

# **INDEX OF ACTS RELATED TO COUNTY GOVERNMENT**

**2011 EDITION**

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

**Prepared By  
CTAS Legal Staff**

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## INTRODUCTION

The first session of the 107th General Assembly convened on January 11, 2011, and adjourned on May 21, 2011. The second session of the 107th General Assembly will convene at noon on January 10, 2012.

At the time of publication of this index, there are 510 new designated public chapters and 32 new private acts passed in 2011. 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**

### **AIRPORTS**

#### **Public Chapter 139**

SB 761 – HB 909

#### **Regional Airport Authorities**

Amends 42-3-104(a)(3) to revise the procedure by which multiple political subdivisions of Tennessee and one or more political subdivisions of another state create a regional airport authority. Amends 42-3-104(e) to render the provision setting forth five-year terms for regional airport authority commissioners inapplicable to authorities created by multiple political subdivisions of Tennessee and one or more political subdivisions of another state. Amends 42-3-118 to clarify that the powers conferred to airport authorities are not limited to the powers authorized under the Airport Authorities Act.

Effective May 2, 2011.

### **ALCOHOLIC BEVERAGES**

#### **Public Chapter 27**

SB 87 – HB 52

#### **Hours for the Sale of Beer**

Enacts 57-5-113 to authorize establishments licensed to sell liquor or wine for on-premises consumption to sell beer at any time the establishment is legally authorized to sell liquor or wine as long as the establishment has obtained a beer permit. Amends 57-5-301(b)(5) to provide that the hours for the sale of beer within the boundaries of a Tennessee River resort district cannot be less than the authorized hours for the sale of liquor or wine for on-premises consumption.

Effective March 31, 2011.

#### **Public Chapter 213**

SB 1030 - HB 853

#### **Direct Shipper's Licenses**

Repeals 57-3-217(d) to allow direct shippers to ship wine to any address in the state.

Effective May 20, 2011.

**Public Chapter 231**  
SB 1037 – HB 969

**Sunday Hours for the Sale of Beer**

Amends 57-4-203(d)(5) relative to the hours for the sale of beer in counties in which a municipality has adopted liquor by the drink and the hours for the sale of beer in the county were automatically extended to match ABC hours, to authorize the county legislative body to set the hours for Sunday sales of beer in accordance with 57-5-301(b)(1), by 2/3 vote.

Effective May 20, 2011.

**Public Chapter 447**  
SB 1273 - HB 985

**Sales in Unincorporated Areas of a County**

Amends 57-4-103(a)(1) and (a)(2)(A). Authorizes the county legislative bodies to initiate the holding of a referendum to allow the sale of alcoholic beverages for on-premises consumption upon two-thirds vote.

Amends 57-4-107. Permits sales of alcoholic beverages in unincorporated areas of a county that approves the legal sale of alcoholic beverages for consumption on the premises by local option election called and held, in accordance with 57-3-106 (g), in areas of the county lying outside municipalities meeting the requirements of 57-3-106(g)(1).

Amends 57-4-101(g). Adds authorization for a charitable, nonprofit or political organization possessing a special occasion license to serve or sell wine, other alcoholic beverages, and beer, to be consumed on designated premises within the boundaries of a political subdivision wherein the sale of alcoholic beverages for consumption on the premises has been approved. Also authorizes the issuance of a special occasion license for an event within the unincorporated area of a county if at least one municipality in such county has approved the sale of alcoholic beverages at retail or the sale of alcoholic beverages for consumption on the premises.

Amends 57-4-102(13). Designates the Cookeville Performing Arts Center as a community theater for purposes of sales and consumption of alcoholic beverages on the premises.

Amends 57-4-102(19). Designates the Paramount Historic Theater in Sullivan County as a historic

performing arts center for purposes of sales and consumption of alcoholic beverages on the premises.

Amends 57-4-102(26). Designates the Black Oak Grill in Jefferson County as a premier type tourist resort for purposes of sales and consumption of alcoholic beverages on the premises.

Amends 57-4-102(32). Authorizes issuance of special occasion licenses for the Grape Stomp and Cork in the Fork events in Williamson County.

Amends 57-4-102(29)(A). Specifies that a restaurant located in a Tennessee River resort district may be issued a license for sales and consumption of alcoholic beverages on the premises although such restaurant is closed seasonally.

Amends 57-4-102(35). Designates as a Tennessee River resort district for purposes of sales and consumption of alcoholic beverages on the premises a restaurant within a jurisdiction that has elected Tennessee River resort district status, which has an indoor seating capacity of at least 40 and an outdoor seating capacity of at least 75. Expands the definition of "Tennessee River resort district" to include a limited service restaurant located within a jurisdiction that has elected Tennessee River resort district status.

Amends 57-4-102(38). Designates Dogwood Park in Cookeville as an urban park center for purposes of sales and consumption of alcoholic beverages on the premises.

Effective June 10, 2011.

**Public Chapter 448**  
SB 1224 - HB 986

**Alcoholic Beverages Importer - High Content Beer**

Amends numerous sections of Title 57. Authorizes a licensed alcoholic beverages wholesaler to act as an importer of alcoholic beverages and wine if such wholesaler holds a basic permit issued pursuant to the Federal Alcohol Administration Act as an importer, advises the commission of its intent to act as an importer, pays an additional annual fee of \$250 to the commission and otherwise complies with the obligations of an importer.

Authorizes the manufacture of high alcohol content beer within the boundaries of a municipality if both retail package sales and consumption of alcoholic beverages on the premises have been approved through voter referendum of voters within such municipality and in the unincorporated areas of any county if both retail package sales and consumption of alcoholic beverages on the premises have been approved through voter referendum of voters in any jurisdiction located within the county, or if the county is included in the Tennessee River resort district and retail package sales have been approved through voter referendum within the county, and if the manufacturer also holds a Brewer's Notice approved by the US department of the treasury, alcohol and tobacco tax and trade bureau. In all jurisdictions not meeting the above requirements, it would be lawful to manufacture high alcohol content beer within the boundaries of a municipality or in the unincorporated area of such county upon an election authorizing the manufacturing of alcoholic beverages as described above, and if the manufacturer also holds a Brewer's Notice. Makes it lawful for any lawful manufacturer of high alcohol content beer to also brew beer on the same premises of the manufacturer of high alcohol content beer, upon meeting necessary federal, state and local license requirements. Specifies that such a manufacturer may sell only such products as are manufactured on the manufacturer's premises, except that no more than five gallons or 1/6 of a barrel of its products may be sold to any one individual per visit to the premises.

Provides that if a manufacturer of high alcohol content beer obtains a retail license to sell its products which are manufactured on the manufacturer's premise, the governing body of the municipality or county in which such a manufacturer is located shall impose by ordinance or resolution, as appropriate, a 15% inspection fee to inspect the retail store in which such products are sold by the manufacturer. Such inspection fee shall be imposed on the wholesale price of the high alcohol content beer supplied pursuant to 57-3-204(f)(7)(B) by a wholesaler for those products manufactured and sold by the manufacturer at its retail store as authorized pursuant to 57-3-204(f)(7).

Effective June 10, 2011.

**Public Chapter 451**

SB 1224 - HB 986

**Winemaking on Premises Facilities**

Amends Title 57, Chapter 3, Part 2. Authorizes licensure and regulation of businesses where customers can make wine for personal, home consumption.

Effective June 10, 2011, for purposes of promulgating rules and regulations. Effective January 1, 2012, for all other purposes.

**ANNEXATION**

**Public Chapter 111**

SB 461 – HB 466

**Publication of Annexation Ordinances/Resolutions**

Enacts 6-51-121 to require annexing municipalities, upon adoption of an annexation ordinance or referendum approval of an annexation resolution, to record the ordinance or resolution with the register of deeds in the county or counties where the annexation was adopted or approved. Requires the ordinance or resolution to describe the territory annexed by the municipality. Also requires a copy of the ordinance or resolution be sent to the comptroller and the assessor of property of each county affected by the annexation.

Effective April 25, 2011.

**Public Chapter 495**

SB 55 – HB 1214

**Notice to Affected Property Owners**

Amends 6-51-104(b) to require annexing municipalities to mail a copy of the resolution proposing the annexation to all property owners located within the territory to be annexed. Authorizes persons with personal knowledge of the mailing to submit an affidavit to the presiding officer of the municipality attesting to the fact that the notices were mailed. Specifies that the failure of property owners to receive the notices shall not invalidate the annexation.

Effective July 1, 2011.

**ASSESSORS OF PROPERTY**



**Public Chapter 341**  
SB 1288 - HB 1473

**Surface Mining**

Amends Title 59 and Title 69. Provides that, notwithstanding any law to the contrary, where an owner of surface and mineral rights to real property enters into a contract for the conveyance of mineral rights in such property resulting in a severance of such interests, the parties to such conveyance shall identify the specific mineral interests to be conveyed to the purchaser of the mineral rights. The purchaser of the mineral interests shall identify such interests purchased by providing a deed reference number in accordance with 67-5-804(c) for the mineral interest with the property assessor in the county in which the interests are located, as prescribed in this section. For the purposes of this section, "specific mineral interests" means only those minerals listed in the deed, as contemplated by the parties. All rights to minerals not described in the deed shall remain with the surface owner. The provisions of this section shall apply to all contracts entered into on or after July 1, 2011 and shall not impair the obligation of any existing contract, or be construed to direct courts in determining the intent of the parties who entered into a contract prior to such date.

Effective July 1, 2011.

**BUILDING CODES**

**Public Chapter 317**  
SB 1962 - HB 1713

**Electrical Inspections**

Amends 68-102-143 to require the commissioner of commerce and insurance to provide a program to ensure that electrical inspection services are available throughout the state on a timely basis and sets forth criteria for such program. Amends 68-14-804 to require that each person, enterprise, agency or entity purchasing or acquiring a swimming pool to be installed after January 1, 2011 shall install and maintain a pool alarm before such swimming pool is used or made available for use. Amends 68-14-805(a) to prohibit electrical inspectors from giving final approval of electrical pool wiring unless a pool alarm has been installed or proof of purchase of an alarm is provided.

Effective May 27, 2011.

## **COUNTY CLERKS**

### **Public Chapter 102 Public Copies of Building Codes**

SB 1668 – HB 1090

Amends 5-20-102 to reduce the number of copies of a building code incorporated by reference that must be filed and maintained for public use in the county clerk's office from 3 copies to 1 copy.

Effective April 21, 2011.

### **Public Chapter 127 Antique Motor Vehicles**

SB 1295 – HB 688

Amends 55-4-130 to require the air pollution control board to exempt from inspection requirements any motor vehicle over 25 years old with an unmodified engine and body registered as an antique motor vehicle.

Effective July 1, 2011 (applies to registrations or renewals after that date).

### **Public Chapter 208 Photo Identification Licenses**

SB 1271 – HB 1397

Amends 55-50-323(a)(6)(B) to change the definitions for issuance of a photo identification license to disabled persons who are unable to obtain a regular operator's license. "Person with a disability" means a person with a physical or mental impairment that substantially limits one or more life activities. As under prior law, the disability must be verified by a letter from a physician licensed to practice in Tennessee, and the applicant must present satisfactory proof of identity.

Effective May 20, 2011.

### **Public Chapter 337**

SB 1023 – HB 1683

#### **Driver Licenses**

Enacts 55-50-354 to provide that when the department issues or renews a driver license or photo identification card to an honorably discharged veteran, as proven with a certified copy of the DD-214, it shall have words or a symbol appropriately reflecting the person's military service prominently displayed on the license. Applies to the next redesign of driver licenses and photo ID cards initiated after the act becomes effective, provided that sufficient funding is appropriated.

Effective May 30, 2011.

**Public Chapter 397**  
SB 266 – HB 339

**Methamphetamine Vehicle Titles**

Amends Title 55, Chapter 3, Part 2, relative to vehicles that have been impounded by a law enforcement agency based on a charge of manufacture of methamphetamine on or within the vehicle and determined to be contaminated, defined as “methamphetamine vehicles.” Enacts 55-3-213 to require a law enforcement agency that impounds a methamphetamine vehicle to submit a notice of motor vehicle impoundment for manufacture of methamphetamine to the department of revenue within 30 days of the impoundment. The form of the notice is set out in the statute. After receiving notice, the department is required to issue a new certificate of title conspicuously labeled with the language “Methamphetamine Vehicle” across the front of the title, and upon any subsequent transfer the title shall remain so labeled.

Effective July 1, 2011, and applying to offenses committed on or after that date.

**Public Chapter 423**  
SB 1666 – HB 1443

**Photo Identification Licenses**

Amends 55-50-336 to require the issuance of a free photo identification license to a person who signs an affidavit stating that the person (1) does not have a valid government issued photo identification; (2) is a registered voter in this state; and (3) needs the photo ID license for voting purposes.

Effective July 1, 2011.

**Public Chapter 491**  
SB 664 – HB 940

**Special License Plates**

Amends Title 55, Chapter 4, to provide for the following new special license plates: (1) Adoption; (2) Memphis Rock ‘n’ Soul Museum; (3) Historic Collierville; (4) Harpeth River Watershed Association; (5) Tennessee’s Veterans; (6) SpiritHorse Therapeutic Riding; (7) Donate Life; (8) Prince Hall Masons; (9) Labrador Retriever Foundation; (10) Air Medal Recipient; (11) Distinguished Flying Cross Recipient; (12) Stax Museum of American Soul Music; (13) Tennessee Equine Museum; (14) American Red Cross; (15) National Civil

Rights Museum; and (16) Tennessee Fraternal Order of Police. Extends the deadline for meeting initial issuance requirements to July 1, 2012 for the following: (1) T.C. Thompson's Children's Hospital; (2) Fisk Jubilee Singers; (3) Habitat for Humanity; (4) Civil War Preservation; (5) Rotary International; and (6) Share the Road. Amends 55-4-239 to authorize the issuance of two free Purple Heart plates for either a motor vehicle or recreational vehicle owned by the widow or widower of a person entitled to receive a Purple Heart plate.

Effective July 1, 2011.

## **COUNTY GOVERNMENT**

### **Public Chapter 8**

SB 34 - HB 47

#### **Display of State Flag**

Amends 4-1-406(b) to require state flag to be flown at half-staff by state and political subdivisions during day of mourning declared by the governor for Tennessee armed services members killed in action, or who die as a direct result of injuries sustained from a service connected, combat-related cause.

Effective March 17, 2011.

### **Public Chapter 9**

SB 79 - HB 115

#### **Tennessee Health Freedom Act**

Enacts 56-7-1016 to declare the public policy of this state that persons be free to choose or decline to choose any mode of securing healthcare services without penalty or threat of penalty, except in child support cases, and to purchase health insurance or refuse to purchase health insurance, unless purchase of health insurance is otherwise a condition of employment. No public official, employee, or agent of the state or any of its political subdivisions shall act to impose, collect, enforce, or effectuate any penalty in this state that violates the public policy stated in this law.

Effective March 18, 2011.

### **Public Chapter 47**

SB 850 - HB 1089

#### **Terminology Related to Individuals with Disabilities**

Amends numerous code provisions relative to the terminology used to describe individuals with disabilities. Replaces terms such as "handicapped" and

“mentally retarded” with “people with a disability” and terms such as “of unsound mind” and “lunatic” with “person adjudicated incompetent.” Provides that “[n]othing in this legislation shall be construed to alter or otherwise affect the eligibility for services or the rights or responsibilities of individuals covered by the provision on the day before the date of enactment of this legislation.”

Effective July 1, 2011.

**Public Chapter 204**  
SB 1572 - HB 1838

**Special Fireworks**

Amends 68-104-101(9). Adds "unmanned free-floating devices capable of producing an open flame, such as, but not limited to sky lanterns" to the definition of special fireworks.

Effective July 1, 2011.

**Public Chapter 238**  
SB 1405 - HB 2017

**P.O.W.-M.I.A. Flags**

Amends 58-4-302. Provides that any individual or group may donate a P.O.W.-M.I.A. flag to a county, municipal or state government for the display of the flag. Provides that the P.O.W.-M.I.A. flag may be displayed by a county or municipal government at the following buildings on any day the United States flag is displayed: (1) The courthouse or other building that serves as the main administrative building of the county; or (2) The building that serves as the city or town hall or main administrative building of the municipality. Provides that if the flag is displayed, it shall be displayed in accordance with 4-1-406(a).

Effective May 23, 2011.

**Public Chapter 278**  
SB 632 – HB 600

**Equal Access to Intrastate Commerce Act**

Amends 4-21-102 to limit the definition of “sex” for purposes of the Tennessee Human Rights Act to the designation of an individual as male or female on the individual’s birth certificate. Enacts 7-51-1801 to prohibit local governments from enacting any anti-discrimination provisions that are different in any way from the definition of “discriminatory practices” under the Tennessee Human Rights Act or from any other type of discrimination recognized by state law. Does not apply with respect to employees of a local government.

Declares void any such ordinances adopted prior to the effective date of the act.

Effective May 23, 2011.

**Public Chapter 287**  
SB 710 – HB 1340

**Sex Offender Access to Public Libraries**

Enacts 40-39-216 to authorize public library directors to impose reasonable restrictions on sex offender access to public libraries.

Effective May 27, 2011.

**Public Chapter 316**  
SB 1670 – HB 1632

**Refugee Resettlement**

Enacts the “Refugee Absorptive Capacity Act” to codify certain federal requirements relating to refugee resettlement in Tennessee. Requires the Tennessee Office for Refugees to provide quarterly reports to local governments for purposes of planning and coordinating placement of refugees, to meet with publicly-funded or tax-exempt agencies upon request to plan and coordinate refugee placement, to execute letters of agreement with such agencies for consultation and planning for the initial placement of the refugees, to report certain information, at least quarterly, to the general assembly and to ensure that local governments know that any concerns regarding refugee placement should be filed with the Tennessee Office for Refugees. Also authorizes local governments to request a moratorium on new refugee resettlement activities in their area.

Effective May 27, 2011.

**Public Chapter 319**  
SB 1496 - HB 1778

**Probation Services**

Amends 40-35-302(f). Clarifies that misdemeanor probation services may also be provided by a public company other than a municipality or county.

Effective May 27, 2011.

**Public Chapter 330**  
SB 609 – HB 906

**Community Gardening**

Amends 43-24-102, 43-24-105, 43-24-106, and 43-24-108 and adds a new section to Title 43, chapter 24, part 1 to make various technical revisions to the Tennessee Community Gardening Act of 1977. Removes the exemption from the Act for Blount, Carroll, Loudon,

Rhea, and Sevier Counties. Provides alternative method for local governments to become involved in community gardening.

Effective May 30, 2011.

**Public Chapter 350**  
SB 1771 – HB 2024

**Special Census**

Amends 54-4-203(b), 57-5-205(1), and 67-6-103(a)(3)(C) to increase the number of special censuses, from three to four, that a municipality may take at its own expense at any time during the interim between the regular decennial federal censuses for the following purposes: (1) The distribution of municipal street aid funds; (2) The distribution of the state privilege tax on beer; and (3) The distribution of state sales tax revenue.

Effective May 30, 2011.

**Public Chapter 374**  
SB 767 – HB 1881

**Neighborhood Preservation**

Amends 13-6-102 and 13-6-106 and adds a new section 13-6-107 to revise various provisions of the Neighborhood Preservation Act regarding bonds, liens, and the jurisdiction of courts in actions brought pursuant to the Act.

Effective May 30, 2011.

**Public Chapter 407**  
SB 601 - HB 280

**Tennessee River Resort District Status**

Amends 67-6-103(a)(F). Authorizes a county, or municipality within a county, that has elected Tennessee River Resort District status to repeal such election by adopting a resolution or ordinance approved by a two-thirds vote of the legislative body of the jurisdiction.

Effective June 6, 2011.

**Public Chapter 425**  
SB 1684 - HB 1500

**Unmanned Traffic Surveillance Cameras**

Amends 55-8-198, 55-8-101, 55-8-110. Revises enforcement provisions of unmanned traffic surveillance cameras. Among other things requires that before any new unmanned traffic enforcement camera is implemented, the local governing body must undertake a traffic engineering study. The study may

not be conducted by a vendor of traffic enforcement camera systems in Tennessee.

Effective July 1, 2011.

**Public Chapter 463**  
SB1963 – HB1671

**Keeping Honeybees in Hives**

Enacts a new section in Title 44, chapter 15 which bars local governments from prohibiting the keeping of honeybees in hives. States that this section shall not be construed to restrict or limit local governments' zoning authority.

Effective June 10, 2011.

**COURTS & COURT CLERKS**

**Public Chapter 57**  
SB 861 - HB 703

**Bail**

Amends 40-11-141 to authorize a court to order a defendant to be held without release during trial, if, after the defendant is released upon personal recognizance, an unsecured personal appearance bond, or any other bond approved by the court, the defendant violates a condition of release, is charged with an offense committed during the defendant's release, or engages in conduct which results in the obstruction of the orderly and expeditious progress of the trial or other proceedings.

Effective January 1, 2012.

**Public Chapter 78**  
SB 991 - HB 1179

**Drug Testing Fee**

Amends 39-17-420 to clarify that the \$250 drug testing fee imposed by subsection (h) on convictions of or grants of diversion for violations of the Tennessee Drug Control Act applies statewide.

Effective April 14, 2011.

**Public Chapter 142**  
SB 1532 - HB 1996

**Outpatient Mental Health Evaluation**

Amends 33-7-303(a) to authorize a court to order defendants who are in custody and are found not guilty by reason of insanity of a felony offense against the person, such as felony sex offenses, assaults, kidnappings, and robberies, to remain in custody after



the verdict to receive an outpatient mental health evaluation. The evaluation must be completed within 30 days of receipt of the court order by the examining professional.

Effective May 2, 2011.

**Public Chapter 234**  
SB 349 - HB 535

**Cost Bonds**

Amends 8-21-401 to provide that court clerks shall not refuse to file an action where the attorney has opted to sign a cost bond in proceedings covered by subdivision (b)(1)(A) of 8-21-401, and in workers compensation complaints. Provides that in any action where the clerk refuses to accept such cost bond, all costs in that action shall be forfeited by the clerk.

Effective May 23, 2011.

**Public Chapter 253**  
SB 464 - HB 415

**Orders of Protection**

Amends 36-3-606(a). Clarifies that order of protection issued pursuant to Title 36, Chapter 3, Part 6, may require respondent to immediately and temporarily vacate a residence shared with the petitioner pending a hearing on the matter.

Effective May 23, 2011.

**Public Chapter 254**  
SB 391 - HB 533

**Victim-Offender Mediation Centers**

Amends 16-20-106 to clarify that the revenue from the optional victim-offender mediation tax must be used exclusively for the purposes of handling victim-offender mediation and other community mediation matters.

Effective May 23, 2011.

**Public Chapter 275**  
SB 1535 - HB 2006

**Juveniles**

Amends 37-1-111(e). Provides that if unruly conduct is alleged against a child in the custody of the Department of Children's Services, the proceeding may be brought in the juvenile court exercising continuing jurisdiction under 37-1-103 or it may be brought in the juvenile court that issued the order granting custody to the Department.

Effective May 23, 2011.

**Public Chapter 290**  
SB 1086 - HB 1365

**Motions to Reopen**

Amends 40-30-117 to increase the amount of time a petitioner in a post-conviction relief action has to appeal the ruling of the trial court to the court of criminal appeals on a motion to reopen the petition from 10 to 30 days. Provides for an identical increase in the amount of time the state has to respond. Effective May 27, 2011.

**Public Chapter 320**  
SB 1186 - HB 1858

**Auctioneer's Fee**

Amends 35-5-112 to increase the maximum amount an auctioneer may receive for conducting a public sale under an order or decree of a court from six percent (6%) to eight percent (8%) of the sale price on sales of real property.

Effective July 1, 2011.

**Public Chapter 402**  
SB 509 - HB 570

**Orders of Protection**

Amends 36-3-617 to provide that if the court does not issue or extend an order of protection, the court may assess all court costs, filing fees, litigation taxes and attorney fees against the petitioner if the court makes the following finding by clear and convincing evidence: (1) the petitioner is not a domestic abuse victim, stalking victim or sexual assault victim and such determination is not based on the fact that the petitioner requested that the petition be dismissed, failed to attend the hearing or incorrectly filled out the petition; and (2) the petitioner knew that the allegation of domestic abuse, stalking, or sexual assault was false at the time the petition was filed.

Amends 36-3-606 to provide that a protection order may direct the respondent to pay the petitioner all costs, expenses and fees pertaining to the petitioner's breach of a lease or rental agreement for residential property if the petitioner is a party to the lease or rental agreement and the court finds that continuing to reside in the rented or leased premises may jeopardize the life, health and safety of the petitioner or the petitioner's children.

Effective June 6, 2011.

**Public Chapter 417**  
SB 943 - HB 1022

**Administration of Estates**

Amends 18-6-106 to remove the exception applicable to Greene County from the general law that provides that no county clerk shall serve as clerk of a court with probate jurisdiction.

Enacts 30-2-324 to provide that after notice has been sent to the last known address of the personal representative of the estate, the attorney for the estate and any beneficiaries of the estate, the court may enter an order, without liability to the clerk of the county of administration, dismissing, without prejudice, a probate case if: (1) no order of disposition has been entered; (2) the case has been open for a period of time in which disposition could have occurred, but in no event less than eighteen (18) months from the order opening the estate; and (3) the administration of the estate remains incomplete. Provides that a dismissal shall only operate to close the administration and not invalidate any previous order of the court in the proceeding.

Amends 31-1-103 to conform state law to extend the time period for certain disclaimers as authorized by the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Pub. L. 111-312).

Provides that a disclaimer of property, relative to the estate of a decedent dying after December 31, 2009, but before January 1, 2011, must be filed with the court in which the decedent's estate proceedings are or would be pending not later than the later of: (1) September 17, 2011; or (2) the date which is nine months after the later of the date on which the transfer creating the interest or power in the person is made or the day on which the person attains age twenty-one (21).

Effective July 1, 2011.

**Public Chapter 477**  
SB 387 - HB 334

**Executor's Bond**

Amends 30-1-203 and 30-1-205. Requires executor's bond to be in substantially the same form specified in 30-1-203 and adds to the form language an obligation to pay all court costs, attorney's fees, and other expenses which may be reasonably incurred because of a failure to properly account for and utilize all funds.

Effective July 1, 2011.

**Public Chapter 484**  
SB1234 – HB694

**Pretrial and Judicial Diversion**

Amends 40-15-105(a)(1)(B) and 40-35-313(a)(1)(B)(i) to revise eligibility for pretrial or judicial diversion.

Effective July 1, 2011. Does not apply to the eligibility of a person for suspension of prosecution pursuant to title 40, chapter 15, if the offense for which such person is charged was committed prior to July 1, 2011.

**Public Chapter 485**  
SB 1111 - HB 712

**Temporary Juvenile Jurisdiction**

Amends 37-1-103 relative to temporary juvenile jurisdiction. Provides that a juvenile court shall have temporary jurisdiction to issue temporary orders upon a petition on behalf of a child present or residing in that county. Provides that upon being informed that a proceeding pertaining to the same child has been commenced in or a determination pertaining to the same child has been made by a court of a county having prior jurisdiction the court having temporary jurisdiction shall immediately notify and attempt to communicate with the court having original jurisdiction regarding the status of the child before issuing any temporary order hereunder and the courts shall coordinate with one another to resolve any jurisdictional issues, protect the best interests of the child, and determine the duration of any order. Provides that a court shall have such temporary jurisdiction only in a neglect, dependency or abuse proceeding, a termination of parental rights proceeding or an order of protection pursuant to Title 36, pertaining to the child whose matter is before the court when the court determines it is necessary to protect the best interests of that child by action of that court.

Provides that upon notice that a proceeding pertaining to the child has been commenced in a court in a county having prior jurisdiction or upon notice that there is a previous determination pertaining to child that is entitled to be enforced: (1) the court exercising temporary jurisdiction shall attempt to communicate with the prior court having jurisdiction and resolve jurisdictional issues and determine whether jurisdiction should transfer to the court exercising temporary jurisdiction; (2) if jurisdiction is not transferred to the court exercising temporary jurisdiction, the orders of

the court exercising temporary jurisdiction shall remain in force and effect until an order is obtained from the court having prior jurisdiction regarding the child; (3) if jurisdiction is not transferred to the court exercising temporary jurisdiction, the court exercising temporary jurisdiction, either upon motion by a party or on its own, shall enter an order specifying the period of time that the court considers adequate to allow the parties to resume the proceeding in the court having prior jurisdiction; and (4) if jurisdiction is transferred to the court exercising temporary jurisdiction, all matters thereafter pertaining to the child shall be within the jurisdiction of that court.

Provides that transfers shall be at the sole discretion of the juvenile court and in all other cases, jurisdiction shall continue until a person is no longer a child as defined in 37-1-102.

Effective July 1, 2011.

**Public Chapter 486**  
SB 1112 - HB 713

**Discharges from DCS Custody**

Amends numerous sections in Title 37, Chapter 1, Part 1 to revise procedural processes relative to transfers of juveniles to adult court, trial home passes, discharges from DCS' custody and juvenile hearings.

Amends 37-1-134 to provide that if a child is in the legal custody of DCS at the time of a transfer to adult court, such custody shall terminate at the transfer hearing, except that if a child is already committed to DCS, the court may determine if it is in the best interest of the child to remain in the legal custody of DCS until conviction occurs. Provides that if there is no conviction and charges so transferred are dismissed or acquittal occurs, the presiding trial judge shall notify the transferring juvenile court judge of such dismissal or acquittal so that the juvenile court may at its discretion set a hearing to ascertain status of the child as to the DCS' custody.

Effective July 1, 2011.

**Public Chapter 487**  
SB 1269 - HB 718

**Bail for Repeat DUI Offenders**

Amends 40-11-118 and 40-11-148 to require the court to consider the use of special conditions for the

defendant (use of interlock devices, electronic monitoring, etc.) when determining the amount and conditions of bail for repeat DUI offenders.

Effective July 1, 2011.

**Public Chapter 504**  
SB 1798 - HB 1877

**License Revocation for Nonpayment of Costs**

Amends 40-24-105 to provide that a license to drive shall be revoked by the commissioner of safety if the licensee has not paid all litigation taxes, court costs, and fines assessed as a result of disposition of any offense under the criminal laws of this state within one (1) year of the date of disposition of the offense. Provides that the license shall remain revoked until such time as the person whose license has been revoked provides proof to the commissioner of safety that all litigation taxes, court costs, and fines have been paid.

Provides that the clerk of the court ordering disposition of an offense shall notify the commissioner of safety when an offender has litigation taxes, court costs, and fines that remain unpaid after one (1) year from the disposition of the offense. Such notification shall take place within thirty (30) days of the expiration of the one-year period or as soon as practicable. Provides that the commissioner of safety shall not refuse to revoke a license on the grounds that notification was not received within such thirty-day period.

Provides that a person who is unable to pay any portion of assessed litigation taxes, court costs, and fines may apply one (1) time to the court having original jurisdiction over the offense for an order staying the revocation of the license. An order to stay the revocation of the license shall be granted if the court finds that the person would experience extreme hardship from the revocation of the license and that no other means of transportation are reasonably available to the person. Provides that the grounds for finding extreme hardship are limited to travel necessary for: (1) employment; or (2) serious illness of the person or an immediate family member.

Provides that the offender seeking a hardship exception shall make application to the court in the form of a

sworn affidavit stating with particularity the grounds and circumstances of hardship. The court may enter a one-time stay for no longer than one hundred and eighty (180) days. Provides that the court clerk shall promptly notify the commissioner of safety of the issuance or termination of any stay of revocation. Provides that the commissioner of safety shall not revoke any license while such stay is in effect.

Provides that a person who is unable to pay all of the assessed litigation taxes, court costs, and fines but is able to pay some portion on a monthly or weekly basis may apply to the court having original jurisdiction over the offense for an order setting up a payment plan for such taxes, costs and fines. If the person and court agree to such a weekly or monthly payment plan, the court shall so order and such order shall have the effect of staying the revocation of the license. The order staying the revocation of the license shall remain in effect for as long as the person is current and in compliance with the payment plan. If the person fails to make payments according to the plan for three (3) consecutive months without good cause, the court may revoke the order and notify the clerk. The court clerk shall promptly notify the commissioner of safety of the issuance or termination of any stay of revocation. The commissioner of safety shall not revoke any license while such stay is in effect.

Effective July 1, 2011 (applies to offenses committed on or after July 2, 2011).

**Public Chapter 505**  
SB 1299 - HB 1902

**Judicial Sales**

Amends 35-5-104 to provide that the advertisement or notice must give a concise description of the land which includes a legal description, which means a reference to the deed book and page that contains the complete legal description of the property, and a common description, which means, if available, the street address and map and parcel number of the property. In the event no street address exists, a subdivision, lot or tract number may be used. Provides that a metes and bounds description may, but is not required to, be included in the description of the land.

Amends 35-5-101 to provide that unless postponement or adjournment is contractually prohibited, any sale may be adjourned and rescheduled one (1) or more times without additional newspaper publication, upon compliance with the following: (1) the sale must be held within one (1) year of the originally scheduled date; (2) each postponement or adjournment must be to a specified date and time, and must be announced at the date, time and location of each scheduled sale date; and (3) if the postponement or adjournment is for more than thirty (30) days, notice of the new date, time, and location must be mailed no less than ten (10) calendar days prior to the sale date via regular mail to the debtor and co-debtor. Provides that notice of the right to postpone or adjourn without additional newspaper publication shall not be required to be published in any newspaper publication.

Effective July 1, 2011.

**Public Chapter 510**  
SB 1522 - HB 2008

**Tennessee Civil Justice Act of 2011**

Amends numerous provisions in Title 20, Chapter 4, Part 1; amends 27-1-124; enacts 29-26-101; enacts several new sections in Title 29, Chapter 39, Part 1; amends 29-28-104 and 29-28-106; amends 27-1-125; and amends 47-18-109 and 47-18-104 .

Adopts the Tennessee Civil Justice Act of 2011. Revises numerous provisions relative to venue, appeal bonds, medical malpractice actions (health care liability actions), compensation for economic and non-economic damages, punitive damages, product liability actions, appeals from orders of trial courts granting or denying class certification, and consumer protection actions.

Effective October 1, 2011 (applies to all liability actions for injuries, deaths and losses covered by the act which accrue on or after such date).

**ECONOMIC DEVELOPMENT**

**Public Chapter 162**  
SB 1722 - HB 1020

**Corporation and Municipal Liability**

Amends 48-101-312 to provide that health, educational and housing facility corporations and municipalities are



immune from suit and any legal and/or financial obligations pertaining to real property while the corporation holds title to such property for purposes of PILOT agreements. States that legal and financial responsibility remains with the person transferring title to the corporation.

Effective May 5, 2011.

**Public Chapter 196**  
SB 602 – HB 588

**Regional Megasite Authorities**

Amends 64-6-110(c) to add the executive director of the development district in which the megasite is located to the authority's board of directors.

Effective May 12, 2011.

**Public Chapter 239**  
SB 1416 – HB 1509

**Industrial Development Corporations**

Amends 7-53-314 to revise the process of approval of economic impact plans. Authorizes corporations to prepare and submit the plans to the governing body for approval and provides that the plan shall be submitted to the mayor prior to such approval.

Effective May 23, 2011.

**Public Chapter 383**  
SB 1205 – HB 1278

**Adventure Tourism**

Enacts the "Tennessee Adventure Tourism and Rural Development Act of 2011" as a new part in Title 11, chapter 11. Allows local governments to create Adventure Tourism Districts. Addresses liability issues related to adventure tourism activities. Amends 55-8-101 and 55-8-185 to allow the operation of all-terrain vehicles on certain roads within the districts. Amends 67-4-2109 to provide for tax credits for qualified business enterprises located within an Adventure Tourism Zone.

Effective June 1, 2011.

**Public Chapter 384**  
SB 1334 – HB 1554

**Industrial Development Corporations**

Enacts a new section in Title 7, chapter 53, part 3 to provide for economic impact plans for urban brownfield redevelopment projects.

Effective June 1, 2011.

## **EDUCATION**

### **Public Chapter 1**

SB 25 – HB 51

#### **Abolition of Special School Districts**

Amends 49-2-502 relative to the abolition of special school districts upon initiative of school officials and referendum. If the proposed transfer of schools to the county would increase student enrollment in the county system by 100% or more, a comprehensive transition plan must be developed and the transfer cannot take effect until the third full school year following certification of the election results of the referendum approving the transfer. The transition plan must be developed by a transition planning commission consisting of 21 members: the county mayor and 5 members appointed by the mayor, the chair of the county board of education and 5 members appointed by the chair, the chair of the special school district board of education and 5 members appointed by the chair, and 3 competent citizens appointed jointly by the governor, the speaker of the senate and the speaker of the house of representatives. The plan must cover the matters set forth in 49-2-1201(i) and 49-2-1204, and must be submitted to the department of education for review and comment prior to implementation. After the effective date of the transfer, the restrictions imposed on creating new municipal and special school districts no longer apply in that county.

Effective February 11, 2011.

### **Public Chapter 70**

SB 1528 – HB 2012

#### **Teacher Evaluations and Tenure**

Amends provisions of Title 49, Chapter 5, regarding teacher evaluations and tenure. Teachers must be employed, assigned to a school, and receive notice of reelection by June 15 each year. Teachers whose positions are abolished are entitled to the next open position for which the person is qualified, with determination to be made by director of schools and teacher's most recent evaluations may be a factor. Redefines "inefficiency" to include evaluations "below expectations" or "significantly below expectations" as provided in evaluation guidelines adopted by the state board of education. Redefines "tenure" as the employment status other than probation that a teacher

may be under while teaching in public schools; a teacher has no property right in tenure status and must maintain specified performance levels on evaluations to achieve and maintain tenure status. Tenure status does not entitle anyone to any specific position. Removes concept of “permanent” or “limited” tenure. Redefines eligibility for tenure to include (1) appropriate degree or equivalent, (2) properly licensed, (3) probationary period of 5 years, or 45 months in last 7 years, with last 2 years in regular teaching position, (4) evaluations “above expectations” or “significantly above expectations” during the last 2 years of the probationary period, and (5) reemployed by director of schools after probationary period. Once a teacher is eligible for tenure, the teacher must be recommended for and receive tenure or be terminated. A tenured teacher who resigns and returns must serve 2 years’ probation unless waived. A tenured teacher who receives 2 consecutive years of evaluations “below expectations” or “significantly below expectations” is returned to probation until the teacher receives 2 consecutive years of evaluations “above expectations” or “significantly above expectations” at which time the teacher is again eligible for tenure. The new tenure provisions in the act do not apply to teachers who acquired tenure status before July 1, 2011.

Effective July 1, 2011.

**Public Chapter 138**  
SB 717 – HB 735

**Director of Schools**

Amends 49-2-203(a)(14)(C) to prohibit a school board from removing or terminating the contract of a director of schools without giving at least 15 days’ notice in advance of the meeting at which the action is to be taken. Such action must be the first item on the agenda.

Effective May 2, 2011.

**Public Chapter 202**  
SB 1674 – HB 1829

**Substitute Teachers**

Amends 49-5-709 to authorize an LEA to contract with a third party public or private employer for substitute teachers, who shall be subject to the same unemployment eligibility conditions as substitute teachers employed directly by the LEA.

Effective May 20, 2011.

**Public Chapter 284**  
SB 449 – HB 698

**Teacher Leave**

Amends 49-5-7\_\_ to prohibit charging a day of leave to a teacher when the school is closed due to natural disaster, inclement weather, contagious illness, or other unexpected event, even if the teacher is on pre-approved or other type of leave.

Effective July 1, 2011.

**Public Chapter 288**  
SB 714 – HB 732

**Virtual Public Schools Act**

Amends 49-16-105 to delete the limitation on participation in virtual public education programs so that students in grades K-12 may participate regardless of whether they were enrolled in a public school during the previous school year.

Effective July 1, 2011.

**Public Chapter 335**  
SB 905 – HB 1475

**School Personnel**

Amends 49-2-301 to provide that all unlicensed personnel are hired at the will of the director of schools, rather than on an annual contract, and the school board is to develop a policy for dismissal of these employees.

Effective July 1, 2011.

**Public Chapter 378**  
SB 113 – HB 130

**Collective Bargaining/Collaborative Conferencing**

Repeals in its entirety the Education Professional Negotiations Act (EPNA) which provided for collective bargaining for teachers, and replaces it with the “Professional Educators Collaborative Conferencing Act of 2011” (PECCA). Suspends indefinitely any bargaining being conducted under EPNA as of June 1. Does not annul or modify any existing recognition entered into between a board of education and professional employees’ organization, until the termination of an existing agreement. Upon termination of existing agreements, the relationship between the board of education and its professional employees will be governed by PECCA; however, no collaborative conferencing may be conducted until training in interest-based collaborative problem-solving has been implemented in the school system, which must be done by July 1, 2012. The training is to be developed by the Tennessee Organization of School Superintendents.

Under PECCA, collective bargaining is replaced with the concept of collaborative conferencing, the parameters of which are set out in the act. As under prior law, no agreements entered into under PECCA that require funding will be effective until the body empowered to appropriate the funds has approved a budget containing sufficient funding.

Effective June 1, 2011.

**Public Chapter 426**  
SB 1707 – HB 1979

**Education Services at Mental Health Facilities**

Enacts 49-3-3\_\_ to require local boards of education to allocate funding equal to the per pupil state and local funds received by the LEA to a state licensed residential mental health facility on a prorated daily basis for a student who is enrolled in the LEA who is admitted on a physician's order of medical necessity to the mental health facility, if the facility operates as a Category 1 special purpose school.

Effective July 1, 2011.

**Public Chapter 464**  
SB 1650 - HB 1909

**Temporary Absence to Serve in Military**

Amends 49-2-202 to provide that the temporary absence of a member of a county board of education to serve in the military shall not constitute a vacancy in office and such absence shall not be subject to the requirements of 8-48-205(5) regarding temporary replacements for those inducted into military service.

Effective June 10, 2011.

**Public Chapter 465**  
SB 1709 – HB 1980

**Charter Schools**

Enacts 49-13-\_\_ to require LEAs to establish a transparent and uniform method of calculating all terms and costs related to any lease, lease-purchase agreement, or other contract or agreement executed between the LEA and a charter school for the use of the LEA's educational facilities. Requires any LEA in which a charter school operates to catalog annually its underutilized and vacant properties and submit the list to the department of education and the comptroller; the department shall make the list available to charter schools in the LEA or any sponsor seeking to establish a charter school in the LEA. The LEA is required to make its underutilized and vacant properties available to any

charter schools or potential sponsors in the LEA. "Underutilized or vacant property" means an entire property or portion thereof, with or without improvements, which is not used or is used irregularly or intermittently, but it does not include real property on which no building or permanent structure has been erected. Specifies uses of capital outlay funds by charter schools.

Effective June 10, 2011.

**Public Chapter 466**  
SB 1523 – HB 1989

**Charter Schools**

Amends Title 49, Chapter 13, relative to charter schools. Removes limitations on students that can attend charter schools and allows any student within in a charter school's jurisdiction to attend the charter school, and removes the cap on the total number of charter schools in the state. In addition to LEAs, the state achievement school district is designated as a chartering authority with the power to approve, renew, or decide not to revoke a public charter school application or agreement. The achievement school district can authorize charter schools within the jurisdiction of an LEA, to provide opportunities for students who are zoned to attend or enrolled in a school that is eligible to be placed in the achievement school district. Requires the chartering authority, if an LEA, to give preference to applicants demonstrating the capability to meet the needs of: (1) students in a school failing to meet adequate yearly progress, (2) students failing to test proficient in reading/language arts or math; or (3) students who are eligible for free or reduced price lunch. The achievement school district can only accept applications that demonstrate the capability to meet the needs of the foregoing groups of students. If an application with the focus of serving students from one of these groups is approved, the school must give preference in enrollment to the students from that group or groups. Allows charter schools to enroll students residing outside the LEA pursuant to the LEA out-of-district enrollment policy and in compliance with present law regarding tuition. Requires a local board of education to consider, prior to approving or denying a charter school's application, whether the establishment of the charter school will have a substantial negative financial impact on the LEA so that authorization of the

school would be contrary to the best interests of the pupils, school district, or community. If the local board denies an application for this reason, it must provide supporting documentation to the sponsor as listed in the statute, and if an amended application is denied for this reason, the supporting documentation must be provided to the state treasurer for review and a determination of reasonableness of the denial. Charter schools cannot be revoked for failure to meet adequate yearly progress until there have been two consecutive years of such failure.

Effective June 10, 2011.

**Public Chapter 492**  
SB 874 – HB 1030

**Virtual Public Schools Act**

Enacts Title 49, Chapter 16, Part 2, to authorize LEAs to establish virtual schools, which are public schools that use technology to deliver a significant portion of instruction to students via the Internet. Any student who is eligible for enrollment in a public school in this state may enroll in a virtual school either as a full-time or part-time student. An LEA may charge tuition to virtual school students who are not enrolled in a public school within the LEA. Virtual schools may be operated jointly under the Educational Cooperation Act, and LEAs may contract with for-profit and nonprofit entities to operate virtual schools.

Effective July 1, 2011, and repealed June 30, 2015.

**Public Chapter 507**  
SB 1426 – HB 1956

**Charter Schools**

Amends Title 49, Chapter 13 relative to charter schools. Prohibits a local board of education from serving as the governing body of a charter school. Requires each LEA to include as part of its budget the per pupil amount of local money it will pass through to charter schools during the upcoming school year. Provides procedure for payment by LEA of local funds to charter schools. Repeals limitations on use of state funds provided to charter schools. Authorizes charter schools to provide their own pupil transportation, and if they do, the LEA must provide the charter school with all funds the LEA would have spent to provide transportation to those students. Makes full-time non-teaching employees of the charter school eligible to participate in the state group insurance. Contains procedures for application

and renewal of charters, and for administration of charter schools.

Effective July 1, 2011.

## **ELECTIONS**

### **Public Chapter 46** SB 807 - HB 586

#### **Alteration of Precinct Boundaries**

Amends 2-3-102 to provide that any precinct boundary that is altered shall coincide with a census block, tract, municipal, or county boundary as designated on the census maps prepared for the 2010 federal census as opposed to the 2000 federal census.

Effective April 6, 2011.

### **Public Chapter 96** SB 1154 - HB 1480

#### **Legal Descriptions of County Districts**

Amends 5-1-110 to remove requirement that the county legislative body must include legal descriptions of the boundaries of the county districts when preparing the map of the county districts. Provides that legal descriptions may be prepared if the map is not of sufficient detail to delineate the boundaries of the county districts. Adds the comptroller to the list of officials who shall be sent a copy of the completed map.

Effective April 21, 2011.

### **Public Chapter 109** SB 289 - HB 36

#### **Duties of Administrator of Elections**

Amends 2-12-201 to provide that the duties of the administrator of elections may, upon the administrator's discretion, be performed by a designee. Adds to the duties of the administrator of elections the following: (1) preparation of a plan for placing precinct voting locations; (2) preparation of a plan for early voting sites; and (3) upon request, providing assistance to city councils, the county legislative body, board of education, and members of the general assembly concerning redistricting.

Effective April 25, 2011.

### **Public Chapter 115** SB 922 - HB 709

#### **Early Voting in Municipal Elections**

Amends 2-6-102 to eliminate early voting, except in Nashville, in any municipal election not held in



conjunction with another election, if there is no opposition for any of the offices involved.

Effective April 25, 2011.

**Public Chapter 161**  
SB 473 - HB 377

**Name Change Due to a Divorce**

Amends 2-2-106 to provide that the voter registration of a person shall not be purged after a name change if such name change is due to a divorce.

Effective July 1, 2011.

**Public Chapter 167**  
SB 474 - HB 378

**Election Officers**

Amends 2-4-103 to require officers of elections, judges, machine operators, precinct registrars, and assistant registrars to reside in the county in which they serve rather than requiring the officers to serve at polling places within the state house legislative district in which they reside.

Effective July 1, 2011.

**Public Chapter 176**  
SB 875 - HB 1081

**Voting by Military and Overseas Citizens**

Amends 2-6-501 to remove several technical requirements relative to the envelopes containing ballot or registration material sent to persons voting absentee by mail or registering by mail from outside the United States.

Amends 2-6-502 to provide that county election commissions shall accept applications for the federal write-in absentee ballot for temporary registration and for an absentee ballot for all elections for which the person is eligible to vote. Provides that federal write-in absentee ballots must be counted for all elections for which the applicant is eligible to vote.

Effective January 1, 2012.

**Public Chapter 181**  
SB 472 - HB 376

**Audit of Voter Registration Forms**

Amends 2-2-120 to remove requirement that every new voter registration form which has been filed since the last regularly scheduled meeting of the county election commission be inspected and instead requires only a random inspection of the new voter registration forms. Provides that the coordinator of elections shall audit at

least ten (10) county election commissions annually to ensure that all required information fields on the permanent registration forms are being completed with minimal errors and that voters with deficient registrations are being given the opportunity to correct incorrect or omitted information.

Effective July 1, 2011.

**Public Chapter 182**  
SB 599 - HB 612

**Presidential Preference Primary/County Primary**  
Amends 2-13-205 to move the presidential preference primary from the first Tuesday in February to the first Tuesday in March. Amends 2-5-101 to provide that in presidential election years, if a political party calls for the county primary in March, the qualifying deadline for candidates in the primary and independent candidates for those offices shall be twelve o'clock (12:00) noon, prevailing time, on the second Thursday in December.

Effective July 1, 2011.

**Public Chapter 184**  
SB 954 - HB 1117

**Persons Ineligible to Vote**  
Amends 40-29-204 to add to the list of offenses which forever bar eligibility to register to vote, a violation containing the same elements and designated as a felony in any other state or federal court of certain currently listed crimes.

Effective July 1, 2011.

**Public Chapter 235**  
SB 352 - HB 324

**Proof of U.S. Citizenship to Vote**  
Enacts a new section in Title 2, Chapter 2, Part 1 to require the coordinator of elections to compare the statewide voter registration database with the department of safety database to ensure non-United States citizens are not registered to vote. Authorizes the coordinator of elections to compare the statewide voter registration database with relevant federal and state agencies and county records for the same purpose. Provides that if evidence exists that a particular registered voter is not a citizen of the United States, the coordinator of elections shall notify the county election commission. After receiving such notice, the county election commission must send a notice to the registered voter inquiring whether the individual is eligible to be registered to vote. Any registered voter

who receives the notice shall, within thirty (30) days of the receipt of such notice, provide proof of citizenship to the county election commission. If the registered voter does not provide proof of citizenship, the administrator of elections of the county where the person registered to vote shall purge the voter from the voter registration database. Provides that all documentation provided to show proof of citizenship as well as the department of safety database or relevant federal and state agency and county records shall be confidential and shall not be available for inspection by the public.

Effective January 1, 2012.

**Public Chapter 236**  
SB 1045 - HB 1701

**Nepotism Prohibition in Election Positions**

Amends 2-12-116 to provide that county election commission members shall not appoint or hire, except in the event of and during an emergency, spouses, parents, brothers, sisters, or children, including in-laws, of the administrator as deputies, clerical assistants, absentee voting deputies, machine technicians, poll officials, or as members of the absentee counting board.

Amends 2-12-201 to provide that after July 1, 2011, administrators of elections shall not appoint or hire, except in the event of and during an emergency, members of the county election commission, or spouses, parents, brothers, sisters or children, including in-laws of commission members or spouses, parents, brothers, sisters or children, including in-laws of the administrator of elections as deputies, clerical assistants, absentee voting deputies, machine technicians, poll officials or as members of the absentee counting board.

Effective July 1, 2011.

**Public Chapter 257**  
SB 935 - HB 794

**Minor and Local Political Parties**

Amends 2-1-104, 2-5-208, 2-13-107 and 2-13-201. Modifies present law relative to recognition of minor political parties. Provides that recognized minor parties may be placed on the ballot and defines "recognized minor party" to mean any group or association that has successfully petitioned by filing with the coordinator of elections a petition which shall conform to

requirements established by the coordinator of elections, but which must at a minimum bear the signatures of registered voters equal to at least two and one-half percent (2.5%) of the total number of votes cast for gubernatorial candidates in the most recent election of governor, and on each page of the petition, state its purpose, state its name, and contain the names of registered voters from a single county. Provides for detailed requirements and filing deadlines that a minor party must comply with in order to obtain and maintain recognition and provides for exemptions from several statutory requirements. Provides that on general election ballots, the name of each political party having nominees on the ballot shall be listed in the following order: majority party, minority party, and recognized minor party, if any.

Removes provision relative to candidates appearing on a ballot as the nominee of a local political party and provides that no person's name may be shown on a ballot as the nominee of a political party for any office to be voted on by the voters of a county, unless the political party: (1) Is a statewide political party or a recognized minor party; and (2) Has nominated the person substantially in compliance with Chapter 13 of Title 2.

Effective May 23, 2011.

**Public Chapter 301**  
SB 1203 - HB 386

**Tennessee Voter Confidence Act**

Amends 2-20-101, 2-20-103, 2-20-104, 2-20-105, 2-1-104 and Chapter 1108 of the Public Acts of 2008, as amended by Chapter 612 of the Public Acts of 2010. Removes requirement that counties must use precinct-based optical scanners with voter-verified paper ballots and makes such use optional. Provides that at the request of a county election commission, the state coordinator of elections shall provide necessary assistance and guidance in the selection of a precinct-based optical scanner and that to the extent federal funding through the Help America Vote Act (HAVA) remains available for the cost of purchasing or leasing any new precinct based optical scanners, the coordinator shall provide financial assistance for purchasing or leasing such machines.

Effective May 27, 2011.

**Public Chapter 311**

SB 950 - HB 1114

**Review of County Election Commissions**

Amends 2-11-202 to require the coordinator of elections to review the county election commissions in the administration of election laws to include, but not limited to, procedures for voter registration, list maintenance, financial records, election expenses, petitions, poll officials, absentee voting, ballot boxes, voting systems, minutes, certification of election results, and election results tabulation process. Provides that in conducting an investigation or a review relative to the administration of the election laws the coordinator of elections or the coordinator's authorized representative may issue subpoenas and summon witnesses, administer oaths to such witnesses, take the depositions of witnesses, compel the production of documents, exhibits, records or things, and require testimony on any issue related to the investigation or review.

Effective May 27, 2011.

**Public Chapter 323**

SB 16 - HB 7

**Photo Identification to Vote**

Amends 2-7-112 to generally require photo identification to vote. Provides that the following forms of identification are adequate: (1) A valid Tennessee driver license; (2) A valid photo identification card issued by the state of Tennessee, any other state, or the United States, except an identification card issued to a student by an institution of higher education; (3) A valid photo identification card issued by the Tennessee department of safety for identification purposes; (4) A valid United States passport; (5) A valid employee photo identification card issued by the state of Tennessee, any other state, or the United States; or (6) A valid United States military photo identification card.

Provides exemptions from photo identification requirement for persons voting by emergency absentee ballot or pursuant to the provisions governing voters residing at nursing homes.

Provides that if a voter is unable to present the proper photo identification, the voter will be entitled to vote by provisional ballot. Provides that the voter must provide the proper photo identification by the close of business

on the second business day after the election. Provides detailed procedural requirements for provisional ballots.

Provides that a voter who is indigent and unable to obtain proof of identification without payment of a fee or who has a religious objection to being photographed may execute an affidavit of identity on a form provided by the county election commission in order to vote.

Effective January 1, 2012.

**Public Chapter 342**  
SB 1431 - HB 1593

**Ballot-on-Demand Technology**

Amends 2-5-209 to provide that any county election commission desiring to use ballot-on-demand technology must have approval by the coordinator of elections sixty (60) days before any election. Provides that the coordinator of elections and the State Election Commission shall provide an approved list of available ballot-on-demand technology vendors from which the county election commission must select. Requires that prior to the county election commission voting to utilize ballot-on-demand technology, the county election commission must hold a public meeting with an opportunity for public comment. Requires that during such meeting, the county election commission must provide election officials and members of the public an opportunity to have demonstrated to them the ballot-on-demand technology machines and the opportunity to experiment with the ballot-on-demand technology machines being considered for use in the county.

Effective May 30, 2011.

**Public Chapter 381**  
SB 923 - HB 708

**Early Voting For Presidential Preference Primary**

Amends 2-6-102 to provide that when a presidential preference primary is held or an election is held at the same time as a presidential preference primary, a voter who desires to vote early for such elections shall go to the county election commission office within the posted hours not more than twenty (20) days nor less than seven (7) days before the day of the election.

Effective June 1, 2011.

**Public Chapter 386**  
SB 1598 - HB 1735

**Provisional Ballots**

Amends 2-7-112 to provide that a person shall be entitled to vote a provisional ballot if they claim to be properly registered in the county and eligible to vote at the precinct, but their eligibility cannot be determined by the computer signature list or by examination of the permanent registration records or an election official asserts that the individual is not eligible to vote.

Effective June 1, 2011.

**Public Chapter 389**  
SB 1915 - HB 1003

**Campaign Finance**

Amends numerous provisions in Title 2, Chapter 10 relative to campaign finance.

Deletes 2-10-131 which provided that no corporation may use any of the funds, moneys, or credits of the corporation for the purpose of making contributions to any candidate with respect to any election. Defines a corporation as a political campaign committee if it makes expenditures to support or oppose any candidate for public office or measure during a calendar quarter in an aggregate amount exceeding two hundred fifty dollars (\$250).

Amends 2-10-306 to increase contribution limits to reflect changes in the CPI. Deletes 2-10-312 regarding aggregate contribution limits over a two-year period.

Amends 2-10-114 to provide that in the event a candidate for public office dies with an unexpended balance of contributions in such candidate's campaign account, in addition to the other currently authorized uses, the unallocated funds may be distributed to any institution of public or private education in the state, for the purpose of supplementing the funds of an existing scholarship trust or program.

Amends 2-10-310 to provide that from the convening of the general assembly in organizational session through the earlier of the last day of regular session or June 1 in odd years, and from the convening of the general assembly in regular session to the earlier of May 15 or the conclusion of the annual session in even years, and from the convening of the general assembly in any extraordinary session through the conclusion of such extraordinary session, a political campaign committee

controlled by a political party on the national, state, or local level, or controlled by a caucus of such political party established by members of either House of the general assembly, or established or controlled by any member of the general assembly, that makes contributions to a candidate for the general assembly or governor for election or to defray the expenses of such person's office shall not conduct a fundraiser, solicit or accept contributions for the benefit of the caucus, any caucus member or candidate for the general assembly or governor.

Effective June 1, 2011.

**Public Chapter 412**  
SB 772 - HB 1115

**Election Law Procedures**

Amends numerous provisions in Title 2 relative to election law procedures and election officials.

Amends 2-2-115 to provide that if any registration notification form is returned as undeliverable and indicates an acceptance of a voter's registration, the administrator of elections shall mail a forwardable confirmation notice to the registrant at the address of registration with a postage prepaid, pre-addressed return form on which the voter may verify or correct the address information. Upon the mailing of the confirmation notice, the administrator of elections shall place the registration in inactive status.

Amends 2-4-102 to change the date of appointment of election officials from "not more than forty-five (45) days nor less than ten (10) days before each election" to "not more than sixty (60) days nor less than ten (10) days before each election."

Amends 2-6-202 to provide that an application to vote absentee must contain the voter's date of birth.

Enacts a new section in Title 2, Chapter 6, Part 2 providing that in the case of individuals who, pursuant to 2-2-107(a) are registered to vote in a municipality as a non-resident property owner, the municipal legislative body may, by ordinance, direct such voters to cast the municipal ballots as absentee by mail ballots. Any municipal ordinance adopted pursuant to this section must be adopted and filed with the county



election commission office no later than sixty (60) days before the election. Upon the filing of the municipal ordinance, a non-resident property owner may not thereafter vote in the election except by absentee ballot. No later than forty-five (45) days before the election, the election commission shall mail a notice to each voter registered as a non-resident property owner of the municipality advising the voter of the voting process and include an application for ballot for the municipal election. The election commission shall maintain a record of the municipal ordinance and shall not require a municipality to adopt subsequent ordinances, unless the municipality has repealed such ordinance since the last election.

Amends 2-12-111 to require the county election commission to publish the election notice at least twenty-one (21) days prior to the qualifying deadline instead of ten (10) days.

Effective July 1, 2011.

## **ENVIRONMENTAL**

### **Public Chapter 207 SB 1391 - HB 1612**

#### **Additional Jackson Law Notices**

Amends 68-211-703 to require proposed landfill owners to provide notice to persons owning property within a three-mile radius of the proposed landfill no less than fifteen (15) days in advance of any hearing scheduled in accordance with the Jackson Law by having signs erected on all roads leading directly to the proposed landfill site. Provides that county highway department may erect and maintain the signs, and remove the signs within ten (10) days of the completion of all hearings related to the application for a proposed landfill.

Effective May 20, 2011.

## **FINANCE**

**Public Chapter 97**  
SB 1155 – HB 1481

**Audit Committees**

Amends 9-3-405(b) to require that, in addition to the original resolutions, any amendments to resolutions creating audit committees must be submitted to the comptroller for approval before they are approved by the local government. Provides a special provision for approval in charter counties.

Effective April 21, 2011.

**Public Chapter 458**  
SB 1152 – HB 1478

**Local Government Finance**

Amends 9-21-406 to rewrite the law on invalid financial obligations issued by local governments. Provides that obligations issued in contravention of the requirements found in Title 9, chapter 21 shall be considered nonconforming and be subject to restrictions and penalties as set forth in 9-21-406.

Effective June 10, 2011.

**EMERGENCY MANAGEMENT/SERVICE**

**Public Chapter 270**  
SB 1990 - HB 1279

**Exposure to Infectious Diseases**

Amends 68-10-116. adds firefighters and certain emergency services personnel to statute permitting law enforcement officers and certain TBI employees to request that an arrestee's blood be tested for certain infectious diseases.

Effective July 1, 2011.

**Public Chapter 365**  
SB 1476 - HB 544

**Emergency Management Agency Directors**

Amends Title 58, Chapter 2, Part 1 and 58-2-110(1)(B). Establishes job qualifications, duties, responsibilities and continuing educational requirements for directors of local emergency management agencies.

Effective July 1, 2011.

**HOSPITALS**

**Public Chapter 189**

**Hospital Assessments**

SB 483 – HB 738

Enacts the "Annual Coverage Assessment Act of 2011." Creates a new part in Title 71, chapter 5 which imposes an assessment of covered hospitals for fiscal year (FY) 2011-2012 that, generally, would pay for benefits and services under the TennCare program that otherwise would have been subject to reduction or elimination from TennCare funding for FY 2010/2011 and for payments to hospitals for FY 2011/2012 of a portion of its unreimbursed cost of providing services to TennCare enrollees. A "covered hospital" means any hospital licensed under present law regarding health or mental health and developmental disabilities, except for the following: (1) A hospital that has been designated by the federal centers for Medicare and Medicaid services (CMS) as a critical access hospital; (2) A mental health hospital owned by the state of Tennessee; (3) A hospital providing primarily rehabilitative or long term acute care services; (4) A children's research hospital that does not charge patient for services beyond that reimbursed by third party payors; and (5) A hospital that is determined by TennCare as eligible to certify public expenditures for the purpose of securing federal medical assistance percentage payments.

Effective July 1, 2011 and expires on June 30, 2012, except for the following provisions: the authority of the Bureau of TennCare to impose late payment penalties and to collect unpaid annual coverage assessments and required refunds; the rights of a covered hospital or an association of covered hospitals to file a petition for declaratory order to determine whether the annual coverage assessment has been validly imposed; and the obligation of the Bureau to use and apply the assets of the fund.

**Public Chapter 296**  
SB 1936 – HB 1470

**Regulation of Smoking on Hospital Grounds**

Amends 39-17-1551 to authorize local governments to prohibit smoking on the grounds of a hospital or in the public areas immediately outside of a hospital building and its entrances, including public sidewalks.

Effective May 27, 2011.

## **JAILS**

### **Public Chapter 224**

SB 455 - HB 305

#### **Inmate Labor**

Amends 41-2-148(b). Provides that inmates of a county or municipal jail or workhouse may perform any labor on behalf of a farm that is operated by any institution that is under the jurisdiction of the board of regents with the approval of the board of regents.

Effective May 20, 2011.

### **Public Chapter 229**

SB 1214 - HB 773

#### **Reimbursement for State Inmates**

Amends 41-8-106. Provides that a county will not be required to provide documentation to the department of correction regarding costs incurred beyond information necessary to determine the number of prisoner days for which the county is entitled to reimbursement when the county has been reimbursed for housing convicted felons for a continuous period of 3 or more fiscal years and has received the maximum amount allowed per prisoner per day as reasonable allowable costs during that period.

Effective July 1, 2011.

### **Public Chapter 261**

SB 849 - HB 974

#### **Inmate Trust Accounts**

Amends 41-2-129(c). Authorizes \$4.00 to be deducted from the wages of prisoners in a county workhouse in certain circumstances to satisfy judgments against the prisoner to make restitution to the victim.

Effective May 23, 2011.

### **Public Chapter 267**

SB 1051 - HB 1177

#### **Incarcerated Sex Offenders**

Amends 40-39-203(b). Requires all sexual offenders who are incarcerated, but who have not yet registered as a sexual offender or violent sexual offender, to be registered in the institution in which they are incarcerated by no later than August 1, 2011.

Effective May 23, 2011.

### **Public Chapter 269**

SB 1938 - HB 1270

#### **HIV Testing of Arrested Sexual Offenders**

Amends 39-13-521(a). Adds aggravated rape of a child and statutory rape by an authority figure to the list of

offenses requiring HIV testing of the alleged perpetrator. Specifies that HIV testing must be performed no later than 48 hours after the presentment of the information or indictment and that it must be performed with or without the request of the victim.

Effective May 23, 2011.

## **LAW ENFORCEMENT**

### **Public Chapter 30**

SB 288 - HB 38

#### **Unclaimed or Abandoned Vehicles**

Amends 55-16-105(a) and (f) to require a police department that takes into custody an abandoned, immobile, or unattended motor vehicle, to verify ownership of such motor vehicle within three (3) business days after taking such motor vehicle into custody and to notify by registered mail, return receipt requested, the last known registered owner of the motor vehicle and all lien holders of record that the vehicle has been taken into custody within three (3) business days after receiving verification of ownership. Applies the same requirements on any garagekeeper or towing firm, which has in its possession an abandoned, immobile or unattended motor vehicle taken into custody by a police department.

Effective March 31, 2011.

### **Public Chapter 39**

SB 856 - HB 983

#### **Orders of Protection**

Amends 36-3-609(e), 36-3-622(e), 71-6-124(d)(4). Repeals 36-3-622 (f) and (h). Removes statutory requirements that law enforcement agencies make order of protection entries into the Tennessee criminal information system; eliminates these entries from the TBI database within two years from the effective date of the act. Requires local law enforcement agencies to take any necessary action to immediately transmit order of protection or dismissal to the national crime information center.

Effective April 5, 2011.

**Public Chapter 40**  
SB 1497 - HB 1654

**Utility Service Vehicles**

Amends 55-8-132 to require motorists to move over for stationary utility service vehicles in the same manner as motorists are required to move over for stationary recovery vehicles or highway maintenance vehicles.

Effective July 1, 2011.

**Public Chapter 45**  
SB 379 - HB 397

**Transportation of Mentally Ill Persons**

Amends 33-6-901(b) to change present law concerning the responsibility for transporting persons to mental health evaluations and treatment resources. Provides that the initial transporting county (sheriff) will be responsible for the continuing transportation of the person even if the person is assessed, diagnosed, screened or evaluated in a second county before being admitted to a facility, hospital or treatment resource in a third county. Provides further that if the person is transported to a hospital or treatment resource by the sheriff of a county other than the initial transporting county, the sheriff actually providing transportation will be authorized to bill the initial transporting county for transportation costs instead of the person's county of residence.

Effective April 6, 2011.

**Public Chapter 49**  
SB 990 - HB 1180

**TBI Lab Fees**

Amends 38-6-103(d)(1) to clarify that \$13.75 court costs for TBI are imposed upon the forfeiture of any cash bond or other surety entered as a result of a municipal traffic citation.

Effective July 1, 2011.

**Public Chapter 58**  
SB 1142 - HB 18

**Obscene Display on Motor Vehicles**

Amends 55-8-187 to eliminate a minimum and maximum range of fines for obscene displays on motor vehicles and specifies that the fine is a flat \$50.

Effective July 1, 2011.

**Public Chapter 84**  
SB 682 - HB 754

**Police Pay Supplement**

Amends 9-4-204(b) to provide that all funds deposited in the police pay supplement fund can only be used for

the payment of police pay supplements and such other payments as may be authorized by 38-8-111.

Effective April 14, 2011.

**Public Chapter 88**  
SB 1679 - HB 1577

**Sexual Offenses**

Amends Title 39, Chapter 13, Part 5 to create the Class A misdemeanor offense of "sexual contact by an authority figure," which is committed when a defendant intentionally touches or kisses a minor's lips with the defendant's lips if such touching can be reasonably construed as being for the purpose of sexual arousal or gratification and: (1) The minor is at least 13 but less than 18 years of age; (2) The defendant is at least four years older than the victim; and (3) The defendant was, at the time of the offense, in a position of trust, or had supervisory or disciplinary power over the minor by virtue of the defendant's legal, professional, or occupational status and used the position of trust or power to accomplish the sexual contact; or (4) The defendant had, at the time of the offense, parental or custodial authority over the minor and used the authority to accomplish the sexual contact.

Effective July 1, 2011.

**Public Chapter 137**  
SB 610 - HB 1568

**Lights Required on Motor Vehicles**

Amends 55-9-402(d) to authorize the use of flashing white and/or amber lights displayed to the front of a motor vehicle operated by an organ procurement organization or a person under an agreement with an organ procurement organization when transporting an organ for human transplantation.

Effective July 1, 2011.

**Public Chapter 222**  
SB 356 - HB 686

**Sex Offenders**

Amends 40-39-203. Requires sexual offenders housed in a halfway house or any other facility as an alternative to incarceration where unsupervised contact is permitted outside of the facility to register and report with the offender's registering agency in the city or county where the facility is located.

Effective May 20, 2011.

**Public Chapter 225**  
SB 393 – HB 338

**Scrap Jewelry and Metal Dealers**

Amends 38-1-205(b) to require law enforcement officers in the county or municipality in which the property is located to recover the property from the buyer or dealer at no expense to the rightful owner of the property. Also directs the party asserting ownership of the property to make a report with any law enforcement agency in the county or municipality in which the property is located. Requires the buyer or dealer ordered to return property pursuant to a civil action to pay all litigation costs and reasonable attorneys' fees.

Effective May 20, 2011.

**Public Chapter 244**  
SB 2029 - HB 1553

**Abandoned, Immobile, or Unattended Vehicles**

Amends 55-16-105, 66-19-103, and 66-28-519. Provides that if the owner of the vehicle is not present, then prior to any person, firm or entity towing any vehicle, such person, firm or entity must notify local law enforcement of the vehicle identification number (VIN), registration information, license plate number and description of the vehicle. Local law enforcement must keep a record of all such information which would be available for public inspection.

Effective July 1, 2011.

**Public Chapter 252**  
SB 559 - HB 401

**Exclusionary Rule Reform Act**

Adds 40-6-108. Provides that any evidence that is seized pursuant to a search warrant that is otherwise admissible in criminal court and that is not in violation of the state or federal constitutions would not be suppressed due to any violation of present law, including the Tennessee rules of criminal procedure, if the court determines that the violation was a result of a good faith mistake or technical violation made by a law enforcement officer, court official, or the issuing magistrate. In addition, unless otherwise provided by federal law or the Tennessee Constitution, the person or governmental entity that made the good faith mistake or technical violation would not be civilly liable for such mistake or violation.

Effective July 1, 2011.



**Public Chapter 263**  
SB 858 - HB 981

**Tennessee Internet Criminal Information Center**  
Deletes 38-6-116(b)(2)(B). Deletes outdated language from requirements concerning the sex offender registry.

Effective July 1, 2011.

**Public Chapter 265**  
SB 870 - HB 1093

**Public Safety Dispatchers**  
Amends 7-86-205(b). Authorizes the state emergency communications board to grant exceptions or waivers to certain employment requirements for emergency call takers and public safety dispatchers.

Effective May 23, 2011.

**Public Chapter 266**  
SB 1016 - HB 1169

**Sex Offenders**  
Amends 40-39-204(h). Requires sexual offenders to report to the designated law enforcement agency at least 21 days before traveling out of the country; provided, that offenders who travel out of the country frequently for work or other legitimate purpose, with the written approval of the designated law enforcement agency, and offenders who travel out of the country for emergency situations shall report to the designated law enforcement agency at least 24 hours before traveling out of the country.

Effective July 1, 2011.

**Public Chapter 274**  
SB 1726 - HB 1889

**Synthetic Cannabinoids**  
Amends 39-17-438(a). Creates Class A misdemeanor offenses for the production, manufacture, distribution or possession with intent to produce, manufacture, or distribute of additional synthetic cannabinoids.

Effective July 1, 2011.

**Public Chapter 287**  
SB 710 - HB 1340

**Sex Offenders - Restrictions after Release**  
Amends 40-39-216. Authorizes public library directors to reasonably restrict the access of any person listed on the sexual offender registry.

Effective May 27, 2011.

**Public Chapter 292**  
SB 1265 - HB 1051

**I Hate Meth Act**

Amends 39-17-431. Revises various present law provisions regarding the sale of methamphetamine precursors and ephedrine or pseudoephedrine, and to require a pharmacy, beginning January 1, 2012, to electronically submit certain information to the national precursor log exchange (NPLEx) before completing a sale of an over-the-counter product containing pseudoephedrine or ephedrine not otherwise excluded from the record keeping requirement, as long as the NPLEx system is available to pharmacies in the state without a charge for accessing or using the system. Provides that a person commits the felony offense of aggravated child abuse, aggravated child neglect or aggravated child endangerment if the act of abuse, neglect or endangerment results from the knowing exposure of the child to the initiation of a process intended to result in the manufacture of methamphetamine. Requires the Office of the Comptroller to conduct a study of methamphetamine use in Tennessee.

Effective July 1, 2011.

**Public Chapter 299**  
SB 254 - HB 151

**Identity Theft**

Amends 39-14-150. Provides that if a victim of identity theft resides or is found in this state, an essential element of the offense is committed in this state and a defendant is subject to prosecution in this state, regardless of whether the defendant was ever actually in this state. Venue for the offense of identity theft would be in any county where an essential element of the offense was committed, including in any county where the victim resides or is found, regardless of whether the defendant was ever actually in such county.

Effective July 1, 2011.

**Public Chapter 302**  
SB 754 - HB 583

**Aggravated Criminal Trespass**

Amends 39-14-406(a). Provides that aggravated criminal trespass is also committed if the trespasser destroys or vandalizes a gate, fence, lock or other barrier in order to gain entrance to the property.

Effective July 1, 2011.

**Public Chapter 307**  
SB 1270 - HB 715

**Driving Under the Influence - Mandatory Testing**

Amends 55-10-406(f). Requires a law enforcement officer to cause the driver of a motor vehicle to be tested for the purpose of determining the alcohol or drug content of the driver's blood, regardless of whether or not the driver consents to the test, if the officer has probable cause to believe that the driver has committed an offense of DUI, vehicular homicide due to intoxication, or aggravated vehicular homicide and (1) The driver has been previously convicted of such an offense; or (2) A passenger in the motor vehicle is a child under the age of 16.

Effective January 1, 2012.

**Public Chapter 308**  
SB 1958 - HB 808

**Sex Offenders - Residential Restrictions**

Amends 40-39-211. Allows three or more sexual offenders to establish primary or secondary residence together if the property on which they live has been zoned for a use other than residential or mixed use by the appropriate local zoning laws.

Effective May 27, 2011.

**Public Chapter 309**  
SB 403 - HB 860

**Manufacture of Meth**

Amends 39-17-433. Provides that venue for the prosecution of the offense of promotion of methamphetamine manufacture is proper in any county in which a drug or chemical used to produce meth or an immediate meth precursor is purchased.

Effective July 1, 2011.

**Public Chapter 310**  
SB 1003 - HB 954

**Controlled Substance Database**

Amends 53-10-302, 303, 304, 306, and 309. Revises various provisions regarding law enforcement access to the controlled substances database and the application process for such access.

Effective July 1, 2011.

**Public Chapter 322**  
SB 1095 - HB 1946

**Theft of Property**

Amends 39-14-103. Provides that a person who commits the offense of theft may be required, as a condition of pretrial diversion, judicial diversion, probation or parole, to perform debris removal,

cleanup, restoration or other necessary physical labor at the location within the area affected by a disaster or emergency, if the offense occurred: (1) During or within 30 days following the occurrence of a tornado, flood, fire, or other disaster or emergency; (2) Within the area affected by the disaster or emergency; and (3) When, as a result of the disaster or emergency, the owner of the property taken, or the person charged with custody of the property, is unable to adequately guard, secure or protect the property from theft.

Effective May 27, 2011.

**Public Chapter 354**  
SB 604 - HB 171

**Human Trafficking - Forfeiture of Property**

Amends 39-11-703(c). Provides that the following are subject to judicial forfeiture when used or intended to be used in connection with an offense of involuntary labor servitude, trafficking for forced labor or services, or trafficking for sexual servitude: (A) Conveyances, including aircraft, motor vehicles, and other vessels; (B) Books, records, telecommunication equipment, or computers; (C) Money or weapons; and (D) Real property.

Adds 39-13-312. Provides that the proceeds from all forfeitures made pursuant to 39-1 1-703(c) shall first be applied to the reasonable expenses of the forfeiture proceeding, including the expenses of the district attorney general, and the costs of seizing and maintaining custody of the forfeited property. Parties seeking repayment for forfeiture-related expenses shall file a request detailing the expenses incurred in the forfeiture procedure with the judge of the court in which the forfeiture occurred. The judge shall, if such judge is satisfied that the expenses claimed were both incurred and reasonable, direct the clerk to pay such expenses from the proceeds prior to transmitting them to the state general fund.

The clerk of the court where the forfeiture occurs shall transmit 40 percent of the proceeds from all forfeitures made pursuant to 39-1 1-703(c) as follows: (1) 20 percent to the law enforcement agency conducting the investigation that resulted in the forfeiture for use in training and equipment for the enforcement of the human trafficking laws; and (2) 20 percent to the

district attorneys general conference for education, expenses, expert services, training or the enhancement of resources for the prosecution of and asset forfeiture in human trafficking cases. The clerk of the court shall retain 5 percent of the proceeds. The clerk shall transmit the remainder of the proceeds to the state general fund, where there is established a general fund reserve to be allocated through the general appropriations act, which shall be known as the anti-human trafficking fund.

Effective July 1, 2011.

**Public Chapter 362**  
SB 487 - HB 300

**Harassment Offense**

Amends 39-17-308. Broadens the offense of harassment to include the transmission or display of an image in a manner in which there is a reasonable expectation that the image will be viewed by the victim with the malicious intent to frighten, intimidate or cause emotional distress, or in a manner the defendant knows, or reasonably should know, would frighten, intimidate or cause emotional distress to a similarly situated person of reasonable sensibilities; and as the result of the communication, the person is frightened, intimidated or emotionally distressed. Provides that a violation by a minor is a delinquent act and shall be punishable only by up to 30 hours of community service, without compensation, for charitable or governmental agencies as determined by the court.

Effective July 1, 2011.

**Public Chapter 363**  
SB 558 - HB 395

**Retired Law Enforcement Officers - Handgun Permit**

Amends 38-8-116. Establishes requirements for retired law enforcement officers to become certified by POST to carry a firearm in this state in the same manner and to same extent as active law enforcement officers.

Effective May 30, 2011.

**Public Chapter 367**  
SB 802 - HB 962

**Forfeiture of Bail - Issuance of Capias**

Amends 40-11-139(a). Provides that a capias for the defendant will be issued in conjunction with the issuance of scire facias to the defendant's surety.

Amends 40-11-133(a). Authorizes the use of a duplicate capias for the arrest or surrender of a defendant when the clerk is unavailable to provide a certified capias.

Effective May 30, 2011.

**Public Chapter 370**  
SB 1658 - HB 1190

**Sheriff's Qualifications**

Amends 8-8-102. Revises qualifications which a person must meet in order to qualify for election or appointment to the office of sheriff. Requires a candidate to have at least three years of full-time experience as a POST commission certified law enforcement officer in the previous 10 years or at least three years of full-time experience as a state or federal certified law enforcement officer with training equivalent to that required by the POST commission in the previous 10 years. Provides that any person holding the office of sheriff on the bill's effective date would be deemed to have met this requirement. Does not apply in any county having a metropolitan form of government where the sheriff does not have full law enforcement powers.

Effective May 30, 2011.

**Public Chapter 373**  
SB 1380 - HB 1869

**Disorderly Conduct at Funerals Services**

Amends 39-17-317(b) and (c). Increases penalty for disorderly conduct within 500 feet of a funeral or memorial service from Class C misdemeanor to Class B misdemeanor.

Effective July 1, 2011.

**Public Chapter 377**  
SB 64 - HB 35

**Prostitution**

Amends 39-13-512, 513, 514 and 515. Requires that a law enforcement officer who takes a person under 18 years of age into custody on suspicion of having committed prostitution, upon determination that the person is a minor, to provide the minor with the telephone number for the national human trafficking resource center hotline and release the minor to the custody of a parent or legal guardian. Makes patronizing prostitution from a person who is younger than 18 years of age or has an intellectual disability a Class E felony. Makes promoting prostitution of a minor

or a person who has an intellectual disability a Class E felony.

Effective June 1, 2011.

**Public Chapter 379**  
SB 343 - HB 391

**DUI**

Amends 55-10-403(a)(1)(A). Increases the minimum time that a driver license may be revoked for third and fourth and subsequent DUI convictions from three and five years to six and eight years.

Effective July 1, 2011.

**Public Chapter 393**  
SB 69 - HB 154

**Sexual Exploitation of a Minor**

Amends 39-13-529(d). Provides that the offense of soliciting the sexual exploitation of a minor can be prosecuted in this state against a person located outside the state if the person solicited a law enforcement officer posing as a minor located within this state.

Effective July 1, 2011.

**Public Chapter 397**  
SB 266 - HB 339

**Impoundment of Meth Vehicles**

Amends 55-3-211 and adds 55-3-213. Requires any law enforcement agency that impounds a motor vehicle due to the manufacture of methamphetamine on or within the vehicle to submit a notice of motor vehicle impoundment for manufacture of methamphetamine to the department of revenue within 30 days of such impoundment. Upon receipt by the department of such notice, the vehicle would be deemed to be a "methamphetamine vehicle."

Effective July 1, 2011.

**Public Chapter 401**  
SB 476 - HB 375

**Aggravated Assault**

Amends 39-13-102(a). Adds attempting or intending to cause bodily injury by strangulation to the definition of aggravated assault.

Effective July 1, 2011.

**Public Chapter 406**  
SB 567 - HB 685

**Domestic Violence - Conditions of Release or Bail**

Amends 40-11-150(b) and adds 40-11-152. Authorizes the court to order the defendant to carry or wear a

global positioning monitoring system device and, if able, pay the costs associated with operating that device and electronic receptor device provided to the victim, pursuant to 40-11-152. Provides that the global positioning monitoring of any defendant ordered pursuant to this section shall be provided by the county or municipality in which the court ordering the monitoring is located and shall not be provided by the board of probation and parole.

Effective July 1, 2011.

**Public Chapter 408**  
SB 633 - HB 498

**Victims of Crime**

Amends 39-13-107 and adds 39-13-214. Specifies that when a defendant commits a homicide or assault against a pregnant woman, the woman's fetus, regardless of viability, is also considered a victim of the offense.

Effective July 1, 2011.

**Public Chapter 409**  
SB 690 - HB 1068

**Reckless Endangerment**

Amends 39-13-103(b). Makes reckless endangerment by discharging a firearm into a habitation a Class C felony, unless the habitation is unoccupied at the time of the offense, in which event it is a Class D felony.

Effective January 1, 2012.

**Public Chapter 413**  
SB 775 - HB 888

**Retired Law Enforcement Officers - Handgun Permit**

Amends 38-8-116(d) and adds 38-8-123. Establishes procedures for the POST commission in determining retired law enforcement officer's eligibility to carry a firearm under federal law.

Effective June 6, 2011.

**Public Chapter 435**  
SB 605 - HB 172

**Human Trafficking Resource Center Hotline Act**

Adds 39-13-312. Enacts the "Tennessee Human Trafficking Resource Center Hotline Act." Creates the Tennessee Human Trafficking Resource Center Hotline which would be established and maintained by the TBI. Encourages governmental entities and public entities and establishments to post a sign indicating certain information regarding the hotline in a location within



the entity or establishment where it is visible to employees and the general public.

Effective October 1, 2011.

**Public Chapter 456**  
SB 837 - HB 1305

**Bounty Hunters - Criminal Background Checks**

Adds 40-11-318. Provides that any resident of Tennessee who is a United States citizen and who intends to perform the functions of a bounty hunter shall submit to a criminal history background check as provided by 38-6-109 at the sheriff's office at the county of the person's permanent residence. The person requesting the criminal history background check shall be responsible for any fees associated with the background check. The criminal background check shall include fingerprint checks against state and federal criminal records maintained by the Tennessee bureau of investigation and the federal bureau of investigation. The sheriff's office shall maintain files in their respective counties on bounty hunters requesting a criminal history background check. A sheriff may charge a fee of not more than \$200.00 for each background check performed pursuant to this section and in addition to the background check fees payable to the Tennessee bureau of investigation, the federal bureau of investigation and any designated vendor. If the bounty hunter is from a state other than Tennessee, proof that the bounty hunter has completed an equivalent criminal history background check in the person's home state within the last year shall be provided to the appropriate law enforcement agency of the political subdivision where the taking will occur.

Effective June 10, 2011.

**Public Chapter 460**  
SB 1400 - HB 1624

**Wiretapping and Electronic Surveillance**

Amends 39-13-601. Provides that offenses of wiretapping and electronic surveillance do not apply to a person who installs software on a computer the person owns if such software is intended solely to monitor and record the use of the Internet by a minor child of whom such person is a parent or legal guardian.

Effective June 10, 2011.

**Public Chapter 469**  
SB 1775 - HB 2039

**Judges - Handguns**

Amends 39-17-1306(c). Authorizes any state court judge who possesses a valid handgun carry permit and who completes both 16 hours of POST court security training and eight hours per year of POST firearm training to possess a firearm in the courtroom.

Effective June 10, 2011.

**Public Chapter 481**  
SB 419 - HB 530

**Constables**

Amends 8-10-102(a)(1) and 8-10-109(b). Makes changes to qualifications for office of constable. Delays the implementation of any action by a county legislative body to remove the law enforcement powers for the office of constable until the expiration of the incumbent constables' current term of office. Provides that if during a constable's term of office, a constable is convicted of any felony or is ousted from office for knowingly or willfully committing misconduct in office, then with respect to such constable, the action of the county legislative body for removal of law enforcement powers shall become effective on the date such constable is removed from office or the date of the felony conviction.

Effective June 16, 2011, regarding removal of law enforcement powers. Effective July 1, 2011, regarding constable qualifications.

**Public Chapter 483**  
SB 869 - HB 687

**Violent Juvenile Sex Offenders**

Amends Title 39, 40, and 55. Requires registration with the sex offender registry by a juvenile between the ages of 14 and 18 who is adjudicated delinquent for any violent juvenile sexual offense committed on or after July 1, 2011. Specifies that a violent juvenile sexual offender who is required to register shall not be required to pay the administrative fee until the offender reaches eighteen years of age.

Effective July 1, 2011.

**Public Chapter 493**  
SB 1456 - HB 1066

**Wiretapping and Electronic Surveillance**

Amends 40-6-305 and 40-35-121(a). Authorizes the district attorney general to apply for, and the judge to grant, an order for the interception of wire, oral, or electronic communications when the interception may

provide evidence of the commission of, or the conspiracy to commit, a criminal gang offense by a criminal gang member.

Effective July 1, 2011.

**Public Chapter 497**  
SB 1028 - HB 1353

**Material Support to Designated Entities Act of 2011**

Amends 39-13-802, 803, and 807. Makes it is a Class A felony for a person to provide material support or resources to any person known to be planning or carrying out an act of terrorism in this state, or concealing or attempting to escape after committing or attempting to commit an act of terrorism. Adds that it would also be a Class A felony offense for a person to provide material support or resources to any designated entity, if the person has actual knowledge that the entity is a designated entity.

Effective July 1, 2011.

**Public Chapter 501**  
SB 910 - HB 1729

**Electronic Cigarettes**

Amends 39-17-1501 - 1504. Enacts the Prevention of Youth Access to Tobacco and Electronic Cigarettes Act. Makes it a Class C misdemeanor for a person to sell or distribute an electronic cigarette to another person who has not attained 18 years of age or to purchase an electronic cigarette on behalf of such person under 18 years of age.

Effective July 1, 2011.

**PERSONNEL**

**Public Chapter 9**  
SB 79 – HB 115

**Tennessee Health Freedom Act**

Enacts 56-7-1016 to declare the public policy of this state that every person is “free to choose or decline to choose any mode of securing healthcare services without penalty or threat of penalty” with the exception of healthcare coverage of children in child support cases, and that every person has the “right to purchase health insurance or to refuse to purchase health insurance, unless purchase of health insurance is otherwise a condition of employment.” No public official, employee or agent of the state or any political

subdivision shall act to impose, collect, enforce, or effectuate any penalty that violates the stated public policy.

Effective March 18, 2011.

**Public Chapter 33**  
SB 519 – HB 283

**Occupational Safety and Health – Guns in Workplace**  
Amends 50-3-201 to provide that it is not considered an occupational safety and health hazard for an individual or entity, including a county government, to allow persons with handgun permits to carry handguns on their property.

Effective March 31, 2011.

**Public Chapter 50**  
SB 1050 – HB 1314

**Employees with Commercial Driver Licenses**  
Amends 55-50-413 to exempt governmental employees from the requirement for maintaining a valid medical card in connection with having a commercial driver license. The exemption does not apply to a passenger, school bus, or hazardous material endorsement.

Effective April 6, 2011.

**Public Chapter 128**  
SB 1306 – HB 884

**Unemployment Benefits**  
Amends 50-7-304 to provide that proof of misconduct in disputed claims for unemployment benefits may include personnel records and other business records in the possession of claimant's employer, and that such records are admissible and may be evidence of misconduct regardless of whether the record is hearsay or whether corroborated by direct witness testimony, if the record is accompanied by an affidavit of its custodian or other qualified person certifying it as a business record.

Effective April 29, 2011.

**Public Chapter 315**  
SB 1034 – HB 1586

**Violence in the Workplace**  
Amends Title 20, Chapter 14, relative to injunctive relief for violence in the workplace. Adds intimidation and extortion to the definition of unlawful violence, authorizes both employers and employees to file for injunctive relief, and expands the coverage to actual or threatened violence by organizations as well as individuals. Removes the exception for labor disputes.

Effective May 27, 2011.

**Public Chapter 390**

SB 1996 - HB 1716

**State Military Service**

Adds 8-33-110. Provides that all officers and employees of this state, or any department or agency thereof, or of any county, municipality, school district, or other political subdivision, all other public employees of this state and all private sector employees who are, or may become, members of the Tennessee state guard and civil air patrol shall be entitled to an unpaid leave of absence from their respective duties, without loss of time, pay, regular leave or vacation, or impairment of efficiency rating, for all periods of service during which they are engaged in the performance of duty or training in the service of this state, under competent orders.

Effective June 1, 2011.

**Public Chapter 436**

SB 1669 - HB 1378

**Tennessee Unlawful Employment Act (E-Verify)**

Amends 50-1-103 relative to the employment of persons unlawfully present in the United States, to provide that an employer is not in violation of the prohibition against hiring illegal aliens if the employer has obtained and documented, after commencement of employment, lawful resident verification information (I-9), or if the employer verifies the work authorization status of the employee using E-Verify. Enacts the Tennessee Unlawful Employment Act, 50-1-701 *et seq.* For non-employees, employers must obtain and maintain a copy of any one of the following documents: (1) valid Tennessee driver license or photo ID issued by department of safety, (2) valid out-of-state driver license, (3) U.S. birth certificate, (4) valid US passport, (5) U.S. certificate of birth abroad, (6) report of birth abroad of a U.S. citizen, (7) certificate of citizenship, (8) certificate of naturalization, U.S. citizen identification card, (9) valid alien registration documentation or proof of current immigration registration. For employees, employers must either (1) obtain and maintain one of the foregoing documents, or (2) enroll in and use the E-Verify system to verify the employment status, and maintain a record. Verifying employment with E-Verify is a defense to a charge of hiring illegal aliens, but obtaining one of the listed documents, if this is the only evidence the employer has, is not a defense to such a

charge. The employer must maintain records generated by E-Verify or the alternate documentation for 3 years after the date of employee's hire or 1 year after termination, whichever is later.

Creates the office of employment verification assistance within state department of labor and workforce development, to provide assistance with E-Verify to employers without internet access. The department will check for compliance with the requirements of this act in conjunction with any pending investigation, inquiry or inspection of the employer by the department's division of labor standards or workers' compensation division.

Authorizes state citizens and employees of federal agencies to file a complaint with the department alleging violation of this law. Civil penalties shall be assessed as follows: \$500 for first violation, plus \$500 for each employee or non-employee not verified \$1,000 for second violation, plus 1,000 for each employee or non-employee not verified \$2,500 for third or subsequent violation, plus \$2,500 for each employee or non-employee not verified. The commissioner is authorized to issue a warning in lieu of penalties for a first violation if the employer complies with all remedial action ordered and the commissioner finds that the failure to obtain proper documentation was not a knowing violation. Money collected goes to the lawful employment enforcement fund. Names and information of violators will be posted on the department's website. Creates the state lawful employment enforcement fund to implement this part, including enforcement and education.

If an employer does not terminate an employee for whom the employer received a final non-confirmation result from E-Verify, the commissioner may consider this fact in determining whether to request revocation of a license or to impose civil penalties.

Effective June 7, 2011 for rulemaking purposes; effective January 1, 2012 for all other purposes.

**Public Chapter 461**  
SB 940 – HB 1641

### **Burden of Proof in Employment Cases**

Amends Title 4, Chapter 21, and Title 50, Chapter 1, to establish the framework for consideration of evidence

during all stages of proceedings in employment discrimination and retaliation cases.

Effective June 10, 2011, and applies to all causes of action accruing on or after that date.

## **PLANNING AND ZONING**

### **Public Chapter 73** SB 89 – HB 127

#### **Preliminary Plat Approval**

Amends 13-3-403(b) and 13-4-303(b) to replace references to “tentative” approval of plats with “preliminary.”

Effective April 14, 2011.

### **Public Chapter 217** SB 753 – HB 1316

#### **Zoning Regulations**

Amends 13-7-101(a)(1) and 13-7-201(a)(1) to provide for a uniform definition of quarrying for the purpose of all county and municipal zoning regulations.

Effective May 20, 2011.

### **Public Chapter 279** SB 88 – HB 126

#### **Boards of Zoning Appeals**

Amends 13-7-107 and 13-7-205 to include a list of topics that may be covered by supplemental rules adopted by boards of zoning appeals. These include maintaining a record of the board’s actions and electing a chair and other officers of the board.

Effective July 1, 2011.

### **Public Chapter 509** SB 2091 – HB 2138

#### **Local Planning Office**

Amends various sections to eliminate the local planning office of the department of economic and community development. Deletes 4-3-726, which created the local planning assistance section of ECD. Revises 4-3-727 to transfer the authority to exercise the powers in 13-3-101 and 13-3-102 to the local government planning advisory committee. Also amends 68-211-822, 57-5-205(1), and 6-58-104(a)(2).

Section 2 (which deletes 4-3-726) is effective July 1, 2012. All other provisions related to local planning are effective July 1, 2011.

## **PROPERTY TAXES**

### **Public Chapter 17**

SB 462 - HB 467

#### **Property Tax Relief**

Amends 67-5-701(d)(2) and (g)(2) to provide that all applications for refunds or presentments of credit vouchers shall be valid only if received in the office of the division of property assessments by May 5 following the last date such applications or presentments may be made or within thirty (30) days from the deadline established in subdivision (d)(1), whichever is later. Provides that repayment of property tax relief shall not be required of a person where the social security administration, the Tennessee Department of Human Services, the veterans' administration, the railroad retirement board, or some other similar governmental or private entity first determines a person to be eligible for property tax relief but later determines that the person was ineligible.

Effective March 24, 2011. Applies to pending claims for the 2011 tax year and thereafter.

### **Public Chapter 32**

SB 459 - HB 461

#### **Property Tax Appeal Forms and Records**

Amends 67-5-1412, 67-5-1512 and 67-5-1513 to authorize the state board of equalization to determine by rule the form in which complaints and appeals that are submitted to the board must appear. Also authorizes the board to maintain records in electronic form.

Effective March 31, 2011.

### **Public Chapter 77**

SB 638 - HB 464

#### **Property Tax Appeals**

Amends 67-5-1512 to clarify that penalty and interest otherwise due on delinquent property taxes will not accrue while an appeal of the assessment is pending before the county or state boards of equalization, provided the taxpayer, before the delinquency date, either pays the full tax due or the amount the taxpayer would owe based on the taxpayer's good faith claim for relief. Provides that the city or county collecting official may decline to accept the disputed portion of tax. Any tax later found to be refundable, or any additional tax



due following the appeal, will accrue interest from the delinquency date at the composite prime rate published by the federal reserve board as of the delinquency date, minus two points. On motion of the city or county to whom the tax is owed, the state board of equalization will dismiss the appeal of any taxpayer who fails to pay delinquent taxes that have accrued on property that is the subject of the appeal, or who fails to pay at least the undisputed tax related to a properly appealed assessment. Taxes related to a properly appealed assessment before the county and state boards of equalization, will not be deemed delinquent if the taxpayer has paid at least the undisputed portion of tax while the appeal is pending. Delinquency penalty and interest postponed under this bill will begin to accrue 30 days after issuance of the final assessment certificate of the state board of equalization and until the tax is paid.

Effective April 14, 2011.

**Public Chapter 262**

SB 411 - HB 980

**Tax Relief**

Amends 67-5-704 to extend property tax relief to the surviving spouse of a soldier whose death results from being deployed, away from any home base of training and in support of combat operations; provided, that the surviving spouse: (1) Does not remarry; (2) Solely or jointly owns the property for which tax relief is claimed; and (3) Uses the property for which tax relief is claimed exclusively as a home.

Effective May 23, 2011.

**Public Chapter 415**

SB 852 - HB 1077

**Exemptions - Assessment Review**

Amends 67-5-212(l) and (m) to revise requirements for tax exemption for public radio and television stations. Amends 67-5-1501(d) to provide that the state board shall assess the costs of hearing or processing an appeal against any non-prevailing appellant not determined to be indigent, pursuant to rules of the board.

Effective June 6, 2011.

**Public Chapter 418**

SB 1100 - HB 1886

**Tax Relief**

Amends 67-5-704(e). Extends property tax relief to the surviving spouse of a disabled veteran who, at the time

of the disabled veteran's death, was eligible for disabled veterans' property tax relief. Provides that if a subsequent amendment to the law concerning eligibility as a disabled veteran would have made the deceased veteran eligible for disabled veterans' property tax relief, then property tax relief shall also be extended to the surviving spouse. A surviving spouse shall continue to qualify for disabled veterans' property tax relief as long as the surviving spouse: (1) Does not remarry; (2) Solely or jointly owns the property for which tax relief is claimed; and (3) Uses the property for which tax relief is claimed exclusively as a home.

Effective June 6, 2011 and applies to tax years beginning on or after January 1, 2011.

## **PURCHASING**

### **Public Chapter 12** SB 91 – HB 43

#### **Information on Bid Envelope**

Amends 62-6-119 to restore language requiring license information for vertical closed loop geothermal heating and cooling contractors to be listed on the outside of the bid envelope when the bid is \$25,000 or more. This language was erroneously left out when the statute was amended in 2010.

Effective March 24, 2011.

### **Public Chapter 117** SB 1013 – HB 1094

#### **Emergency Communications Districts**

Enacts 7-86-1\_\_ to authorize emergency communications districts to purchase equipment under the same terms as a legal bid initiated by another emergency communications district. A district may purchase the same goods and equipment directly from a vendor at the same price and under the same terms provided in a contract entered into by another district.

Effective April 25, 2011.

### **Public Chapter 193** SB 1031 – HB 1605

#### **Urban Type Public Facilities**

Amends 5-16-105(d) to raise the purchasing limit for the superintendent of an urban type public facility to purchase personal property without the approval of the governing authority to \$10,000, subject to any regulations prescribed by the governing authority.

Contracts for construction exceeding \$10,000 must be competitively bid.

Effective May 12, 2011.

**Public Chapter 233**  
SB 1672 – HB 1498

**Freedom in Contracting Act**

Enacts the “Freedom in Contracting Act” to prohibit the state and its political subdivisions engaged in procuring products or services or letting public works contracts funded in whole or in part with state funds, from (1) including in any bid specifications or agreements any requirements that the bidder or contractor have agreements with labor organizations, (2) discriminating against bidders or contractors who do not have agreements with labor organizations, (3) requiring any bidder or contractor to enter into or enforce any agreement requiring its employees to become members of a labor organization or employee organization of any kind or pay dues or fees to such an organization over an employee’s objection, or (4) requiring any bidder or contractor to pay wages exceeding the state’s most current prevailing wage scale or a specific dollar amount for the provisions of fringe benefits for employees. Prohibits the state and political subdivisions from issuing grants or entering into cooperative agreements for construction projects conditioned on the foregoing. Provides for attorneys’ fees to be awarded in the event of a successful challenge to any bid specification or agreement for violation of these provisions. Does not apply where it would cause a violation of federal law.

Effective July 1, 2011.

**Public Chapter 260**  
SB 1042 – HB 965

**Addenda to Bid Documents**

Enacts 12-4-126 to prohibit addenda to bid documents within less than 48 hours of a bid opening, and to require that questions concerning bid documents must be received no less than 96 hours before the bid opening date. Does not apply to department of transportation contracts or any state or local contracts funded with state or federal highway funds.

Effective May 23, 2011.

## **RECORDS**

### **Public Chapter 151**

SB 750 - HB 465

#### **Audit Working Papers**

Amends 4-3-304 and 10-7-504 to clarify which records are working papers of an internal audit staff and thus exempt from public records requests. Defines audit working papers as audited records, intra-agency and interagency communications, draft reports, schedules, notes, memoranda and all other records relating to an audit or investigation by internal audit staff.

Effective May 5, 2011.

### **Public Chapter 168**

SB 822 - HB 424

#### **Security Systems**

Enacts a new section in Title 10, Chapter 7, Part 5 to make confidential any information relating to security systems for any property including but not limited to all records pertaining to licensure or registration by owners of such systems, information, photos, presentations, schematics, surveys, or any other information related to such security systems held or kept by any governmental entity.

Effective May 5, 2011.

### **Public Chapter 353**

SB 1951 - HB 1875

#### **Devices Used to Create or Store Public Records**

Amends 10-7-503 to clarify that statutory definition of “public record” does not include the device or equipment, including but not limited to a cell phone, computer or other electronic or mechanical device or equipment, that may have been used to create or store a public record.

Effective May 30, 2011.

## **REGISTER OF DEEDS**

### **Public Chapter 321**

SB 1048 - HB 1924

#### **Real Estate Taxes**

Amends 67-4-409(b)(12) to clarify that it is the duty of holders of indebtedness to collect the mortgage tax imposed by subsection (b) and remit the tax as required in that subsection.

Effective May 27, 2011.

**Public Chapter 399**  
SB 389 – HB 948

**Deeds**

Enacts a new section in Title 39, chapter 17, part 1 which makes knowingly preparing, signing or filing a deed in which the grantor has no legal or equitable ownership interest a Class A misdemeanor. Amends 66-3-104 to make transferring or recording a transfer of land by general warranty or quitclaim deed, with knowledge that the grantor has no legal or equitable interest in the property, a Class A misdemeanor.

Effective June 6, 2011.

**RETIREMENT**

**Public Chapter 140**  
SB 1008 - HB 707

**Retirement System and Retirement Benefits**

Amends numerous provisions relative to the Tennessee consolidated retirement system.

Enacts a new section in Title 8, Chapter 35, Part 2 to authorize any political subdivision to elect, by resolution adopted by a 2/3 majority, to revoke any mandatory age requirement for firefighters and police officers. Provides that all who were employed prior to the effective date of the resolution will continue to be subject to the mandatory retirement and will continue to be eligible for any applicable supplemental bridge benefit. Provides that any resolution to discontinue the mandatory retirement is irrevocable.

Enacts a new section in Title 8, Chapter 35, Part 2 to authorize the chief governing body of any employer, by resolution adopted by a 2/3 majority, to discontinue the base benefit improvement provisions (which increase the base benefit up to 5 percent for certain members). Provides that all who were employed prior to the effective date of the resolution will continue to be eligible for the base benefit improvement. Provides that any resolution to discontinue the base benefit improvement is irrevocable.

Amends 8-35-201 to remove provision regarding non-government entity participating in TCRS through a joint venture with a government entity.

Amends 8-35-218 relative to amortization of required payments by local government entity withdrawing from TCRS.

Amends 8-36-208 relative to the retirement benefits of certain members who remain working after age 65, but only applies to those members joining TCRS after July 1, 2011.

Effective May 2, 2011.

**Public Chapter 336**  
SB 1007 - HB 706

**Payments to Spouse if No Known Executor**

Amends 8-36-120 to increase the amount that may be paid to the surviving spouse under certain circumstances when no executor or administrator has qualified and given notice of such qualifications to the retirement division and when the retirement division is unaware of a will naming an executor.

Effective May 30, 2011.

**TAXES**

**Public Chapter 72**  
SB 1520 - HB 1992

**Streamlined Sales Tax**

Amends numerous streamlined sales tax provisions to delay the effectiveness of the provisions from "July 1, 2011" to "July 1, 2013." Enacts a new section in Title 67, Chapter 1, Part 1 to provide with respect to the Hall income tax, franchise and excise taxes and gift taxes, that whenever the due date for filing the tax return occurs on a legal holiday, the commissioner of revenue may extend the due date to the next day.

Effective April 13, 2011.

**Public Chapter 133**  
SB 24 - HB 6

**Extension of Sales Tax Refund for Flood Victims**

Amends 67-6-396 to extend the limited sales tax refund for certain home related purchases made by individuals receiving disaster assistance through the Federal Emergency Management Agency as a result of a disaster occurring between May 1, 2010 and May 8, 2010. Extends the deadline by which qualifying purchases must have been made from September 30, 2010 to April 30, 2011. Extends the deadline for filing an application

for a refund from November 30, 2010 to June 30, 2011. Statute provides that all refunds shall be paid from the state's general fund and nothing in the statute shall be construed to reduce the amount of sales and use tax payable to local governments.

Effective May 2, 2011.

**Public Chapter 398**  
SB 267 - HB 362

**Storm or Tornado Shelters**

Enacts 67-6-397 to establish a state and local sales and use tax rebate program for building supplies that are used by a taxpayer for the purpose of building a storm or tornado shelter in the taxpayer's primary residence. The amount of the rebate will be for sales and use tax paid on purchases of qualifying building materials made between July 1, 2011, and December 31, 2011. The total amount refunded in connection with any one (1) residence shall not exceed two thousand five hundred dollars (\$2,500). To receive a refund, a claimant must file a single application with the department of revenue on or before February 1, 2012.

Effective June 6, 2011.

**Public Chapter 407**  
SB 601 - HB 280

**Tennessee River Resort District Status**

Amends 67-6-103(a)(F). Authorizes a county, or municipality within a county, that has elected Tennessee River Resort District status to repeal such election by adopting a resolution or ordinance approved by a two-thirds vote of the legislative body of the jurisdiction.

Effective June 6, 2011.

**Public Chapter 438**  
SB 528 - HB 137

**Loan, Investment and Cemetery Companies**

Deletes Title 67, Chapter 5, Part 11 relative to property taxes on the stock of any loan company, investment company or cemetery company.

Enacts several new sections in Title 67, Chapter 4, Part 20 providing the manner in which the excise tax on certain companies will be allocated.

Enacts a new section in Title 67, Chapter 4, Part 20 governing the allocation of taxes collected under Part 20 from financial institutions, including loan or trust

companies regulated by the department of financial institutions, which do not have deposit facilities. Provides that such taxes shall be allocated to cities and counties in an amount for each institution with a branch in this state and each "financial institution unitary business" as follows: three percent (3%) of the net earnings of the institution and the net earnings of a financial institution unitary business determined on a combined basis for the second fiscal year preceding the year in which the distribution is made, less seven percent (7%) of the ad valorem taxes paid by the financial institution or financial institution unitary business on its real and tangible personal property for the second fiscal year preceding the year in which the distribution is made. Provides that "net earnings" does not include amounts attributable to interest earned on bonds and other obligations of the state of Tennessee. Provides that "financial institution unitary business" includes only those financial institutions that form a unitary business as defined in 67-4-2004, that file a combined franchise, excise tax return in Tennessee and that have at least one (1) member with a branch in Tennessee. Provides the total amount thus determined shall be allocated between the county and municipal governments where the office of the financial institution or financial institution unitary business is located in the same proportion as the property tax rate of each such taxing jurisdiction shall bear to the sum of the property tax rates. Provides that in circumstances where a financial institution or financial institution unitary business has more than one (1) branch or office, the total allocation attributable to such financial institution or financial institution unitary business as determined above shall be further allocated between such counties and cities where its branches or offices are located as follows: (i) the proportionate percentage that is produced by the ratio of outstanding loans and sales contracts receivable in each branch or office of the financial institution or financial institution unitary business to the total outstanding loans and sales contracts receivable of the financial institution or financial institution unitary business shall be determined as of January 1 for each year, and the percentage so determined shall then be applied to the total allocation to determine the portion of the total attributable to each branch or office; (ii) the branches



or offices shall then be grouped each to a common location so as to determine the aggregate allocation of all branches or offices located in each individual county and municipality; and (iii) the percentage of the total allocation allowable to each county and municipality shall be divided between the county and municipality where the branch or office is maintained in the same proportion as the property tax rates of each for the second year preceding the year in which the distribution is made shall bear to the total of the property tax rates. Provides the director of the division of property assessments shall provide to the commissioner, periodically on a timely basis, the ad valorem property tax rates for each taxing jurisdiction. Provides the commissioner shall report the amount of such allocations made to each county and municipality to the comptroller of the treasury for audit purposes on an annual basis. Provides that after allocation to counties and municipalities as provided above, the remainder of the taxes collected shall be applied to and become a part of the general fund of the state. Enacts a new section relative to the allocation of taxes collected from regulated investment companies that are not part of a financial institution unitary business. Enacts a new section relative to the allocation of taxes collected from cemetery companies that are not part of a financial institution unitary business.

Provides that the allocation of excise taxes to counties and cities provided in the act shall be limited to one million dollars (\$1,000,000) for 2011, and distribution shall not be made before July 1, 2012. Provides that if total sharing is diminished for any county as the result of this cap, counties with certified 2010 assessments pursuant to Title 67, Chapter 5, Part 11 will share first up to the amount of property tax billed on the 2010 assessments, and the remaining counties shall share the balance in proportion to their share in the original allocation.

Effective June 10, 2011 (applicable both to assessments made under Title 67, Chapter 5, Part 11, and to collections received under Title 67, Chapter 4, Part 20 on and after January 1, 2011).

**Public Chapter 467**  
SB 1519 - HB 1994

**Industrial and Farm Machinery**

Amends numerous provisions in Title 67 relative to taxation, including provisions regarding gains on sales of assets designated as goodwill, sales and use tax on computer software, electronic tax return filings, tax payments and penalties, and reasonable rent deductions for excise tax purposes.

Amends 67-6-702 to remove industrial and farm machinery from the code provision governing the rate of local tax on water sold to or used by manufactures at the state tax rate of one percent (1%).

Effective June 10, 2011.

**Public Chapter 508**  
SB 1518 - HB 1995

**Tax Credits and Refunds**

Amends numerous provisions in Title 67, Chapters 4 and 6 relative to tax credits for qualified headquarter facilities, job tax credits for qualified business enterprises and other miscellaneous tax provisions. Amends 67-6-102 to include in the industrial machinery definition (exempt from sales tax) a warehouse or distribution facility in this state that is purchased and either renovated or expanded through an investment in excess of ten million dollars (\$10,000,000) in such purchase and renovation or expansion by the taxpayer, and/or a lessor to the taxpayer, including the purchase of new equipment for such a building, over a period not exceeding three (3) years. Enacts 67-6-397 to provide a limited state and local sales and use tax refund for certain qualifying purchases for residential dwellings for those receiving disaster assistance through the federal emergency management agency (FEMA) as a result of a disaster in Tennessee occurring between March 23, 2011 and May 12, 2011. Provides deadlines for purchasing qualified merchandise and for applying for refund. Limits amount refunded to two thousand five hundred dollars (\$2,500) per residence. Provides that all refunds shall be paid from the state's general fund and there shall be no reduction in the amount of sales and use tax payable to local governments.

Effective July 1, 2011 (section regarding tax refund for those receiving disaster assistance through FEMA effective June 16, 2011).

## **TELECOMMUNICATIONS**

### **Public Chapter 76**

SB 636 – HB 458

### **Telecommunications Ad Valorem Tax Equity Fund**

Amends 67-6-222, which relates to the telecommunications ad valorem tax equity fund. Telecom companies that are subject to local ad valorem taxes are eligible for payments from this fund each year. Under current law, if there is not enough money in the fund to pay the companies what they are owed, the shortage they are due carries over to the next year. This bill would eliminate this. This would reduce the amounts due to companies over the years. Any amounts in the fund over what is owed to the companies go to the state general fund to be distributed according to the sales and use tax statute. However, this would have no direct financial impact on counties as they do not receive a direct allocation of this tax.

Effective April 14, 2011.

## **TORT LIABILITY**

### **Public Chapter 368**

SB 764 – HB 1151

### **Governmental Tort Liability**

Repeals 29-20-303, which provided that failure to comply fully with notice requirements was a complete defense to any liability of a governmental entity that might otherwise exist under the governmental tort liability act. Enacts 29-20-112 to provide that when a board of education or school official enters into a written agreement with a public or private entity permitting recreational activities on school property, immunity is not waived, nor is immunity extended to any other entity; also provides other protections. School boards and officials are encouraged to require liability insurance in such agreements.

Effective May 30, 2011, and applies to contracts entered into or renewed on or after July 1, 2011.

## **UTILITIES**

### **Public Chapter 163**

SB 1811 - HB 913

#### **Municipal Electric Plants**

Amends 7-52-110 to increase the maximum amount that may be provided to members of a board of public utilities under the Municipal Electric Plant Law of 1935 for attending meetings. Increases the general allowance for attending meetings to \$300 per month, the supplemental allowance to \$50 per month for each additional utility system over which the board has jurisdiction, and the maximum total supplemental allowances to \$150.

Effective July 1, 2011.

### **Public Chapter 215**

SB 845 - HB 1142

#### **Dissolving or Consolidating Utility Districts**

Amends 7-82-301 to provide that in the event no affirmative action is taken by a newly formed utility district within one (1) year of the date of filing of order of creation, the county mayor may hold a hearing, after notification of the duly appointed commissioners, and determine if the utility district is proceeding with dispatch and diligence to provide the utility service or services it was authorized to provide in its order of creation. If the county mayor finds that the utility district is not proceeding with dispatch and diligence the county mayor shall enter an order dissolving the utility district. The president of the utility district shall file with the secretary of state, the utility management review board and the register of deeds of the county or counties in which the district is located, a true and correct copy of the order dissolving the utility district.

Further provides that in the event a utility district fails to render any of the services for which it was created within a period of four (4) years of the date of filing of order of creation and fails to acquire within such period any assets or facilities necessary to provide the utility service or services for which it was created, the utility district shall be dissolved by operation of law. The county mayor of the county in which the original petition for creation of the utility district was filed shall file a notice of dissolution with the secretary of state and shall file with the utility management review board and the register of deeds of the county or counties in

which the utility district is located, a true and correct copy of the notice of dissolution.

Amends 7-82-704 to provide that when a utility district is financially distressed or is financially unable to expand the amount or type of service or services as set forth and described in its petition for creation, the utility management review board may consider the consolidation of the utility district with another utility district or districts, municipal utility system or county utility system to restore financial stability and to ensure continued operations for the benefit of the public being served by the utility district. The utility management review board may initiate and participate in negotiations among the utility district, any other utility district, municipal utility system or county utility system with whom the utility district may consolidate and any other affected parties concerning a consolidation.

Effective May 20, 2011.

**Public Chapter 237**  
SB 1055 - HB 976

**Fluoridation of Water**

Amends 68-221-708 to require any public water system or waterworks system, which determines to initiate or permanently cease fluoridation of its water supply, to notify the Department of Environment and Conservation and the Department of Health of its decision within ten (10) days of the decision. The water system must additionally give public notice to its customers in the next general mailing, such mailing to be thirty (30) days prior to initiation or discontinuance.

Effective May 23, 2011.

**Public Chapter 392**  
SB 741 - HB 876

**Appointment of Utility District Board Members**

Amends 68-221-1012 and multiple provisions in Title 7, Chapter 82 relative to utility districts.

Amends 7-82-307 to provide for the following new appointment procedure for vacancies in single county utility districts (including those which currently fill vacancies by the self-appointment method): (i) Within sixty (60) days after the occurrence of a vacancy or within thirty (30) days prior to the expiration of the

term of office of any incumbent, the utility district board shall select three (3) nominees to fill such office and shall certify such list of nominees in order of preference to the county mayor of the county in which the utility district or its principal office is located; (ii) Within twenty-one (21) days after receiving the list of nominees, the county mayor may enter an order either appointing one (1) of the nominees or rejecting the entire list or may refrain from taking any action, in which event the first name on the list of nominees shall be deemed appointed to fill the vacancy or new term (any order either appointing or rejecting a list of nominees must be entered of record on the minutes of the county legislative body and a certified copy of the order must be furnished to the utility district board and to the appointee); (iii) If the mayor rejects the entire list of nominees, the board shall submit a second list of three (3) new nonidentical nominees to the county mayor within sixty (60) days after such rejection; and (iv) If the mayor rejects the second entire list of nominees, the board shall submit a third and final list of three (3) new nonidentical nominees from which the county mayor must make an appointment. Provides that this new appointment method does not apply in multi-county utility districts using other selection methods on May 6, 2004, or utility districts whose method to fill vacancies on July 1, 2011 is either by a plurality vote of customers or by appointment made upon application to the county mayor or to the county probate judge where the principal office of the utility district is located in a county with a metropolitan form of government. Also provides that this appointment method does not apply to a water utility district in Lawrence County.

Amends 7-82-401 and 68-221-1012 to authorize the Utility Management Review Board and the Water and Wastewater Financing Board to prescribe the manner in which unaccounted for water loss must be reported.

Amends 7-82-113 to provide that all expenditures of money made by a utility district must be made for a lawful district purpose.

Amends 7-82-401 to require utility districts to publish all travel and related costs or expenses where any portion of such costs or expenses is paid by the district

or any entity or entities, public or private, associated with the district, including, but not limited to, travel for commissioners and employees.

Amends 7-82-307 to require a cash bond for the costs of hearing and processing a petition to remove a utility district commissioner.

Removes numerous exceptions (applicable to certain utility districts) to various general law requirements regarding utility districts.

Effective July 1, 2011.

## **WORKERS' COMPENSATION**

### **Public Chapter 203** SB 1785 - HB 2047

#### **Drug Free Workplace**

Amends 50-6-110(c)(1) and (c)(2). Changes the evidence requirement from a preponderance of the evidence to clear and convincing evidence for rebutting the presumption that drugs or alcohol were the proximate cause of an injury from a drug test result or the refusal to submit to a drug test.

Effective July 1, 2011.

### **Public Chapter 376** SB 40 - HB 205

#### **Unemployment Compensation - Base Period**

Amends 50-7-218. Excludes periods of temporary total disability under the workers' compensation law from calculation of base period for purposes of unemployment compensation.

Effective July 1, 2011.

### **Public Chapter 422** SB 1550 - HB 2030

#### **Construction Services Providers**

Amends 50-6-102; 50-6-103; 50-6-901, 902, 903, 908, 910, 912, 914 and 921. Revises the exemptions to the general requirement that all construction services providers carry workers' compensation insurance on themselves; revises who may apply for such an exemption; revises when a general contractor, intermediate contractor or subcontractor is liable for compensation to any employee injured while in the employ of any such contractor;

requires, instead of authorizes, the secretary of state to revoke a workers' compensation exemption upon certain conditions and revises such conditions; and revises who must proceed with a suit to recover damages for a workers' compensation injury pursuant to common law.

Effective October 1, 2011.



## **PART II - PUBLIC ACTS OF LOCAL APPLICATION**

### **ANDERSON**

#### **Public Chapter 256**

SB 553 – HB 775

#### **Register of Deeds**

Amends 10-7-515(g) to authorize the register of deeds to redact social security numbers on a recorded document maintained on a computer or removable computer storage media, including CD-ROM disks.

Effective May 23, 2011.

### **CLAIBORNE**

#### **Public Chapter 136**

SB 490 - HB 613

#### **Consumption of Alcoholic Beverages on Premises**

Amends 57-4-102(26) to allow Woodlake Golf Club in Claiborne County to serve or sell alcoholic beverages for consumption on premises.

Effective May 2, 2011.

### **DAVIDSON**

#### **Public Chapter 318**

SB 706 – HB 1755

#### **Governmental Tort Liability**

Amends 29-20-102(3) to include a Davidson County nonprofit public benefit corporation or charitable entity, including an entity with 501(c)(3) tax-exempt status, that operates or is created to operate in conjunction with a metropolitan hospital authority, where such authority was formed pursuant to the Metropolitan Hospital Authority Act as a “governmental entity” for purposes of the Governmental Tort Liability Act.

Effective May 27, 2011.

### **FENTRESS**

#### **Public Chapter 503**

SB 1748 - HB 1748

#### **Consumption of Alcoholic Beverages on Premises**

Amends 57-4-102(26). Allows the East Fork Stables in Fentress County to serve or sell alcoholic beverages for consumption on premises. Allows a privately-owned resort and recreational facility located on the Tennessee River near the 482 mile marker to sell alcoholic beverages for consumption on premises.

Effective July 1, 2011.

## **GREENE**

### **Public Chapter 417**

SB 943 - HB 1022

#### **Probate Clerk**

Amends 18-6-106 to remove the exception applicable to Greene County from the general law that provides that no county clerk shall serve as clerk of a court with probate jurisdiction. Provides that the duties as to administration of estates and guardian appointments shall be vested in the clerk of the court with probate jurisdiction.

Effective July 1, 2011.

## **HAMBLEN**

### **Public Chapter 455**

SB 771 - HB 1268

#### **Convenient Voting Centers**

Amends several sections in Title 2, Chapter 3, Part 3 relative to pilot projects to determine whether convenient voting centers can successfully be established for local and state elections to make it convenient for voters to vote at centralized voting areas in the county in which the voter is registered regardless of the voter's precinct.

Amends 2-3-301 to authorize municipalities in Hamblen, Knox, Rutherford and Shelby counties to participate. Provides that a municipality in such counties shall indicate its willingness to participate in such a pilot project by adopting a resolution by a majority vote of its legislative body and forwarding the resolution to the county election commission where the municipality is located. Provides that following such action by the municipality, a super majority of at least four (4) of the five (5) county election commissioners must approve their willingness to participate in the pilot program if the municipality is selected by the state coordinator of elections for inclusion in the pilot program. This super majority will also be required to establish the number and locations of convenience centers in each county if the municipality is so selected. Provides that following an affirmative vote of the county election commission, the county election commission shall report to the state coordinator of

elections its willingness to participate in the pilot program. Provides that the state coordinator of elections shall select one (1) or more municipalities from those counties where the county election commission has voted in favor of participating in the convenient voting center pilot project and, in collaboration with each county election commission, shall establish a program that allows the county election commission to combine precincts or polling places within the municipality or establish convenient voting centers for the municipal election scheduled in 2011 or, for a municipal election scheduled in 2012, at a time other than with the May primary, the regular August election, the regular November election, or the presidential preference primary.

Effective June 10, 2011.

## **HENDERSON**

### **Public Chapter 303** SB 1836 – HB 587

#### **Hotel/Motel Tax**

Amends 67-4-1425 to authorize two cities in Henderson County to levy a hotel/motel tax within their respective municipal boundaries without regard to whether the county has already levied a hotel/motel tax.

Effective May 27, 2011.

## **KNOX**

### **Public Chapter 305** SB 1011 - HB 693

#### **Victims Assistance Assessment**

Amends 40-24-109 to clarify that the victims assistance assessment is subject to the provisions of the clerk's fee statute applicable to Knox County (previously 40-24-109 only referenced the general clerk's fee statute).

Effective May 27, 2011.

### **Public Chapter 455** SB 771 - HB 1268

#### **Convenient Voting Centers**

Amends several sections in Title 2, Chapter 3, Part 3 relative to pilot projects to determine whether convenient voting centers can successfully be established for local and state elections to make it convenient for voters to vote at centralized voting areas

in the county in which the voter is registered regardless of the voter's precinct.

Amends 2-3-301 to authorize municipalities in Hamblen, Knox, Rutherford and Shelby counties to participate. Provides that a municipality in such counties shall indicate its willingness to participate in such a pilot project by adopting a resolution by a majority vote of its legislative body and forwarding the resolution to the county election commission where the municipality is located. Provides that following such action by the municipality, a super majority of at least four (4) of the five (5) county election commissioners must approve their willingness to participate in the pilot program if the municipality is selected by the state coordinator of elections for inclusion in the pilot program. This super majority will also be required to establish the number and locations of convenience centers in each county if the municipality is so selected. Provides that following an affirmative vote of the county election commission, the county election commission shall report to the state coordinator of elections its willingness to participate in the pilot program. Provides that the state coordinator of elections shall select one (1) or more municipalities from those counties where the county election commission has voted in favor of participating in the convenient voting center pilot project and, in collaboration with each county election commission, shall establish a program that allows the county election commission to combine precincts or polling places within the municipality or establish convenient voting centers for the municipal election scheduled in 2011 or, for a municipal election scheduled in 2012, at a time other than with the May primary, the regular August election, the regular November election, or the presidential preference primary.

Effective June 10, 2011.

## **LOUDON**

### **Public Chapter 496 SB 995 - HB 1248**

### **Litigation Tax for CASA**

Amends 67-4-601 to authorize a five dollar (\$5.00) litigation tax for the purpose of providing grants for

services to children provided by the Tennessee Court Appointed Special Advocates Association.

Effective July 1, 2011.

## **MORGAN**

### **Public Chapter 209 SB 1213 - HB 1079**

#### **Selection and Attendance of Jurors**

Amends 22-2-101 by deleting population exclusion that prevented current law regarding the selection and attendance of jurors, as rewritten in 2008, from applying in Morgan County.

Effective July 1, 2011.

## **OVERTON**

### **Public Chapter 107 SB 78 – HB 114**

#### **County Chief Executive Officer Designation**

Amends 5-6-101 to enact a new subdivision (d)(3) which authorizes the chief executive officer of Overton County to be referred to as the county executive.

Effective April 25, 2011.

## **PERRY**

### **Public Chapter 440 SB 783 - HB 592**

#### **Consumption of Alcoholic Beverages on Premises**

Amends 57-4-102(26) to add the Buffalo River Resort in Perry County to the definition of premier type tourist resort for purposes of the sale of alcoholic beverages for on-premises consumption. Makes the designation of the Buffalo River Resort as a premier type tourist resort contingent on the legislative body of Perry County adopting a resolution endorsing it as a premier type tourist resort.

Effective June 10, 2011.

## **RHEA**

### **Public Chapter 209 SB 1213 - HB 1079**

#### **Selection and Attendance of Jurors**

Amends 22-2-101 by deleting population exclusion that prevented current law regarding the selection and attendance of jurors, as rewritten in 2008, from applying in Rhea County.

Effective July 1, 2011.

## **ROANE**

### **Public Chapter 339** SB 1192 - HB 1499

#### **Wildlife**

Amends 70-4-409 to authorize the Roane County executive or a designee from the office of the county sheriff or from the county office of emergency management to accompany wildlife resources agency personnel when inspecting a Class I wildlife facility in Roane County.

Effective July 1, 2011.

## **RUTHERFORD**

### **Public Chapter 31** SB 301 - HB 455

#### **Consumption of Alcoholic Beverages on Premises**

Amends 57-4-102(26) to allow the Blue Porch Inn in Rutherford County to sell alcoholic beverages for consumption on premises.

Effective March 31, 2011.

### **Public Chapter 455** SB 771 - HB 1268

#### **Convenient Voting Centers**

Amends several sections in Title 2, Chapter 3, Part 3 relative to pilot projects to determine whether convenient voting centers can successfully be established for local and state elections to make it convenient for voters to vote at centralized voting areas in the county in which the voter is registered regardless of the voter's precinct.

Amends 2-3-301 to authorize municipalities in Hamblen, Knox, Rutherford and Shelby counties to participate. Provides that a municipality in such counties shall indicate its willingness to participate in such a pilot project by adopting a resolution by a majority vote of its legislative body and forwarding the resolution to the county election commission where the municipality is located. Provides that following such action by the municipality, a super majority of at least four (4) of the five (5) county election commissioners must approve their willingness to participate in the pilot program if the municipality is selected by the state

coordinator of elections for inclusion in the pilot program. This super majority will also be required to establish the number and locations of convenience centers in each county if the municipality is so selected. Provides that following an affirmative vote of the county election commission, the county election commission shall report to the state coordinator of elections its willingness to participate in the pilot program. Provides that the state coordinator of elections shall select one (1) or more municipalities from those counties where the county election commission has voted in favor of participating in the convenient voting center pilot project and, in collaboration with each county election commission, shall establish a program that allows the county election commission to combine precincts or polling places within the municipality or establish convenient voting centers for the municipal election scheduled in 2011 or, for a municipal election scheduled in 2012, at a time other than with the May primary, the regular August election, the regular November election, or the presidential preference primary.

Effective June 10, 2011.

## **SHELBY**

### **Public Chapter 1 SB 25 – HB 51**

#### **Administration of Local Education Agencies**

Amends 49-2-502 relative to abolition of a special school district upon the initiative of school officials and referendum, and subsequent transfer of schools to the county. If the transfer would result in an increase in student enrollment within the county school system of 100% or more, a comprehensive transition plan must be developed and the transfer does not take effect until the beginning of the third full school year following certification of the election results. Provides for development of the transition plan.

Effective February 11, 2011, and applies to any proposed transfer pending on or after that date.

**Public Chapter 347**  
SB 1602 – HB 1685

**Funding of Special School Districts**

Enacts 49-3-3\_\_ to authorize a city that provides funding to a special school district whose borders are coterminous with the borders of the city, to provide the funding by contract that provides for ½ the funds to be used for the operation of the school system and ½ the funds to be used for the issuance of bonds. Upon agreement of the city legislative body and the school board, proceeds from the bonds shall be used only for maintenance of or construction at schools in existence in the district.

Effective May 30, 2011.

**Public Chapter 411**  
SB 730 - HB 1338

**Sales in Unincorporated Areas of a County**

Amends 57-4-107. Permits unincorporated areas in Shelby County to sell alcoholic beverages for consumption on the premises.

Effective June 6, 2011.

**Public Chapter 455**  
SB 771 - HB 1268

**Convenient Voting Centers**

Amends several sections in Title 2, Chapter 3, Part 3 relative to pilot projects to determine whether convenient voting centers can successfully be established for local and state elections to make it convenient for voters to vote at centralized voting areas in the county in which the voter is registered regardless of the voter's precinct.

Amends 2-3-301 to authorize municipalities in Hamblen, Knox, Rutherford and Shelby counties to participate. Provides that a municipality in such counties shall indicate its willingness to participate in such a pilot project by adopting a resolution by a majority vote of its legislative body and forwarding the resolution to the county election commission where the municipality is located. Provides that following such action by the municipality, a super majority of at least four (4) of the five (5) county election commissioners must approve their willingness to participate in the pilot program if the municipality is selected by the state coordinator of elections for inclusion in the pilot program. This super majority will also be required to establish the number and locations of convenience centers in each county if the municipality is so selected.



Provides that following an affirmative vote of the county election commission, the county election commission shall report to the state coordinator of elections its willingness to participate in the pilot program. Provides that the state coordinator of elections shall select one (1) or more municipalities from those counties where the county election commission has voted in favor of participating in the convenient voting center pilot project and, in collaboration with each county election commission, shall establish a program that allows the county election commission to combine precincts or polling places within the municipality or establish convenient voting centers for the municipal election scheduled in 2011 or, for a municipal election scheduled in 2012, at a time other than with the May primary, the regular August election, the regular November election, or the presidential preference primary.

Effective June 10, 2011.

## **WILLIAMSON**

### **Public Chapter 53 SB 106 - HB 121**

#### **Historic Performing Arts Center**

Amends 57-4-102(19) to allow Franklin Theater in Williamson County to sell alcoholic beverages for consumption on premises.

Effective April 11, 2011.

## **PART III - PRIVATE ACTS**

### **ANDERSON**

#### **Private Chapter 11** SB 552 – HB 774

##### **Hotel/Motel Tax**

Amends Chapter 193 of the Private Acts of 1990, as amended, to reallocate proceeds from the hotel/motel tax from the general fund for county general revenue, with 90 percent being allocated to the tourism fund and 10 percent, minus the trustee's commission, being allocated to the Anderson County chamber of commerce for economic development purposes.

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

### **CHEATHAM**

#### **Private Chapter 20** SB 2100 – HB 2142

##### **Development Tax**

Amends Chapter 28 of the Private Acts of 1997, as amended, to permit flexibility for the development tax to be collected at the time a building permit is issued or to defer collection until a certificate of occupancy is issued.

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

### **CUMBERLAND**

#### **Private Chapter 30** SB 2112 – HB 2154

##### **Hotel/Motel Tax**

Amends Chapter 145 of the Private Acts of 1979 to increase the hotel motel tax from an amount not to exceed 5% to an amount not to exceed 7.5%.

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

### **DICKSON**

#### **Private Chapter 6** SB 446 – HB 347

##### **Highway Commission Compensation**

Amends Chapter 53 of the Private Acts of 1985 to grant the county legislative body broader authority to set compensation for county highway commissioners.

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

## **FRANKLIN**

### **Private Chapter 25** SB 2010 – HB 1076

#### **Hotel/Motel Tax**

Amends Chapter 219 of the Private Acts of 1988 to increase the hotel motel tax from an amount not to exceed 5% to an amount not to exceed 7%.

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

## **GREENE**

### **Private Chapter 22** SB 2105 – HB 2144

#### **Road Commissioners**

Amends Chapter 130 of the Private Acts of 1927 to abolish the office of road commissioner.

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

## **HAMBLEN**

### **Private Chapter 7** SB 242 – HB 503

#### **Special Endowment Fund**

Repeals Chapter 106 of the Private Acts of 2006.  
Repeals the Hamblen County special endowment fund.

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

## **HAWKINS**

### **Private Chapter 5** SB 697 – HB 207

#### **Fireworks**

Repeals Chapter 617 of the Private Acts of 1947 to authorize possession, storage, use, manufacture, transport, and sale of fireworks in Hawkins County.

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

## **KNOX**

**Private Chapter 9**  
SB 2089 – HB 2127

**Tennessee Technology Corridor**

Amends Chapter 148 of the Private Acts of 1983 to authorize the county mayor to nominate persons for membership on the board of commissioners of the Tennessee Technology Corridor Development Authority. Authorizes the board to review the environmental and developmental impact of medium and high density residential developments.

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

**POLK**

**Private Chapter 3**  
SB 1467 – HB 392

**Amusement and Privilege Tax**

Amends Chapter 2 of the Private Acts of 1981 to revise the procedure for determining the tax on the privilege of participating in an amusement. Requires that the amount of any tax or fee and the calculation used to establish such tax or fee must be published on the Polk County government web site by December 1 each year.

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

**SULLIVAN**

**Private Chapter 4**  
SB 806 – HB 513

**Register of Deeds**

Repeals Chapter 242 of the Private Acts of 1899, removing the requirement that satellite offices for the register of deeds be maintained outside the county seat.

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