimum training requirements. The governmental unit, person, organization, agency or entity which obtained a certificate of recognition from the state fire marshal's office for the fire department is to determine whether it or the firefighter will pay any fees associated with obtaining the required training.

This section does not apply to the following counties unless the county legislative body adopts a resolution to apply such requirements: Bradley, Campbell, Cannon, Cocke, Clay, Dickson, Fentress, Giles, Greene, Hamblen, Hickman, Houston, Humphreys, Jackson, Johnson, Lawrence*, Lewis*, Loudon, McMinn*, Meigs, Morgan, Overton, Perry*, Pickett, Polk, Roane, Scott, Trousdale, Union, Unicoi, Washington.

This section does not apply to the following counties unless the county legislative body adopts by 2/3 vote a resolution to apply such requirements: McMinn*.

This section does not apply to the following counties unless the county legislative body adopts by 2/3 vote a resolution to opt into the statutory requirements: Bledsoe, Cumberland, Lawrence*, Lewis*, Rhea.

This act does not apply to the following counties: Benton, Decatur, Hancock, Hawkins, Henderson, Henry, Jefferson, Lake, Obion, Perry*, Stewart, Weakley.

* Counties listed in more than one section of the bill.

Effective July 1, 2009.

HIGHWAYS

Public Chapter 197
SB 1309 – HB1311

Highway Funds

Amends 4-3-1016, 54-2-102, and 54-2-103 to remove the department of finance and administration's authority to transfer highway funds to the state general fund.

Effective July 1, 2009.

Public Chapter 362
SB1471 – HB1263

Regional Transportation Authorities

Amends Title 64, Chapter 8 to enact a Part 2 to authorize the creation of regional transportation authorities. Specifies that the regional transportation authority of Middle Tennessee shall continue to operate but may elect to exercise the powers, duties and functions under this new Part 2 as well as those found in Part 1 of Title 64, Chapter 8. Sets out the powers, duties and functions of regional transportation authorities operating under this part. Authorizes cities and counties to levy a tax or assessment that may be dedicated to the regional transportation authority.

Effective June 5, 2009.

JUVENILES

Public Chapter 531
SB 2357 - HB 2389

Juveniles - Commitment – Costs

Section 30 of this act amends 37-2-205(f) to provide that the department of children's services shall allocate resources for children placed in state custody based on a county's child population and the average state commitment rate per thousand children. In fiscal years 2009-2010 and 2010-2011 the department shall pay for a county's commitments of dependent and neglected children and delinquent children until such commitments exceed 300% of the state average commitment rate. When a county exceeds the limit on either dependent and neglected children or delinquent children established in this subdivision, the county shall be billed for the actual daily cost to the state for the duration of the length of stay of such child in state custody. The department shall initiate a collaborative planning process at any such time a county is believed to be likely to exceed 200% of the state average commitment rate. Upon request of the county or the court, the department shall partner with the county or the court to develop and implement strategies to identify and address underlying problems contributing to over-commitment that may exist in such county. The department shall provide commitment data to the county or the court as needed to prevent a county from exceeding the limits established in this subdivision. Provides that the provisions of subsection (f) shall expire June 30, 2011, unless reauthorized by the general assembly.

Effective June 25, 2009.

Public Chapter 549
SB 2282 - HB 2295

Juveniles - Mental Health Evaluations - Costs

Amends 37-1-128(e)(1) to provide, among other things, that if the court orders the child to be hospitalized in a department of mental health and developmental disabilities facility, hospital or treatment resource, the child shall be placed into the custody of the commissioner of mental health and developmental disabilities at the expense of the county for not more than 30 days at a facility, hospital or treatment resource with available, suitable accommodations. Prior to transporting a defendant for such evaluation and treatment in a department facility, the sheriff or other transportation agent is required to determine that the receiving department facility has available suitable accommodations.

Amends 37-1-150(b) to provide: (1) The cost of transporting a child who has been committed to a state correctional institution on an offense that would be a felony if committed by an adult shall be paid by the state. The cost of transportation of a child for mental health examination or evaluation when such examination or evaluation has been ordered by the juvenile court judge for a child charged with commission of an offense that would be a felony if committed by an adult shall be paid by the county. (2) The cost of an inpatient mental health examination or evaluation ordered by the juvenile court judge for a child charged with commission of an offense that would be a felony if committed by an adult, and the cost incidental to such an examination or evaluation, shall be paid by the city or county.

Amends 37-1-150(d) to provide that if, after due notice to the parents or other persons legally obligated to care for and support the child and after affording them an opportunity to be heard, the court finds that they are financially able to pay all or part of the costs and expenses of the mental evaluation or examination of the child, which have been paid by the city or county pursuant to subsection (b), the court may order them to pay the costs and prescribe the manner of payment. Unless otherwise ordered, payment shall be made to the clerk of the juvenile court for remittance to the person to whom compensation is due, or if the costs and expenses have been paid by the state to the appropriate state officer.

Effective June 25, 2009.

Public Chapter 593
SB 456 - HB 459

Mental Health Examinations of Juveniles

Amends Title 37, Chapter 1, Part 5 to authorize the Council of Juvenile and Family Court Judges to establish and administer a program to reimburse counties for the costs associated with inpatient mental health evaluations and examinations conducted on juveniles charged with an offense which would constitute a felony if committed by an adult. Such a program is subject to available state funding and may include full or partial reimbursements to counties for the costs of inpatient mental health examinations or evaluations ordered by a juvenile court judge, as well as the costs of transportation of such child for a mental health examination or evaluation. The program may also include reimbursement to counties for costs of detention incurred pursuant to 37-1-116(f) for the purposes of obtaining an outpatient evaluation or examination at a detention facility located in another county. The council may adopt rules and regulations pursuant to 37-1-502.

Effective August 17, 2009. [Tennessee Constitution, Article II, § 20].

LAW ENFORCEMENT

Public Chapter 56
SB 429 - HB 598

Persons Ineligible to Serve as Sheriff

Amends 8-8-101 to provide that no person shall engage in the practice of law or serve as a member of the general assembly while serving as sheriff.

Effective April 15, 2009.

Public Chapter 76
SB 110 - HB 483

Missing Child Report

Amends 37-10-203 to provide that a law enforcement agency reporting a missing child is required to enter, or cause to be entered, the report of the missing child into the national crime information center (NCIC) within two hours of receipt of the missing child report.

Effective April 27, 2009.

Public Chapter 101
SB 032 - HB 046

Handguns - Identifying Information

Amends 39-17-1351 to prohibit the department of safety or any department approved handgun safety course instructor or employee from requiring applicant for handgun carry permit to furnish any identifying information concerning any handgun the applicant owns, possesses or uses during the safety course in order to apply for or be issued a handgun carry permit.

Effective April 27, 2009.

Public Chapter 102
SB 554 - HB 254

Sales of Weapons

Amends 39-17-1316 to delete requirement that the purchaser of a firearm give a thumbprint as part of background check process and that the TBI furnish thumbprint cards and pads to firearm dealers.

Effective July 1, 2009.

Public Chapter 115
SB 284 - HB 623

Sexual Offenders Community Supervision

Amends 39-13-526 to provide that venue for a violation of community supervision shall be in the county where the person was being supervised at the time of the violation and this shall include those persons placed on supervision in this state but who are being monitored in another state.

Effective July 1, 2009.

Public Chapter 116
SB 201 - HB 587

Disposition of Confiscated Weapons

Amends 39-17-1317 to provide that the director of a judicial district drug task force may petition the court to dispose of weapons confiscated by the task force. The proceeds from a sale of confiscated weapons shall go into the county or municipal general fund unless the weapon was confiscated by a judicial district drug task force in which case the funds are deposited for the benefit of the task force.

Effective May 5, 2009.

Public Chapter 195
SB 383 - HB 411

Sales of Weapons

Amends 39-17-1316 to create a Class A misdemeanor offense for a person (1) to

purchase or attempt to purchase a firearm knowing that such person is prohibited by state or federal law from, owning, possessing or purchasing a firearm, and (2) to sell or offer to sell a firearm to a person knowing that such person is prohibited by state or federal law from, owning, possessing or purchasing a firearm.

Effective July 1, 2009.

Public Chapter 201
SB 393 - HB 107

Texting While Driving

Amends 55-8-19__ to prohibit the use of a hand held mobile telephone or a hand held personal digital assistant to transmit or read a written message while driving a motor vehicle on any public road or highway. Exempts law enforcement officers, EMTs, firefighters, and EMA officers when in the actual discharge of their official duties.

Effective July 1, 2009.

Public Chapter 238
SB 2254 - HB 2262

Child Abuse Review Teams

Repeals 37-1-407 to delete authorization for child abuse review teams and amends 37-1-603(b)(1) to removes reference to child abuse review teams.

Effective May 20, 2009.

Public Chapter 239
SB 310 - HB 1534

Bail Bonds - Listing of Bondsman

Deletes the requirement in 40-11-126(b) that any listing or description of bondsmen or surety agents in a jail, workhouse, or other correctional facility be done in terms of seniority.

Effective May 20, 2009.

Public Chapter 241
SB 388 - HB 522

Escape from Custody of Law Enforcement Officer

Amends 39-16-605(b) to create new Class A misdemeanor offense of escape from the custody of a law enforcement officer.

Effective July 1, 2009.

Public Chapter 242
SB 695 - HB 80

Jail Standards

Amends 41-4-140 to provide that the standards for the square footage of single-occupancy or multi-occupancy cells in both new and existing local correctional facilities in this state shall be the minimum standards required by the American Correctional Association's Performance-Based Standards for Adult Local Detention Facilities, as amended by the 2008 Standards Supplement.

Effective May 20, 2009.

Public Chapter 257
SB 1714 - HB 1679

Surrendering Custody of Unwanted Infant

Amends 68-11-255(a)(1) to expand the facilities where infants can be voluntarily delivered to include emergency medical services facilities, and law enforcement facilities and fire departments that are staffed 24 hours a day.

Effective May 20, 2009.

Public Chapter 276
SB 1517 - HB 1527

Autopsy Records

Amends 38-7-119(a) to create a new Class A misdemeanor offense for dissemination by any person of any autopsy photographs, videotape or other visual image or any autopsy audio recording without proper authorization.

Effective July 1, 2009.

Public Chapter 282
SB 913 - HB 218

Scrap Metal and Jewelry Dealers

Amends 38-1-201, 202, 203, 204, and 205 to make numerous changes to the law. Requires the purchaser, on each day the purchaser transacts business of the type described within the section, to deliver to the sheriff and the chief of police of each county or municipality in which the business is conducted a copy of the log concerning that day's business, by 12:00 noon of the day following the date of the transaction. The book must be preserved and be open to inspection by law enforcement officers of the city or county. An owner of property alleged to be stolen and in the possession of a buyer or dealer may recover the property by reporting to any law enforcement agency the location of the property and providing proof of ownership of the property, but only if a report of the theft was made to the proper authorities within 30 days after knowledge of the theft or loss and the party asserting ownership agrees to assist in the prosecution of the seller. Upon receipt of proof of ownership, any law enforcement officer is authorized to recover the property from the buyer or dealer, without expense to the rightful owner, unless the buyer or dealer presents evidence of having received proof of ownership of the property by the seller. The buyer or dealer shall not be required to surrender the property to any law enforcement officer or agency or any other person absent an appropriate warrant. If after the local authorities have seized certain property and are unable to locate the rightful owner of the property after due diligence, then the property may be returned to buyer or dealer upon execution of a hold-harmless agreement to the local authorities.

Effective July 1, 2009.

Public Chapter 284
SB 666 - HB 417

Private Special Deputies

Amends 38-8-118 to provide that an independent contractor who provides on-site security and law enforcement capability for federal government property which is an air force base and home to a development center that is the most advanced and largest complex of flight simulation test facilities in the world may employ one or more persons to act as private special deputies for such purposes. The

independent contractor shall seek appointment of the employee as a private special deputy by the sheriff of a county where the government property is located, in accordance with 8-8-212. The authority granted to private special deputies extends to all facilities or property over which the independent contractor has been given authority to provide on-site security and law enforcement services.

Effective July 1, 2009.

Public Chapter 288
SB 1992 - HB 1778

Firearms

Amends 58-1-112(b), 58-2-101 and 58-2-105. Prohibits confiscations of lawfully possessed firearms and ammunition during periods of martial rule; clarifies firearm and ammunition restriction prohibitions during any state of emergency, major disaster, or natural disaster.

Effective May 21, 2009.

Public Chapter 324
SB 534 - HB 355

Motor Vehicles

Amends 55-10-406 to provide that if a law enforcement officer has probable cause to believe that the driver of a motor vehicle involved in an accident resulting in the injury or death of another has committed a violation of 55-10-401, 39-13-213(a)(2) or 39-13-218, the officer shall cause the driver to be tested for the purpose of determining the alcohol or drug content of such driver's blood. Such test shall be performed in accordance with the procedure set forth in this section and shall be performed regardless of whether the driver does or does not consent to such test. The results of a test performed in accordance with this subsection may be offered as evidence by either the state or the driver of the vehicle in any court or administrative hearing relating to such accident or offense subject to the Tennessee rules of evidence.

Effective July 1, 2009.

Public Chapter 332
SB 523 - HB 1832

Critical Incident Teams - Privileged Communications

Enacts 24-1-2__ to provide that all communications between a critical incident stress management team member or team leader providing, and a group participant or person participating in, a crisis intervention shall be confidential. No person shall be required to testify or divulge information obtained solely through such crisis intervention, except where: (1) the communication indicates the existence of a danger to the individual who receives crisis response services or to others; (2) the communication indicates the existence of child abuse or neglect, abuse of an adult, or family violence; (3) the communication indicates the existence of acts constituting an intentional tort or crime, provided the statute of limitation has not expired on the act; or (4) all parties involved in the crisis intervention expressly waive the privilege and consent to the testimony.

Effective July 1, 2009.

Public Chapter 336
SB 1740 - HB 1407

Child Abuse Investigations

Amends 37-1-406(c) to require private schools and church-related schools, as well as state, county and local agencies, to give a child protection team access to their records and otherwise cooperate fully with the investigation.

Effective June 1, 2009.

Public Chapter 339
SB 1127 - HB 962

Firearms in Restaurants

Amends 39-17-1305(c) to provide that persons with a handgun carry permit, who are not consuming any alcoholic beverage, may carry their handgun within a restaurant that is open to the public and serves alcoholic beverages.

Effective July 14, 2009.

Public Chapter 370
SB 2150 - HB 2037

Financial Responsibility Law

Amends 55-12-139(b) to require law enforcement officers to request proof of compliance with financial responsibility laws upon charging a person with any motor vehicle violation, instead of only moving violations.

Effective July 1, 2009.

Public Chapter 390
SB 1419 - HB 1210

Issuance of Arrest Warrant and Criminal Summons

Amends 40-6-205 and 40-6-215 to prohibit the issuance of an arrest warrant or criminal summons to the parent or legal guardian of a child who allegedly is the victim of alleged criminal conduct without the written approval of the district attorney general if: (1) the person to be arrested was an employee of a local education agency (LEA) at the time of the alleged offense; and (2) at the time of the alleged conduct the LEA employee had supervisory or disciplinary power over the child.

Effective July 1, 2009.

Public Chapter 412
SB 539 - HB 351

Assault against a Law Enforcement Officer

Amends 39-13-101(b) and 102(d) to set the maximum fine for an assault against a law enforcement officer at \$5,000; for aggravated assault against a law enforcement officer, the maximum fine is \$15,000.

Effective July 1, 2009.

Public Chapter 430
SB 275 - HB 234

Firearm Certification-Retired Law Enforcement Officers

Amends 38-8-116 to provide that a law enforcement officer retired in good standing may use one of the following methods to meet the annual requirements to carry a firearm in the same manner and to the same extent as for an active law enforcement officer to carry a firearm of the same type: (1) obtaining a photo identification issued by the agency from which the individual retired from service indicating that the individual has, within the previous year, been tested or

otherwise found by the agency to meet the standards for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm; (2) meeting the standards established by the POST commission for qualification for active law enforcement officers to carry a firearm of the same type by qualifying at and obtaining an annual certification directly from the POST commission; or (3) receiving training and verification from a certified firearms instructor at a private shooting range that the retired law enforcement officer has met the standards established by the POST commission for qualification for active law enforcement officers to carry a firearm of the same type. Requires the POST commission to maintain a list of approved certified firearms instructors for this purpose. The POST Commission is authorized to establish and charge a fee for issuing a certification under the provisions of this section.

Effective June 12, 2009.

Public Chapter 431

SB 578 - HB 390

Transporting a Rifle or Shotgun

Amends 39-17-1307 to provide that it is not an offense for a person with a handgun carry permit to transport a rifle or shotgun in or on a privately-owned motor vehicle so long as the rifle or shotgun does not have ammunition in the chamber; such a person does not violate this section by inserting ammunition into the chamber if the ammunition is inserted for justifiable self-defense.

Effective June 12, 2009.

Public Chapter 432

SB 1827 - HB 583

Forfeitures

Amends 39-17-703, 704 and 39-11-712 to extend the property subject to forfeiture to include real property and establish certain exemptions in regards to such property; provides forfeiture protections for innocent spouses and other co-owners of forfeited property.

Effective July 1, 2009.

Public Chapter 433

SB 1698 - HB 925

Handgun Permits

Amends 39-17-1351(e) to provide that any form created by the department to show proof of successful completion of an approved handgun safety course shall not require the applicant to provide the applicant's social security number.

Effective June 12, 2009.

Public Chapter 435

SB 1610 - HB 1796

Tennessee Firearms Freedom Act

Enacts the "Tennessee Firearms Freedom Act" to provide that a personal firearm, firearm accessory, or ammunition manufactured in Tennessee and that remains within Tennessee is not subject to federal law or federal regulation, including registration, under the authority of Congress to regulate interstate commerce. Requires that a firearm manufactured or sold in Tennessee under this chapter must

have the words "Made in Tennessee" clearly stamped on a central metallic part, such as the receiver or frame. [NOTE: This law may be subject to constitutional challenge.]

Effective June 19, 2009.

Public Chapter 440
SB 782 - HB 591

Wiretapping and Electronic Surveillance

Amends 40-6-303(7) and (19) to redefine "electronic communication" and "wire communication" for certain wiretapping and electronic surveillance offenses.

Effective July 1, 2009.

Public Chapter 465
SB 651 - HB 792

Private Protective Services

Enacts 62-35-1__ to require each private protective services licensee to submit to the local law enforcement agency of any jurisdiction in which such licensee provides services for a restaurant, as defined in 57-4-102, licensed to serve alcoholic beverages, wine or beer for consumption on the premises, a form promulgated by the commissioner of commerce and insurance notifying the local law enforcement agency that the licensee provides services within the agency's jurisdiction. The form must be submitted with 15 days of the effective date of this act or of the date protective services begin, and must include the name, license number, and armed or unarmed status of each security officer/guard providing services for compensation to the licensee and the name and location of the licensee's clients within the agency's jurisdiction. Information submitted to the local law enforcement agency must be kept current. A local law enforcement agency having knowledge of a violation of these requirements must notify the commissioner, and the commissioner must advise the local law enforcement agency in writing of any action taken in response.

Effective January 1, 2010.

Public Chapter 468
SB 772 - HB 1385

Mental Health Transports

Amends 33-6-901(d) to provide that people with mental illness determined to be a danger to themselves and in need of physical restraint or vehicular security shall be transported by the sheriff or secondary transportation agents designated by the sheriff. People with a mental illness who are not a danger to themselves or are not in need of physical restraint or vehicular security may be transported by one or more friends, neighbors, other mental health professionals familiar with the person, relatives of the person, or a member of the clergy, provided such persons are willing and able to provide such transport.

Amends 33-6-901(a) to provide that if a physician, psychologist, or designated professional determines to a reasonable degree of professional certainty that the person does not require physical restraint or vehicle security and does not pose a reasonable risk of danger to himself or herself or others, then the sheriff may permit someone other than the sheriff or secondary transportation agent to transport the person, provided that the person provides proof of current

automobile insurance. Before a person is transported, the sheriff or other transportation agent shall give notice required by 33-6-406(b), along with the name(s) of the person(s) who will transport the person for admission to a hospital or treatment resource. Persons designated to transport under this section must comply with the requirements of 33-6-406(b)(2) and (3), 33-6-407(c), and must provide the original of the certificate completed under 33-6-404(3)(B)(ii) to the hospital or treatment resource.

Effective July 1, 2009.

Public Chapter 488
SB 1684 - HB 1430

Automated Victim Information & Notification System

Amends 67-4-602(h) to impose an additional privilege tax on litigation of \$1.00 on all criminal charges, upon conviction or by order, instituted in any state or general sessions court, and creates a special account in the state treasury to be known as the "Statewide Automated Victim Information and Notification System Fund." Also enacts Title 40, Chapter 38, Part 5 to create the "Statewide Automated Victim Information and Notification System" to increase the safety of victims of crime by providing access to timely and reliable information about the custody status of offenders in county jails. This information shall be available 24 hours a day over the telephone, through the Internet, or by e-mail. Victims of crime and other concerned citizens can register to be notified immediately in the event of an offender's release, transfer, or escape. The System shall be attached to the Tennessee Sheriffs' Association. All administrative expenses of the program shall be paid from grants and funds the TSA receives pursuant to 40-38-504, and grants authorized from the Statewide Automated Victim Information and Notification System Fund. Funding for the System shall come from grants, donations, gifts, and appropriations made for that purpose. The department of finance and administration, office of criminal justice programs, is authorized to make an annual grant to the TSA to support implementation and management of the System; provided that the association submits a plan to the office of criminal justice programs specifying the use of the monies, and the plan is approved. The grant shall not exceed \$650,000 and is subject to state appropriations. Upon the initial deposit of \$34,000 into the victim notification fund from the \$1.00 additional privilege tax on litigation, such amount shall be allocated to the Department of Revenue for computer-related expenses required by implementation of this act.

Effective July 1, 2009.

Public Chapter 531
SB 2357 - HB 2389

Mental Health Transports

Section 31 of this act amends 33-1-101 to define "available suitable accommodations" or "suitable available accommodations" to mean, for the purposes of Title 33, that a state owned or operated hospital or treatment resource has the capacity (as reasonably determined by the commissioner) and the medical capability, equipment and staffing to provide an appropriate level of care, treatment and physical security to an individual in an unoccupied and unassigned bed. Section 36 of this act enacts 33-6-108 relative to admissions to a state owned or operated hospital or treatment resource. Notwithstanding any other provisions

of the law to the contrary, all admissions or transfers to a state owned or operated hospital or treatment resource shall be subject to “available suitable accommodations” and no admission to a state owned or operated hospital or treatment resource shall occur until the department has designated the facility as having available suitable accommodations; provided, if there are no suitable available accommodations at the time of the determination, then the commissioner shall expeditiously find a state owned or operated hospital or treatment resource to accommodate the person.

Emergency Involuntary Admission to Inpatient Treatment – Title 33, Chapter 6, Part 4: Section 37 amends 33-6-404(3)(B) to provide that if admission is sought at a state owned or operated hospital or treatment resource, the physician, psychologist or designated professional is required to verify that the state owned or operated hospital or treatment resource has been contacted and has available suitable accommodations, acknowledging such verification in writing. Section 38 amends 33-6-406(a) to provide that if the person certified for admission under 33-6-404 is not already at the facility, hospital or treatment resource at which the person is proposed to be admitted, the physician, psychologist, or designated professional who completed the certificate of need under 33-6-404 must give the sheriff or designated transportation agent the original of the certificate and turn the person over to the custody of the sheriff or transportation agent who shall transport the person to a hospital or treatment resource that has available suitable accommodations for the person for proceedings under 33-6-407. If admission is sought to a state owned or operated hospital or treatment resource, the physician, psychologist, or designated professional who completed the certificate of need must also provide to the sheriff or transportation agent a written statement verifying that the state owned or operated hospital or treatment resource has been contacted and has available suitable accommodations, and the sheriff or transportation agent is not required to take custody of the person for transportation unless both the original of the certificate and the aforementioned written statement are provided. Failure of the sheriff or other county transportation agent to provide both a certificate of need and the written statement indicating availability of accommodations to the receiving state hospital or treatment resource will result in all costs attendant to the person's admission and treatment being assessed to the transporting county. Section 39 amends 33-6-406(b)(2) to require the sheriff or transportation agent to notify the hospital or treatment resource of the anticipated time of arrival; if the sheriff or transportation agent has given notice and arrives at the hospital or treatment resource within the anticipated time of arrival, then the sheriff or transportation agent is required to remain at the hospital or treatment resource long enough for the person to be evaluated for admission under 33-6-407, but not longer than 1 hour and 45 minutes, after which time the person is the responsibility of the evaluating hospital or treatment resource, and the sheriff or transportation agent may leave. Section 40 repeals 33-6-406(b)(3). Section 41 amends 33-6-407(a) to requires a hospital or treatment resource that receives a person transported under 33-6-406 to have a licensed physician examine the person to determine whether the person is subject to admission under 33-6-403.

Nonemergency Involuntary Admission to Inpatient Treatment – Title 33, Chapter 6, Part 5: Section 42 amends 33-6-505 to provide that if the court commits a person, the person comes into the commissioner's custody only if the state owned or operated facility or treatment resource has available suitable accommodations; if there are no suitable available accommodations at the time of the determination, then the commissioner must expeditiously find a state owned or operated hospital or treatment resource to accommodate the person upon the availability of suitable available accommodations. Prior to transporting a person for such commitment, the sheriff or other transportation agent shall determine that the receiving state owned or operated facility or treatment resource has available suitable accommodations.

Security Units and Forensic Services – Title 33, Chapter 7, Part 1: Section 43 enacts 33-7-104 governing admissions to a state owned or operated facility in criminal cases. All admissions or transfers to a state owned or operated hospital or treatment resource under this chapter shall be subject to available suitable accommodations, and no admission to a state owned or operated hospital or treatment resource shall occur until the commissioner has designated the state owned or operated facility as having available suitable accommodations; if there are no suitable available accommodations at the time of the determination, then the commissioner must expeditiously find a state owned or operated hospital or treatment resource to accommodate the person upon the availability of suitable available accommodations. Prior to transporting a defendant for such evaluation and treatment in a department facility, the sheriff or other transportation agent shall determine that the receiving facility has available suitable accommodations.

Security Units and Forensic Services – Title 33, Chapter 7, Part 3: Section 44 amends 33-7-301(a)(5) relative to defendants believed incompetent to stand trial or when there is a question about the defendant's mental capacity at the time of the crime, to provide that prior to transporting a defendant for evaluation and treatment in a department facility, the sheriff or other transportation agent shall determine that the receiving department facility has available suitable accommodations. Section 45 enacts 33-7-304 to provide that the county must pay the cost of evaluation and treatment under Chapter 7, Part 3, if the defendant is charged with a misdemeanor. The court may order the defendant to pay all or part of these costs if the court finds the defendant financially able to pay. Payment shall be made to the clerk of the general sessions court for remittance to the person, agency or facility to whom compensation is due, or if the costs and expenses have been paid by the county, to the appropriate office of the county. Costs of the care or treatment of any defendant ordered by the court and who is charged with a misdemeanor shall be paid by the state only when specifically provided by law. Section 46 amends 33-7-301(a)(4) to provide that during the post-conviction stage of a criminal proceeding, if it is believed that a defendant is incompetent to assist counsel in preparation for, or otherwise participate in, the post-conviction proceeding, the court may, upon its own motion, order that the defendant be evaluated on either an outpatient or inpatient basis, as may be appropriate. If the defendant is indigent, the amount and payment of the costs for the evaluation will be determined and paid for by the administrative office of the

courts. If the defendant is not indigent, the cost of the evaluation shall be charged as court costs. If the evaluation cannot be done on an outpatient basis and if it is necessary to hospitalize the defendant in a department facility, hospitalization shall not exceed 30 days and shall be subject to available suitable accommodations. Prior to transporting a defendant for such evaluation and treatment in a department facility, the sheriff or other transportation agent shall determine that the receiving department facility has available suitable accommodations. Any costs incurred by the administrative office of the courts shall be absorbed within the current appropriation for the indigent defense fund. In a post-conviction proceeding in a capital case, if there is a question on the defendant's mental condition at the time of the commission of the crime when there has been no such prior evaluation, or a question as to whether the defendant is mentally retarded, the court may, upon its own motion, or upon petition by the district attorney general or by the attorney for the defendant, and, if the matter is contested, after a hearing, order that the defendant be evaluated on an outpatient basis. If the outpatient evaluator concludes that an inpatient evaluation is necessary, the court may order the defendant hospitalized not more than 30 days. Section 47 amends 33-7-301(b)(5) to provide that if the court enters an order of judicial hospitalization, the defendant shall be transferred to the custody of the commissioner, and if the court finds in addition that the defendant is substantially likely to injure the defendant or others if the defendant is not treated in a forensic services unit and that treatment in the unit is in the defendant's best interests, the defendant shall be transferred to the custody of the commissioner at a forensic services unit designated by the commissioner. If the court commits a person under this subsection (b), the person comes into the commissioner's custody only if the forensic services unit has available suitable accommodations; provided, if there are no suitable available accommodations at the time of the determination, then the commissioner must expeditiously find a state owned or operated hospital or treatment resource to accommodate the person upon the availability of suitable available accommodations. Prior to transporting a defendant for such commitment, the sheriff or other transportation agent shall determine that the receiving facility has available suitable accommodations. Section 48 amends 33-7-303(a) to provide that when a person charged with a criminal offense is acquitted of the charge on a verdict of not guilty by reason of insanity at the time of commission of the offense, the criminal court shall order the person to be diagnosed and evaluated on an outpatient basis. The evaluation shall be performed by the community mental health agency or licensed private practitioner designated by the commissioner to serve the court. Section 49 amends 33-7-303(b) to provide that following diagnosis and evaluation, if certification is provided that the person is committable under Chapter 6, Part 5 of this title, the district attorney general shall file a complaint in criminal court for judicial commitment. If certification is not provided that the person is committable, the district attorney general shall file a complaint in the criminal court for an order requiring the person to participate in outpatient treatment. Section 50 amends 33-7-303(c)(3) to provide that if the court commits a person under this subsection (c), the person comes into the commissioner's custody only if the commissioner determines that a facility has available suitable accommodations; provided, if there are no suitable available accommodations at the time of the determination, then the commissioner must expeditiously find a state owned or operated hospital

or treatment resource to accommodate the person upon the availability of suitable available accommodations. Prior to transporting a defendant for commitment in a department facility, the sheriff or other transportation agent shall determine that the receiving facility has available suitable accommodations. Section 51 amends 33-7-303(f) to provide that the cost of treatment incurred as a result of the outpatient treatment and evaluation required in subsection (b)(3) shall be taxed as court costs.

Effective June 25, 2009. Section 46 of this act shall take effect at 12:01 a.m. on July 1, 2009.

Public Chapter 578
SB 2236 - HB 2249

Weapons - Handgun Carry Permits

Amends 39-17-1301 to add definitions of (1) adjudication, (2) judicial commitment, and (3) mental institution. Amends 39-17-1316(a)(1) to provide that any person licensed by the federal government may stock and sell firearms; however, sales to persons who have been convicted of the offense of stalking, who are addicted to alcohol, who are ineligible to receive firearms under 18 U.S.C. § 922, or who have been judicially committed to a mental institution or adjudicated as a mental defective are prohibited. The offense of violation of a protective order shall be considered a “misdemeanor crime of domestic violence” for purposes of 18 U.S.C. § 921. Amends 39-17-1351(c)(2) to provide, regarding handgun carry permit eligibility requirements, that the applicant has not been adjudicated as a mental defective; has not been judicially committed to or hospitalized in a mental institution pursuant to Title 33; has not had a court appoint a conservator for the applicant by reason of a mental defect; has not been judicially determined to be disabled by reason of mental illness, developmental disability or other mental incapacity; and has not, within 7 years from the date of application, been found by a court to pose an immediate substantial likelihood of serious harm because of mental illness. Amends 39-17-1351(i) to require the department to deny a permit if it determines from information in criminal history record checks conducted by the TBI and FBI, from information from the clerks of court regarding individuals adjudicated as a mental defective or judicially committed to a mental institution, or from other information, that the applicant does not meet the eligibility requirements. The department is not required to confirm the applicant's eligibility for a permit beyond the information received from the TBI and FBI, clerks of court, and sheriffs, if any. Amends 39-17-1352(a) to require the department to suspend or revoke a handgun permit upon a showing that the permit holder has been judicially committed to a mental institution or has been adjudicated as a mental defective.

Effective January 1, 2010.

Public Chapter 590
SB 532 - HB 346

Missing Senior Citizen Alert Program

Enacts 38-6-121, the Missing Senior Citizen Alert Program. The program will be coordinated by local law enforcement agencies which may seek the assistance of non-profit organizations such as A Child is Missing or the Alzheimer's Association. Defines “missing senior citizen” as a person: (1) whose whereabouts are unknown; (2) who is 60 years of age or older and has an impaired mental

condition; and (3) who is believed to be in danger because of age, health, mental or physical disability, in combination with environmental or weather conditions, or is believed to be unable to return to safety without assistance. When a local law enforcement agency receives notice that a senior citizen is missing, the agency may require the senior citizen's family or legal guardian to provide documentation, including medical records, if available, of the senior citizen's impaired mental condition. Once the local law enforcement agency verifies that the senior citizen is missing, the local law enforcement may notify A Child is Missing, the Alzheimer's Association, or any other such non-profit assistance program, to activate its alert program. Requires the local law enforcement to enter the report of the missing senior citizen with an impaired mental condition into the National Crime Information Center (NCIC) within 4 hours of the completion of the verification process. The alert may be sent to designated media outlets in Tennessee at the discretion of the local law enforcement agency. The alert shall be cancelled by local law enforcement agency upon notification that the missing senior citizen has been found, including cancellation of the missing person entry in NCIC.

Effective August 17, 2009. [Tennessee Constitution, Article II, § 20].

Public Chapter 597
SB 511 - HB 1120

Sex Offenders

Amends 40-39-211(d) to revise the restrictions on where sexual offenders may reside, work, or visit. No sexual offender or violent sexual offender shall knowingly: (A) be upon or remain on the premises of any building or grounds of any public school, private or parochial school, licensed day care center, other child care facility, public park, playground, recreation center or public athletic field available for use by the general public in this state when the offender has reason to believe children under 18 years of age are present; (B) stand, sit idly, whether or not the offender is in a vehicle, or remain within 1,000 feet of the property line of, or any building owned or operated by, any public school, private or parochial school, licensed day care center, other child care facility, public park, playground, recreation center or public athletic field available for use by the general public in this state when children under 18 years of age are present, while not having a reason or relationship involving custody of or responsibility for a child or any other specific or legitimate reason for being there; or (C) be in any conveyance owned, leased or contracted by a school, licensed day care center, other child care facility, or recreation center to transport students to or from school, day care, child care, or a recreation center or any related activity thereof when children under 18 years of age are present in the conveyance. Subdivision (d)(1) does not apply when the offender: (A) is a student in attendance at the school; (B) is attending a conference or other scheduled event with school, day care, child care, park, playground, or recreation center officials as a parent or legal guardian of a child who is enrolled and participating in the conference or other scheduled event of the school, day care center, other child care center, park, playground or recreation center (Note: This exemption does not apply if the victim of the offender's sexual offense or violent sexual offense was a minor at the time of the offense and the victim is enrolled in the school, day care center, recreation center or other child care center that is participating in the conference or other scheduled event.); (C) resides at a state licensed or certified facility for

incarceration, health or convalescent care; or (D) is dropping off or picking up a child or children and the person is the child or children's parent or legal guardian.

Effective August 17, 2009. [Tennessee Constitution, Article II, § 20].

Public Chapter 605

SB 1273 - HB 898

Firearms - Law Enforcement Officers

Amends 39-17-1350(c) to provide that the authority to carry firearms at all times and in all places within Tennessee, on-duty or off-duty, regardless of the officer's regular duty hours or assignments does not extend to a law enforcement officer: (1) who is not engaged in the actual discharge of official duties as a law enforcement officer and carries a firearm onto school grounds or inside a school building during regular school hours unless the officer immediately informs the principal that the officer will be present on school grounds or inside the school building and in possession of a firearm (if the principal is unavailable, the notice may be given to an appropriate administrative staff person in the principal's office); (2) who is consuming beer or an alcoholic beverage or who is under the influence of beer, an alcoholic beverage, or a controlled substance; or (3) who is not engaged in the actual discharge of official duties as a law enforcement officer while attending a judicial proceeding. [NOTE: This change in the law allows full time state law enforcement officers and full time POST certified law enforcement officers to carry a firearm while within the confines of an establishment where beer or alcoholic beverages are sold for consumption on-the-premises.]

Effective July 9, 2009.

Public Chapter 606

SB 1519 - HB 961

Firearms - Wildlife Management Areas

Amends 70-4-117 and 70-5-101 to authorize a person with a handgun carry permit to possess a handgun the entire year while on the premises of any refuge, public hunting area, wildlife management area or, to the extent permitted by federal law, national forest land maintained by the state. Does not authorize a person to use a handgun to hunt unless in full compliance with all wildlife laws, rules and regulations, and does not authorize a person with a handgun carry permit to possess the weapon in the portion of any refuge, public hunting area or wildlife management area that is within the boundaries of a state park or state natural area unless otherwise authorized in accordance with state law.

Effective July 9, 2009.

OPEN MEETINGS / SUNSHINE LAW

Public Chapter 175

SB 0832 - HB 0533

Electronic Communications

Amends 8-44-109 and 8-44-110 to allow members of county commissions and school boards to communicate with each other electronically on a forum over the internet without violating the sunshine law if the commission or board: (1) insures that the forum is open to the public at all times; (2) provides public notice of its intended use of such forum; (3) controls who may communicate on the forum; (4)

archives all communications and makes such publically available for at least a year; and (5) provides reasonable access to members of the public to view such forum at the library, courthouse or other public building. Prior to utilizing a forum for electronic communications by its members, the county commission or school board must file a plan with the office of open records counsel regarding how they plan to ensure compliance with all of the acts conditions and must receive notice from the office of open records counsel that such plan is sufficient. The forum cannot substitute for a meeting of the county commission or school board and no member shall receive a per diem for communicating on the forum.

Effective May 7, 2009.

Public Chapter 293
SB 540 – HB 1510

Labor Negotiation Meetings

Amends 8-44-201 to provide that planning or strategy sessions of a public employee union committee or the governmental entity committee, whether meeting separately or with the entity represented, are not required by this statute to be open to the public (labor negotiations between public employee unions and state or local government employers are open to the public under this statute).

Effective May 27, 2009.

PERSONNEL

Public Chapter 155
SB 294 – HB 302

False Identification for Employment

Enacts 39-17-115 to create the criminal offense of manufacturing, providing, transferring, or submitting false identification for the purpose of obtaining or maintaining employment. Upon conviction, if it is determined that a person is not lawfully in the United States the court must notify the Department of Homeland Security.

Effective July 1, 2009.

Public Chapter 161
SB 682 – HB 1161

Whistleblower

Clarifies the coverage of 50-1-304, the state whistleblower law, so that state and local government employers, private employers and certain employees paid by the federal government are clearly covered.

Effective May 7, 2009.

Public Chapter 502
SB 205 – HB 280

Tobacco Surcharge under State Health Insurance Plan

Enacts 8-27-1__ to provide that any proposed tobacco use surcharge on enrollees in the state group health insurance plan cannot take effect until January 1, 2011.

Effective June 25, 2009.

Public Chapter 526
SB 2162 - HB 1963

Permanent Partial Disability Benefits - Illegal Workers

Amends 50-6-241 to provide that, for injuries occurring on or after July 1, 2009, where an injured employee is eligible to receive permanent partial disability benefits either for body as whole or scheduled member injuries, the maximum permanent partial disability benefits the employee may receive is up to 1.5 times the medical impairment rating, provided the employer did not knowingly hire the employee when the employee was not eligible or authorized to work in the United States under federal immigration law. It will be presumed the employer did not knowingly hire the employee in violation of federal immigration law if the employer in good faith complied with the employment eligibility and identity verification requirements (Form I-9) when the employee was hired. The presumption can be rebutted by the employee upon clear and convincing evidence that the employer had actual knowledge of the unauthorized status of the employee at the time of hire or at the time of the injury or both. If the presumption is rebutted, the employer will be liable to pay a sum equal to five times the medical impairment rating determined by the authorized treating physician.

Effective June 25, 2009.

PLANNING & ZONING

Public Chapter 35
SB 551 – HB 307

Regional Planning Commissions

Amends 13-3-403(b) to allow regional planning commissions to include language in their subdivision regulations providing for an assessment (or other method which assures work will be done at the cost of the property owners) to secure completion of work in lieu of requiring completion of such work prior to the final approval of a plat.

Effective April 8, 2009.

Public Chapter 47
SB550 – HB305

Planners and Building Commissioners

Amends 13-3-101, 13-3-201, 13-4-101, 13-7-106, and 13-7-205 to remove the requirement that a professional planner who advises planning commissions and boards of zoning appeals be both a member of the American Institute of Certified Planners and obtain a current certificate in AICP Continuing Professional Development Program to be exempt from continuing education requirements; instead specifying that a professional planner must be a member of the AICP in order to be exempt. Also requires each full time or contract building commissioner or professional planner or other administrative official whose duties include advising the board of zoning appeals to annually attend a minimum of eight hours of specified continuing education.

Effective April 9, 2009.

Public Chapter 77
SB 124 – HB 304

Regional Planning Commissions

Amends 13-3-408 to delete the exception to regional planning regulations for

divisions and plats of land partitioned by property owners among themselves by deed. Exception now only applies to land partitioned by courts of competent jurisdiction. Such plats must still contain all information required by 13-3-402.

Effective April 27, 2009.

Public Chapter 374
SB169 – HB309

Annexation and Growth Plans

Amends 6-58-104(d)(1) to clarify that after the initial 3-year period, a growth plan may be amended as often as necessary. Specifies that municipal or county mayors are to propose amendments to the growth plan. The mayor proposing the amendment is to file notice of the amendment with the county mayor and mayors of all the municipalities in the county. Upon receiving the notice, the county mayor shall reconvene or reestablish the coordinating committee within sixty days. The coordinating committee then has six months from the date of its first meeting on the proposed amendment to submit its recommendation to the local governing bodies. The amendment shall become part of the county's growth plan after being approved by the local governing bodies and the local government planning advisory committee.

Effective June 9, 2009.

Public Chapter 600
SB2091 –HB1946

Municipal Planning Commissions

Amends 13-3-102, which allows for municipal planning commissions to be designated as regional planning commissions, to provide that if the regional area outside of the municipal boundaries is less than 50% of the entire regional area, then only one (1) member of the municipal planning commission shall be appointed from the regional area outside the municipal boundaries regardless of the number of members on the municipal planning commission; or, in the alternative, the municipal planning commission may be increased in size by the number of members who are appointed from the regional area outside the municipal boundaries.

Effective July 8, 2009.

PUBLIC WORKS

Public Chapter 74
SB 811 – HB 956

Improvements to Public Works

Amends 7-34-105 to allow municipalities (including counties) to perform maintenance on or make improvements to existing public works systems wholly or partly within the corporate limits of another municipality without first getting the consent of the other municipality. Also amends 9-21-105 to allow local governments to perform maintenance on or make improvements to existing public works systems wholly or partly within the corporate limits of another municipality without first obtaining the consent of the other municipality.

Effective April 15, 2009.

PURCHASING

Public Chapter 107 SB 322 – HB 383

Gasoline and Diesel Fuel

Amends 7-51-911 to provide that any contracts entered into by cities and counties under the authority of that statute to stabilize the expense of purchasing gasoline and diesel fuel must have a termination date not later than June 30, 2011.

Effective April 9, 2009.

Public Chapter 173 SB 414 – HB 273

Sale of Surplus Property by Internet Auction

Amends 5-14-108(o) and enacts 5-1-1__ to authorize counties to sell surplus property by internet auction whenever they are required by law or their charter to sell surplus property by public auction.

Effective May 7, 2009.

Public Chapter 399 SB 2079 – HB 1905

Reverse Auctions

Enacts 12-3-10__ to authorize local government units to purchase goods and services through a competitive reverse auction process that allows offerors to bid on specified goods or services electronically and adjust bid pricing during a specified time period. Before initial use of a reverse auction, the local government unit must file a plan with the comptroller stating the technology to be used, whether a third party will conduct the auctions, describing the policies and procedures to be used, documenting internal controls that will ensure the integrity of the process, and stating whether additional operating resources will be needed and if so indicating prior approval of the local governing body. Items and services that cannot be purchased through a reverse auction are: construction services (except maintenance, repairs, and renovations costing less than \$25,000); architectural or engineering services; new or unused motor vehicles (except school buses, garbage trucks, fire trucks, ambulances, and other special purpose vehicles); and new or unused construction equipment. The purchasing agent must solicit bids by placing a notice at least once in a newspaper of countywide circulation five days before the first day bids can be submitted. Bids may also be solicited by mail or electronically. Invitations to bid must contain a general description of the goods or services to be purchased and the time and place for bid opening. The local government is directed to provide a mechanism to facilitate participation of small and minority owned businesses. Bid responses must be made public at the time and place announced in the invitation to bid. The award must be made to the lowest responsible and responsive bidder. Bids must be preserved for 5 years.

Effective June 9, 2009.

Public Chapter 518 SB 1577 – HB 1705

Construction Management of Correctional Projects

Amends 12-4-106 to authorize local governments to contract for construction management services provided for a fee and involving preconstruction and

construction administrative management services for the construction of local correctional facility projects or additions, and deems such services to be professional services which may be performed by licensed general contractors, architects, and engineers. Provides for procurement of such services through advertisement in accordance with the laws, regulations, and ordinances of the local government, through a written request for proposals process. Factors considered in awarding the contract must include the construction manager's qualifications and experience on similar projects; qualifications of personnel to be assigned to the project; and fees and costs. Cost cannot be the sole criterion for award of the contract. Actual construction work must be procured through competitive bids. A construction manager cannot perform actual construction work on a project he oversees except where bids have been solicited twice and no bids were submitted. The governing body may perform work on the project with its own employees, with the construction manager overseeing this work.

Effective June 25, 2009.

RECORDS

Public Chapter 176 SB 0894 - HB 0604

Identifying Information of Crime Victim

Amends 10-7-504 and numerous victims' rights statutes to make confidential identifying information of an individual who has pursuant to numerous victims' rights statutes been notified or requested notification be provided regarding the status of a criminal proceeding, of an incarcerated felon, or of an individual under probation or parole.

Effective July 1, 2009.

Public Chapter 310 SB 1973 - HB 2189

Public Employee Confidential Information

Amends 10-7-504(f) to make the section regarding confidential information of public employees applicable to former employees. Adds individual health savings account, retirement account and pension account information to list of confidential public employee information.

Effective May 27, 2009.

Public Chapter 328 SB 880 - HB 1247

Criminal Injuries Compensation Act

Amends 10-7-504 to make confidential information regarding victims who apply for compensation under the Criminal Injuries Compensation Act.

Effective May 29, 2009.

Public Chapter 358 SB 809 - HB 325

Reports of Harm to a Child

Amends 10-7-504 and multiple provisions in Title 37 to provide that records directly or indirectly indentifying a child or family receiving services from the

Department of Children's Services pursuant to Title 37 or that identify an individual who made a report of harm to a child shall be confidential. Provides for limited exceptions to confidentiality of such records.

Effective July 1, 2009.

Public Chapter 520
SB 1655 - HB 1587

Archives and Record Management Fee

Amends 10-7-408(b)(2) to include the register of deeds and court clerks to the list of offices which may be authorized by the county legislative body to collect an archives and record management fee. Increases the archives and records management fee from a maximum of \$2.00 to a maximum of \$5.00.

Effective June 25, 2009.

Public Chapter 567
SB 202 - HB 703

Records Related to Security of Government Buildings

Enacts a new section in 10-7-504 to make confidential information related to the security of any government building.

Effective July 1, 2009.

REGISTER OF DEEDS

Public Chapter 132
SB 883 – HB 1922

Manufactured Homes/Affidavit of Affixation

Amends 55-3-138 to require owners to surrender their certificates of title to manufactured homes if the legal ownership of the manufactured home and real property is identical, upon the recording of an affidavit of affixation. Changes the form of the affidavit of affixation and specifies that the affidavit is to be filed with the register of deeds as a separate document.

Effective July 1, 2009.

Public Chapter 260
SB2105 – HB1840

Redaction of Social Security Numbers

Amends 10-7-515 to permit the registers in Knox, Blount, Shelby and Sevier counties to redact social security numbers on recorded documents maintained on computers or removable computer storage media.

Effective May 20, 2009.

RETIREMENT

Public Chapter 142
SB 1359 - HB 1367

Reduction in Work Hours Due to Restrictions in Funding

Amends numerous code provisions regarding TCRS retirement and disability benefits. Enacts provision in Title 8, Chapter 34, Part 6 to allow full-time officers, employees and teachers whose hours are temporarily cut by no more than

30% due to reductions in funding levels to continue to accrue TCRS benefits at pre-cut levels if the county legislative body accepts liability.

Effective May 5, 2009.

Public Chapter 438

SB 529 - HB 352

Retiree Returning to Work for Covered Employer

Enacts a new section in Title 8, Chapter 36, Part 8 providing that a retiree under TCRS may return to work for a covered employer under the following four conditions: (1) the individual must be retired at least 12 months; (2) the individual must return to work for a different employer (and the act defines all departments, agencies or instrumentalities of an employer as the same employer); (3) during the period of re-employment the member's TCRS benefits will be reduced to 70% of what the member would otherwise be entitled to; and (4) the individual will accumulate no additional retirement credit under TCRS. The act provides that it will cease to be effective June 30, 2012.

Effective July 1, 2009.

Public Chapter 569

SB 1357 - HB 1369

Termination of Assumption of Employee Contributions to TCRS

Enacts a new section in Title 8, Chapter 35, Part 2 providing that the chief governing body of any employer participating in TCRS may by a resolution approved by a two-thirds vote elect to discontinue the noncontributory provisions of 8-34-206 for all employees employed after the effective date of the resolution and have the contributions made by such employees treated as employer contributions per 8-37-216. Employees employed prior to the effective date of the resolution shall continue to be eligible for the noncontributory provisions of 8-34-206. The effective date of any resolution passed pursuant to this act must be on the first day of a quarter following a minimum of three months notice to the retirement system. Any resolution passed pursuant to this act to discontinue the noncontributory provisions of 8-34-206 shall be irrevocable.

Effective July 1, 2009.

TAXES

Public Chapter 138

SB 1086 – HB 1667

Coal Severance Tax

Amends 67-7-104 to increase the coal severance tax to 50¢ per ton through June 30, 2011, and then to 75¢ through June 30, 2013 and then to \$1.00 from July 1, 2013. Amends 67-7-110(b) to decrease the amount retained by the department of revenue from 3% of the tax and all of the interest and penalties to 1.125% of the tax; provided that during fiscal years 2009-10 and 2010-11 only the department of revenue will retain an amount sufficient to recover certain administrative expenses associated with this change.

Effective July 1, 2009.

TAXES – PROPERTY

Public Chapter 68 SB 755 - HB 1177

Tax Relief and Tax Freeze

Amends 67-5-702(a)(2) and 67-5-703(a)(2) to clarify, for the purposes of tax relief for elderly low-income homeowners and disabled homeowners, that the income attributable to the applicant for tax relief shall be the income of all owners of the property, the income of applicant's spouse, and the income of any owner of a remainder or reversion in the property if the property constituted such person's legal residence at any time during the year for which tax relief is claimed.

Amends 67-5-705(f)(2) to clarify, for the purposes of the property tax freeze act, that the applicant's income, combined with the income of any other owners of the property, the income of applicant's spouse, and the income of any owner of a remainder or reversion in the property if the property constituted such person's legal residence at any time during the year, may not exceed the statutory limit.

Effective April 15, 2009.

Public Chapter 71 SB 2039 - HB 1989

Partial Payment of Property Taxes

Amends 67-5-1808 to require the trustee, prior to accepting partial payment of property taxes for the current year before the tax rate is established, to file a plan with the comptroller of the treasury at least thirty days prior to the acceptance of payments.

Effective April 15, 2009.

Public Chapter 111 SB 804 - HB 643

Property Tax Exemption for Low Cost Housing

Amends 67-5-207(a)(1) to revise eligibility for property tax exemption for low cost housing. Specifies that, for the purposes of this section, a loan is considered to be guaranteed if the federal housing agency has consented to assignment of a housing assistance program contract as security for the loan. Adds elderly to exemption of federally assisted housing under subsection (d).

Effective April 30, 2009.

Public Chapter 163 SB 873 - HB 889

Tangible Personal Property - Forced Assessment - Remedies

Amends 67-5-903(c) and (d). Removes the provision that makes it a Class A misdemeanor for a taxpayer to fail, refuse, or neglect to complete, sign, and file the tangible personal property schedule. Specifies that such failure to file the schedule shall be deemed a waiver to objection to a forced assessment, subject only to the appeal remedies provided for in present law and this bill. Provides new procedure for mitigation of forced assessment if taxpayer fails to make timely appeal to county board of equalization; limits mitigation to the extent the forced assessment is shown to exceed depreciated value of property by 25 percent or more. Amends 67-5-1509(a) to provide that equalization of commercial and industrial tangible personal property assessments shall only be available to

taxpayers who have “timely filed” the reporting scheduled required by law.

Effective May 7, 2009.

Public Chapter 156

SB 429 - HB 598

Redemption of Property

Amends 67-5-2702(a) to provide that property may be redeemed within one year from the date of the order of confirmation of sale, as evidenced by the records in the office of the clerk of the court responsible for the sale.

Effective July 1, 2009.

Public Chapter 185

SB 2037 - HB 1990

Delinquent Tax Suit - Redemption of Property

Amends 67-5-2401 to make minor language revision in notice of intent to file delinquent tax suit. Amends 67-5-2704(a) to clarify that upon the redemption of property sold at a tax sale, the purchaser at the tax sale can request reimbursement for moneys expended to preserve the value of the property including funds expended to pay “property taxes due or delinquent on the property.”

Effective May 7, 2009.

Public Chapter 256

SB 1570 - HB 1535

Contested Property Tax Appeals - Assessors of Property

Amends 67-1-202 to provide that the division of property assessments shall have the unconditional right to intervene in any contested case before the state board of equalization. Amends 67-5-1514(e) to specify persons who are permitted to represent the assessor of property in any contested case before the state board of equalization.

Effective May 20, 2009.

Public Chapter 346

SB 1277 - HB 1601

Final Settlement of Taxes - Reports

Amends 67-5-1902. Removes requirement that the trustee must report and make a settlement for all taxes with the commissioner of revenue; removes requirement that the trustee submit a financial report to certain state and local government officers for purposes of making a final settlement of taxes.

Effective June 3, 2009.

Public Chapter 380

SB 2090 - HB 1933

Tax Sales

Amends 67-5-2509. Allows Shelby County to convey properties with road frontage no greater than twenty-four feet (24') acquired in tax sales to adjoining property owners upon establishing a fair market value ("FMV"), based upon both value enhancing and value decreasing factors, after the adjoining property owner has made sufficient in-kind payments, including, but not limited to, cutting, cleaning or improving the property, and accepting general liability for the premises. Such actual or in-kind payments shall be equal to the FMV established

for the property.

Effective July 1, 2009.

Public Chapter 478

SB 1166 - HB 1387

Municipal Delinquent Tax Sales

Amends 67-5-2508(c). Provides that upon the purchase of land by a municipality at a delinquent tax sale for municipal taxes only, and after the period of redemption has lapsed, the municipality may, upon a majority vote of the governing body determining it impracticable to sell the property for the full amount of the taxes, penalty, cost and interest, sell the property for less than this amount. Provides that the provisions of this act shall not apply in any county having a metropolitan form of government and a population in excess of 500,000 according to the 1990 federal census or any subsequent federal census.

Effective July 1, 2009.

Public Chapter 480

SB 1221 - HB 1209

Distress Warrants

Amends 67-4-215(e). Provides that a distress warrant issued by a municipal tax collector may be executed within the boundaries of a municipality by the chief of police or a police officer of the municipality, who is granted the authority expressed in this section to serve such warrants.

Effective June 23, 2009.

Public Chapter 527

SB 2196 - HB 2175

Reappraisals

Amends 67-5-1603(d) to provide that in a year of reappraisal, if the number of foreclosures is of a significant number in any area or neighborhood, the assessor of property may recognize the effects of such foreclosures on the values of other properties located within the affected area or neighborhood.

Effective June 25, 2009. Applies to reappraisals for the 2009 tax year and reappraisals occurring thereafter.

Public Chapter 530

SB 2318 - HB 2275

Redemption of Property

Section 103 amends Public Chapter 156 of 2009. Public Chapter 156 of 2009 amends 67-5-2702(a) to provide that property may be redeemed within one year from the date of the order of confirmation of sale, as evidenced by the records in the office of the clerk of the court responsible for the sale. Pursuant to this technical correction, in Knox County, persons entitled to redeem property may do so within ninety (90) days after the entry of the order confirming the tax sale, if all owners of record of the property have signed a waiver of such owner's interest in the property.

Effective June 25, 2009.

Public Chapter 530
SB 2318 - HB 2275

Correction of Assessments

Section 104 amends 67-5-509(d) to extend the deadline with respect to forced assessments of tangible personal property for tax year 2007, until September 1, 2009.

Effective June 25, 2009.

Public Chapter 530
SB 2318 - HB 2275

Stock Assessed as Personalty of Stockholders

Section 106 amends 67-5-1101. Provides that no tax under this part shall be imposed on: (1) The shares of stock of any person registered as a broker or a dealer under § 3(a)(4) or (5) of the Securities Exchange Act of 1934, 15 U.S.C. § 78c(a)(4) or (a)(5), or any successor provision, regardless of any related or incidental activities carried on by such person in connection with its business as a broker or a dealer; or (2) Any qualified financing entity as defined in § 67-4-2004 or its affiliates.

Effective June 25, 2009. Applies to tax years beginning on or after January 1, 2009.

Public Chapter 530
SB 2318 - HB 2275

Assessment of Tangible Personal Property

Section 131 amends 67-5-901(b). Designates the current language of subsection (b) as subdivision (b)(1) and adds the following language as a new subdivision (b)(2): Prosthetic surgical kits, including reusable tools and containers as well as prosthetics and supplies, shall be considered "inventories of merchandise held by merchants and businesses for sale and exchange" as to the typical stock on hand at the premises of the merchant or business owner, or when held for thirty (30) days or less by a customer for use in surgeries, provided proceeds of the transaction are subject to business tax. Kits leased or consigned to the same customer/user for longer than thirty (30) days, with or without a written lease or consignment agreement, shall be considered leased tangible personal property assessable to the customer/user. The typical stock on hand at the premises of the customer/user shall be considered leased tangible personal property unless otherwise documented. Leased or consigned kits otherwise assessable to the customer/user but withdrawn or relocated from the customer/user's premises by the lessor within thirty (30) days, may be adjusted by filing of an amended tangible personal property schedule for the year assessed according to the applicable statute, if the basis for the adjustment is documented.

Effective January 1, 2010.

TAXES – SALES

Public Chapter 530
SB 2318 - HB 2275

Sales Tax

Amends 67-6-232 regarding qualified facilities supporting emerging industry or major cultural attractions to rewrite definition for “emerging industry” to include clean energy technology and to remove specific exclusion of those primarily

engaged in manufacturing, warehousing and distribution, call centers or convention or trade show facilities.

Amends numerous statutes in Title 67, Chapter 6 and Section 187 of Chapter 602 of the Public Acts of 2007 to delay the effective day of numerous streamlined sales tax provisions from July 1, 2009 to July 1, 2011.

Enacts 67-6-102(73)(L) to define the word “sale” in Title 67, Chapter 6 to include any transfer of title or possession, lease or licensing, in any manner or by any means whatsoever of computer software for a consideration, including the creation of computer software on the premises of the consumer and any programming, transferring, or loading of computer software into a computer.

Enacts a new section in Title 67, Chapter 6, Part 3 to provide that the transfer of preliminary artwork by an advertising agency to its client is exempt from sales and use tax, but the sale or use of final artwork is subject to the tax.

Amends 67-6-349 to provide that a dealer may receive a credit under certain circumstances if the dealer has paid sales or use tax on fuel or petroleum products sold to an air common carrier if such products are subsequently used by the air common carrier in a manner that renders the products exempt from tax.

Amends 67-6-103 to apportion and distribute to a performing arts center that meets certain requirements an amount equal to the amount of state tax revenue derived under Title 67, Chapter 6 from the sale of tickets for admission to events held at the performing arts center to be used exclusively for maintenance and improvement of the facilities in which the performing arts center is located.

Amends 67-6-103 to provide that state tax revenue collected from commercial breeders licensed under the Commercial Breeder Act shall be allocated to the Commercial Breeder Act enforcement and recovery account.

Amends numerous other provisions relative to taxation.

Effective date of sections of act range from January 1, 2008 to January 1, 2010.

UTILITIES

Public Chapter 72 SB 2049 - HB 1979

Financially Distressed Utilities

Amends 7-82-401, 7-82-703 and 68-221-1010 to reduce from three to two the number of consecutive years a utility district, water system, or wastewater facility must have a negative change in net assets in order to be considered financially distressed.

Effective April 15, 2009.

Public Chapter 74
SB 0811 - HB 0956

Public Works Projects

Amends 7-34-105 and 9-21-107 to provide that a local government entity may engage in construction in the territory of another local government in order to perform maintenance or make improvements to its own existing public works system.

Effective April 15, 2009.

Public Chapter 224
SB 2047 - HB 1981

Tennessee Local Development Authority

Amends 68-221-1004(a) and 68-221-1204(a) to authorize the Tennessee local development authority to charge and collect administrative fees and expenses, including, but not limited to, reimbursement of all costs of financing, from local governments under the Wastewater Facilities Act of 1987 and water systems under the Drinking Water Revolving Loan Fund Act of 1997.

Effective May 18, 2009.

Public Chapter 271
SB 881 - HB 1245

Alternatives to Discharges of Wastewater into Surface Waters

Amends 69-3-105 to direct the water quality control board to adopt rules creating a system of incentives for alternatives to discharges of wastewater into surface waters. Amends 69-3-108 to provide that applicants for permits which would authorize wastewater discharge into surface waters shall include in the application a consideration of alternatives, including, but not limited to, land application and beneficial re-use of the wastewater.

Effective May 21, 2009.

Public Chapter 316
SB 1539 - HB 875

Supplemental Petitions

Amends 7-82-302(e) to provide that supplemental petitions to authorize a utility district to provide additional services are not subject to approval or disapproval by the utility management review board. Additionally, provides that the county mayor may exclude territory within the utility district's boundaries which is already receiving the service sought to be furnished by the supplemental petition.

Effective May 27, 2009.

Public Chapter 320
SB 1540 - HB 876

Utility Management Review Board

Amends 7-82-201 and 7-82-202 to authorize the utility management review board to disapprove a petition for the incorporation of a new utility district. Additionally, clarifies provisions related to the merger, consolidation or transfer of assets of utility districts.

Effective May 27, 2009.

Public Chapter 388
SB 1685 - HB 980

Mutual Aid and Emergency and Disaster Assistance Agreements

Amends 58-8-115 to provide that governmental and non-governmental utilities that enter into mutual assistance agreements for the purposes of providing aid or assistance to one another are eligible for reimbursement of all out-of-pocket costs incurred by the responding party. Amends 58-8-103(a) to provide that a separate agreement is required with regard to aid or assistance provided between nongovernmental utilities and governmental entities.

Effective June 9, 2009.

Public Chapter 402
SB 2305 - HB 2294

Wastewater Facility and Drinking Water Revolving Loan Funds

Amends Title 68, Chapter 221, Parts 10 and 12 to provide that the department of environment and conservation shall deposit into the wastewater facility revolving loan fund and the water system revolving loan fund any funds from the American Recovery and Reinvestment Act of 2009 in order to make loans or subsidize loans made under the programs authorized by the Wastewater Facilities Act of 1987 and the Drinking Water Revolving Loan Fund Act of 1997.

Effective June 9, 2009.

Public Chapter 409
SB 2038 - HB 1976

Water/Wastewater Authority or Energy Authority

Amends 4-31-102(11), 68-221-1003(7)(i), and 68-221-1203(6), to add water/wastewater authority or any energy authority created by an act of the general assembly to the definition of local government unit under the Tennessee Local Development Authority Act, to the definition of local government under the Wastewater Facilities Act of 1987, and to the definition of system or water system under the Drinking Water Revolving Loan Fund Act of 1997.

Effective June 11, 2009.

Public Chapter 423
SB 660 - HB 1779

Utility Management Review Board

Amends 7-82-701 to change the composition of the utility management review board by replacing one member who has experience as a utility district manager with a consumer who may have experience in residential development. Amends 7-82-702 to provide for additional oversight of utility district decisions by the utility management review board upon written request of a customer or affected developer. Amends 7-82-307 to provide for the removal of utility district commissioners for failure to fulfill fiduciary responsibilities in operation or oversight of the utility district.

Effective June 11, 2009.

Public Chapter 472
SB 973 - HB 1673

Natural Gas Vehicle Fueling Stations

Amends 7-82-301 and 7-82-302 to authorize utility districts to own and operate natural gas vehicle fueling stations. Provides that a utility district cannot franchise the operation of the fueling station to another entity and that other

fueling stations shall not be prohibited from operating within the area embraced by the utility district.

Effective June 23, 2009.

PART II – PUBLIC ACTS OF LOCAL APPLICATION

BLOUNT

Public Chapter 168 SB 1511 - HB 1741

Alcoholic Beverages in Historic Inns

Amends 57-4-102(15) to redefine "historic inn" for the purposes of the sale of alcoholic beverages for on-premises consumption to include certain historic inns in Blount and Sevier counties. Authorizes the sale of alcoholic beverages for on-premises consumption at a historic inn in Sevier County that has 24 guest rooms and a dining facility and is located within one-half mile of the Great Smoky Mountain National Park. Authorizes the sale of alcoholic beverages for on-premises consumption at a historic inn in Blount County that has at least 10 transient guest rooms, a separate meeting lodge and facility, and an outdoor chapel. Amends 57-4-301 to provide that the annual taxes imposed for an historic inn shall be equal to the tax assessed for an historic mansion house site.

Effective May 7, 2009.

Public Chapter 357 SB 788 - HB 1702

Alcoholic Beverages in Hotels

Amends 57-4-102(19)(F)(iii) to redefine "hotel" to provide that the property of Blackberry Farm in Blount County does not have to be contiguous and may be divided by a public or private road; and that privilege may be exercised anywhere within the defined area.

Effective June 5, 2009.

COCKE

Public Chapter 49 SB 874 - HB 1391

Alcoholic Beverages in Premier Type Tourist Resorts

Amends 57-4-102(24)(SS) to add Meadow Creek Mountain Rustic Resort in Cocke County to those facilities authorized to sell alcoholic beverages for on-premises consumption as a premier type tourist resort.

Effective April 9, 2009.

DAVIDSON

Public Chapter 360 SB 1446 – HB 1560

Dismissal of Tenured Teachers

Amends 49-5-512(c) to afford hearing rights to tenured teachers who are suspended from duty in Davidson County.

Effective June 5, 2009.

FENTRESS

Public Chapter 109 SB 2157 - HB 2043

Alcoholic Beverages in Premier Type Tourist Resorts

Amends 57-4-102(24) to add East Fork Stables in Fentress County to the definition of premier type tourist resort for purposes of the sale of alcoholic beverages for on-premises consumption.

Effective April 30, 2009.

HAMILTON

Public Chapter 150 SB 941 – HB 781

Hamilton County Register of Deeds

Amends 8-21-1001 to allow the register of deeds to use funds from the data processing fee collected in excess of what the office needs for computers and software for other office purposes, but the register must obtain the approval of the county legislative body before making any such purchase.

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

Public Chapter 296 SB940 – HB780

Register of Deeds

Amends 8-21-1001 to allow the Hamilton County register of deeds to charge a \$2 fee for each document received electronically from the register's electronic filing portal. Documents filed by governmental entities are exempt from the fee.

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

HENRY

Public Chapter 230 SB 1783 – HB 402

Constables

Amends 8-10-101 and 8-10-109 to authorize Henry County to abolish the office of constable or remove law enforcement powers of constable upon 2/3 vote of the county legislative body.

Effective May 20, 2009.

KNOX

Public Chapter 495 SB 2015 - HB 1953

Litigation Tax for Victim-Offender Mediation Center

Amends 16-20-106 to provide that the Knox County legislative body may by a 2/3 vote levy a litigation tax of one dollar for each petition, warrant and citation, including warrants and citations for traffic offenses, in matters before the general sessions courts and juvenile courts for the benefit of local victim-offender

mediation centers; the one dollar tax may be increased yearly by one dollar until a total tax of five dollars is levied for such filings.

Effective June 23, 2009.

ROANE

Public Chapter 515 SB 1338 - HB 938

Constables

Amends 8-10-101(a)(3) to authorize the county legislative body in Roane County to adopt a resolution to abolish the office of constable, subject to approval by referendum.

Effective June 25, 2009.

SEVIER

Public Chapter 168 SB 1511 - HB 1741

Alcoholic Beverages in Historic Inns

Amends 57-4-102(15) to redefine "historic inn" for the purposes of the sale of alcoholic beverages for on-premises consumption to include certain historic inns in Blount and Sevier counties. Authorizes the sale of alcoholic beverages for on-premises consumption at a historic inn in Sevier County that has 24 guest rooms and a dining facility and is located within one-half mile of the Great Smoky Mountain National Park. Authorizes the sale of alcoholic beverages for on-premises consumption at a historic inn in Blount County that has at least 10 transient guest rooms, a separate meeting lodge and facility, and an outdoor chapel. Amends 57-4-301 to provide that the annual taxes imposed for an historic inn shall be equal to the tax assessed for an historic mansion house site.

Effective May 7, 2009.

SHELBY

Public Chapter 266 SB 1753 - HB 1413

Alcoholic Beverages in Historic Interpretive Center

Amends 57-4-102(16) to revise the present requirements for an historic interpretive center, which applies to the Center for Southern Folklore in Memphis, to no longer have the location in a restored theater but instead in an historic area where structures listed on the national register of historic places are located.

Effective May 20, 2009.

Public Chapter 331 SB 217 – HB 230

Student Transfers

Amends 49-6-3102, -3202, and -3204 to authorize the Shelby County board of education to delegate to a three-member committee the responsibility for making final decisions regarding the assignment of students, and the committee must consist of at least one current board member with all remaining members being

board employees.

Effective June 1, 2009.

Public Chapter 391
SB 1094 - HB 1212

Domestic Violence Court

Enacts 16-15-5014 to provide that the tenth division of the Shelby County general sessions court shall serve as the domestic violence court for Shelby County commencing no later than September 1, 2009.

Effective June 9, 2009.

SUMNER

Public Chapter 114
SB 303 – HB 310

Zoning

Amends 13-21-102 to create a pilot program through 2012 for municipalities in Sumner and Williamson counties which allows those municipalities to remedy unsafe conditions caused by abandoned or suspended construction.

Effective May 5, 2009.

UNION

Public Chapter 572
SB 138 – HB 147

Alcoholic Beverages

Amends 57-4-102 to authorize the sale of alcoholic beverages in a privately owned facility located on 20 acres with a restaurant having at least 1,200 square feet seating at least 100 patrons at inside and outside tables, with a marina with at least 100 slips and house boat rentals of at least 4 house boats, with at least 4 cabins, 7 camping slots, and at least 3 RV slots, with a boat repair shop and store carrying boating and skiing items, that does not discriminate on the basis of age, gender, race, religion, or national origin, and is located in a county with a population between 17,800 and 17,875.

Effective July 1, 2009.

WILLIAMSON

Public Chapter 98
SB 2221 - HB 2365

Alcoholic Beverages in Premier Type Tourist Resorts

Amends 57-4-102(24)(SS) to add Laurel Cove in Williamson County to those facilities authorized to sell alcoholic beverages for on-premises consumption as a premier type tourist resort.

Effective April 27, 2009.

Public Chapter 114
SB 303 – HB 310

Zoning

Amends 13-21-102 to create a pilot program through 2012 for municipalities in Sumner and Williamson counties which allows those municipalities to remedy unsafe conditions caused by abandoned or suspended construction.

Effective May 5, 2009.

WILSON

Public Chapter 396
SB 2010 - HB 1592

Appeals from Probate Court

Amends 30-2-609(e)(1) to provide that all appeals from the judgment of a probate court in Wilson County shall be to the court of appeals unless otherwise provided by law or rule of court.

Effective June 9, 2009.

PART III –PRIVATE ACTS

BLOUNT

Private Chapter 15

SB 2065 – HB 2042

Hotel-Motel Tax

Amends Private Acts of 1979, Chapter 102, as amended, to raise the hotel-motel tax from 4% to 5%, with 80% of the tax apportioned as follows: 50% of the proceeds used by the tourist commission for the direct promotion of tourism, 12½% for the construction, maintenance, staffing, and supplying of the Townsend Visitors Center and other such centers as required by the tourist commission, and 37½% to the county general fund; the remaining 20% of the tax is to be used to purchase the 10+ acres adjacent to the Townsend Visitors Center and all related expenses, but if this amount is insufficient then the shortfall will be taken from the 80% allocations.

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

CHESTER

Private Chapter 11

SB2352 – HB2386

Accounting and Budget Director Position

Directs the budget committee of the county legislative body to appoint an accounting and budget director subject to the approval of the full county legislative body. Provides for the dismissal of the accounting and budget director according to the same procedure except that prior to taking such action, the budget committee shall provide 30 days written notice of its intent to the full county legislative body. Sets out the qualifications for the position of accounting and budget director. Also sets out the duties of the position. Specifies that the budget committee shall set the accounting and budget director's compensation.

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

CLAY

Private Chapter 25

SB 2372 – HB 2405

Hotel-Motel Tax

Enacts a hotel-motel tax in Clay County at the rate of 2.5% of the rate charged by the operator, to be collected by the county clerk who shall retain 2% of the amount collected. Delinquent taxes accrue interest at the rate of 12% per annum, and a penalty of 1% for each month of delinquency. Willful refusal to collect the tax carries a civil penalty of \$50. The proceeds will be used for tourism and economic development.

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

HAMILTON

Private Chapter 16 SB 2022 – HB 2035

Purchasing Procedures

Amends Private Acts of 1941, Chapter 156, to add the following provision:
“Pursuant to Tennessee Code Annotated, Section 12-3-607, none of these provisions shall require or be deemed to permit any purchases to comply with any energy efficiencies standards and life cycles costing as employed by the state of Tennessee in its procurement policies.”

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

HENRY

Private Chapter 27 SB 2374 – HB 2407

Capital Outlay Notes for Paris Special School District

Authorizes the issuance of tax-exempt notes not exceeding \$1,750,000 for the construction, improvement, renovation, improvement, expansion, furnishing, fixturing and equipping of school buildings and facilities, and additions thereto, in the Paris Special School District, including the purchase of all necessary real and personal property. Authorizes the pledge of local option sales tax and any BEP capital outlay funds received by the district.

Effective June 23, 2009.

POLK

Private Chapter 20 SB 2370 - HB 2403

County Attorney

Establishes the office of county attorney. Provides that the county attorney shall be elected by the county legislative body one month after the approval of this act by the county legislative body and then each October thereafter.

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

RUTHERFORD

Private Chapter 7 SB 2345 – HB 2378

Wheel Tax

Amends Private Acts of 1970, Chapter 329, as amended, to delete the exclusion for vehicles driven on state roads, and to delete the criminal penalty for violation of the act and replace it with a civil penalty.

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

UNICOI

Private Chapter 10

SB 2230 / HB 1831

Sale of Pyrotechnics in Unicoi County

Amends Chapter 256 of the Private Acts of 1947 to permits volunteer fire departments to possess, store, use, or sell fireworks.

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

WILSON

Private Chapter 26

SB 2374 – HB 2407

School Bonds for 10th Special School District

Amends Acts of 1901, Chapter 330, as amended, to authorize the issuance of bonds and/or notes not exceeding \$20,000,000 for the acquisition of land, site preparation, construction, improvement, renovation, expansion, furnishing, fixturing, and equipping of school buildings and facilities, and additions thereto, in the 10th Special School District, maturing within 35 years, to be paid from taxes levied under existing private acts at the current rates. Authorizes the pledge of any BEP capital outlay funds received by the district, local option sales tax, and any other funds available for capital outlay purposes. Also authorizes bond anticipation notes.

Effective June 9, 2009.