TENNESSEE PUBLIC ACTS 2011

Summaries of Interest to Municipal Officials

Josh Jones, Legal Consultant

THE UNIVERSITY of TENNESSEE
MUNICIPAL TECHNICAL ADVISORY SERVICE

In cooperation with the Tennessee Municipal League

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ALCOHOLIC BEVERAGES

Chapter No. 27 (HB0052/SB0087). Sellers of liquor or wine for on-premises consumption may also serve beer. Amends T.C.A. Title 57, Chapters 4 and 5 by authorizing an establishment permitted to sell liquor or wine for on-premises consumption to also sell beer during any time that establishment may legally sell wine or liquor provided that the establishment has an appropriate local beer permit. Also states that hours for sale of beer within river resort district may not be less than hours for liquor by the drink.

Effective March 31, 2011

Chapter No. 213 (HB0853/SB1030). Direct shippers may ship wine to any in state address. Amends T.C.A. § 57-3-217 by authorizing any licensed direct shipper to ship wine to any address in the state, including an address within a jurisdiction that has not approved the sale of alcoholic beverages by local option referendum.

Effective May 20, 2011

Chapter No. 231 (HB0969/SB1037). Sunday beer sale hours applicable countywide unless resolution to the contrary passed. Amends T.C.A. § 57-4-203(d)(5) by providing that extended hours for sale of beer on Sunday applies countywide where a municipality approves liquor by the drink unless the county legislative body passes a resolution to the contrary by a two-thirds (2/3) vote.

Effective May 20, 2011 and applicable to any jurisdiction where a municipal referendum was approved within the previous twelve (12) months

Chapter No. 407 (HB0280/SB0601). Repeal of river resort status authorized by 2/3 vote. Amends T.C.A. § 67-6-103(a)(3)(F)(ii)(a) by authorizing a city or county that has elected river resort status to repeal such status via a resolution or ordinance approved by a two thirds (2/3) majority of the governing body.

Effective June 6, 2011

Chapter No. 411 (HB1338/SB0730). Liquor by the drink authorized in unincorporated Shelby County. Amends T.C.A. § 57-4-107 by removing provision limiting sales of alcoholic beverages in unincorporated areas of a county with a charter form of government to situations where a local-option referendum to approve the sale of alcoholic beverages was limited to residents in the unincorporated areas.

Effective June 6, 2011

Chapter No. 447 (HB0985/SB1273). Special occasion licensing authority expanded. Amends *Tennessee Code Annotated* Title 57, Chapter 4, Part 1 by authorizing a charitable, nonprofit or political organization with a special occasion license to serve or sell wine, alcoholic beverages or beer within the boundaries of a political subdivision where the sale of alcoholic beverages for on-premises consumption has been approved. Also authorizes the issuance of a special occasion license for an event within the unincorporated area of a county where at least one city within the county has approved the sale of alcoholic beverages for on-premises consumption.

Effective June 10, 2011

Chapter No. 448 (HB0986/SB1224). High alcohol content beer sale and manufacture authorized. Amends *Tennessee Code Annotated* Title 57 by authorizing the manufacture of high-alcohol-content beer within the boundaries of a municipality where both retail and on-premises consumption of alcoholic beverages have been approved via referendum. Also authorizes such manufacture in the unincorporated areas of a county where both retail and on-premises consumption of alcoholic beverages has been approved via referendum or if the county is a river resort district and retail sales have been approved via referendum. Manufacturer must hold an ATF Brewer's Notice. Alternatively authorizes sale of high-alcohol-content beer in a jurisdiction where manufacture of intoxicating liquors has been authorized via referendum. Ratifies any license to manufacture high-alcohol-content beer issued by the ABC prior to this act.

Authorizes a manufacturer to sell its products wholesale at a retail location on its site. Hours for such sales and authorization to sell high-alcohol-content beer to be set by the local governing body. A manufacturer of high-alcohol-content beer may also obtain a license for on-premises sales. Where a retail license is issued to a manufacturer of high-alcohol-content beer the local governing body must pass an ordinance or resolution to impose a fifteen percent (15%) inspection fee. Makes other various changes related to alcoholic beverages.

Effective June 10, 2011

Chapter No. 451 (HB1046/SB2017). License for sale of wine making space, equipment and ingredients authorized. Adds a new T.C.A. § 57-3-218 which authorizes a license for a business that sells the ingredients and rents the space and equipment to make wine. Applicable in a jurisdiction where establishment of a winery is permitted.

Effective June10, 2011 for purposes of promulgating rules; effective January 1, 2012 for all other purposes

ANIMALS

Chapter No. 74 (HB0567/SB0339). Bovine owner liability limited. Amends T.C.A. Titles 29, 43 and 44 by limiting the liability of a bovine owner for damages arising out of the inherent risks of bovine activity where the owner posts appropriate signage.

Effective April 14, 2011

Chapter No. 474 (HB0030/SB0109). Apiary liability limited. Adds a new T.C.A. § 44-15-124 which provides tort immunity for personal injury or property damage to a registered apiarist operating an apiary in a reasonable manner.

Effective July 1, 2011

ANNEXATION

Chapter No. 111 (HB0466/SB0461). Annexation ordinances and resolutions must be filed with register of deeds. Amends *Tennessee Code Annotated* Title 6, Chapter 51, Part 1 by requiring that upon adoption any ordinance or resolution be filed with the register of deeds in the county where the annexation occurred. Copy must also be sent to the Comptroller and the county assessor of property.

Effective April 25, 2011

Chapter No. 495 (HB1214/SB0055). Affected property owners must be notified of annexation by referendum. In the case of a proposed annexation by referendum, requires a municipality to notify, via first class mail, each property owner of record in the territory proposed for annexation. Notice must include copy of resolution and must be sent within 14 days prior to the public hearing. Does not apply to annexations by ordinance.

Effective July 1, 2011

AUTHORITIES, BOARDS AND COMMISSIONS

Chapter No. 139 (HB0909/SB0761). Airport authority provisions revised. Amends *Tennessee Code Annotated* Title 42, Chapter 3, Part 1 by easing the requirements for the creation of an airport authority by three or more local governments within the state and at least one local government from another state. Removes Attorney General approval requirement. Also clarifies that powers conferred by the Airport Authorities Act are in addition to powers conferred by any other law.

Effective May 2, 2011

Chapter No. 419 (HB1434/SB1239). East Tennessee Regional Agribusiness Marketing Authority authorized to operate wastewater authority. Amends *Tennessee Code Annotated* Title 64 by authorizing the East Tennessee Regional Agribusiness Marketing Authority to acquire, construct and operate a wastewater treatment and collection system within its region. Does not require consent of any city, county or utility district. System is overseen by board of commissioners who must be representatives of any city, county or utility district that has entered into an agreement with the authority. Authority consists of Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Sullivan, Unicoi, and Washington counties.

Effective June 6, 2011

Chapter No. 420 (HB1827/SB1420). Border Region Retail Tourism Development District Act. Amends *Tennessee Code Annotated* Title 7 by enacting the Border Region Tourism Development District Act. Authorizes the creation, via ordinance, of a tourism development district within a municipality that borders another state. Municipality must allocate 75 percent of revenue over base tax amount to pay for economic development in the district. Projects include retail and tourism.

Effective July 1, 2011

BUSINESS REGULATION

Chapter No. 54 (HB0211/SB0264). Higher education institution employees exempt from locksmithing requirements. Amends *Tennessee Code Annotated* Title 62, Chapter 11, Part 1 by exempting employees of the University of Tennessee and Tennessee Board of Regents systems from locksmithing requirements.

Effective July 1, 2011

Chapter No. 340 (HB1040/SB1258). Pain management clinics regulated. Amends *Tennessee Code Annotated* Title 63 by authorizing state licensure and regulation of pain management clinics. Authorizes Commissioner of Health to promulgate rules and regulations to implement such.

Effective May 30, 2011 for purposes of promulgation of rules; effective January 1, 2012 for all other purposes

Chapter No. 456 (HB1305/SB0837). Bounty hunters required to undergo background check. Amends T.C.A. § 40-11-318 by requiring a person who intends to engage in the functions of a bounty hunter to submit a criminal history background check to the sheriff of the county of the person's permanent residence. Out-of-state bounty hunters must provide criminal history background check to law enforcement agency in jurisdiction in which an apprehension will occur.

Effective June 10, 2011

CENSUS

Chapter No. 46 (HB0586/SB0807). 2010 Census data to be used in precinct mapping. Amends T.C.A. § 2-3-102 by requiring that the establishment or alteration of any state, county or municipal precinct boundary after March 1, 2011 be done in accordance with the 2010 federal decennial census.

Effective March 24, 2011

CIVIL PROCEDURE

Chapter No. 461 (HB1641/SB0940). Burden of proof on plaintiff in employment discrimination or retaliatory discharge suits. Amends *Tennessee Code Annotated* Titles 4 and 50 by creating a statutory burden of proof on a plaintiff in an employment discrimination or retaliatory discharge suit of showing prima facie case of discrimination or retaliation. Burden on defendant is one of production not persuasion. If defendant produces such evidence the burden shifts to plaintiff to then show that defendant's stated reason was a pretext for discrimination or retaliation. Applicable in stages of a proceeding. Applies to all causes of action accruing on or after effective date.

Effective June 10, 2011

Chapter No. 498 (HB1358/SB1114). Summary judgment burden established. Adds a new T.C.A. § 20-16-101 which established that the party moving for summary judgment who does not bear the burden of proof will prevail on its motion if it submits affirmative evidence that negates an essential element of the non-moving party's claim; or demonstrates that the non-moving party's evidence is insufficient to establish an essential element of the non-moving party's claim.

Effective July 1, 2011

Chapter No. 510 (HB2008/SB1522). Provisions governing actions against foreign defendants. Amends *Tennessee Code Annotated* Titles 20, 27, 29 and 47 by enacting the Tennessee Civil Justice Act of 2011 that revises provisions governing civil actions against foreign defendants.

Effective October 1, 2011

CODE ENFORCEMENT

Chapter No. 317 (HB1713/SB1962). State Fire Marshal authorized to contract with deputy electrical inspectors. Amends *Tennessee Code Annotated* Title 68 by authorizing the Department of Commerce and Insurance to appoint deputy building inspectors working through a recognized professional corporation. Charges the Department of Commerce and Insurance with creating a program that will provide timely electrical inspections statewide.

Effective May 27, 2011

Chapter No. 374 (HB1881/SB0767). Neighborhood Preservation Act amended. Amends *Tennessee Code Annotated* Title 13, Chapter 6, Part 1 by making various changes to the provisions of the Neighborhood Preservation Act regarding bonds, liens, and jurisdiction. Redefines "receiver" for purposes of the Act to include both a municipal and a non-profit corporation. Authorizes a court to direct a receiver to sell property if lien is not satisfied within 180 days and to require receiver to post a bond. Non-profit corporations must be certified by municipality, code enforcement entity or court prior to appointment as receiver.

Effective May 30, 2011

CONTRACTS

Chapter No. 233 (HB1498/SB1672). Municipal authority to pass non-discrimination ordinances usurped. Amends *Tennessee Code Annotated* Title 12, Chapter 4 by adding a new part entitled the Freedom in Contracting Act. Limits municipal authority in passage of ordinances requiring any union activity, cooperation or participation among third party contractors. Explicitly forbids provisions that: require bidders, offerors, contractors, or subcontractors to adhere to agreements with a labor organization; require its employees to participate in any labor activities or pay its employees more than minimum wage.

Effective July 1, 2011

Chapter No. 278 (HB0600/SB0632). Local authority to pass non-discrimination ordinances diminished. Amends *Tennessee Code Annotated* Titles 4, 5, 6 and 7 to enact the Equal Access to Intrastate Commerce Act. Prohibits a local government from imposing an anti-discrimination policy that deviates from the state's definitions of discrimination in the Tennessee Human Rights Act (THRA). Defines "sex" for purposes of the THRA as the designation of male or female on a birth certificate. Aimed at Metro Nashville's anti-discrimination ordinance prohibiting its contractors from discriminating on the basis of sexual orientation.

Effective May 23, 2011

COURTS

Chapter No. 49 (HB1180/SB0990). T.B.I. lab fee authorization corrected. Amends T.C.A. § 38-6-103 by deleting superfluous citation that delayed implementation of last year's legislation authorizing a fee of $13.75 for every forfeiture of a cash bond or other surety entered as a result of a municipal traffic citation. Municipal court clerk shall retain five percent of the fee for processing and remit the remainder to the state treasury where it will be allocated to the Tennessee Bureau of Investigation.

Effective July 1, 2011

Chapter No. 453 (HB0992/SB1215). General session judge must approve governing body's appointment to sit concurrently as city judge. Amends *Tennessee Code Annotated* Title 6 by requiring a general sessions judge's approval prior to a municipal governing body's appointment of such judge to serve concurrently as a city judge. Removes authority of city judge to order imprisonment for failure to pay fine unless the judge is serving concurrently as a general sessions judge. Clarifies that the maximum penalty for contempt of court in a municipal court that does not exercise concurrent jurisdiction is a fine not exceeding $50. Authorizes fines and costs to be paid in installments.

Also updates outmoded language detailing powers under mayor-aldermanic charter and manager commission general law charters.

Requires any action in court to set aside the charter of a city must be brought within 10 years of incorporation. Applies only where the city meets the minimum population requirements for incorporation; has operated as an incorporated municipality since incorporation and has levied a property tax.

Effective June 10, 2011

CRIMES AND CRIMINAL PROCEDURE

Chapter No. 39 (HB0983/SB0856). Orders of protection not required to be transmitted to TCIS. Amends *Tennessee Code Annotated* Title 36, Chapter 3, Part 6 and Title 71, Chapter 6, Part 1 by removing the requirement that a local law enforcement agency transmit an order of protection to the Tennessee Criminal Investigation System (TCIS). Orders must still be transmitted to national crime information center. Also requires all orders of protection on file with TCIS to be deleted within two years.

Effective April 5, 2011

Chapter No. 88 (HB1577/SB1679). Kissing of a minor under certain circumstances criminalized. Adds a new *Tennessee Code Annotated* Title 39, Chapter 13, Part 5 creating the offense of kissing a minor between the ages of 13 and 18 when the defendant is at least four years older than the minor and is in a position of trust or authority over the minor. Class A misdemeanor.

Effective July 1, 2011

Chapter No. 91 (HB0871/SB0083). Age limit on children who can be breastfed in public removed. Amends T.C.A. §§ 39-13-511 and 68-58-101 by removing the current 12-month age limit on children who can be legally breastfed publicly.

Effective July 1, 2011

Chapter No. 103 (HB0302/SB0539). Tax on the sale of unauthorized substances clarified. Amends T.C.A. § 67-4-2802(7) by clarifying that any person selling, bartering, trading or distributing any quantity of an unauthorized substance is considered a merchant for purposes of the statutes and thus liable for the tax.

Effective April 21, 2011

Chapter No. 142 (HB1996/SB1532). Defendant acquitted by reason of insanity may be held for further evaluation. Amends T.C.A. § 33-7-303(a) by authorizing a court to order that a person acquitted of a felony by reason of insanity be detained for further mental health evaluation. Evaluation must be completed within 30 days of order.

Effective May 2, 2011

Chapter No. 169 (HB0457/SB0396). Methcathinone criminalized. Adds a new section to *Tennessee Code Annotated* Title 39, Chapter 17, Part 4 making the production and sale of methcathinone and its derivatives. Methcathinone is sold as a street drug and called M-Cat or ephidrone.

Effective May 5, 2011

Chapter No. 185 (HB1216/SB0052). Offense of criminal exposure to hepatitis created. Amends T.C.A. § 39-13-109 by criminalizing the act of exposing another person to hepatitis B or hepatitis C viruses without consent.

Effective July 1, 2011

Chapter No. 211 (HB1364/SB1087). Offense of perjury expanded. Amends T.C.A. § 39-16-702 by expanding the offense of perjury to include making a false statement, not under oath, but in a declaration stating on its face that it is made under penalty of perjury.

Effective May 20, 2011

Chapter No. 221 (HB0149/SB0096). Certain felons exempt from prohibition on receiving welfare benefits. Amends T.C.A. § 71-3-154(k)(2) by exempting convicted felons who are enrolled in an eligible substance abuse program from the prohibition on receiving welfare benefits.

Effective July 1, 2011

Chapter No. 222 (HB0686/SB0356). Sex offender in halfway house must register. Amends T.C.A. § 40-39-203(p) by requiring an offender, who as an alternative to incarceration, is housed in a halfway house or other facility where unsupervised contact is permitted to register with and report to local law enforcement.

Effective May 20, 2011

Chapter No. 252 (HB0401/SB0559). Exclusionary Rule Reform Act enacted. Amends *Tennessee Code Annotated* Title 40, Chapter 6, Part 1, to enact the Exclusionary Rule Reform Act. Provides that evidence seized pursuant to a search warrant that is otherwise admissible and not in violation of state or federal constitution cannot be suppressed for a good faith mistake or technical error. Apparently enacted due to the Tennessee Supreme Court's failure to recognize a good faith exception under the state constitution.

Effective July 1, 2011

Chapter No. 253 (HB0415/SB0464). Order of protection can require respondent to immediately vacate residence. Amends T.C.A. § 36-3-606 by granting an issuing court the authority to require, within an order of protection, the respondent to immediately and temporarily vacate a residence shared with the petitioner.

Effective May 23, 2011

Chapter No. 263 (HB0981/SB0858). Outdated sexual offender provisions deleted. Amends T.C.A. § 38-6-116 by deleting outdated provisions related to sexual offender registry.

Effective July 1, 2011

Chapter No. 266 (HB1169/SB1016). Sex offenders must report to law enforcement prior to travel out of the country. Amends T.C.A. § 40-39-204 by requiring each registered sex offender to report to the designated law enforcement agency at least 21 days prior to travel out of the United States. Offenders who regularly travel out of the country due to employment may, with written permission of designated law enforcement agency, report by telephone at least 24 hours before travel.

Effective July 1, 2011

Chapter No. 267 (HB1177/SB1051). Incarcerated sex offenders must register with law enforcement. Amends T.C.A. § 40-39-203(b) by requiring all sexual offenders incarcerated in the state to register with the Tennessee Bureau of Investigation (TBI) no later than August 1, 2011.

Effective May 23, 2011

Chapter No. 269 (HB 1270/SB1938). Persons arrested for sex offenses must undergo HIV testing within 48 hours of indictment. Amends T.C.A. § 39-13-521 by requiring a person arrested for a sex offense to be tested for the Human Immunodeficiency Virus (HIV) within 48 hours of indictment. Test at the expense of arrestee.

Effective May 23, 2011

Chapter No. 274 (HB1889/SB1726). Additional synthetic cannabinoids criminalized. Amends T.C.A. § 39-17-438(a) by criminalizing the production, sale, distribution or possession of additional synthetic cannabinoids . An attempt to restrict the sale of designer drugs commonly sold at convenience stores.

Effective July 1, 2011

Chapter No. 287 (HB1340/SB0170). Libraries may restrict access of sexual offenders. Adds a new T.C.A. § 40-39-216 authorizing public library directors to reasonably restrict the access of registered sex offenders. Certain criteria must be considered and notice via mail must be sent. If criteria is met, restriction can include an absolute ban.

Effective May 27, 2011

Chapter No. 292 (HB1051/SB1265). I Hate Meth Act enacted. Amends *Tennessee Code Annotated* Titles 39 and 40 by enacting the comprehensive I Hate Meth Act. Requires, as of January 1, 2012, pharmacies to submit methamphetamine-precursor purchase information to National Precursor Log Exchange (NPLEx). Information must also be submitted to Tennessee Methamphetamine Information System (TMIS). Creates new offenses for unlawful sale or purchase of precursors. Lowers, from 20 grams to 15 grams the amount of methamphetamine precursor required to constitute prima facie evidence of intent to sale. Expands offense of aggravated child neglect or endangerment to include exposing a child to the initiation of a process intended to result in the production of methamphetamine.

Effective May 27, 2011

Chapter No. 298 (HB0140/SB0480). DUI ignition interlock provisions amended. Amends *Tennessee Code Annotated* Title 55, Chapter 10, Part 4 by making various amendments to the provisions governing DUI ignition interlock requirements, including a requirement that indigent offenders required to use an interlock device complete an affidavit of indigency. Also amends provisions related to geographically-restricted licenses for DUI offenders.

Effective July 1, 2010

Chapter No. 302 (HB0583/SB0754). Offense of criminal trespass broadened. Amends T.C.A. § 39-14-406 by broadening the offense of criminal trespass to include a situation where a person destroys, cuts, alters or removes a gate, signage, fencing, lock, chain or other barrier in order to enter upon the property.

Effective July 1, 2011

Chapter No. 307 (HB0715/SB1270). Consent not required for blood tested in certain situations. Amends T.C.A. § 55-10-406(f) by expanding the scope of situations where an officer is required to have a person's blood tested, regardless of consent, to include where probable cause to believe exists that the driver has committed the offense of DUI, vehicular homicide due to intoxication, or aggravated vehicular homicide and the driver has a previous conviction for such an offense or a passenger in the motor vehicle is under 16 years old.

Effective January 12, 2012

Chapter No. 308 (HB0808/SB1958). Three or more sex offenders can share residence. Amends T.C.A. § 40-39-211(h) to allow three or more registered sex offenders to share a residence where property has been zoned for a use other than residential or mixed-use.

Effective May 27, 2011

Chapter No. 309 (HB0860/SB0403). Venue established for prosecution of promoting methamphetamine production. Amends T.C.A. § 39-17-433 establishing the county where the immediate methamphetamine precursor was purchased as the proper venue for prosecuting the offense of promotion of methamphetamine manufacture.

Effective July 1, 2011

Chapter No. 310 (HB0954/SB1003). Law enforcement access to controlled substance database increased. Amends *Tennessee Code Annotated* Title 53, Chapter 10, Part 3 by granting law enforcement access to the controlled substances database for investigatory purposes under certain conditions. Police chief must pre-approve each officer prior to application for access. Fees for access authorized. Information can only be shared with other law enforcement agencies when working on a joint investigation related to the information. Information received remains confidential and is not open to public inspection.

Effective July 1, 2011

Chapter No. 322 (HB1946/SB1095). Penalties enhanced for post-disaster theft. Amends T.C.A. § 39-14-103 by authorizing a court to require a person convicted of theft within 30 days of a natural disaster to perform debris removal, cleanup and other physical labor related to disaster mitigation.

Effective May 27, 2011

Chapter No. 348 (HB1783/SB1659). Offense of theft of entertainment subscription services created. Amends *Tennessee Code Annotated* Title 39, Chapters 11 and 14 by making theft of entertainment subscription services a misdemeanor. Theft over $500 or a second offense constitutes a felony. Effectively makes it a crime for someone to let another person log into and listen to music on his or her ITunes account. Authorizes anyone harmed by the offense to report such to law enforcement and subsequently testify in court.

Effective July 1, 2011

Chapter No. 354 (HB0171/SB0604). Property used in the commission of human trafficking subject to forfeiture. Amends Title 39 by subjecting real and personal property used in the commission of human trafficking to judicial forfeiture. Twenty percent of proceeds from forfeiture are allotted to law enforcement agency conducting investigation.

Effective July 1, 2011

Chapter No. 362 (HB0300/SB0487). Harassment broadened to include transmission of images that may cause emotional distress. Amends T.C.A. § 39-17-308 by broadening the offense of harassment to include the transmission of images in a manner defendant knows or reasonably should know would frighten, intimidate or cause emotional distress; and the person was frightened, intimidated or emotionally distressed.

Effective July 1, 2011

Chapter No. 373 (HB1869/SB1380). Penalties increased for disorderly conduct at funeral. Amends T.C.A. § 39-17-317 by enhancing penalties for disorderly conduct within 500 feet of a funeral, procession or memorial service.

Effective July 1, 2011

Chapter No. 377 (HB0035/SB0064). Prostitution provisions amended. Amends *Tennessee Code Annotated* Title 39, Chapter 13, Part 5 by granting any person under the age of 18 years old immunity from prosecution for prostitution. Such a minor taken into custody shall, after a reasonable period for investigation, be released into the care of a parent or guardian. Enhances penalties for patronizing or promoting the prostitution of a minor or a person with an intellectual disability.

Effective June 1, 2011

Chapter No. 393 (HB0154/SB0069). Out-of-state solicitation of a minor can be prosecuted in this state. Amends T.C.A. 39-13-529 by authorizing the offense of a person located out of the state who solicits a minor or a law enforcement officer posing as a minor for prostitution to be prosecuted in this state.

Effective July 1, 2011

Chapter No. 399 (HB0948/SB0389). Offense of drawing deed without ownership created. Amends *Tennessee Code Annotated* Titles 39 and 66 by making it an offense to prepare, sign or file records of a property transfer document where no reasonable basis for assuming the grantor has interest exists. Exemption for any licensed attorney acting in good faith representation of a client.

Effective June 6, 2011

Chapter No. 401 (HB0375/SB0476). Aggravated assault broadened to include strangulation. Amends T.C.A. § 39-13-102 by broadening the offense of aggravated assault to include strangulation or attempted strangulation.

Effective July 1, 2011

Chapter No. 406 (HB0685/SB 0567). GPS monitoring of domestic violence respondents authorized. Amends *Tennessee Code Annotated* Title 40, Chapter 11, Part 1 by authorizing a court to require, as part of a domestic violence order, a defendant to wear or carry a global positioning monitoring system. Monitoring to be provided by local law enforcement.

Effective July 1, 2011

Chapter No. 408 (HB0498/SB0633). Fetus considered legal person. Amends *Tennessee Code Annotated* Title 39, Chapter 13 by including a fetus, regardless of viability, a person for purposes of assault and homicide statutes.

Effective July 1, 2011

Chapter No. 409 (HB1068/SB0690). Penalties for discharging a firearm into a habitation increased. Amends T.C.A. § 39-13-103 by enhancing the penalties for discharging a firearm into a habitation.

Effective January 1, 2012

Chapter No. 459 (HB1565/SB1740). Gambling devices for out-of-state use allowed. Amends T.C.A. § 39-17-505(a)(5) by authorizing a manufacturer of gambling devices to own, manufacture, sell, or transport any gambling device solely intended for out-of-state use and in compliance with federal law. Does not restrict the use of gambling devices by a manufacturer that is ancillary or accessorial to its business.

Effective June 10, 2011

Chapter No. 460 (HB1624/SB1400). Parental monitoring of minor child's internet usage not an offense. Amends T.C.A. § 39-13-601 by clarifying that when a parent or guardian installs software on a computer that the person owns solely for the purposes of monitoring the minor child of whom such person is a parent or guardian it is not an offense.

Effective June 10, 2011

Chapter No. 493 (HB1066/SB1456). Wiretapping authorized upon evidence of gang activity by gang member. Amends *Tennessee Code Annotated* Title 40 by authorizing a district attorney to seek a wiretap upon presentation of reasonable evidence of criminal gang activity by a gang member.

Effective July 1, 2011

Chapter No. 497 (HB1353/SB1028). Offense of material support of terrorism created. Amends *Tennessee Code Annotated* Title 39 by enacting the Material Support of Designated Entities Act. Creates the felony offense of supplying material support to a designated entity as defined by federal law. States that religious justification for such acts is not a defense.

Effective July 1, 2011

Chapter No. 501 (HB1729/SB0910). Sale of electronic cigarettes to minors illegal. Amends *Tennessee Code Annotated* Title 39, Chapter 17, Part 15 by enacting the Prevention of Youth Access to Tobacco and Electronic Cigarettes Act that prohibits the sale of electronic cigarettes to any person under the age of 18 years of age.

Effective July 1, 2011

Chapter No. 504 (HB1877/SB1798). Department of Safety authorized to revoke drivers license for non-payment of fines and court costs. Amends T.C.A. § 40-24-105 by authorizing the Department of Safety to revoke the license of any operator who has not paid all litigation taxes, court costs and fines assessed as the result of any offense under the criminal laws of the state.

Effective July 1, 2011 and applicable to offenses committed on or after July 2, 2011

ECONOMIC DEVELOPMENT

Chapter No. 196 (0588/SB0602). Megasite board composition amended. Amends T.C.A. § 64-6-110(c) by adding the executive director of the development district in which the megasite is located to the megasite board of directors. The West Tennessee Megasite is the state's only megasite.

Effective May 12, 2011

Chapter No. 239 (HB1509/SB1416). Economic impact plan in Davidson County must be submitted to mayor. Amends T.C.A. § 7-53-314 by requiring an economic impact plan to be submitted to the mayor prior to approval by the governing body. Only applicable in Metro Nashville-Davidson County.

Effective May 23, 2011

Chapter No. 277 (HB2134/SB2095). Bonds authorized for grants to build infrastructure for Wacker Chemie AG facility. Authorizes the issuance of more than $100 million in bonds for the purpose of grants to Southeast Tennessee Development District and the City of Memphis Industrial Board. Grants are to be applied to costs of building infrastructure related to Wacker Chemie facility in West Tennessee.

Effective May 23, 2011

Chapter No. 384 (HB1554/SB1334). Tax increment financing for IDC in brownfield areas authorized. Amends *Tennessee Code Annotated* Title 7, Chapter 53, Part 3 by authorizing a municipality with a brownfield redevelopment project to approve an economic impact plan allocating property tax revenue and shared sales tax revenue to an industrial development corporation (IDC) to fund the project, including for the issuance of bonds.

Effective June 1, 2011

Chapter No. 385 (HB1653/SB1348). Municipality in tier three county may loan electric and gas funds to IDC for economic development. Amends T.C.A. § 6-54-118 by authorizing a municipality in a tier three enhancement county to loan funds from its electric or gas departments to an industrial development corporation (IDC) for purposes of industrial or economic development. Maximum loan principal may not exceed $500,000. Requires Comptroller approval.

Effective June 1, 2011

EDUCATION

Chapter No. 1 (HB0051/SB0025). Comprehensive school system transition plans required. Amends T.C.A. § 49-2-502 by requiring a comprehensive transition plan when the transfer of administration of a special school district to a county school board would result in an increase in student enrollment is one 100 percent or more and a majority of the voters in the referendum voted in favor of the transfer. Transfer must take effect at the beginning of the third, full school year immediately following certification of election results. Comprehensive planning commission consisting of state and local appointees shall create plan.

Effective February 11, 2011 and applicable to any transition pending on or after that date.

Chapter No. 70 (HB2012/SB1258). Teacher tenure, retention and assignment provisions revised. Amends *Tennessee Code Annotated* Title 49, Chapter 5 by extending the date by which a local board of education must notify a teacher of assignments for the following school year or termination to June 15. Also changes the tenure-eligibility period to five years or not less than 45 months within the last seven years. Makes other various changes to tenure-related provisions.

Effective July 1, 2011

Chapter No. 138 (HB0735/SB0717). Notice for termination of director of schools required. Amends T.C.A. § 49-2-203(a)(14)(C) by requiring that a school board must give notice no less than 15 days prior to the scheduled meeting where the board intends to terminate a director of schools. Exception for cases of criminal or professional misconduct.

Effective May 2, 2011

Chapter No. 155 (HB1479/SB1153). Special school district must notice intent to exceed certified tax rate. Amends T.C.A. § 67-5-1704 by requiring the board of education of a special school district to publish notice of its intent to exceed the certified tax rate. Makes provision applicable in all counties.

Effective January 1, 2012

Chapter No. 179 (HB1633/SB1443). School's first AED to be placed in area used for physical activity. Amends T.C.A. § 49-2-122 by requiring that the first automated defibrillator system (AED) received by a school be placed in an area used for physical activity.

Effective May 5, 2011

Chapter No. 202 (HB1829/SB1674). Substitute teachers may be employed by third party. Amends T.C.A. § 49-5-709 by allowing substitute teachers to be employed by a third party through an agreement between the third party and the local education agency (LEA).

Effective May 20, 2011

Chapter No. 219 (HB0788/SB0414). Attendance laws applicable to remedial instruction. Amends *Tennessee Code Annotated* Title 49, Chapter 6, Part 30 by making school attendance requirements applicable to required remedial instruction including summer school.

Effective May 20, 2011

Chapter No. 220 (HB0787/SB0413). Parent of truant commits educational neglect. Amends T.C.A. § 49-6-3009 by providing that a parent, guardian, or other person with control of a truant child is guilty of educational neglect, a Class C misdemeanor.

Effective May 20, 2011

Chapter No. 241 (HB2082/SB1880). Private employers encouraged to permit employees to volunteer in schools. Amends T.C.A. § 49-6-7001(b) by encouraging private employers to develop programs that permit employees with children to take time from work to voluntarily participate in schools.

Effective May 23, 2011

Chapter No. 248 (HB0123/SB0107). Certain non-instructional employees ineligible for unemployment benefits. Amends T.C.A. § 50-7-302 by removing unemployment benefit eligibility for persons providing services to educational institutions who are under contract to return or where there is a reasonable assurance of rehire during the academic year. Will apply to school bus drivers, janitors, etc.

Effective May 23, 2011

Chapter No. 251 (HB0301/SB488). Cyber-bullying policies required. Amends *Tennessee Code Annotated* Title 49, Chapter 6, Part 10 by requiring an LEA to include cyber-bullying provisions to its bullying and harassment policies.

Effective July 1, 2011

Chapter No. 255 (HB0731/SB0823). Termination notice provisions amended. Amends T.C.A. § 49-5-409 by removing the requirement that a teacher termination notice contain a statement that the termination was authorized by the local board of education with the teacher's name being recorded in the minutes.

Effective May 23, 2011

Chapter No. 284 (HB0698/SB0449). Teachers may not be charged with a day of leave for any day school is closed. Adds a new section to *Tennessee Code Annotated* Title 49, Chapter 5, Part 7 prohibiting an LEA from charging a day of leave for any day on which the teacher's school is closed due to natural disaster, inclement weather, contagious illness or other unexpected event.

Effective July 1, 2011

Chapter No. 288 (HB0732/SB0714). Virtual school program eligibility broadened. Amends T.C.A. § 49-16-105 by removing virtual school program eligibility requirement that student must have been enrolled in a public school during the previous school year.

Effective July 1, 2011

Chapter No. 335 (HB1475/SB0905). Non-licensed LEA employees are at-will. Amends T.C.A. § 49-2-301(b)(1) by stating that all persons employed by an LEA in a position that does not require a license shall be an at-will employee. Local board of education to develop policies for such. Authorizes a director of schools to dismiss any non-tenured, licensed employee for incompetence, inefficiency, insubordination, improper conduct or neglect of duty provided the employee is given: notice; opportunity to be heard, represented by counsel, call and examine witnesses; and to require oaths.

Effective July 1, 2011

Chapter No. 347 (HB1685/SB1602). Memphis Special School District funding can be used for bond issuance. Amends *Tennessee Code Annotated* Title 49, Chapter 3, Part 3 authorizes a city and a special school district with coterminous boundaries to specify that half of the city funding may be used for the issuance of bonds to be used for maintenance and construction of schools.

Effective May 30, 2011

Chapter No. 351 (HB2038/SB1776). Third grade students must demonstrate proficiency before promotion. Adds the new T.C.A. § 49-6-3115 that requires a third grader to demonstrate, through grades or test scores, a basic understanding of curriculum and ability to perform skills required in reading. Exception for certain situations.

Effective July 1, 2011

Chapter No. 378 (HB0130/SB0113). Local boards of education negotiations with a teachers' union regulated. Amends *Tennessee Code Annotated* Titles 5 and 49 by enacting the Professional Educators Collaborative Conferencing Act of 2011. Any agreement between a local board of education and a teachers' union in effect upon effective date of the bill remains in force until its expiration, provided no renewal of such contract is allowed. Upon effective date a local board of education is required to participate in collaboration with a teachers' union. Final authority for setting terms and conditions of professional employment rests with board of education. Certain subjects excluded from collaborative discussion. No policy adopted pursuant to these provisions can require personnel decisions to be determined on the basis of tenure. Makes other various changes related to professional educator employment.

Effective June 1, 2011

Chapter No. 426 (HB1979SB1707). Boards of education must allocate funds to residential treatment centers where students are admitted. Amends *Tennessee Code Annotated* Title 49, Chapter 3, Part 3 by requiring a local board of education to allocate the per pupil share of state and local education funds to any residential treatment center where one of its students has been admitted.

Effective July 1, 2011

Chapter No. 457 (HB1336/SB1993). Allowable restraint and isolation of special education students revised. Amends *Tennessee Code Annotated* Title 49, Chapter 10, Part 13 by enacting the Special Education Behavioral Supports Act which restricts the allowable use of restraint and isolation on special education students to emergency situations.

Effective June 10, 2011

Chapter No. 465 (HB1980/SB1709). LEAs to make vacant or underutilized property available to charter schools. Amends *Tennessee Code Annotated* Title 49, Chapter 13 by requiring an LEA in which a charter school operates to make available all vacant or underutilized property for lease, purchase or lease-purchase by a charter school. Authorizes a charter school to use capital outlay funds for such and for construction, renovation and debt service.

Effective June 10, 2011

Chapter No. 466 (HB1989/SB1523). Charter school eligibility requirements lifted. Amends *Tennessee Code Annotated* Title 49, Chapter 13 by granting charter school eligibility to every student in the school's district. Also removes caps on number of charter schools allowable. Authorizes an Achievement School District (ASD) as a chartering authority for a new charter school and removes a local board of education's authority to act on a charter school application filed with an ASD. Allows an LEA to authorize a charter school to enroll students outside of the LEA district pursuant to an out-of-district policy. Makes other various changes to charter school provisions.

Effective June 10, 2011

Chapter No. 488 (HB0837/SB1869). Student with conditional entry to college may graduate early. Amends *Tennessee Code Annotated* Title 49 by enacting the Move On When Ready Act which authorizes early high school graduation for a student who has gained conditional entry to an institution of higher learning.

Effective for purposes of rulemaking June 16, 2011; effective July 1, 2011 for all other purposes

Chapter No. 492 (HB1030/SB0874). Virtual Public Schools Act enacted. Amends Title 49 by enacting the Virtual Public Schools Act enabling an LEA to institute an online curriculum.

Effective July 1, 2011; repealed June 30, 2015

Chapter No. 499 (HB 1631/SB1468). Homeschool provisions revised. Amends *Tennessee Code Annotated* Title 49, Chapter 6, Part 30 by making various changes to the provisions governing homeschooling.

Effective July 1, 2011

ELECTIONS

Chapter No. 80 (HB1985/SB1509). Nonresident property owners can vote in City of New Market municipal elections. Amends T.C.A. § 6-53-102 by authorizing non-resident property owners in New Market to vote in municipal elections.

Effective April 14, 2011

Chapter No. 115 (HB0709/SB0922). Early voting abolished in certain circumstances. Amends T.C.A. § 2-6-102(b) by abolishing the early voting period in a municipal election not held in conjunction with a primary election, the regular August or November general election or any special primary or general election for state or federal officers if there is no opposition for any of the offices at issue. Not applicable in Nashville or Memphis.

Effective April 25, 2011

Chapter No. 182 (HB0612/SB0599). Presidential primary moved to March. Amends *Tennessee Code Annotated* Title 2 by moving the date of the presidential primary to the first Tuesday in March.

Effective July 1, 2011

Chapter No. 301 (HB0386/SB1203). Tennessee Voter Confidence Act amended. Amends *Tennessee Code Annotated* Title 2, Chapter 1108 of the Public Acts of 2008 and Chapter 612 of the Public Acts of 2010 by making the use of precinct-based optical scanners discretionary. Makes other various amendments.

Effective May 27, 2011

Chapter No. 412 (HB1115/SB0772). Absentee voting authorized for non-resident property owners. Amends *Tennessee Code Annotated* Title 2 to authorize a municipality that allows non-resident property owners to vote to, via ordinance, authorize such persons to vote absentee via mail ballots. Ordinance must be passed and filed with county election committee no less than 60 days before an election where utilized. Election commission to notify eligible voters by mail. Makes other various changes to election statutes.

Effective June 6, 2011

Chapter No. 455 (HB 1268/SB0771). Convenient voting center pilot project re-established. Amends *Tennessee Code Annotated* Title 2, Chapter 3, Part 3 by re-establishing the convenient voting centers pilot project in Rutherford, Knox, Hamblen and Shelby Counties. Requires four of the five county commissioners to vote in favor of implementing the program in a municipal election held in 2011 or held in 2012 at a time other than with the May primary, the regular August election, the regular November election or the presidential primary. Convenience centers would allow a voter to vote outside of his or her precinct.

Effective June 10, 2011

EMERGENCY MANAGEMENT SERVICES

Chapter No. 265 (HB1093/SB0870). Emergency Communications Board authorized to grant exception to certain requirements for dispatchers and call takers. Amends T.C.A. § 7-86-205 by authorizing the emergency communications board to make a determination whether to grant exceptions or waivers to the requirements that emergency call takers and public safety dispatchers to not have been convicted of certain crimes or dishonorably discharged.

Effective May 23, 2011

Chapter No. 365 (HB0544/SB1476). Minimum standards for local emergency management agency directors established. Amends *Tennessee Code Annotated* Title 58, Chapter 2, Part 1 by establishing minimum standards, including specific knowledge, skills and abilities (KSAs), for a director of a local emergency management agency (LEMA).

Effective July 1, 2011

ENVIRONMENT

Chapter No. 207 (HB1612/SB1391). Owner of proposed landfill must provide notice to property owners within a three-mile radius. Amends *Tennessee Code Annotated* Titles 13 and 68 by requiring the owner of a proposed landfill to provide notice to all property owners within a three-mile radius of the proposed site no less than 15 days prior to the scheduled hearing. Also requires certain signage. Creates misdemeanor offense for failure to comply.

Effective May 20, 2011

FINANCE

Chapter No. 97 (HB1481/SB1155). Amendments to resolution creating audit committee must be submitted to comptroller. Amends T.C.A. § 9-3-405(b) by requiring all amendments to a resolution creating an audit committee be submitted to the Comptroller prior to adoption by the local governing body.

Effective April 21, 2011

Chapter No. 458 (HB1478/SB1152). Invalid obligation provisions revised. Amends T.C.A. § 9-21-406 by revising the procedure for dealing with notes or obligations not in conformity with state law. Upon identification of a non-conforming obligation the Comptroller must send notice to offending parties, including the chief executive officer and chief financial officer of the local government. Notice must contain actions necessary to bring obligation into compliance and a time frame for doing so. Local government must issue response within 10 business days containing a plan for conformity or disputation. If response offers a plan for compliance, Comptroller must, within 10 business days, accept or deny plan. If response disputes claim on non-conformity, the Comptroller must, within 10 business days, accept or deny disputation. At the conclusion of the allotted time frame for corrective action the Comptroller must, within 10 business days, determine if such was satisfactorily completed. State Funding Board charged with promulgating rules for identifying classifications of non-conformance and reasonable penalties for non-conformity.

Effective June 10, 2011

FIREARMS

Chapter No. 33 (HB0283/SB0519). Allowing handguns in employer parking lots not TOSHA violation. Amends T.C.A. § 50-3-201 by stating that an employer allowing a person with a handgun carry permit to carry a handgun on the employer's property does not constitute a Tennessee Occupational Safety and Health (TOSHA) health and safety hazard.

Effective March 31, 2011

Chapter No. 469 (HB 2039/SB1775). Judge authorized to carry handgun in courtroom. Amends T.C.A. § 39-17-1306(c) by authorizing a judge, including a municipal court judge, with a valid handgun carry permit to carry a handgun in a courtroom when engaged in the official discharge of judicial duties. Also requires judge to successfully complete an initial 16 hours of POST court security training and eight hours, annually thereafter, of POST firearms training.

Effective June 10, 2011

FIREWORKS

Chapter No. 204 (HB1838/SB1572). Possession of sky lantern without permit prohibited. Amends T.C.A. § 68-104-101(9) by expanding the definition of "special fireworks" to include an unmanned free-floating device capable of producing an open flame, such as a sky lantern.

Effective July 1, 2011

Chapter No. 475 (HB0219/SB0370). Class C Fireworks legal for retail sale in East Ridge. Without amending any specific section of the *Tennessee Code Annotated* authorizes any person or entity to sell Class C common fireworks in East Ridge.

Effective July 1, 2011

GENERAL GOVERNMENT

Chapter No. 8 (HB0047/SB0034). State flag on local government property flown at half-mast upon combat death of resident. Amends T.C.A. § 4-1-406 by requiring the governor to notify the executive official of the political subdivision in which a resident is killed during combat service. Such notification must identify the deceased resident and the date of the statewide day of mourning in his or her honor. Any state flag hoisted on local government property must be flown at half-mast on that day of mourning.

Effective March 17, 2011

Chapter No. 238 (HB2017/SB1405). POW–MIA flags may be flown at government buildings. Amends T.C.A. § 58-4-301 by authorizing a POW–MIA flag to be flown at a city hall or main administrative building on any day the United States flag is flown. Allows for private donation of POW–MIA flags.

Effective May 23, 2011

Chapter No. 350 (HB2024/SB1771). Four special censuses authorized. Amends Titles 54, 57 and 67 by increasing from three to four the number of special censuses a municipality may take between regular decennial federal censuses. Only applies to censuses for distribution of municipal street aid funds, state privilege tax on beer and state shared sales tax. Censuses are at the expense of the municipality.

Effective May 30, 2011

Chapter No. 383 (HB1278/SB1205). Tennessee Adventure Tourism and Rural Development Act of 2011 enacted. Amends Titles 11, 55 and 68 by enacting the Tennessee Adventure Tourism and Rural Development Act of 2011 which charges the Department of Economic and Community Development (ECD) in conjunction with the Department of Environment and Conservation (TDEC) to develop a plan for development and promotion of adventure tourism in the state. Authorizes a local governing body to, via a two-thirds (2/3) vote, create an adventure tourism district. Two or more local governments can create such a district through an inter-local agreement. Plan for district must be submitted to ECD and Department of Revenue for approval. Approved districts eligible for tax credits and promotional support from state departments. Grants civil immunity to businesses offering adventure tourism services within a district. An all-terrain vehicle may be driven during daylight hours on any unpaved street, road or highway within the district subject to regulation, via ordinance, by the municipality.

Effective June 1, 2011

IMMIGRATION

Chapter No. 316 (HB1632/SB1670). Refugee Absorptive Capacity Act enacted. Amends *Tennessee Code Annotated* by enacting the Refugee Absorptive Capacity Act. Requires Tennessee Office for Refugees to provide with reports to plan and coordinate placement of refugees. Office of Refugees must also appear before the local government to discuss absorptive capacity of the local government. Requires local resettlement agencies to meet with local government representatives in advance of refugee arrival. Requires a letter of agreement between Office of Refugees and each agency providing refugee resettlement services. Authorizes a local government to request, via resolution, a moratorium on new refugee resettlement. Office of Refugees must forward such request to the U.S. State Department. Purports to authorize U.S. State Department to approve such request.

Effective May 27, 2011

INSURANCE

Chapter No. 468 (HB2007/SB1540). Captive insurance company provisions revised. Amends *Tennessee Code Annotated* Title 56, Chapter 13 by enacting the Revised Tennessee Captive Insurance Act which rewrites the procedures for the organization and regulation of captive insurance companies, including self-insured governmental entities acting in such capacity.

Effective June 10, 2011 for purposes of promulgating rules; effective September 1, 2011 for all other purposes

LABOR

Chapter No. 178 (HB1605/SB1031). Maintenance of membership clauses prohibited. Adds a new section to *Tennessee Code Annotated* Title 50, Chapter 1, Part 2 prohibiting a labor agreement containing a maintenance of membership clause. Not applicable to local government employers.

Effective May 5, 2011

LAW ENFORCEMENT

Chapter No. 45 (HB0397/SB0379). Initial transporting county responsible for continuing transportation of persons sent for mental health screenings. Amends T.C.A. § 33-6-901 by charging the county that initially transports a person for mental health screening, evaluation or hospitalization with also providing the continuing transportation of that person.

Effective April 6, 2011

Chapter No. 52 (HB0128/SB0098). Alarm verifications not required. Amends T.C.A. § 62-32-303 by removing any requirement that a monitoring company perform an alarm verification prior to requesting law enforcement dispatch to a pharmacy.

Effective July 1, 2011

Chapter No. 84 (HB0754/SB0682). Police Pay Supplement fund allowable expenditures clarified. Amends T.C.A. § 9-4-204 to clarify that police pay supplement fund deposits disbursements must be in accordance with T.C.A. § 38-8-11. Apparently a codification of current practice.

Effective April 14, 2011

Chapter No. 106 (HB0575/SB0868). Police officer training on responding to people with mental illness to occur annually. Amends T.C.A. § 38-8-119 by clarifying that law enforcement officers must receive annual training in the proper response to people with mental illness.

Effective April 21, 2011

Chapter No. 159 (HB1176/SB1558). Law enforcement agencies may petition court to trade confiscated firearms with other agencies. Amends T.C.A. § 39-17-1317 by authorizing a law enforcement agency, including a municipal police department, to petition the criminal court for permission to exchange confiscated firearms for ammunition, body armor or other firearms.

Effective May 5, 2011

Chapter No. 190 (HB0724/SB0655). Blue Alert system created. Adds a new section to *Tennessee Code Annotated* Title 38, Chapter 6, Part 1 creating the Blue Alert system for purposes of rapid dissemination of information aimed at apprehending a person suspected of seriously injuring or killing a law enforcement officer. Program established within the Tennessee Bureau of Investigation (TBI).

Effective July 1, 2011

Chapter No. 225 (HB0338/SB 0393). Law enforcement must recover jewelry upon proof of ownership. Amends T.C.A. § 38-1-205 by requiring, as opposed to allowing, law enforcement to take possession of jewelry sold to a dealer upon claimant providing proof of ownership.

Effective May 20, 2011

Chapter No. 244 (HB1553/SB2029). Law enforcement must be notified of towing. Amends *Tennessee Code Annotated* Titles 55 and 66 by requiring a person towing a motor vehicle when the owner is not present to notify local law enforcement of the vehicle identification number (VIN), registration information, license plate number and description of vehicle. Records must be retained and made available for public inspection.

Effective July 1, 2011

Chapter No. 363 (HB0395/SB0558). Retired officers may carry a firearm of the same type in same manner and to same extent as active officers. Amends T.C.A. § 38-8-116 by creating methods of first-time certification for retired law enforcement officers to carry a firearm of the same type in the same manner and to the same extent as active officers. Officer may utilize one of three methods: obtaining photo identification issued by the agency from which the officer retired; meeting the standards established by the Tennessee Peace Officer Standards and Training (POST) Commission for active officers; or utilize a private certified firearms instructor to verify that the retired officer has met POST standards. Certification is valid for four years. Retired officer must undergo criminal background check no fewer than 90 days prior to expiration of initial certification.

Codifies current POST practices. The certification outlined does not meet federal standards and thus would only allow retired officers to carry within the state.

Effective May 30, 2011

Chapter No. 413 (HB0888/SB0775). POST to determine retired law enforcement officer's eligibility to carry a firearm. Amends *Tennessee Code Annotated* Title 38, Chapter 8, Part 1 by charging the POST Commission to determine a retired law enforcement officer's eligibility to carry a firearm under federal law.

Effective June 6, 2011

Chapter No. 502 (HB1747/SB1745). No alternative method when secret ballots used in union certification. Amends *Tennessee Code Annotated* Title 50, Chapter 1 by adding a new Part 7 which states that where a union uses secret ballots in electing a bargaining representative no alternative means of designation is allowed.

Effective July 1, 2011

MOTOR VEHICLES AND TRAFFIC

Chapter No. 30 (HB0038/SB0288). Abandoned vehicle notice provisions revised. Amends T.C.A. § 55-16-105 by amending notice provisions related to abandoned vehicles. Now a police department that takes an abandoned vehicle into custody must verify ownership of the vehicle within three days and subsequently notify the last registered owner and all lien holders via certified mail within three days of verification. Same notice provisions apply to garage keepers or towing firms that possess a vehicle taken by a police department.

Effective March 31, 2011

Chapter No. 40 (HB1654/SB1497). Vehicles must yield to utility vehicles. Amends Title 55, Chapter 8, Part 1 by adding stationary utility vehicle to the list of vehicles an approaching motor vehicle must yield to by moving into another lane when possible.

Effective July 1, 2011

Chapter No. 50 (HB1314/SB1050). Government employee commercial driver license holders exempt from medical card requirement. Amends T.C.A. § 55-50-413 by exempting government employees from the requirement that commercial driver license holders also carry a medical card.

Effective April 6, 2011

Chapter No. 58 (HB0018/SB1142). Uniform fine for obscene bumper stickers established. Amends T.C.A. § 55-8-187 by establishing a uniform fine of $50 for any offense of displaying an obscene or offensive bumper sticker, window sign or other marking on a motor vehicle.

Effective July 1, 2011

Chapter No. 107 (HB0688/SB1295). Antique cars exempt from emissions testing. Amends T.C.A. § 55-4-130 by exempting motor vehicles registered as antique from all motor vehicle inspection requirements.

Effective July 1, 2011

Chapter No. 126 (HB0129/SB0134). Golf cart pilot program expanded. Amends T.C.A. § 55-8-201 by extending the date of the current pilot project authorizing certain municipalities to allow golf carts on certain streets until July 1, 2013. Also includes Eagleville, Englewood and Ripley in the program. Requires liability insurance for golf carts operated on streets.

Effective April 29, 2011

Chapter No. 137 (HB1568/SB0610). Only organ procurement organization vehicles to display white or amber lights. Amends T.C.A. § 55-9-402 by limiting the authorization for use of flashing white or amber lights on the front of a vehicle to vehicles operated by an organ procurement vehicle when transporting an organ for transplant.

Effective July 1, 2011

Chapter No. 192 (HB1007/SB1171). Scope of due care owed to bicyclists broadened. Amends *Tennessee Code Annotated* Title 55, Chapter 8 by broadening the due care owed to bicyclists. Increases various penalties related to death or injury of bicyclist.

Effective July 1, 2011

Chapter No. 397 (HB0339/SB0266). Methamphetamine vehicle labeling required. Amends *Tennessee Code Annotated* Title 53, Chapter 3, Part 2 by requiring that law enforcement that impounds a vehicle based on a charge of methamphetamine production within the vehicle report such to the Department of Revenue within 30 days. Department of Revenue must note such conspicuously on title.

Effective July 1, 2011

Chapter No. 425 (HB1500/SB1684). Traffic enforcement camera provisions amended. Amends T.C.A. § 55-8-198 by requiring a local governing body to conduct, as a pre-requisite to the installation of any new unmanned traffic enforcement camera, a traffic engineering study. Study must be certified by a licensed engineer specializing in traffic engineering and done according to Institute of Transportation Engineers (ITE). No vendor of traffic enforcement cameras can conduct the study or participate in the selection of an engineer.

Prohibits any citation for making a right turn without coming to a complete stop, based solely upon traffic camera evidence, unless evidence shows the vehicle with a front tire before the stop line when the signal is red, and subsequently shows the same vehicle with a rear tire past the stop line while the signal is red. Violations for making a right turn at a red light where signage is posted to the contrary may be based solely upon camera evidence. A citation based solely upon camera evidence is invalid if the registration information on citation is not consistent with camera evidence. Absent exigent circumstances citations must be sent within 20 days of alleged violations. Citation must state fine amount and any other penalty that may be assessed for failure to pay. Fines for uncontested citations cannot exceed $50. Additional fees or court costs may be assessed if alleged violator does not pay within specified time. All traffic enforcement camera evidence must be reviewed by POST-certified law enforcement officer.

No citation based solely upon camera evidence is permitted within one mile of a reduction of speed sign of 10 miles per hour or more. Not applicable to school zone when flashers are in operation.
As of July 1, 2011 a city that owns or operates an unmanned traffic camera must ensure that the system does not identify a failure to stop at a red light violation when the vehicle legally entered the intersection during the green or yellow interval.

Signage must be posted not less than 500 feet but not more than 1,000 feet in advance of the camera.

Effective July 1, 2011

Chapter No. 454 (HB1246/SB0544). Van-accessible parking spaces required. Amends T.C.A. § 55-21-105 by requiring a business, firm or other person transacting business with the public that provides specially marked parking spaces for disabled persons to also provide van-accessible spaces with a width of no less than 96 inches. Applies to entities that first offer disabled spaces after April 24, 2006. Entities who provided disabled spaces on or before that date must comply when such is readily achievable. An entity that provides one space must convert that space to a van-accessible space.

Effective June 10, 2011

Chapter No. 480 (HB0511/SB0395). Presumption of fault for certain accidents involving DOT property or personnel. Amends *Tennessee Code Annotated* Title 54, Chapter 5, Part 1 by creating a legal presumption in a motor vehicle accident resulting in injury to DOT property or personnel, or that of its contractor, where a driver is convicted of driving under the influence or reckless driving that the driver's conduct is the sole proximate cause of the death, injury or damage. Also grants a DOT contractor immunity for death, injury or damage where the contractor is in compliance with the contract provisions material to the proximate cause of the death, injury or damage.

Effective July 1, 2011 and applicable to contracts entered into and injuries received after that date

PERSONNEL – BENEFITS

Chapter No. 118 (HB0682/SB1119). Insurers authorized to offer incentives and rewards. Amends *Tennessee Code Annotated* Title 56, Chapter 8, Part 1 by adding a new section authorizing an insurer issuing a group or individual benefit plan to offer rewards and incentives in conjunction with a wellness program.

Effective April 25, 2011

Chapter No. 140 (HB0707/SB1008). Mandatory retirement provisions may be discontinued. Amends *Tennessee Code Annotated* Title 8, Chapters 24, 25, 34, 35, and 36 by making numerous changes to the provisions governing the Tennessee Consolidated Retirement System (TCRS). Authorizes a local government to, via a two-thirds (2/3) resolution, discontinue a mandatory retirement provision for firefighters and police officers hired after the effective date. Resolution is irrevocable. Also authorizes a local government resolution, passed by a two-thirds (2/3) majority, discontinuing benefit improvements for employees hired after effective date. Resolution is irrevocable. Other changes include the requirement that the counsel for the treasury department also serve as attorney for chair of TCRS with regard to deferred or tax-sheltered compensation plans.

Effective May 2, 2011

Chapter No. 273 (HB1819/SB1808). Employers may offset employee wages for amount owed. Amends *Tennessee Code Annotated* Title 50, Chapter 2, Part 1 by authorizing an employer to offset an employee's wages for monies owed when a signed agreement stating such is on file. Employer must give a 14-day notice stating amount due and that employee may submit an affidavit to the department of labor contesting amount owed. Employer cannot offset wages if affidavit is sent rather they can file suit to collect.

Effective July 1, 2011

Chapter No. 315 (HB1586/SB1304). Workplace violence laws amended. Amends *Tennessee Code Annotated* Title 20, Chapter 14, Part 1 by authorizing an employee, in addition to the currently authorized employer, to request a temporary restraining order and an injunction upon suffering violence or a credible threat of violence. Authorizes a temporary restraining order and an injunction against an organization in addition to an individual. Also expands definition of "unlawful violence" to include intimidation or extortion. Removes current exception for violence related to a labor dispute.

Effective May 27, 2011

Chapter No. 390 (HB1716/SB1996). Government employee Guard members entitled to unpaid leave. Adds a new T.C.A. § 8-33-110 entitling any state or local government employee who is also a member of the Tennessee State Guard and Civil Air Patrol an unpaid leave of absence without loss of time, pay or leave for all periods of service during which they are engaged in the performance of duty or training under competent orders.

Effective June 1, 2011

Chapter No. 391 (HB2156/SB2114). Extended unemployment benefits reauthorized. Amends T.C.A. § 50-7-305(a)(6)(A)(iii)(b) by reauthorizing the extended unemployment benefits pursuant to federal law through the end of 2011.

Effective June 1, 2010; provided provisions are applied retroactively to December 17, 2010

Chapter No. 436 (HB1378/SB1669). E-Verify authorized. Provides employers when hiring an employee, including local governments, the option of completing the current I-9 form or using the federal E-Verify program. With respect to independent contractors, the employer must obtain and retain one of the following documents: valid driver's license or photo identification issued by Tennessee or another state with requirements at least as strict as those in Tennessee; official birth certificate; valid unexpired U.S. passport; U.S. certificate of birth abroad; certificate of citizenship; certificate of naturalization; U.S. citizen identification card; or valid alien registration. Creates civil monetary penalties for violations. Applies to governmental employers as of January 1, 2012.

Effective June 7, 2011 for purposes of promulgating rules; effective January 1, 2012 for all other purposes

PLANNING AND ZONING

Chapter No. 73 (HB0127/SB0089). Tentative plat approval authorized. Amends *Tennessee Code Annotated* Title 13, Chapter 3, Part 5 and Title 13, Chapter 4, Part 3 by granting planning commissions "tentative" plat approval as opposed to the currently authorized "preliminary" approval.

Effective April 14, 2011

Chapter No. 217 (HB1316/SB0753). Quarrying defined for purposes of zoning statutes. Amends T.C.A. §§ 13-7-101 and 13-7-201 to uniformly define "quarrying" for county and municipal zoning purposes.

Effective May 20, 2011

Chapter No. 279 (HB0126/SB0088). Scope of BZA rules of procedure defined. Amends T.C.A. §§ 13-7-107 and 13-7-205 by stating that rules of procedure for municipal and county boards of zoning appeals may address maintenance of a record; election of officers from among its membership; and inclusion of statements of reasons for actions taken, including findings of fact and statements of material evidence.

Effective July 1, 2011

Chapter No. 330 (HB0906/SB0609). Local governments authorized to create community gardening programs. Amends *Tennessee Code Annotated* Title 43, Chapter 24, Part 1 by authorizing a local government to make vacant public land available for community gardening permits by providing the county extension agent with a list of such parcels. Establishes an alternative method for creating a local government community garden program. A city may implement such a program via ordinance. Authorizes governmental expenditures on community gardening programs by declaring such a public purpose. Exempts gardens on private property and operated independently of the local government from permitting, insurance and security requirements that may be contained in the authorizing ordinance.

Effective May 30, 2011

PUBLIC SAFETY

Chapter No. 270 (HB 1279/SB1990). Firefighters and emergency service personnel authorized to request blood test. Amends T.C.A. § 68-10-116 to authorize a firefighter, emergency medical technician-paramedic or emergency medical technician who is exposed to the blood or bodily fluid of an arrested person in a manner that presents a significant risk of transmission of hepatitis B or HIV may request to have that person's blood tested.

Effective July 1, 2011

PURCHASING

Chapter No. 12 (HB0043/SB0091). Geothermal heating and cooling projects required on outside of bid envelopes. Amends T.C.A. § 62-6-119(b) by classifying vertical closed loop geothermal heating and cooling projects as masonry work for purposes of bid disclosure requirements. Requires TDEC license information to appear on the outside of the bid envelope or electronic bid submission for contracts more than $100,000.

Effective March 24, 2011

Chapter No. 117 (HB1094/SB1013). Emergency communications district may purchase off another district's bid. Amends Tennessee Title 7, Chapter 86, Part 1 by authorizing an Emergency Communications District (ECD) to purchase equipment under the same terms of a legal bid initiated by another ECD.

Effective April 25, 2011

Chapter No. 152 (HB0907/SB0773). Technical correction made to cooperative purchasing provisions. Amends T.C.A. 12-3-1009(b)(1) by making a technical correction to last year's cooperative purchasing bill. Clarifies that only out-of-state agreements are held to the restrictions of T.C.A. 12-3-1009(b)(1).

Effective May 5, 2011

Chapter No. 260 (HB0965/SB1042). No bid addenda within forty eight (48) hours of bid opening. Amends *Tennessee Code Annotated* Title 12, Chapter 4, Part 1 by prohibiting, where competitive bidding is required, addenda within less than 48 hours of opening. Questions regarding bid documents must be received by the designer no less than 96 hours before bid opening date. Provisions not applicable to Department of Transportation contracts or state and local contracts funded in whole or in part by federal highway funds.

Effective May 23, 2011

RECORDS

Chapter No. 151 (HB0465/SB0750). Audit working papers confidential. Amends T.C.A. §§ 4-3-304 and 10-7-504(a)(22) by making the working papers of the Division of Audit confidential. Defines working papers to include audit reports, intra-agency and inter-agency communications, draft reports, schedules, notes, memoranda, and all other records relating to an audit or investigation.

Effective May 5, 2011

Chapter No. 168 (HB0424/SB0822). Security system information made confidential. Adds a new section to *Tennessee Code Annotated* Title 10, Chapter 7, Part 5 making any information related to security systems confidential. Confidential records include all records pertaining to licensure or registration of systems, photographs, presentations, schematics, and surveys.

Effective May 5, 2011

Chapter No. 353 (HB1875/SB1951). Devices and equipment not considered records. Amends T.C.A. § 10-7-503(a)(1) by stating that the definitions of record, public record or state records do not include the device or equipment used to create or store a record, including a cell phone or computer. Thus exempting these devices from public disclosure requirements.

Effective May 30, 2011

STATE GOVERNMENT

Chapter No. 198 (HB0549/SB0523). Transportation Coordination Committee created. Amends *Tennessee Code Annotated* Titles 4 and 54 to create a coordination committee to study methods of delivery and coordination of transportation services by state and local governments.

Effective May 17, 2011

Chapter No. 349 (HB1483/SB1721). Fiscal note due within ten days of introduction. Amends T.C.A. § 3-2-107 by increasing from seven to 10 the number of days after introduction or request within which the Fiscal Review Committee must submit a fiscal note.

Effective May 30, 2011

TAXES – HALL INCOME

Chapter No. 396 (HB1141/SB0261). Hall income tax exemption for seniors increased. Amends T.C.A. § 67-2-104(b) by increasing the income of a senior citizen exempted from the Hall income tax to $26,200 for individuals and to $37,000 for joint filers. Applies to tax years beginning January 1, 2012 and thereafter.

Effective June 6, 2011

Chapter No. 490 (HB0889/SB0816). Cemetery stock proceeds exempt from Hall Income Tax. Amends *Tennessee Code Annotated* Titles 46 and 67 by completely exempting the proceeds from stocks and bonds of trusts for perpetual care or improvement of private cemeteries from Hall Income Taxes.

Effective July 1, 2011

TAXES – HOTEL/MOTEL

Chapter No. 303 (HB0587/SB1836). Lexington authorized to levy occupancy tax. Amends T.C.A. § 67-4-1425 by authorizing the City of Lexington to, via an ordinance adopted by a two-thirds (2/3) vote of the governing body, levy an occupancy tax.

Effective May 27, 2011

TAXES – PAYMENT IN LIEU OF TAX (PILOT)

Chapter No. 162 (HB1020/SB1722). Municipalities not liable for claims arising out of real property held in payments in lieu of taxes agreement. Amends T.C.A. § 48-101-312 by granting immunity from suit and any legal or financial obligation pertaining to real property held by a municipality or its special purpose corporation pursuant to a lease and a payment in lieu of tax agreement. Person or entity who transferred title for purposes of the PILOT retains all liability.

Effective May 5, 2011

TAXES – PROPERTY

Chapter No. 17 (HB0467/SB0462). State property tax relief program dates revised. Amends *Tennessee Code Annotated* Title 67, Chapter 5, Part 7 by amending the deadline for filing application or presentment of credit voucher to May 5. Only applicable to state property tax relief program.

Effective March 24, 2011

Chapter No. 32 (HB0461/SB0459). Electronic filings to state board of equalization permitted. Amends T.C.A. §§ 67-5-1412, 1512 and 1513 by permitting the state board of equalization to permit electronic filings. Makes other revisions to related provisions.

Effective March 31, 2011

Chapter No. 77 (HB0464/SB0638). Property taxes on appeal provisions revised. Amends T.C.A. § 67-5-1512 by declaring that penalty and interest on delinquent property taxes do not accrue during an appeal of assessment to county or state board of equalization provided the taxpayer, before the delinquency date, pays the full tax due or the amount the taxpayer would owe based on the taxpayer's good faith claim. Local collection official may refuse to accept disputed portion. Tax amount later found to be refundable or due will accrue interest from the delinquency date at composite prime rate minus two points. On motion of local collecting agency the state board of equalization will dismiss appeal of any taxpayer who fails to pay interest that accrues on disputed taxes or at least the undisputed amount. Delinquency and penalty begin to accrue 30 days after issuance of final assessment certification and continue until tax is paid.

Effective April 14, 2011

Chapter No. 93 (HB0883/SB0742). Failure to receive personal property schedule does not excuse failure of taxpayer to file. Amends *Tennessee Code Annotated* Title 67, Chapter 5 by authorizing a local government to issue a forced assessment against a taxpayer where the taxpayer fails to receive a personal property tax schedule. Limits the reasons for which a taxpayer may amend a timely filed personal property schedule.

Effective April 21, 2011

Chapter No. 160 (HB1484/SB1559). County trustee may accept partial payments of delinquent property taxes. Amends T.C.A. § 67-5-2001 by authorizing a county trustee to accept partial payment of delinquent property taxes. Does not apply to municipalities.

Effective May 5, 2011

Chapter No. 262 (HB 0980/SB0411). State tax relief program for veterans extended to spouses. Amends T.C.A. § 67-5-704 by adding a new subsection that extends the state tax relief program for veterans to include certain surviving spouses. Will not impact local tax rates.

Effective May 23, 2011

Chapter No. 415 (HB1077/SB0852). Property tax exemption for public radio and television broadened. Amends *Tennessee Code Annotated* Title 67, Chapter 5 by exempting from property taxes a public radio or television station organized as a nonprofit or charitable or educational institution.

Effective June 6, 2011

Chapter No. 418 (HB1886/SB1100). State property tax relief to surviving spouse of veteran expanded. Amends T.C.A. § 67-5-704(e) by extending property tax relief to the surviving spouse of a disabled veteran, who at time of death was eligible for such relief. Applies so long as surviving spouse: does not remarry; owns the property; and uses such property exclusively as a home.

Effective as to tax years beginning January 1, 2011 and thereafter

Chapter No. 438 (HB0137/SB0528). Property tax on stocks for loan, investment and cemetery companies abolished. Amends *Tennessee Code Annotated* Title 67 by abolishing the property tax on loan, investment and cemetery stocks. Provides for allocation of excise taxes on financial institutions without deposit facilities; regulated investment companies; and cemeteries. The allocation of excise taxes to counties and cities pursuant to this amendment would be limited to $1 million for 2011, and distribution would not be made before July 1, 2012.

Effective June 10, 2011 for purposes not listed above and applicable to collections received on and after January 1, 2011

TAXES – SALES

Chapter No. 72 (HB1992/SB1520). Streamline sales tax provisions delayed. Amends T.C.A. Title 67 and Chapters 530 and 602 of the Public Acts of 2009 by delaying implementation of the streamlined sales tax provisions until July 1, 2013.

Effective April 13, 2011

Chapter No. 133 (HB0006/SB0024). Sales tax refunds on flood-related purchases extended. Amends T.C.A. § 67-6-396 by extending the sales tax refund available for appliances, furniture or building supplies to include purchases made through April 30, 2011. All related provisions repealed January 1, 2012.

Effective May 2, 2011

Chapter No. 398 (HB 0362/SB0267). Tax exemption for tornado shelter created. Amends *Tennessee Code Annotated* Title 67, Chapter 6, Part 3 by creating a sales tax exemption up to $2,500 for building supplies purchased to construct a tornado shelter. Purchases must be made between July 1, 2011 and December 31, 2011. Creates civil penalty for fraudulent application.

Effective June 6, 2011

TELECOMMUNICATIONS

Chapter No. 76 (HB0458/SB0636). Telecommunications service provider carryovers abolished. Amends Title 67, Chapter 6 by abolishing carryovers that telecommunications providers currently have for ad valorem taxes paid to local governments. Monies derived from state fund.

Effective April 14, 2011

TOBACCO

Chapter No. 296 (HB1470/SB1936). Local governments authorized to prohibit smoking in areas outside of hospitals. Amends T.C.A. § 39-17-1551 to allow a county or city to, via ordinance or resolution, prohibit smoking in public areas immediately outside of a hospital building and its entrances, including sidewalks. Prohibition may extend up to 50 feet from entrance, with exception for greater length where safety necessitates such.

Effective May 27, 2011

TORT LIABILITY

Chapter No. 180 (HB1739/SB1432). Jurisdiction over GTLA actions in Shelby County clarified. Amends T.C.A. §§ 29-20-305 and 29-20-307 by updating population brackets to reflect that Shelby is the only county where circuit and general sessions courts exercise concurrent jurisdiction over Governmental Tort Liability Act (GTLA) actions.

Effective May 5, 2011

Chapter No. 318 (HB1755/SB0706). Public hospital in Metro Nashville covered under GTLA. Amends T.C.A. § 29-20-102(3) by stating that a non-profit public benefit corporation in Metropolitan Nashville-Davidson County who operates or is created to operate a hospital in conjunction with the Metropolitan Hospital Authority is considered a governmental entity, and thus covered by, the Tennessee Governmental Tort Liability Act (GTLA).

Effective May 27, 2011

Chapter No. 368 (HB1151/SB0764). School board liability limited when allowing other parties to utilize school property. Amends *Tennessee Code Annotated* Title 29, Chapter 20 by providing that when a local board of education or school official enters into a recreational joint use agreement allowing persons to utilize school property that the board or school has not waived GTLA immunity; extended GTLA immunity to another entity; extended assurance that premises are safe for any activity other than agreed upon; assumed a duty of care; assumed any responsibility or liability for injury caused by a force of nature or by act or omission; guaranteed unlimited access to premises; or limited the obligation or duty of those entering upon property to exercise due care. Also removes no longer relevant, date-sensitive GTLA provisions.

Effective May 30, 2011 and applicable to contracts entered into on or after July 1, 2011

UTILITIES

Chapter No. 157 (HB1681/SB1500). High voltage line safety provisions amended. Amends *Tennessee Code Annotated* Title 68, Chapter 103 by increasing the clearance distance to be maintained from high-voltage lines to 10 feet. Makes other various changes to related provisions.

Effective May 5, 2011

Chapter No. 163 (HB0913/SB1811). Cap on expense allowance for members of boards of utilities increased. Amends T.C.A. § 7-52-110 by increasing the maximum allowable monthly expense payable to a member of a board of public utilities for attendance at meetings to $300. Increases the maximum allowance for attendance at meetings of each additional utility system over which the board has jurisdiction to $50 not to exceed $150 monthly.

Effective July 1, 2011

Chapter No. 215 (HB1142/SB0845). Local governments authorized to petition for dissolution of utility district. Amends *Tennessee Code Annotated* Title 7, Chapter 82 by providing that when no affirmative action is taken by a newly formed utility district within one year of creation, the county mayor may hold a hearing and dissolve the district. A utility district that fails to render services within four years of creation is dissolved by operation of law. Also provides that when a utility district is financially distressed or financially unable to provide services required under its charter, the utility management review board may initiate negotiations for consolidation with another district or system.

Effective May 20, 2011

Chapter No. 237 (HB0976/SB1055). Notice of fluoride initiation or discontinuance required. Amends T.C.A. § 68-221-708 by requiring any public water system to notify the Departments of Health and Environment and Conservation within 10 days of its decision to initiate or discontinue fluoridation of water. System must notify customers by mail at least 30 days prior to initiation or discontinuance.

Effective May 23, 2011

Chapter No. 392 (HB0876/SB0741). Utility district provisions revised. Amends *Tennessee Code Annotated* Titles 7 and 68 by making numerous revisions to provisions related to utility districts. Requires the unaccounted water loss of a utility district operating a public water system to be calculated in the manner prescribed by the utility management review board. Requires a public water system to calculate unaccounted water loss in the manner prescribed by the water and wastewater financing board. Makes other various changes regarding the appointment, removal and operation of utility district commissioners.

Effective July 1, 2011

WORKERS COMPENSATION

Chapter No. 203 (HB2047/SB1785). Burden of proof for rebutting presumption elevated. Amends T.C.A. § 50-6-110(c) by elevating the burden of proof for rebutting that drugs or alcohol are the proximate cause of an injury, where the employee tested positive for alcohol or drugs or refused such a test, from preponderance of the evidence to clear and convincing evidence.

Effective July 1, 2011

Chapter No. 376 (HB0205/SB0040). Periods of total disability excluded from base period calculation. Amends T.C.A. § 50-7-218 by excluding periods of total disability when calculating the base period for purposes of temporary total disability.

Effective July 1, 2011

Chapter No. 416 (HB1503/SB0932). Workers compensation provisions revised. Amends *Tennessee Code Annotated* Title 50 by making various revisions to the workers compensation statutes.

Effective June 6, 2011



THE UNIVERSITY of TENNESSEE

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