

TENNESSEE PUBLIC ACTS 2008

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

Public Chapter No. 778 (HB3067)

Wine referendum in Townsend: Amends T.C.A. § 57-4-103 by requiring the Blount County Election Commission to place a referendum question, wine for consumption on premises in Townsend, on the November 2008 general election ballot if the municipal governing body calls for the referendum by July 15, 2008. Townsend is responsible for all costs associated with the referendum.

Effective April 21, 2008.

Public Chapter No. 877 (SB2938) Removal of sunset provision: Amends T.C.A. Title 57, Parts 5 and 6. Removes the sunset provision on the present law prohibition on sale of beer for off-premises consumption to a person who does not present photo identification. Creates an exception to any criminal punishment or adverse administrative action if the sale in question was made to someone who is or reasonably appears to be over 50 years of age and failed to present identification.

Effective May 9, 2008.

ANIMALS

Public Chapter No. 639 (SB3149) Euthanasia of animals: Amends T.C.A. Title 44, Chapter 17, Part 3, to allow a non-livestock animal to be tranquilized with an approved substance before euthanasia by lethal injection. If the animal is euthanized by intracardial injection via hypodermic needle, the animal must be tranquilized. These provisions apply to any licensed veterinarian, veterinarian medical technician, employee, volunteer, or any other person acting as an agent of a public or private agency, animal shelter or other facility operated for the collection, care, or euthanasia or non-livestock animals. Before an aforementioned agency euthanizes an animal that the facility knows or should know has an owner, the agency must hold the animal for three business days. This three-day requirement is not applicable in emergency situations.

Effective July 1, 2008.

Public Chapter No. 805 (SB870) Chemical capture of animals: Amends T.C.A. Title 44, Chapter 17, and Title 63, Chapter 12. Chemical capture by certified technicians must be done with Telazol or other drugs approved by the board of veterinary medical examiners. Drugs used for chemical capture can be administered only by a licensed veterinarian or a licensed veterinarian technician employed by and under the direct supervision of a licensed veterinarian or certified animal chemical capture technician.



Requires the board of veterinary medical examiners to issue a certificate authorizing chemical capture of animals to any governmental animal control agency that the board determines to be qualified. Agency must submit application, fee, and written protocol for chemical capture. All animal chemical capture technicians must be board certified. Creates a new Class B misdemeanor of engaging in chemical capture without certification or impersonating a certified chemical capture animal technician.

Effective for purposes of promulgating rules April 10, 2008. Effective for all other purposes January 1, 2009.

Public Chapter No. 1172 (SB2697) Intentional killing of animals: Amends T.C.A. Title 39, Chapter 14, Part 2. Changes the offense of intentional killing of an animal by removing the element that the offender have the intent to deprive the owner of the right to the animal's life, thereby requiring only that the defendant knowingly and unlawfully kill an animal of another without the owner's effective consent.

Effective July 1, 2008.

ANNEXATION

Public Chapter No. 818 (SB2972) Deletion of obsolete annexation provisions: Amends T.C.A. Title 6, Sections 51 and 58, relative to annexation by deleting obsolete, time-sensitive provisions.

Effective April 29, 2008.

Public Chapter No. 1033 (SB3434) Municipal annexation of state park land: Amends T.C.A. Title 6, Chapter 51, Part 1, relative to annexation. Requires the following as a precedent to municipal annexation of any state park land:

1. The territory proposed for annexation must be located within the municipality's urban growth boundaries;
2. The municipality must provide detailed notice to the commissioner of environment and conservation;
3. Notification must include a detailed description of the territory proposed for annexation, reasons for the annexation, plan for municipal services, and timeline for delivery;
4. The department must study the likely impact on the wildlife, scenery, ambiance, traffic, roads, visitors, and mission of the proposed territory to be annexed. Municipality must pay the costs of this study;
5. The department must conduct one or more public hearings;
6. Prior to the public hearing, the department must seek the county commission's input regarding the municipality's proposed annexation; and
7. The department must report its finding and may prescribe binding prerequisites for the proposed annexation as are necessary and desirable to protect and preserve the park or natural area for the benefit of all current and future Tennesseans.

Effective May 22, 2008.



AUTHORITIES

Public Chapter No. 720 (SB3141) Public building authorities: Amends T.C.A. Title 12, Chapter 10, Part 1. Expands the right to petition local governing bodies for incorporation of a public building authority to customers of a utility district. The directors of a public building authority created by a utility district must be customers of the utility district. Members of the board of commissioners and employees of the utility district may serve as directors. A director of an authority created jointly by two or more utility districts must be either a customer of one of the creating districts or a member of the board of directors of the TAUD. Directors are appointed by the board of commissioners of each creating utility district with the number of directors appointed by each board of commissioners to be as nearly equal as practicable. Establishes staggered terms for directors. An authority created by a utility district or two or more utility districts would have only the powers established under present law for public building authorities for projects that consist of utility infrastructure, improvements, and facilities that are an integral part of a public utility's operations and are used by the utility in providing utility services.
Effective April 10, 2008.

Public Chapter No. 1042 (HB1665) Tri-County Railroad Authority members: Amends T.C.A. § 64-2-304(2) by authorizing the county mayor and mayor of each member city of the Tri-County Railroad Authority to select a representative to the board of directors to serve in their stead. The representative must be at least 25 years of age, have resided within the boundaries of the authority for at least one year immediately preceding the person's selection, and must continue to reside within the boundaries while serving as a director. Local governing body must approve

candidate. Representative's term may not exceed the remaining term of the appointing official.
Effective May 28, 2008.

BUILDING, UTILITY AND HOUSING CODES

Public Chapter No. 766 (SB2935)

Tennessee Condominium Act of 2008: Amends T.C.A. Title 66 by enacting the Tennessee Condominium Act of 2008. This bill applies to all condominiums created in Tennessee after January 1, 2009, and, upon its effective date, the present law concerning condominiums, the Horizontal Property Act, would apply only to condominiums created in Tennessee before January 1, 2009. Forbids ordinances, resolutions, or any other local law or rule from prohibiting the condominium form of ownership or from imposing any requirement upon a condominium that it would not impose upon a physically identical development under a different form of ownership. If a unit is taken by eminent domain or if a part of a unit is taken such that the owner may not practically or lawfully use the unit, then the award must compensate the owner for both the owner's unit and the owner's interest in the common elements, regardless of whether any common element was taken.

Effective January 1, 2009.



Public Chapter No. 907 (SB116) Energy conservation standards: Amends

T.C.A. Title 4, Chapter 3, Part 7, relative to building codes. Establishes the minimum energy conservation standards for all new residential building construction on or after January 1, 2009, as the 2003 International Energy Conservation Code (I.E.C.C.). Encourages builders to voluntarily comply with the 2006 I.E.C.C. standards for commercial construction.

Energy efficiency and environmental building standards adopted by state or local jurisdictions may include the use of:

1. A sheathing with factory-applied radiant barrier with an emissivity rating of 0.05 or less or a sheet radiant barrier with an emissivity rating of 0.05 or less that also meets the specifications of ASTM C1313 and is installed according to ASTM C1158; and
2. Lumber and engineered wood products that originate from sustainable sources and are certified through the Sustainable Forestry Initiative (SFI), Canadian Standards Association (CSA), American Tree Farms System (ATFS), Programme for the Endorsement of Forest Certification (PEFC), and Forest Stewardship Council (FSC).

Effective January 1, 2009.

Public Chapter No. 1027 (SB3048) Rental properties unfit for habitation: Amends

T.C.A. Title 68, Chapter 111. Extends the period of time within which the building inspector or representative of the public health department is required to inspect a building immediately following the filing of a complaint alleging that the premises are unfit for human habitation from within 10 to 14 days. Complaint must be forwarded to the tenant's landlord or the landlord's agent via certified mail. Defines third-party complainant as a health care provider or public employee who, in the regular course of his duties, has been inside a premises occupied by a tenant. Removes the condition that tenant be current on rental payments to file a complaint with building inspector or county health department. Specifies that the provision requiring the premises be in violation of minimum health standards subsequent to the filing of a complaint does not apply to rental agreements where the rent is assessed and collected monthly or a term greater than monthly.

Effective May 28, 2008.

BUSINESS REGULATION

Public Chapter No. 638 (SB2028) Retail fireworks permits: Amends T.C.A. § 68-105-105(a) to require

as a prerequisite to the issuance of a retailer's or seasonal retailer's fireworks permit for new location, a statement that the sale of fireworks in the county or municipality is permissible. The statement must be signed by the chief executive officer of the county or municipality or an appointee charged with the responsibility of enforcing this section.

Effective March 18, 2008.



Public Chapter No. 690 (SB2400) Scrap metal registration: Amends T.C.A. Title 39, Chapter 14; Title 40, Chapter 35, and Title 62, Chapter 9, relative to scrap metal, scrap metal dealers, theft, and criminal trespass. Requires registration with Department of Commerce and Insurance for dealers of scrap metal. Requires dealers to secure and record photo identification of buyers. Precludes immediate payment for sale of copper scrap metal, catalytic converters, or air conditioner evaporator coils or condensers. Only a licensed contractor with a CMC, MC, CMC-C or MC-C classification, a company meeting all local HVAC requirements to obtain a permit as an HVAC installer in a building code-exempt jurisdiction, a business tax license with a Class 4 classification, or sales tax ID number indicating HVAC installer or repairer in a nonexempt jurisdiction or exempt jurisdiction where no local HVAC installer permit is required, may sell air conditioner evaporator coils or condensers for scrap. Allows local law enforcement officers to inspect registered dealers during regular business hours, without a warrant, scrap metal purchased by dealers, and the records of such. Allows for the creation of a commission to regulate scrap metal business. Nothing in these sections prevents a governmental entity, regulated landfill, or solid waste processing plant from selling any scrap metal lawfully obtained or from registering as a scrap metal dealer. Creates a Class A misdemeanor for first and second offense and a Class E felony for third and subsequent offenses.

For purposes of rulemaking by the commissioner of the Department of Commerce and Insurance, this act becomes effective April 7, 2008.

Section 62-9-102, requiring scrap metal dealers to register with the department, becomes effective October 1, 2008. The remainder of the bill takes effect July 1, 2008.

Public Chapter No. 731 (HB2420) Regulation of ticket scalping: Amends T.C.A. Title 39, Chapter 17, Part 11. Makes it an offense to knowingly sell, give, transfer, use or distribute, or possess with intent to sell, give or distribute, any software that is primarily designed or produced for the purpose of interfering with the operations of any ticket seller that sells, over the Internet, tickets of admission to a sporting event, theater, musical performance, or place of public entertainment or amusement, by circumventing any security measures on the ticket seller's website or circumventing any controls or measures instituted by the ticket seller on its website to ensure an equitable ticket buying process. Creates a Class B misdemeanor punishable by a fine of not more than \$5,000 or any profits made or tickets acquired in the course of the violation, whichever is greater. Each acquisition, sale, or offer in violation constitutes a separate offense.

Effective July 1, 2008.

Public Chapter No. 803 (HB2564) Tattooing and body piercing of minors: Amends T.C.A. § 39-15-403 and Title 62, Chapter 38. With written consent of the parent or legal guardian a minor 16 years or older may be tattooed to cover up an existing tattoo. Proof of guardianship or custody required. Parent or guardian must be present. Revises the penalty for tattooing a minor, making the violation a Class A misdemeanor regardless of whether performed for commercial purposes. Requires that the parent, legal guardian, or legal custodian of a minor to be pierced also provide proof of guardianship or custody of the minor.

Effective July 1, 2008.



Public Chapter No. 1040 (HB1592) Local

regulation of fertilizer: Amends T.C.A. Title 43, Chapter 11, Part 1, by prohibiting any political subdivision of the state from regulating registering, packaging, labeling, selling, storing, distributing, using or applying fertilizer. These provisions do not apply within Shelby, Davidson, Knox, and Hamilton counties.

Effective May 28, 2008.

CHARTERS**Public Chapter No. 808 (SB2734) Internet**

posting of charters: An act concerning the charter of incorporation of any municipality or county. Requires each municipality and county to, no later than January 1, 2009, post its charter of incorporation on a website maintained by the municipality or county. If no such website is maintained, the charter must be posted on the Tennessee Secretary of State's website.

Effective April 14, 2008.

CITY COURTS**Public Chapter No. 655 (HB3198) Post-judgment**

interest: Amends T.C.A. § 47-14-121 to provide that municipal court decrees earn post-judgment interest at 10 percent, the same rate as other courts.

Effective March 27, 2008.

CIVIL PROCEDURE**Public Chapter No. 725 (SB3660) Extension of statutes of limitation during disasters:**

Amends T.C.A. Title 28, Chapter 1, relative to extending statutes of limitations and repose during times of declared disaster. Provides that when a duly authorized member of the appellate judiciary enters an order declaring a disaster pursuant to the Tennessee Supreme Court Rules or the Tennessee Rules of Civil or Appellate Procedure, all applicable statutes of limitation or repose shall be extended in the counties subject to the order by the same number of days by which other applicable filing deadlines are extended. In the event that an action could be properly filed in more than one county, the deadline shall be extended only in the county or counties where a disaster is declared by order.

Effective April 10, 2008.

CONTRACTS**Public Chapter No. 1088 (HB3810) Contracts for stabilizing the price of fuel:**

Amends T.C.A. Titles 4, 7, 9 and 67. Allows a municipality, upon approval of the governing body, to enter into negotiated contracts, including joint contracts with other municipalities or with financial institutions, for the purpose of stabilizing the net expense of a municipality incurred in purchasing gasoline, diesel, or both, actually purchased by the municipality.

Effective June 3, 2008.

CRIMES AND CRIMINAL PROCEDURE**Public Chapter No. 643 (HB2497) Release of indictments:**

Amends T.C.A. § 40-13-112(a) to clarify that this section does not preclude law enforcement from releasing indictments or the fact of indictment for the purpose of apprehending the subject of the indictment.

Effective July 1, 2008.



Public Chapter No. 744 (HB3798) Domestic abuse victims:

Amends T.C.A. Title 39, Chapter 13, Part 1, relative to the offense of domestic assault. Makes consistent the definition of “domestic abuse victim” for purposes of orders of protection and domestic assault. A domestic abuse victim is any person who falls within the following categories:

1. Adults or minors who are current or former spouses;
2. Adults or minors who live together or who have lived together;
3. Adults or minors who are dating or who have dated or who have or had a sexual relationship;
4. Adults or minors related by blood or adoption;
5. Adults or minors who are related or were formerly related by marriage; or
6. Adult or minor children of a person in a relationship that is described above.

Effective April 10, 2008.

Public Chapter No. 1018 (SB582) Mandatory jail time for DUI offenders:

Amends T.C.A. Title 55, Chapter 10, Part 4, by requiring all DUI offenders, regardless of age, to serve at least 48 hours in jail. Charges the probation offices or the county official administering the state litter removal grant with the responsibility of supervising litter removal punishments.

Effective July 1, 2008.

Public Chapter No. 1166 (SB219)

Convicted felons carrying firearms:

Amends T.C.A. Title 39, Chapter 17, Part 13, by prohibiting persons convicted of a felony involving the use or attempted use of force, violence, or a deadly weapon or a felony drug offense from possessing shotguns, rifles, or handguns.

Effective July 1, 2008.

Public Chapter No. 1167 (SB1054) Leaving the scene of an accident:

Amends T.C.A. Title 55, Chapter 10, Part 1, by requiring that when a person is charged with leaving the scene of an accident that results in death or injury and is also charged with vehicular assault, vehicular homicide, or aggravated vehicular homicide as a result of the same course of conduct, any sentence imposed for leaving the scene of the accident must be served consecutively to any sentence imposed for the applicable assault or homicide offense.

Effective July 1, 2008.

Public Chapter No. 1169 (SB1291) Dismissal of financial responsibility offenses:

Amends T.C.A. Title 55, Chapter 12, Part 1. Requires a court to dismiss a first-time offense of violating the financial responsibility law if the offender later, but before the court date, submits proof of compliance at the time of the violation. Allows for discretionary dismissal for subsequent violations. No cost or litigation taxes can be assessed for dismissal.

Effective July 1, 2008.

Public Chapter No. 1171 (SB2620) False and malicious reports of child abuse:

Amends T.C.A. § 37-1-413 by extending the offense of making false and malicious reports of child sexual abuse to include false and malicious reports “that a child has sustained any wound, injury, disability, or physical or mental condition caused by brutality, abuse or neglect.”

Effective July 1, 2008.

Public Chapter No. 1173 (SB2719) Intentionally displaying an imitation firearm:

Amends T.C.A. Title 39, Chapter 17, by creating the offense of intentionally displaying an imitation firearm in a threatening manner in a public place in such a way that a reasonable person would fear bodily injury or death to themselves or others.

Effective July 1, 2008.



Public Chapter No. 1176 (SB2866)

Unlawful possession of a firearm: Amends T.C.A. § 39-17-1307 by expanding the felony of unlawful possession of a weapon to include a person possessing a handgun who has been convicted of any felony.

Effective July 1, 2008.

Public Chapter No. 1194 (SB2815) Leaving the scene of a boating accident:

Amends T.C.A. § 69-9-210 by creating the offense of leaving the scene of a boating accident. Creates a Class A misdemeanor when injury results and a Class E felony when death results.

Effective July 1, 2008.

EASEMENTS

Public Chapter No. 1075 (SB3349) Extending easements for utility lines:

Amends T.C.A. Title 54, Chapter 14, by permitting a person who has been granted an easement for a private road to later petition for additional land along the road for the purpose of extending utility lines to the enclosed land.

Effective July 1, 2008.

Public Chapter No. 1082 (HB2509) Ingress and egress to landlocked property:

Amends T.C.A. Title 54, Chapter 14, Part 1. Provides that if one of the parcels surrounding the land where an easement for ingress and egress is located is owned by the federal government, the petitioner is not required to make the federal government a party defendant to the action. However, if an objection is filed, the objection must be served upon all parties. Further, the objection must contain a plat that contains an alternative route to the one identified by the jury of view. Demand for trial by jury is the exclusive remedy for relief from a finding of a jury of view.

Requires that when a court grants an order to open a road for ingress and egress for landlocked property, the width of the roadway must not exceed the width of the roads required by any subdivision regulations in effect and jurisdictionally appropriate. If no subdivision regulations are in effect, the maximum width of the road will be 25 feet or 15 feet in counties with a metropolitan form of government. If a person who possesses an ingress and egress easement or has been granted a petition for a private road determines that additional land is needed for the purpose of extending utility lines to the enclosed land, the person must file a new petition so requesting. Court may grant the request and direct a jury of view to mark an area for utility lines for an additional 15 feet.

Effective June 3, 2008.

EDUCATION

Public Chapter No. 612 (SB2629) Director of schools determines a teacher's fitness for

reemployment: Amends T.C.A. § 49-5-511 by granting the director of schools the authority to determine a teacher's fitness for reemployment. This authority was previously vested in the school board.

Effective March 11, 2008.

Public Chapter No. 647 (SB3284) Notice for amending director of schools term:

Amends T.C.A. § 49-2-203 (a)(14)(C) by requiring school boards to give 10 calendar days notice before extending the contract of, terminating the contract of, or removing a director of schools from office.

Effective March 25, 2008.



Public Chapter No. 683 (SB2612)

LEAs can lease and sell property: Amends T.C.A. § 49-2-203 (b)(10)(A) by granting local education authorities the authority to lease or sell buildings and property or portions of property. Any sale or lease must be preceded by a determination that the buildings and/or property are not being used or are not at present needed by the school system and that the lease or sale is in the best interest of the school system and the local community.

Effective April 2, 2008.

Public Chapter No. 691 (SB2546) Construction of modular buildings by vocational students:

Amends T.C.A. § 68-126-310 by increasing from one to five the number of modular buildings that LEA vocational students may annually construct and sell without complying with the Modular Building Act. Also removes the requirement that the modular homes be residential.

Effective July 1, 2008.

Public Chapter No. 795 (HB2775) Defibrillators

in public schools: Amends T.C.A. Title 49 by encouraging LEAs to, within budgetary limits, place automated external defibrillator (AED) devices in schools. LEAs must comply with present law provisions regarding use of AEDs in regard to the written plan, maintenance, and testing. Placement of an AED device must be supervised and endorsed by a physician and be registered with a local emergency service provider. The AED device must be placed in a location that is accessible during emergency situations. LEAs, individual schools, and employees are not civilly liable for any personal injury resulting from an act or omission that does not amount to willful or wanton misconduct or gross negligence if there has been compliance with an applicable AED program. No state funds are to be used to purchase or maintain an AED device.

For purposes of promulgating rules and regulations this bill is effective April 23, 2008. For all other purposes this bill is effective July 1, 2008.



Public Chapter No. 862 (HB3322) Non-toxic

art supplies: Amends T.C.A. Title 49. Requires all art supplies purchased by any school or school district for use by K-6 students to be certified non-toxic by the Arts and Creative Materials Institute (ACMI) and bear the Approved Product (AP) or Certified Product (CP) seal. Requires commissioner of agriculture, upon request of commissioner of education, to examine any art supply purchased by an LEA. Requires commissioner of education to make list of certified art supplies available to all school districts, preschools, childcare centers, and other entities that involve children in the use of art supplies. Requires commissioner of education to post on department's website appropriate resources for identifying whether an art supply is certified by the ACMI and other safety information. Requires commissioner of education to inform school districts of this act and encourage school districts to dispose of noncertified art supplies.

Effective July 1, 2008.

Public Chapter No. 865 (HB2790) Nonviolent

conflict resolution education: Amends T.C.A. Title 49, Chapter 6, Part 10, by encouraging public schools to include the use of nonviolence as a means of conflict resolution as part of character education curriculum.

Effective July 1, 2008.

Public Chapter No. 867 (HB2976) Career

and technical education grants: Amends T.C.A. Title 49. Establishes a system of grants outside of the BEP for additional funding of career and technical education. Creates annual grants to each LEA providing a career and technical education program for materials, supplies, and equipment and, if provided for in the guidelines, employment of career and technical education directors. Creates competitive grants for creating new career and technical education programs meeting industry standards, particularly in high demand, high wage industries; maintaining and enhancing high quality career and technical education programs that lead to employment or higher education; and implementing innovative exemplary career and technical programs with potential for replication. Competitive grants program will ensure that all applicant LEAs receive at least one grant in any three-year period.

Effective May 6, 2008.

Public Chapter No. 885 (HB2610)

LEA whistleblower protection: Amends

T.C.A. Titles 49 and 50. Prohibits any LEA from taking an adverse employment action against a teacher solely for refusing to participate in or refusing to remain silent about illegal activities. Creates a cause of action against any violating employer and allows plaintiff to recover reasonable attorney fees and costs. Conversely, allows employer to recover reasonable attorney fees and costs where employee brings suit for any improper purpose, such as to harass the employer.

Effective July 1, 2008.



Public Chapter No. 888 (HB2891) Career and technical work experience programs: Amends T.C.A. Titles 49 and 50. Permits the creation of work experience and career employment programs that provide study and employment in career and technical education programs for students 14 years of age or older, provided programs comply with state and federal law on employment of minors. Any LEA or public charter school desiring to offer such a program must apply for approval to the commissioner of education.

Effective May 8, 2008.

Public Chapter No. 898 (SB3024) School board ethics policies: Amends T.C.A. Title 8. Considers county, municipal, and special school districts as separate entities, governed by ethical standards established by their respective boards of education. Charges the Municipal Technical Advisory Service (MTAS) for municipalities, the County Technical Assistance Service (CTAS) for counties, and the Tennessee School Boards Association (TSBA) for school districts with disseminating models of ethical standards for officials and employees of their respective entities. School districts that adopt an ethics policy promulgated by one of the aforementioned entities are not required to file the policy with the commission but must notify the commission in writing that the policy was adopted and the date the action was taken.

Effective April 12, 2008.

Public Chapter No. 925 (SB3364) Leave for teachers: Amends T.C.A. Title 49, Chapter 5, Part 7, relative to available leave for teachers. Mandates that licensed teachers be granted leave for military service, legislative service, maternity, adoption, recuperation of health, or visitation of a spouse, child, or parent deployed for military duty out of the country who has been granted rest and recuperation leave and may be granted leave for educational improvements or other sufficient reason without forfeiture of accumulated leave credits, tenure status, or other fringe benefits. Such leave to visit a spouse, child, or parent deployed for military duty out of the country who has been granted rest and recuperation leave can be no more than 10 days.

Effective July 1, 2008.

Public Chapter No. 931 (HB81) High school graduation requirements: Amends T.C.A. Title 49. Requires each LEA to provide remediation services to any student who fails a portion of any examination required for graduation. Requires details of remediation be submitted in a report by each LEA to the commissioner of education. This report must also be included in each LEA's school improvement planning process.

Effective July 1, 2008.

Public Chapter No. 938 (SB3286) Funding for LEA Internet connectivity: Amends T.C.A. Title 49, Chapter 3. States the intent of the General Assembly to adequately fund access to Internet services for public school systems and that each LEA have their choice of providers. Charges the Department of Education with administering funding pursuant to an equitable formula. LEAs may expend funds in accordance with their local procurement regulations.

Effective May 16, 2008.



Public Chapter No. 940 (SB2155) Extending director of schools contract:

Amends T.C.A. § 49-2-203(a)(14) by prohibiting a school board from extending the contract of a director of schools without giving at least 15 calendar days notice prior to the scheduled meeting at which the action will take place. The action must be the first item on the agenda.

Effective May 19, 2008.

Public Chapter No. 963 (SB3341) School nutrition plans:

Amends T.C.A. Title 49, Chapter 6, Part 23. Requires each LEA school board to submit to the commissioner of education a plan for complying with the state's school nutrition program 60 days prior to the beginning of each school year. Plans must consider availability of local agricultural products, a farmer-friendly bidding process, and compliance with food safety standards.

Effective July 1, 2008.

Public Chapter No. 983 (SB2920) K-8 music instruction:

Amends T.C.A. Title 49, Chapter 6, Part 10, by requiring the course of instruction for grades K through 8 to include instruction in art and music. Encourages LEAs to fully implement the art and music curriculum adopted by the state board of education, as well as integration into other core academic subjects.

Effective July 1, 2008.

Public Chapter No. 989 (SB3702) Internet use policies in schools:

Amends T.C.A. Title 49, Chapter 1, Part 2. Requires a director of schools to biennially file an acceptable Internet use policy with the commissioner of education. The policy, which must be adopted by the local school board, has minimum requirements, including preventing inappropriate use and material, required filters for pornography, Internet safety programs, and parent communication. School principals must select the appropriate Internet filtering technology. Commissioner of education promulgates and distributes rules on Internet safety programs.

Effective July 1, 2008.

Public Chapter No. 1006 (HB4148) School accountability:

Amends T.C.A. Title 49, Chapter 1. States that probationary LEAs will be placed in improvement status for "failure to make adequate progress in meeting the rules, regulations and performance standards of the board." Grants schools placed on probation one year to meet performance standards before the commissioner of education has the authority to approve the allocation of state discretionary grants and/or provide technical assistance through an outside expert. Details the four-year improvement program for probationary LEAs.

Effective May 21, 2008.



Public Chapter No. 1037 (SB4104) Elective

Bible course in LEAs: Amends T.C.A. Title 49, by authorizing the state board of education to develop a curriculum for a state-funded elective course consisting of a nonsectarian, nonreligious academic study of the Bible and its influence on literature, art, music, culture, and politics. Must be taught in an objective and nondevotional manner with no attempt made to indoctrinate students. Must not include teaching of religious doctrine or sectarian interpretation of the Bible or of texts from other religious or cultural traditions. Must not disparage or encourage a commitment to a particular set of religious beliefs. Curricula must be approved by the board of education. Courses developed by one LEA and approved by the board of education may be adopted by another LEA without board of education approval. Individuals teaching the course must meet all certification requirements and all must not be selected based in whole or in part on any religious test, profession of faith or lack of faith, prior or present religious affiliation or lack of affiliation, or criteria involving particular beliefs or lack of beliefs about the Bible.

Effective July 1, 2008.

Public Chapter No. 1053 (HB2720) Notification of delinquency: Amends T.C.A. § 49-6-3051.

Requires the parents, guardians, or legal custodians, including the Department of Children's Services acting in any capacity and a school administrator of any school having previously received the same notice, to provide to a school principal or designee, notice of any student being adjudicated delinquent for certain offenses. This notification must be provided when the student initially enrolls in an LEA, resumes school attendance after suspension, expulsion or adjudication of delinquency, or changes schools within the state. Information contained in the notification must remain confidential and may be shared only with the employees of the school having responsibility for classroom instruction of the child, school counselor, social worker or psychologist, and school resource officer. Creates offenses for disclosing confidential information and failing to provide requisite notice.

Effective July 1, 2008.

Public Chapter No. 1054 (HB3268)

Administration of anti-seizure medication by

volunteer personnel: Amends T.C.A. Title 49, Chapter 5, by allowing volunteer school personnel with proper training to administer anti-seizure medications to a student in an emergency situation in accordance with the student's individual health plan. Training must be administered by a registered nurse employed or contracted by the LEA. If a nurse is available, on site, and able to reach the student within the same time limit for administration, then the nurse must administer the drug.

Department of Education will promulgate guidelines for these procedures. Volunteers must receive annual training in administering anti-seizure medication and CPR. Parental consent required before administration.

Effective July 1, 2008.



Public Chapter No. 1063 (SB2609) Special education restraint and isolation:

Amends T.C.A. Title 49, Chapter 10, by enacting the Special Education Isolation and Restraint Modernization and Positive Behavioral Supports Act. Authorizes restraining or isolating a student receiving special education services if the restraint or isolation is part of the student's individual education program (IEP). Also allows for restraint or isolation in emergency situations if necessary to ensure the physical safety of students or others nearby. Same-day notification of parents or guardians required. Use of restraint or isolation must be documented by the school. Chemical restraint is prohibited except where administered for therapeutic purposes under the direction of a physician and with parental consent.

Also authorizes school resources officers, who are fully compensated by a law enforcement agency, to, upon witnessing an offense, take a student into custody.

Effective for rulemaking purposes on May 28, 2008.

Effective for all other purposes January 1, 2009.

Public Chapter No. 1080 (SB2807) Criminal background checks for contracted employees on school grounds:

Amends T.C.A. Title 49, Chapter 5, Part 4, by clarifying that a person, corporation, or other entity who enters into or renews a contract or contracts with any person, corporation, or entity who enters into or renews a contract with a school, local board of education, or child-care program is required to obtain criminal background checks on all employees who go on school grounds. The following are exempted from this section's requirements: government personnel engaged in law enforcement; medical or emergency services; utility personnel; delivery or pick-up service providers; a person whose contract is for the performance of a service at a school-sponsored event at which school officials or employees are present when the service is performed and where the activity is conducted under the supervision of school officials or employees.

Effective May 30, 2008.

Public Chapter No. 1096 (SB2008) Virtual Public Schools Act:

Amends T.C.A. Title 49 by enacting the Virtual Public Schools Act. Requires the board of education to promulgate rules and regulations to enhance educational opportunities by using existing resources through technology.

Effective June 5, 2008.

Public Chapter No. 1097 (SB2162)

Promotion of parental involvement:

Amends T.C.A. § 49-2-305. Specifies that LEA parent involvement plans include the following opportunities for parents: organizing fund-raising initiatives; volunteering as a field trip chaperone; assisting in library, computer lab, or playground; offering after-school clubs; and recycling clothes.

Effective July 1, 2008.



Public Chapter No. 1102 (SB3409) LEA personnel reports: Amends T.C.A. § 49-1-201 by requiring each LEA's director of schools to submit to the Department of Education an annual personnel report that includes all noncertified personnel, part time or full time, employed by the LEA.

Effective July 1, 2008.

Public Chapter No. 1133 (SB3401) Charter school eligibility: Amends T.C.A. Title 49, Chapter 13, Part 1. Adds students in grades K-3 who are eligible for free or reduced-price lunch to the list of prospective students at public charter schools. Students must be enrolled no later than August 1 of each school year. Additionally, these students receive second priority.

Effective June 13, 2008.

Public Chapter No. 1154 (HB3146) School asthma plans: Amends Titles 49, 68, and 71, by requiring the Department of Health, in cooperation with the Department of Education, to develop a comprehensive asthma plan to be implemented in schools.

Effective June 13, 2008.

Public Chapter No. 1156 (HB3278) School Support Organizational Financial Accountability Act: Amends T.C.A. Title 49 by amending various provisions of the School Support Organization Financial Accountability Act.

Effective July 1, 2008.

Public Chapter No. 1175 (SB2809) Lottery monies for after school programs: Amends T.C.A. Title 4, Chapter 51, Part 1, and Title 49, Chapter 6, Part 7, by creating the lottery for education after-school programs grant fund.

Effective July 1, 2008.

Public Chapter No. 1180 (SB3285) Criminal background checks of students entering teacher training programs: Amends T.C.A. § 49-5-5610. Requires students entering teacher training programs to supply a fingerprint sample and submit to a TBI/FBI background check. Results are sent to the training program. Costs paid by the applicant.
Effective July 2, 2008.

Public Chapter No. 1188 (SB4039) Energy Efficient Schools Initiative: Amends T.C.A. Titles 4 and 49 by enacting the Energy Efficient Schools Initiative. Creates a 12-member council to establish guidelines for energy efficient schools and to award grants and loans to school systems to enact energy use objectives.
Effective July 1, 2008.

Public Chapter No. 1195 (SB2554) Prohibiting gang activity in schools: Amends Title 49, Chapter 6, by authorizing LEAs to promulgate and adopt rules and regulations to prohibit gang activity on school property. Requires each LEA, in consultation with local law enforcement, to annually evaluate the threat and influence of gangs in the community. If the LEA finds a substantial threat to its students, the LEA must institute a gang awareness program.

Effective July 1, 2008.



ELECTIONS

Public Chapter No. 772 (SB3899) Transition plans for municipal board of education elections:

Amends T.C.A. § 49-2-201 to allow any municipal board of education that, authorized by private act, implemented a transition plan to coincide the election of board members with the general state election, but which failed to comply, to, by private act and local approval, adopt a plan to now comply. Plan must be adopted and implementation begun by January 1, 2009.

Effective April 21, 2008.

Public Chapter No. 1087 (HB3687) Knox County convenience voting pilot project:

Amends T.C.A. Title 2, Chapter 3, by creating a pilot project in Knox County implemented by the state election coordinator in one or more municipalities holding a municipal election in 2009. The purpose of the pilot project is to determine whether convenient voting centers could be successfully established for state and local elections. Municipalities may indicate willingness to participate by their governing body passing a resolution by majority vote and forwarding that resolution to the county election commission. A four-fifths super majority of the county election commission must then vote to approve participation. State election coordinator will make final selection.

Effective June 3, 2008.

EMERGENCY SERVICES

Public Chapter No. 783 (HB3681) Ambulance color selection in Sullivan County:

Purports to allow Sullivan County to select the color scheme of the municipalities' ambulances within its boundaries, provided that the color scheme is the same used for the municipalities' fire department vehicles.

Effective April 21, 2008.

Public Chapter No. 786 (HB4119) Reckless burning and burning without a permit:

Amends T.C.A. Title 39, Chapter 14, Part 3, relative to the offenses of reckless burning, violating burning bans, and burning without a permit. Authorizes the commissioner of agriculture, in consultation with the state forester and the county mayors of impacted counties, to issue a burning ban prohibiting all open-air fires in any area of the state. A knowing violation of the ban would be considered reckless burning, a Class A misdemeanor. The offense of reckless burning is also amended to include violating a burning ban issued pursuant to the provision allowing the governor, during periods of extreme drought, to ban any open-air and unconfined fire on or near woodlands where dangerous fire hazards exist.

Effective April 21, 2008.



ENVIRONMENT

Public Chapter No. 794 (SB4200)

Underground petroleum storage tanks: Amends T.C.A. Title 68, Chapter 215, Part 1. Removes the requirement that the commissioner issue certificates to the owner or operator of each underground petroleum storage tank who has submitted the notification forms and paid all outstanding fees, interest and penalties. Makes it unlawful to place petroleum substances in underground petroleum storage tank or to dispense petroleum substances from a tank that the commissioner of TDEC has provided notice, either by tagging the dispenser or fill port or by posting on the department's website, is not in compliance. Charges the commissioner of TDEC with supervision over the placement and storage of petroleum substances in underground storage tanks and petroleum delivery requirements. Authorizes the commissioner to enter, at reasonable times, any areas where petroleum contamination is or may be present for the purposes of conducting investigations or remediating the contamination. Authorizes the commissioner to issue subpoenas as part of TDEC's enforcement authority. Finally, states that the petroleum underground storage tank fund is responsible for up to \$1 million with respect to a cleanup operation. The sum of the deductible paid by the owners or operator of the tank or the owner of the site.

Effective July 1, 2008.

Public Chapter No. 859 (SB3192) **Agreements for cover and food plots along utility easements:**

Amends T.C.A. § 70-1-302 by authorizing the Tennessee Wildlife Resources Agency to enter into agreements with TVA, United States Fish and Wildlife Service, National Park Service, United States Forest Service, any other federal agency, or with any public or private landowner in Tennessee for the purpose of planting cover and food plots along utility easements for the benefit of indigenous wildlife.

Effective May 6, 2008.

FINANCE

Public Chapter No. 742 (HB3505) **Investment trusts for certain postemployment benefits offered by governmental entities:**

Amends T.C.A. § 8-50-1203. Requires the investment committee of a political subdivision to adopt, in writing, an investment policy authorizing how assets in the trust may be invested. This policy cannot authorize assets in the trust to be invested in any instrument, obligation, security, or property that does not constitute a legal investment for assets of Tennessee domestic life insurance companies. Investment policies also may authorize assets in the trust to be invested and managed in accordance with the investment policy the political subdivision uses to manage pension assets provided, however, that the pension fund management must conform to the provisions of the Tennessee Uniform Prudent Investor Act of 2002 as amended.

Effective April 10, 2008.



Public Chapter No. 929 (SB3948)

Certified Municipal Finance Officers: Amends T.C.A. Title 6, Chapter 56, Part 4. Authorizes a municipality with \$100,000 or less in gross revenues for all funds, including utilities but excluding one-time, nonrecurring grants, and with debt totaling \$100,000 or less in the immediately preceding fiscal year to employ an individual who has earned at least 24 hours of continuing education units of financial education for the calendar year. The municipality may employ this person instead of a CMFO, or contract with a CMFO or qualified individual who is exempt from CMFO certification. A municipality with deficit total net assets or a negative change in net assets for three consecutive years or that is in default on any indebtedness, however, will be deemed financially distressed and be required to employ a CMFO or contract with a CMFO or a qualified individual who is exempt from CMFO certification. The CMFO compliance schedule is amended as follows:

July 1, 2006 – June 30, 2007	
Gross Revenues	Compliance Date
\$10 million or more	January 1, 2011
\$5 million to \$9,999,999	January 1, 2012
Less than \$5 million	January 1, 2013

Effective May 15, 2008.

Public Chapter No. 1057 (HB3863) County

revenue partnership fund: Amends T.C.A. Title 67. Establishes a separate account known as the “county revenue partnership fund” within the state general fund. Fund is subject to annual appropriation at a level to be determined by the General Assembly, but may not exceed the amount distributed to municipalities from the state sales tax for the previous fiscal year. No allocations may be made for the 2007-2008 or 2008-2009 fiscal years. In fiscal years where revenues are apportioned to the fund, the revenue must be allocated and distributed to all counties and metropolitan governments monthly by the commissioner of finance and administration in proportion to the population of the local government. County legislative body will direct the trustee to allocate and deposit the revenues.

Effective August 1, 2008.

FIREFIGHTING

Public Chapter No. 729 (SB4158) TFSCEA

donations: Amends T.C.A. Title 68, Chapter 102, Part 2, by adding a new section allowing the Tennessee Fire Service and Code Enforcement Academy to accept, for any of its purposes and functions, any and all donations of property, real, personal or mixed, and services or grants or money from any governmental unit or public agency or from any institution, person, firm or corporation. These monies must be deposited, disbursed, and administered in a trust fund.

Effective April 10, 2008.

Public Chapter No. 781 (HB3347) Firefighting

certification: Amends T.C.A. §4-24-107 by allowing the Commission on Firefighting Personnel Standards and Education to certify individuals who are not currently firefighters but who complete a commission-approved recruit training program.

Effective April 21, 2008.



Public Chapter No. 791 (SB4130) Volunteer firefighters excusal from work following a fire call

Amends T.C.A. Title 50, Chapter 1, relative to volunteer firefighters. Authorizes any employee who is an active volunteer firefighter, with the authorization of the employee's employer, to be permitted to leave work early in order to respond to fire calls without loss of pay, vacation time, sick leave, or earned overtime accumulation. Additionally, as a sick day or vacation day without loss of pay, such volunteer firefighters may be permitted to take off the next scheduled work period within 12 hours following a response to a fire call if the employee assisted in fighting the fire for more than four hours. Employers may require the employee to submit a written statement from the chief of the volunteer fire department verifying that the employee responded to a call or was on call and specifying the date, time, and duration of the response.

Effective July 1, 2008.

Public Chapter No. 799 (HB3279)

Paramedic training for firefighters: Amends T.C.A. § 68-140-527. Upon written intergovernmental agreement, paid career members of any fire department operating in a county in which a fire department operates its own fire training academy may receive paramedic training at the facility. The fire department operating the fire training academy has the option of permitting a firefighter recruit to have between three and five years to complete the paramedic training certification.

Effective July 1, 2008.

Public Chapter No. 843 (HB3867) County fire marshals

Amends T.C.A. Title 5, Chapter 6, Part 1, and Title 68, Chapter 102. Authorizes each county mayor to appoint a fire marshal whose duties are to coordinate the efforts of volunteer fire departments, enforce local fire safety regulations, and assist in the prevention of fire and arson. County mayor will establish compensation of fire marshal within the amount appropriated by the county legislative body.

Effective April 30, 2008.

Public Chapter No. 920 (SB2306) Fire Safety Standards and Firefighter Protection Act

Amends T.C.A. Title 68, Chapter 102, to enact the Fire Safety Standards and Firefighter Protection Act. Requires all cigarettes sold or offered for sale in this state to be tested for fire safety in accordance with standards promulgated in this section. Cigarettes certified by a manufacturer must be marked to indicate compliance. Creates civil penalties for selling or offering for sale any cigarettes not tested and marked compliant with this section and for making false certifications.

Creates a fire prevention and public safety fund from all civil penalties collected. These monies will be available to the state fire marshal to support fire safety and prevention programs. Local governments may not enact or enforce any ordinance or local law conflicting with, or preempted, by this act.

For the purposes of rulemaking this act becomes effective July 1, 2008. For all other purposes this act becomes effective January 1, 2010.



FIREWORKS

Public Chapter No. 1076 (SB3821) Continuing education for fireworks display operators:

Amends T.C.A. § 68-104-208(d) by permitting operators of fireworks displays to retake certification examinations every two years in lieu of sitting for continuing education credit. Waives the requirement that an applicant submit three verification of experience forms if certification is renewed via appropriate reexamination in lieu of continuing education training before the expiration date for certification. Limits the maximum amount that may be charged for an expedited public display permit to twice the amount of the regular fee.

Effective May 28, 2008.

Public Chapter No. 1130 (SB3120) Fireworks displays:

Amends T.C.A. Title 68, Chapter 104, Part 2, relative to fireworks. Removes requirement that a local government be a licensed exhibitor to perform an outdoor fireworks display, indoor or outdoor proximate pyrotechnic display, or outdoor display using flame effects. Requires that an individual or entity supplying fireworks, proximate pyrotechnics, or flame effects for display purposes be a licensed exhibitor or distributor.

Local governments conducting an indoor or outdoor proximate pyrotechnic display or display using flame effects must obtain a permit from the fire marshal for the event, have a certified operator supervising or discharging the display, show proof of insurance, and have pyrotechnic materials supplied or purchased from a licensed exhibitor.

Effective June 13, 2008.

LAW ENFORCEMENT

Public Chapter No. 701 (SB3953) Arrestee fingerprints:

Amends T.C.A. Titles 8 and 38. Requires booking agencies that manually maintain fingerprints to mail two sets of properly completed fingerprint cards to the TBI. Requires booking agencies that send fingerprints electronically to maintain with the arrest report one hard copy of the fingerprints and acknowledgement from the TBI that the electronic copy was received and accepted.

Effective July 1, 2008.

Public Chapter No. 785 (HB3983) Reserve officers may use flashing lights on vehicles:

Amends T.C.A. § 55-9-414 by allowing in every city and county, upon authorization by local sheriff or chief of police, reserve or auxiliary police officers to operate official motor vehicles using blue or red flashing emergency lights.

Effective April 21, 2008.

Public Chapter No. 830 (SB4155) Fees for fingerprint-based background checks:

Amends T.C.A. Title 38, Chapter 6, Part 1. Replaces the current TBI fee schedule for fingerprint searches with the fee schedule established by the Federal Bureau of Investigation.

Effective April 30, 2008.

Public Chapter No. 881 (SB4159) Transfer of inmates for prerelease programs:

Amends T.C.A. Title 41, Chapter 1, Part 1, relative to transfer of department of correction inmates to local confinement for participation in local prerelease programs. Authorizes the commissioner of the Department of Correction to enter into agreements with local governments for the transfer of department inmates to local facilities for participation in prerelease programs.

Effective May 8, 2008.



Public Chapter No. 972 (HB3281) Retired highway patrol officers eligible for employment with local law enforcement agencies: Amends

T.C.A. Title 4, Chapter 7, relative to retired members of the Tennessee Highway Patrol. Makes retired members of the Tennessee Highway Patrol eligible for employment by local law enforcement agencies, provided the retired member meets the certification and firearms training requirements of the local law enforcement agency.

Effective May 19, 2008.

Public Chapter No. 977 (HB4001) Racial Profiling Prevention Act: Amends T.C.A. Titles 4 and 38,

enacting the Racial Profiling Prevention Act. Encourages law enforcement agencies, including municipal police departments, to adopt a written policy that prohibits racial profiling.

Effective July 1, 2008.

Public Chapter No. 1092 (HB3958) Regional Jail Authority Act: Amends T.C.A. Titles 5, 6, 7, 8, 9,

21, and 41, by enacting the Regional Jail Authority Act. Allows the governing bodies of two or more local governmental entities to create a regional jail authority. Authorities are created to acquire, construct, equip, maintain, and operate jails or workhouses. Authorities have the right to contract and to do any and all things deemed necessary by the authority. Authorities have power of condemnation. Authorities may issue bonds in the same manner as local governments.

Requires each governing body of the governmental entities proposing to create an authority to adopt, and the governing body's executive officer to approve, a resolution calling for a joint public hearing involving all interested local government parties. Notice of the hearing must be published at least once a week for two consecutive weeks in a newspaper of general circulation in the

jurisdictional bounds of the governmental entity proposing the authority. After the hearing, the governing bodies of the local governments must adopt, and their executive officers must approve, an ordinance creating the authority. Each entity must pay a pro rata share of the authority's expenses. Authority property and revenues are exempt from all state, county, and municipal taxation. Participating local governments may not withdraw from an authority once an obligation has been incurred without unanimous vote of the members. Local governments may become members after the authority's creation by concurrent resolutions of members.

Authority board of directors consists of the following:

1. Chief executive officer of each participating local government;
2. Sheriff of each participating county;
3. One member selected by the legislative body of each participating county;
4. The comptroller of Tennessee or designee;
5. The commissioner of correction or designee;
6. The district attorney serving each affected judicial district or designee;
7. The district public defender serving each affected judicial district or designee;
8. One judge selected by the judges serving each affected judicial district;
9. Mayor of each participating municipality; and
10. One member of the governing body of each participating municipality;

Board must appoint an executive officer who is responsible for all personnel matters related to the authority and a superintendent to administer any jails owned by the authority.

Effective October 1, 2008.



Public Chapter No. 1152 (HB3034) Courtroom security training: Amends T.C.A. Titles 5 and 38 by requiring deputy sheriffs newly assigned to courts to participate in 40 hours of basic training in courthouse security within 12 months of assignment. Every year thereafter such deputies must participate in at least 16 hours of courthouse security training approved by the POST commission. A law enforcement officer may substitute a maximum of 40 hours of successfully completed training in courthouse security for regular continuing education hours.

Effective July 1, 2008.

METROPOLITAN GOVERNMENT

Public Chapter No. 770 (SB3635) Economic impact plans: Amends T.C.A. Title 7, Chapter 53. Authorizes an industrial corporation applicant to propose the establishment of an economic impact plan in Davidson County. It is mandatory that the applicant first prepare and submit an economic impact statement to the mayor for approval. The mayor must then forward an approved economic impact plan to the corporation for approval. Upon approval, the corporation would submit the plan to the governing body of the municipality. Upon approval of the governing body, municipal property tax rate is frozen at the base tax amount of the preceding year; all excess must be deposited into a separate fund and used to pay the board's expenses in promoting economic development.

Effective July 1, 2008.

Public Chapter No. 775 (HB398) Vehicle theft investigation: Amends T.C.A. Title 4, Chapter 7, Part 4, and Title 55, Chapter 5, relative to motor vehicle antitheft provisions in Metro Davidson County. Gives Metro Nashville Police concurrent jurisdiction with the criminal investigation division to investigate theft and recovery of stolen vehicles.

Effective January 1, 2009.

Public Chapter No. 1091 (HB3899) Nonconforming motor vehicle businesses: Amends T.C.A. Title 13, Chapter 7, Part 2. In Metro Davidson County any nonconforming motor vehicle business establishment use may be terminated after notice and a hearing before the board of zoning appeals finding that the following have been established in the record:

1. Another motor vehicle business establishment is within 1,000 feet of, or in the same block as, or in the block across a public street or road from the nonconforming establishment;
2. The parcel on which the nonconforming establishment is located has less than 250 feet of frontage on any public street or road, excluding any portion of the frontage not owned or leased by the operator of the nonconforming establishment; and
3. At least 10 percent of the inventory of the nonconforming establishment at any point in time consists of wrecked, damaged, dismantled, or rebuilt motor vehicles.

Effective June 3, 2008.



MOTOR VEHICLES AND TRAFFIC

Public Chapter No. 616 (SB2657) Financial responsibility limits:

Amends T.C.A. § 55-12-102. Requires, as of December 31, 2008, proof of one of the following before driving an automobile in the state of Tennessee:

1. A single limit policy with a limit of not less than \$60,000 applicable to a single accident;
2. A split-limit policy with a limit of not less than \$25,000 for bodily injury to or death of one person, not less than \$50,000 for bodily injury to or death of two or more persons in any one accident, and not less than \$15,000 for damage to property in any one accident;
3. A deposit of cash with the commissioner in the amount of \$60,000; or
4. The execution and filing of a bond with the commissioner in the amount of \$60,000.

An insured person holding a policy in compliance with the financial responsibility law on December 31, 2008, will not be deemed in violation of the law if the policy meets the new law as of the first renewal date of the policy.

Effective March 11, 2008.

Public Chapter No. 651 (HB2547) Accident response fees prohibited:

Amends T.C.A. § 55-10-108 by prohibiting any person or entity, including a municipality, from imposing an accident response service fee on an insurance company, a driver or owner of a motor vehicle, or any other person. Nothing in this bill, however, prevents any local government from billing any insurance company, driver or owner of a motor vehicle, or any other person for ambulance services provided in response to or in conjunction with emergency response to motor vehicle accidents.

Effective March 27, 2008.

Public Chapter No. 693 (SB2833) Parking on ramps prohibited:

Amends T.C.A. § 55-8-158. Prohibits parking or leaving a motor vehicle on an exit or entrance ramp of any highway unless the vehicle is disabled and not obstructing traffic.

Effective April 7, 2008.

Public Chapter No. 719 (SB3136) Low-speed vehicles:

Amends T.C.A. § 55-1-122. For purposes of Rules of the Road, expands the definition of low-speed vehicles to include gas-powered, as well as electric, vehicles.

Effective April 10, 2008.

Public Chapter No. 722 (SB3487) Regulation of wheel immobilizing devices:

Amends T.C.A. Title 6, Chapter 54, by authorizing municipalities to regulate the use of wheel immobilizers to disable vehicles.

Effective April 10, 2008.

Public Chapter No. 776 (HB2653) Pedestrian rights of way in school zones:

Amends T.C.A. § 55-8-134. Purports to require drivers to yield the right of way to a pedestrian in a crosswalk when in a marked school zone, warning flasher is not in operation, and traffic-control signals are not in place or not in operation. Also requires drivers to yield the right of way to a pedestrian crossing a roadway, whether or not in a crosswalk, when in a marked school zone with warning flasher in operation.

Effective July 1, 2008.

Public Chapter No. 777 (HB2928) Definition of disabled driver:

Amends T.C.A. § 55-21-103 by including within the definition of “disabled driver” an owner of a motor vehicle who has vision of not less than 20/200 with correcting glasses in both functioning eyes.

Effective July 1, 2008.



Public Chapter No. 780 (HB3260) Persons using wheelchairs considered pedestrians: Amends T.C.A. § 55-8-101 by redefining “pedestrian” to include any person afoot or using a motorized or nonmotorized wheelchair.

Effective July 1, 2008.

Public Chapter No. 790 (SB3790) Financial responsibility of drivers under 18: Amends T.C.A. §55-50-505(a) by requiring drivers under 18 at the time of a motor vehicle accident or traffic violation to file proof of financial responsibility before their driver’s license is reinstated.

Effective April 22, 2008.

Public Chapter No. 909 (SB2706) Unauthorized use of disabled parking spots and placards: Amends T.C.A. §55-21-108. Increases the fine for unauthorized parking in a spot limited to disabled persons from \$150 to \$200, which cannot be suspended or waived, and not more than five hours of community service. Community service, if imposed, must be to assist the disabled community by monitoring disabled parking spaces, providing assistance to handicapped centers or disabled veterans, or other such purposes.

Effective July 1, 2008.

Public Chapter No. 956 (SB2571) Disabled parking spaces: Amends T.C.A. § 55-21-105.

Purports to require every person or entity transacting business with the public at a permanent location to provide, roughly, one accessible space per every 25 parking spaces. No person or entity is required to provide more than nine total accessible spaces. Where there are four accessible spaces, at least one must be van accessible. Where there are more than four accessible spaces, then at least two per eight accessible spaces must be van accessible. Also requires additional signage.

Effective May 19, 2008.

Public Chapter No. 959 (SB2857) Medium-speed vehicles: Amends T.C.A. Title 55. Defines

a “medium-speed vehicle” as any four-wheeled electric or gasoline powered vehicle, excluding golf carts, whose top speed is between 30 and 35 miles per hour and which meets the federal safety standards of 49 CFR 571.500. Allows persons with a valid Class D driver’s license to operate a medium-speed vehicle on roads where the posted speed limit is 40 miles per hour or less. Local governments may prohibit the operation of medium-speed vehicles on any road under their jurisdiction if the governing body determines this is necessary to preserve the public safety.

Effective July 1, 2008.



Public Chapter No. 962 (SB3258) Traffic citations based upon surveillance camera evidence:

Amends T.C.A. Title 55. States that a traffic citation based solely upon evidence obtained from a surveillance camera that has been installed to enforce or monitor traffic violations is considered a nonmoving violation. Requires an employee of the applicable law enforcement agency to review video evidence and determine whether a violation occurred. If the law enforcement employee determines a violation did occur, a citation must be sent by first-class mail to the registered owner of the vehicle. Citation must allow for payment within 30 days of mailing. No additional penalty or costs may be assessed for nonpayment unless a second notice is sent by first-class mail allowing for an additional 30 days. Exempts emergency vehicles with active emergency lights, vehicles moving through the intersection to avoid an emergency vehicle, vehicles under police escort, and vehicles in funeral processions. Owner of the vehicle is responsible for the citation unless on or before the court date the owner provides an affidavit stating the name and address of the person who leased, rented, or had care, custody, or control of the vehicle at the time of the violation. Owner may also provide an affidavit stating that the vehicle had been stolen prior to the time of the violation.

Effective July 1, 2008.

Public Chapter No. 964 (SB3423) Yellow light times:

Prohibits municipalities employing a surveillance camera for enforcing or monitoring traffic violations from reducing the time of the yellow light at these intersections with the intent of increasing the number of traffic violations.

Effective May 19, 2008.

Public Chapter No. 967 (SB4008) LED lights on driver education vehicles:

Amends T.C.A. Title 55, Chapter 9, to authorize motor vehicles used in driver education and training courses to be equipped with amber LED lights in the front and rear of the vehicles. Class D vehicles used for driver education and training courses may be equipped with amber LED lights if the lights are in the driver's line of sight.

Effective May 19, 2008.

Public Chapter No. 986 (SB3143) Ignoring flood warnings:

Amends T.C.A. Title 29, Chapter 20; Title 55, Chapter 10; and Title 55, Chapter 8, relative to motor vehicles. Provides that a driver of a motor vehicle who knowingly ignores a clearly visible flood warning or barricade placed at a flooded road area commits the offense of reckless driving. Emergency vehicles are exempted from the offense. Provides governmental immunity for the entity posting the sign or barricade.

Effective July 1, 2008.

Public Chapter No. 1121 (SB2716) Energy efficient vehicles in HOV lanes:

Amends T.C.A. Title 55, Chapter 8, Part 1, by authorizing a vehicle with a gross weight of 26,000 pounds or less that is an inherently low-emission vehicle (ILEV) or a low-emission and energy-efficient vehicle (LEEEV) to be operated in an HOV lane. Operating in HOV lanes requires a decal issued by the Department of Revenue. If this section results in a decrease in federal funding or is found to violate federal law then such use may be rescinded.

Effective June 13, 2008.



Public Chapter No. 1144 (HB1656)

Temporary trailer permits/Wheelchairs: Amends T.C.A. Title 5. Allows the commissioner of revenue to issue temporary trailer permits for operation of a motor vehicle using a trailer, which is not subject to registration in Tennessee, for a period of no more than five days. Sets the fee at \$9.

Expands the definition of pedestrian for Rules of the Road to include a person using a wheelchair. Allows a person using a wheelchair to move along the left side of a road, facing oncoming traffic, where no sidewalk is provided. Allows a person in a wheelchair to move along either side of a road, where no sidewalk is provided, when it is convenient or reasonably necessary.

Effective July 1, 2008.

Public Chapter No. 1151 (HB2994) Motorcycle

licenses: Amends T.C.A. Title 55, Chapter 50, by requiring minors to be at least 15 years old to obtain a motor-driven cycle or a motorized bicycle license.

Effective July 1, 2008.

Public Chapter No. 1181 (SB3379) Driver's

education registry: Amends T.C.A. Title 55, Chapters 10 and 50, by requiring the Department of Safety to maintain records of drivers who complete court-ordered driver's education programs. Requires court clerks to remit certification of program completion to the Department of Safety. Remittance must be made upon a form to be established by the commissioner.

Effective July 1, 2008.

OPEN MEETINGS

Public Chapter No. 917 (HB3504) Open meetings of public hospitals:

Amends T.C.A. Title 68, Chapter 11. Allows hospitals that are subject to the open meetings or open records law to meet in closed meetings to discuss marketing strategies and strategic plans, including feasibility studies. Additionally, the records addressing these marketing strategies and strategic plans are exempted from public disclosure, although still subject to subpoena. Actions by hospital boards adopting specific strategies or plans are subject to the open meetings law. Likewise, the studies that were considered in the adoption of the specific plan or strategy become subject to the open records law upon the adoption of a specific plan or strategy. These records must be available at least seven days before any vote to adopt a strategy.

Provides procedure for entering into a closed meeting.

Effective May 14, 2008.

PERSONNEL

Public Chapter No. 757 (SB2948) Davidson and Shelby counties exempted from UAPA conformity in contested case hearings:

Amends T.C.A. § 27-9-114 by exempting Davidson and Shelby counties from the present requirement that contested case hearings by civil service boards and judicial reviews that affect the employment status of a civil service employee be in conformity with UAPA.

Effective April 2, 2008.



Public Chapter No. 768 (SB3191) Infant hearing screenings: Amends T.C.A. Titles 37, 56 & 68, relative to children's health screenings. Requires any health insurance policy, medical services contract, hospital services contract, managed health insurance issuer contract, fraternal benefits society plan, or health maintenance organization plan that provides coverage for hospital and surgical expense insurance and which is delivered, issued for delivery, amended, or renewed in this state on or after July 1, 2008, to provide coverage for infant hearing screening tests.

Effective July 1, 2008.

Public Chapter No. 1105 (SB4102) Restoration of pay following required leave: Requires a municipality or county with a personnel policy that places an employee on leave for any period of time immediately following any arrest to restore the back pay to the employee if the charges are dropped or the employee is found not guilty. Does not apply if the employee pleads guilty or enters a plea agreement.

Effective July 1, 2008.

PERSONNEL — RETIREMENT

Public Chapter No. 674 (SB3276) TCRS pension and compensation: Amends numerous sections of T.C.A. Title 8 relative to pensions and compensation programs for public officers and employees. Revises several provisions governing pension and compensation programs for public employees, including provisions governing hearing officers, automatic coverage of political subdivisions participating in TCRS in regard to changes in the law with limited increase in the aggregate pension liability, and trustees of deferred and tax-sheltered compensation plans for state employees. Specific to local governments, the bill authorizes municipalities to make available to their employees, via resolution or ordinance of the governing body, either

a cafeteria plan as permitted by § 125 of the Internal Revenue Code of 1986, as amended, or a qualified transportation fringe benefit plan in accordance with § 132(f) of the Internal Revenue Code of 1986, as amended, or both.

Adds that any TCRS retirement benefit improvement passed by the legislature will automatically apply to participating municipalities on the January 1 following the effective date if the aggregate pension liability of all participating political subdivisions is increased not more than 1 percent. Municipalities may, however, opt out by filing with the Tennessee Consolidated Retirement System no later than the November 1 following the effective date.

Allows, but does not require, municipal resolutions adopting a mandatory retirement age requirement to include the deferral of the effective date of the mandatory retirement requirement up to the July 1 following the passage of 12 months from the effective date of the resolution. No such deferral can affect the right, if any, of a member to receive the supplemental bridge benefit provided for in T.C.A. § 8-36-211.

Allows cities, via resolution of the governing body, to assume employee contributions to TCRS of up to 5 percent of the employee's earnable compensation.

Effective April 1, 2008.



Public Chapter No. 991 (SB3813) Pension

and other post-employment benefits: Amends T.C.A. Title 9, Chapter 21. Municipalities with populations over 150,000 may issue revenue bonds for certain unfunded post-employment benefits, including prescription drugs, dental, medical, vision, hearing, Medicare parts B and D premiums, life insurance, long-term care, and long-term disability. Bonds, general obligation or revenue, may be issued under the Local Government Public Obligations Act for the certain benefits or for not greater than 50 percent of the value of the benefits if approved by the state funding board after receiving a recommendation by the state director of local finance. Bonds issued pursuant to this act mature in a maximum of 30 years from their respective dates and the proceeds must be invested according to the Local Government Public Obligations Act.

Effective May 21, 2008.

Public Chapter No. 1017 (SB3245) Multiple TCRS

beneficiaries: Amends T.C.A. Title 8, Chapter 36, by allowing TCRS members to designate, upon retirement and afterwards, more than one person as beneficiary under one of the following options:

1. **Option 1.** A reduced retirement allowance payable during the retired member's life with the provision that it will continue after the member's death for the life of, and to, the beneficiary nominated by the member by written designation duly acknowledged and filed with the board of trustees at the time of retirement;
2. **Option 2.** A reduced retirement allowance payable during the retired member's life with the provision that it will continue after the member's death at one-half the rate paid to the member and be paid for the life of, and to, the beneficiary nominated by the member by written designation duly acknowledged and filed with the board of trustees at the time of retirement;

3. **Option 3.** A reduced retirement allowance payable during the retired member's life with the provision that it will continue after the member's death for the life of, and to, the beneficiary nominated by the member by written designation duly acknowledged and filed with the board of trustees at the time of retirement, provided that if the designated beneficiary predeceases the retired member, the retirement allowance payable to the member after the death of the designated beneficiary will be equal to the retirement allowance which would have been payable had the member not elected an option; or
4. **Option 4.** A reduced retirement allowance payable during the retired member's life with the provision that it will continue after the member's death at one-half the rate paid to the member and be paid for the life of, and to, the beneficiary nominated by the member by written designation duly acknowledged and filed with the board of trustees at the time of retirement, provided that if the designated beneficiary predeceases the retired member, the retirement allowance payable to the member after death of the designated beneficiary shall be equal to the retirement allowance that would have been payable had the member not elected an option.

Effective May 22, 2008.



PLANNING AND ZONING

Public Chapter No. 746 (HB3858) Utility construction under planning laws: Amends T.C.A. Title 13, Chapter 3, Part 4, and Title 13, Chapter 4, Part 3, relative to public planning. Specifies that for purposes of determining whether subdivision plats must be submitted to municipal or regional planning commissions for approval, the term “utility construction” does not include the mere extension of individual service pipes or lines for the purpose of connecting a single lot, site, or other division to existing utility mains.

Effective April 10, 2008.

Public Chapter No. 860 (SB3703) Moving of single-family residences: Amends T.C.A. Title 13, Chapter 3, Part 5, relative to the moving of single-family residences from one foundation to another located within a developed area of single-family residences. Specifies that the value of the house being moved may be greater and the size larger than that of the existing residences.

Effective May 6, 2008.

Public Chapter No. 984 (SB2946) Regional planning commission plat approval: Amends T.C.A. § 13-3-404 by changing the time within which regional planning commissions must approve or disapprove a plat before a plat is deemed approved to 60 days after initial consideration of the plat by the planning commission meeting in a regularly scheduled meeting. If, however, the end of the 60-day period falls on a holiday or on the day of an unexpected event that closes municipal or county government offices, the plat must be approved or disapproved at the next regularly scheduled meeting of the planning commission.

Also requires that a plat filed with the appropriate officials of the planning commission be placed on the agenda of the planning commission within 30 days of the filing or the next regularly scheduled planning commission meeting after the 30-day period. The applicant may waive this requirement.

Effective May 21, 2008.

Public Chapter No. 1008 (HB649) Gated communities: Amends T.C.A. Titles 5, 6, 7, 13 and 68 by establishing requirements applicable to secured access gate systems. Grants overlapping jurisdiction for reviewing installation or replacement plans for security gates or barriers at gated facilities or communities to:

1. Regional planning commissions;
2. Municipal planning commissions serving as regional planning commissions;
3. Community planning commissions;
4. Municipal planning commissions;
5. County or municipal zoning boards; and
6. County or municipal legislative bodies if none of the aforementioned agencies have been created in the affected area. In this situation, a local governing body must appoint an official to review all plans and report findings to the body.

Requires the developer or owner of a property to obtain a permit from the requisite authority before installing or replacing a security gate or barrier. County or municipal building or codes inspector must inspect the security gate or barrier. Gates and barriers must be equipped with a radio-operated receiver/controller capable of receiving signals from police, fire, utility, and emergency medical services radio transceivers serving the facility.



Applies in multifamily residential, commercial, and industrial gated communities and facilities with a gate or barrier to block entrance to the facility or community from a public street. Additionally, these requirements are applicable only where the driveway or access road leading to the gate is 24 feet or greater in width.

Effective May 22, 2008.

Public Chapter No. 1049 (HB3830) Design review commissions: Amends T.C.A. Title 6, Chapter 54, by authorizing any municipality to create a design review commission. Design review commissions have the authority to develop general guidelines for the exterior appearance of nonresidential property, multiple family residential property, and any entrance to a nonresidential development within the municipality. A municipality's governing body may designate the planning commission as the design review commission. However, if the municipality creates a separate design review commission, the mayor must appoint the members, who must be residents of the municipality. Affected property owners may appeal decisions to the planning commission or, if there is no planning commission or if the municipality has designated the planning commission as the design review commission, to the municipality's governing body.

Effective May 28, 2008.

Public Chapter No. 1150 (HB2760) Plans to identify areas with inadequate services: Amends T.C.A. Title 13 relative to public planning. Expands the contents of a regional plan to include the planning commission's recommendations for "the identification of areas where there are inadequate or nonexistent publicly or privately owned and maintained services and facilities when the planning commission has determined such services are necessary in order for development to occur." Applicable to all planning commissions, including municipal planning commissions, regional planning commissions, and municipal planning commissions serving as regional planning commissions. Requires, prior to the adoption, amendment, or addition to a general plan or any part, a public hearing, preceded by a 30-day notice published in a newspaper of general circulation in the county affected.

Once a planning commission adopts a general plan, it may include, in the transmittal of certification to the local governing body, a resolution requesting the local governing body's consideration and adoption of the submitted plan. The governing body may adopt by ordinance the general plan or their part. Prior to their adoption, the local governing body must hold a public hearing preceded by a 30-day notice published in a newspaper of general circulation in the affected county. Land use decisions thereafter must be consistent with the general plan after the governing body adopts the plan.



If the planning commission initiates and votes to adopt an amendment to the general plan, the local governing body must vote in the majority to make the amendment operative. However, in Cannon, Clay, DeKalb, Macon, Smith, Trousdale, and Wilson counties, if the planning commission initiates and votes to adopt an amendment to the general plan, the amendment is operative without any action of the local governing body.

A general plan may be amended upon the initiative of the local governing body; however, such initiative must first be forwarded to the planning commission for review and vote. A planning commission then has 61 days to transmit its recommendations to the local governing body. The local governing body may then vote, by majority approval, to make the amendment operative. However, in Cannon, Clay, DeKalb, Macon, Smith, Trousdale, and Wilson counties, if the planning commission votes to approve the amendment, it becomes operative without action of the local governing body. Requires that any member of the Signal Mountain planning commission be appointed by a majority vote of the legislative body of the municipality, rather than by the mayor.

Effective June 13, 2008.

PURCHASING

Public Chapter No. 879 (SB4003) Public advertisement limits in certain municipalities:

Amends T.C.A. Title 6, Chapter 56, Part 3, relative to municipal purchasing. Permits municipal governing bodies in cities with populations of not less than 40,000 nor more than 42,500 or populations over 150,000, according to the 2000 federal census or any subsequent census, to increase the minimum dollar amount required for public advertisement and competitive bidding to a maximum not to exceed \$25,000, provided that purchases of between \$10,000 and \$25,000 shall, wherever possible, be based upon at least three competitive bids.

Effective May 8, 2008.

RECORDS

Public Chapter No. 681 (SB4161) Accident report information open:

Amends T.C.A. § 55-10-108 by stating that information on automobile liability insurance in motor vehicle accident reports is open to public inspection.

Effective April 1, 2008.

Public Chapter No. 688 (SB3671) Laptop security procedures required:

Amends T.C.A. Title 5, Title 6, Title 12 and Title 29, by requiring all municipalities to create safeguards and procedures for ensuring that confidential information regarding citizens is securely protected on all laptop computers and other removable storage devices used by municipalities. Failure to comply creates a cause of action or claim for damages against the municipality if a citizen of the state proves by clear and convincing evidence that the citizen was a victim of identity theft due to a failure to provide safeguards and procedures regarding that citizen's confidential information. Apparently there is no limit to this liability.

Effective July 1, 2008.



Public Chapter No. 853 (SB3668) Municipal employee information confidential: Amends T.C.A. Title 10, Chapter 7, Part 5, relative to public records. Expands the scope of the confidential municipal employee personal information to include home telephone numbers, personal cell phone numbers and residential street addresses.

Effective May 1, 2008.

Public Chapter No. 1146 (HB2469) Release of confidential DCS information: Amends T.C.A. Title 37 by allowing the release of the confidential records of the Department of Children's Services in certain situations. The department must release records to any law enforcement agency, grand jury, or court upon presentation of a court order. The department must release records to a local government entity or its agent if the entity requires the information in order to carry out its responsibilities under law to protect children from abuse and neglect in compliance with 42 U.S.C. § 5106a(b)(2)(x). Upon placement of a child in the custody of a local agency, that local agency must be granted access to any records related to the child.

Effective July 1, 2008.

Public Chapter No. 1179 (SB3280) Open records amendments: Amends T.C.A. Titles 8 and 10.

Requires records custodians to, within seven days of a records request, produce the record; deny the record in writing, giving the basis for denial; or provide an estimated time frame for production. Failure to do so constitutes a denial of request and gives the requestor a right to bring an action.

Charges the Office of Open Records Counsel with creating a schedule of reasonable charges for open records requests. Until the schedule is produced, governmental entities may charge a requestor the hourly wage of the employee producing records requests where production takes more than five hours. No labor costs will be assessed for the first five hours.

Clarifies that governmental entities do not have to create a record that does not exist. However, redaction of information from a record or electronic database does not constitute a new record. Clarifies that a governmental entity may not avoid its disclosure obligations by contractually delegating its responsibility to a private entity.

A records custodian may require a request for copies of public records to be in writing or on a form developed by the Office of Open Records Counsel. Custodian may also require any citizen making a request to present photo identification.

Specifies that actions brought under this section may be initiated in circuit court as well as chancery court. In actions brought under this section, the court may consider guidance provided by the Office of Open Records Counsel in determining the willfulness of denial.



Creates the Office of Open Records Counsel that provides local governments information and informal opinions on open records questions. Opinions are posted on the office's website. Authorizes the office to mediate open records disputes and creates a 10-member advisory council for the Office of Open Records.

Effective July 1, 2008.

STREETS AND PUBLIC WAYS

Public Chapter No. 671 (SB2727)

UT Medical Center buildings exempted

from scenic height requirements: Amends T.C.A. § 54-17-117(a)(2)(T) by exempting buildings of the University of Tennessee Medical Center in Knoxville from the 35-foot height limitation that is otherwise imposed along designated scenic highways.

Effective July 1, 2008.

TAXES — AD VALOREM

Public Chapter No. 694 (SB3052) Headquarters exempted from ad valorem taxes in Shelby

County: Amends T.C.A. Title 7, Chapters 53 and 84, relative to economic development. Exempts from ad valorem taxes facilities that house the headquarters of an entity that agrees to make payments to a municipality in lieu of special assessments. Defines eligible headquarters facility as one located in a county with a population over 800,000 (Shelby County) that houses an international, national, or regional headquarters, and that agrees to make payments to the municipality in lieu of any special assessments or other fees or charges that would be levied on the project.

Effective April 7, 2008.

TAXES — BUSINESS

Public Chapter No. 1100 (SB3103)

Collection of delinquent business taxes: Amends T.C.A. § 67-4-719. Requires commissioner of revenue to collect tax, interest, and penalty when taxes have been delinquent for more than six months. Municipal tax collectors may collect the tax any time before the commissioner notifies the taxpayer of an audit of the taxpayer or takes any other action to collect the tax.

Effective June 5, 2008.

TAXES — HOTEL/MOTEL

Public Chapter No. 1004 (HB3926) Metro

Nashville hotel/motel tax: Amends T.C.A. Title 7, Chapter 4. Increases the Metro Nashville hotel/motel tax from \$2 to \$2.50 per room. Funds from this tax must be deposited into the event and marketing fund and used for the direct promotion of tourism. The authority to charge in excess of \$2 per room expires six years after the act's effective date.

Effective May 21, 2008.

Public Chapter No. 1184 (3846) Montgomery

County hotel/motel tax: Amends T.C.A. § 6-54-201 by authorizing municipalities in Montgomery County to, via an ordinance passed by two-thirds vote of the local governing body, appropriate monies from their general funds and/or hotel/motel tax funds to promote tourism.

Effective June 19, 2008.



TAXES — PROPERTY

Public Chapter No. 606 (HB887) Delinquent tax sale purchaser may file suit to quiet title: Amends T.C.A. § 67-5-2504, by allowing a delinquent tax sale purchaser to file suit to quiet title after expiration of the redemption period notwithstanding the deadline for tax sale challenges.

Effective February 11, 2008.

Public Chapter No. 680 (SB3942) Property taxes and assessments under appeal: Amends T.C.A. Title 67, Part 5. Limits judicial review as to exemptions requiring application to the state board of equalization unless the petitioner first obtains a ruling on the merits from the board or administrative judge sitting for the board concerning the exempt status, proper value, assessment or classification of the property. States that delinquency and penalty interest begins to accrue 30 days after issuance of the final assessment certificate of the board and until the tax is paid. The bar against collection tolls as to taxes at issue in an administrative appeal before the state board of equalization from the date of filing the appeal and ends upon the issuance of the final assessment certificate.

Effective April 1, 2008.

Public Chapter No. 802 (HB3728) Sales comparison approach in assessing minerals: Amends T.C.A. Title 67, Chapter 5. Authorizes use of sales comparison approach in assessing mineral interests and all other interests, not defined as products of the soil, in real property, including the interest that a lessee may have in and to improvements erected upon land where the fee, reversion, or remainder therein is exempt to the owner, and which interest or interests is or are owned separately from the general freehold.

Effective April 23, 2008.

Public Chapter No. 806 (SB2541) State tax relief eligibility: Amends T.C.A. § 67-5-703 by increasing from \$20,000 to \$24,000 the maximum allowable income for determining eligibility in the state tax relief program for totally and permanently disabled homeowners.

Effective April 14, 2008.

Public Chapter No. 1104 (SB3944) HOME and HOUSE property tax exemptions: Amends T.C.A. Title 67, Chapter 5, Part 2. Clarifies that HOME and HOUSE program exemptions must be for properties owned by nonprofit organizations and used for permanent housing for low income or very low income disabled or handicapped persons. Also amends the provision exempting church property from property taxes by requiring allowing rental income on the property no more than a reasonably allocated share of the cost of use, excluding capital improvements, debt service, depreciation, and interest as determined by the state board of equalization. Limits churches to one parsonage exemption not to exceed three acres. Provides that if a church acquires property that was duly exempt at the time of transfer from a transferor who had previously been approved for a religious use exemption of the property, or if a religious institution acquires property to replace its own exempt property, then the effective date of exemption is three years prior to the date of application or the date the acquiring institution begins to use the property for religious purposes, whichever is later.

Effective June 5, 2008.



Public Chapter No. 1127 (SB2981) Shelby County properties acquired for back taxes:

Amends T.C.A. § 67-5-2509 by permitting Shelby County and its municipalities to convey property acquired for back taxes to a nonprofit community development corporation for development of affordable housing without requiring the corporation to reimburse the taxing jurisdiction for the lost taxes, penalties, or interest.

Effective June 13, 2008.

Public Chapter No. 1161 (HB3871) Agricultural, Forest and Open Space Land Act amendments:

Amends T.C.A. Title 67, Chapter 5, Part 10, by revising several provisions of the Agricultural, Forest and Open Space Land Act. Specifies that for purposes of determining maximum acreage limit, a parcel must be aggregated with other parcels having 10 percent or more common ownership.

Effective July 1, 2008

TAXES — SALES

Public Chapter No. 617 (SB2730) Sales tax

holiday: Amends T.C.A. § 67-6-393 relative to sales tax holidays by adding, in addition to that existing, a new sales tax holiday period beginning at 12:01 a.m. on Friday, April 25, 2008, and ending at 11:59 p.m. on Sunday, April 27, 2008.

Effective March 11, 2008.

TELECOMMUNICATIONS

Public Chapter No. 932 (HB1421) Competitive Cable and Video Services Act:

Amends T.C.A. Titles 7 and 65 by enacting the Competitive Cable and Video Services Act. Preserves local franchising and creates a new statewide franchise with immediate opt-in provision for incumbent franchise holders. Incumbent with an expired franchise can apply for statewide franchise within 180 days of the effective date. The award of a statewide franchise terminates any unexpired local franchise. However, franchise fees remain the same until local franchise agreement would have expired, and provider cannot reduce or terminate any services until another provider is providing services.

Statewide franchise applications are filed with Tennessee Regulatory Authority and forwarded to affected local government. Providers then have 24 months to begin offering services. Statewide franchise fees are set at 5 percent of gross revenues. Application fee is \$15,000. Franchise has a 10-year term. Franchise is transferable. Local governments cannot request anything else of value from statewide franchise holders.

State franchises do not alter state law regarding local control of rights of way, local police power, or right to impose generally applicable taxes.

State franchise holders are subject to FCC customer service standards. State franchise holders are obligated to keep current PEG channels at no additional cost. New PEG channels based on population levels.

Effective July 1, 2008.



TORT LIABILITY

Public Chapter No. 919 (SB1183) Governmental tort liability limits: Amends T.C.A. § 29-20-107 relative to extending governmental tort liability. Extends immunity granted under the Governmental Tort Liability Act to persons or entities that contract with the regional transportation authority to provide commuter rail transit services, facilities, or functions upon a rail line or rail line right of way owned or maintained by a governmental entity. Tort Limits are increased according to the following schedule:

July 1, 2008, to June 30, 2013

\$2 million for bodily injury or death of one person in one accident, act, or occurrence;
\$30 million for bodily injury or death of all persons in one accident, act, or occurrence.

July 1, 2013, to June 30, 2018

\$3 million for bodily injury or death of person in one accident, act, or occurrence;
\$50 million for bodily injury or death of all persons in one accident, act, or occurrence.

This act does not afford any limits to tort exposure for gross negligence or for injury or destruction of property. Regional transportation authority must maintain or cause to be maintained a self insurance retention fund in an amount between \$1 million and \$2 million, which must be used as the first fund source for any payment of a tort claim arising from any rail transit accident, occurrence, or act resulting in bodily injury or death to one or more persons.

Effective July 1, 2008.

UTILITIES

Public Chapter No. 779 (HB3104) Water and sewer rates study: Amends T.C.A. Titles 6, 7, and 68 relative to water and sewer customers. Requires the Water and Wastewater Financing Board to conduct a study of water and sewer rates set by a municipality providing water or sewer, or both, to customers inside and outside the municipal jurisdiction boundaries. In counties with a metropolitan form of government, the study will focus on the differences between customers in the urban services district and customers in the general services district. If the study determines that there is a difference in the rates of greater than 100 percent, the board will be required to evaluate whether the difference in the rates is reasonable and justified. The board is required to report findings to the governor and the speaker of each house of the General Assembly by January 1, 2009, together with its recommendation as to whether any or all of the rates should be altered or modified.

Effective April 21, 2008.



Public Chapter No.854 (SB3796) Permit

applicant bill of rights: Amends T.C.A. Title 69, Chapter 3, relative to water quality control. Requires the commissioner of environment and conservation to afford each applicant for a permit under water pollution control laws the following rights under a Bill of Rights for Permit Applicants:

1. Right to assistance from the department in understanding regulatory and permit requirements;
2. Right to know the projected fees for review of applications and how any costs will be determined and billed;
3. Right to access, via the department's website, complete and clearly written guidance, opinions, and department policies explaining the regulatory jurisdiction and requirements;
4. Right to timely completeness determinations for applications. Absent extraordinary circumstances, the commissioner will notify the applicant within 30 days that the application is complete or that there are deficiencies;
5. Right to timely decision. Aquatic Resource Alteration Permits will be issued or denied within 90 days. National Pollutant Discharge Elimination System permits will be reissued or denied within 180 days. New or modified National Pollutant Discharge Elimination System permits will be issued or denied within 365 days;
6. Right to appeal to the board any permit review time limits that have been violated for good cause; and
7. Right to know who will be reviewing application and time required to complete the full review process.

Effective May 1, 2008.

WORKERS' COMPENSATION

Public Chapter No. 835 (HB3170) Employee selection of panel physician:

Amends T.C.A. Title 50, Chapter 6, relative to workers' compensation settlements. Authorizes an employee to select an operating surgeon and an attending physician from the employer's panel.

Effective July 1, 2008.

Public Chapter No. 1025 (SB2650) Workers' compensation impairment ratings:

Amends T.C.A. Title 50, Chapter 6. Defines the AMA guide for impairment ratings to mean the 6th edition of the *American Medical Association Guides to the Evaluation of Permanent Impairment* until a new edition is designated by the General Assembly. If a new edition of the guide is released, the commissioner of labor and workforce development must evaluate that edition and report the finding to the General Assembly.

Effective May 28, 2008.

Public Chapter No. 1183 (SB3791) Various workers' compensation provisions:

Amends T.C.A. Titles 50 and 56. Allows parties in a workers' compensation suit to request the assistance of a specialist in determining whether benefits are appropriate. Specifies that in order to litigate a workers' compensation claim, one party must request a benefit review conference within one year of either the date of the injury or the date of the last voluntary payment on the claim, whichever is later. Tolls the time limit for requesting a benefit review conference to no earlier than 60 days before the issuance of a determination on the request for assistance. Specifies that if an administrator appoints a designee, that person must be a licensed attorney with five years experience in workers' compensation law. Makes other minor changes to workers' compensation laws.

Effective June 19, 2008.



THE UNIVERSITY *of* TENNESSEE

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