Municipal Technical Advisory Service
INSTITUTE FOR PUBLIC SERVICE

SUMMARY OF

2017 PUBLIC ACTS

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WARNING

Users of this publication are cautioned that much judgment is involved in determining which Public Acts to summarize and how to summarize them. Before taking action or giving advice based upon any Public Act summarized here, one should consult the Act itself and not rely on the summary.

SUMMARY OF PUBLIC ACTS 2017

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Alcohol

Chapter No. 119 (HB1171/SB0348). On-premise consumption of alcohol authorized at Swann's Marina. Amends T.C.A. § 57-4-102(26) by designating Swann's Marina in Dandridge, Tennessee as a premiere type tourist resort for purposes of authorizing the sale of alcoholic beverages for on-premises consumption.

Effective April 12, 2017.

Chapter No. 141 (HB0153/SB0506). Chattanooga Theatre Center authorized to sell alcoholic beverages for on-premises consumption. Amends T.C.A. § 57-4-102 by designating the Chattanooga Theatre Center as a community theater for purposes of authorizing the sale of alcoholic beverages for on-premises consumption.

Effective April 17, 2017.

Chapter No. 142 (HB0154/SB0510). Finley Stadium authorized to sell alcohol for on-premises consumption. Amends T.C.A. § 57-4-102 by designating Finley Stadium in Chattanooga as a sports authority facility for purposes of authorizing the sale of alcoholic beverages for on-premises consumption.

Effective April 17, 2017.

Chapter No. 147 (HB0435/SB0695). Provisions amending language relative to minimum population requirements. Amends T.C.A. § 57-3-805 to allow for the premises of a retail food wine licensee to be located in any municipality that participated in a county-wide referendum where WIGS was approved, regardless of the minimum population requirement for the municipality that is included in Tenn. Code Ann. Section 57-3-101. Also amends T.C.A. § 57-4-107 to allow for the sale of alcoholic beverages for on-premises consumption in any municipality that participated in a county-wide referendum where the legal sale of alcoholic beverages for on-premises consumption was approved, regardless of the minimum population requirement for the municipality that is included in T.C.A. § 57-3-101. Also amends T.C.A. § 57-4-101 by making it lawful to furnish, dispense or give away alcoholic beverages or beer without a license or permit issued by the commission at a private party or private event.

Effective April 17, 2017.

Chapter No. 160 (HB0375/SB0048). Historic performing arts center provision amended. Amends T.C.A. § 57-4-102(19)(A)(ii) by removing the language that required alcohol to only be sold in performing art centers before or after performances. Also removes the language that prohibited alcoholic beverages from being consumed in the auditorium of the center.

Effective April 24, 2017.

Chapter No. 173 (HB1273/SB0885). Ballet Memphis authorized to sell alcoholic beverages for on-premises consumption. Amends T.C.A. § 57-4-102(38) by designating Ballet Memphis as an urban park center for purposes of authorizing consumption of alcoholic beverages on-premises.

Effective April 24, 2017.

Chapter No. 195 (HB0527/SB0542). Establishments in the Station Street entertainment district authorized to sell alcoholic beverages for on-premises consumption. Amends T.C.A. § 57-4-102(27) by expanding the definition of premises, for purposes of authorizing consumption of alcoholic beverages on-premises, to include the establishments in the Station Street entertainment district in Chattanooga.

Effective April 27, 2017.

Chapter No. 214 (HB0400/SB0390). Sale of alcoholic beverages for on-premises consumption authorized at certain facilities. Amends T.C.A. § 57-4-102(26) by designating Sewanee Inn in Sewanee, Fairfield Glades Restaurant in Crossville and Restoration Hardware in Nashville as premier type tourist resorts for purposes of selling alcoholic beverages for on-premises consumption.

Effective April 28, 2017.

Chapter No. 223 (HB0661/SB0848). On-premises consumption of alcohol permitted. Amends T.C.A. § 57-4-102(26) by designating the Green Door Gourmet in Nashville as a premier type tourist resort for purposes of selling alcoholic beverages for on-premises consumption.

Effective April 28, 2017.

Chapter No. 273 (HB0594/SB0739). On-premises consumption of alcohol permitted. Amends T.C.A. § 57-4-102(38) by designating Fresh Hospitality in Nashville as an urban park center for purposes of selling alcoholic beverages for on-premises consumption.

Effective May 4, 2017.

Chapter No. 295 (HB1287/SB0930). Distilleries authorized to sell alcoholic beverages. Amends T.C.A. § 57-3-202 by authorizing distilleries to sell alcoholic beverages for on-premises consumption, except in bonded areas, when the alcohol is manufactured on the premises of the distilleries.

Effective May 4, 2017.

Chapter No. 337 (HB0722/SB0740). On-premises consumption of alcohol permitted. Amends T. C.A. § 57-4-102(26) by designating The Plaza in Nashville as a premier type tourist resort for purposes of selling alcoholic beverages for on-premises consumption.

Effective May 9, 2017.

Chapter No. 357 (HB0757/SB1375). Background checks required with certificates of compliance. Amends T.C.A. §§ 57-3-208 and 57-3-806 by requiring each applicant or officer identified in an application for a package store license or a retail food store wine license to submit with the certificate of compliance, a local and national criminal history record obtained from a third party using a multistate criminal records locator or other similar commercial nationwide database with validation. Provides that such a criminal history that shows that the officer or applicant has not been convicted of a felony in the immediately preceding 10 years is satisfactory proof of compliance with the requirement related to criminal history for the certificate of compliance.

Effective July 1, 2017.

Chapter No. 373 (HB1292/SB0688). Number of permitted wine festivals increased. Amends T.C.A. § 57-3-207 by permitting any nonprofit association organized to encourage and support grape growing and winemaking with ten (10) or more licensed wineries to hold up to 12 wine festivals per calendar year. Deletes the requirement that any person serving wine at the festivals possess a server permit from the Tennessee Alcoholic Beverage Commission.

Effective May 11, 2017.

Chapter No. 394 (HB1141/SB0439). On-premises consumption of alcohol permitted. Amends T.C.A. § 57-4-102(26) by designating The Hideaway of Arrington in Arrington, and Sycamore Farms and Southcreek in Franklin as premier type tourist resorts for purposes of selling alcoholic beverages for on-premises consumption.

Effective May 18, 2017.

Chapter No. 411 (HB0155/SB0796). Sale of alcoholic beverages at retail permitted. Amends T.C.A. § 57-3-207(h) by permitting the Belle Meade Winery in Nashville to sell alcoholic beverages at retail.

Effective May 18, 2017.

Chapter No. 428 (HB1066/SB1321). On-premises consumption of alcohol permitted. Amends T.C.A. § 57-4-102(8) by designating Blackthorn Club in Jonesborough as a club for purposes of selling alcoholic beverages for on-premises consumption.

Effective May 18, 2017.

Animals

Chapter No. 206 (HB1103/SB0989). Reasonable efforts required to locate the owners of non-livestock animals. Amends T.C.A. § 44-17-304 by requiring a public or private agency, animal shelter or other facility that knows or should know that a non-livestock animal has an owner to make a reasonable effort to locate and notify the animal's owner within 48 hours of the time the entity takes custody of the animal or within 2 business days, if the animal is taken into custody on a Friday.

Effective April 27, 2017.

Authorities, Boards and Commissions

Chapter No. 126 (HB0520/SB0710). Authority of libraries amended. Amends T.C.A. § 10-3-101 by granting the legislative body of a municipality the authority to establish and maintain free public libraries or give support to any free public library or contract with another library for services for the residents of the municipality or enter into a contract agreement with one or more municipalities or counties for the joint operation of a free public library. Requires a municipality that establishes a free library on its own to also establish a library board of 7, 9 or 11 members. Includes what the makeup of the board should be, the terms of office and the authority of the board. Also amends T.C.A. § 10-3-106 by providing that all municipal tax funds for libraries, raised by bonds or taxation, are to be held by the

city treasurer separate from other funds. Requires all library accounts to be audited annually. Provides that the title of all property acquired by the library board shall be in the name of the municipality for the use and benefit of the public library and the proceeds of all activities conducted by the library board or the disposition of any assets is to be done in the name of the municipality for the use and benefit of the public library. Also provides parameters for membership on regional library boards. Also amends T.C.A. § 40-39-216 by granting library boards the authority to reasonably restrict access of any person listed on the sexual offender registry based upon specific factors enumerated in the bill.

Effective July 1, 2017.

Chapter No. 128 (HB0028/SB0020). Regional airport authorities authorized to borrow money and issue revenue bonds. Amends T.C.A. § 42-3-111 by authorizing regional airport authorities to borrow money and issue revenue bonds for any corporate purpose. Allows the local governments that are a part of the regional airport authority to pledge, through a resolution, their full faith and credit and unlimited taxing authority as guarantors to the payment of the principal or premium. Requires the governing body of the local governments that are considering guaranteeing the debt to publish notice in a newspaper of general circulation, at least 5 days in advance of the meeting where the guarantee will be considered, of this fact and include an estimate of debt.

Effective April 17, 2017.

Chapter No. 217 (HB0556/SB0596). Provisions related to emergency communication district boards of directors amended. Amends T.C.A. § 8-44-108 by authorizing the board of directors of an emergency communication district to participate in meetings by any electronic means approved by the board. A board member participating electronically is present for purposes of establishing a quorum and voting on matters. Also amends T.C.A. § 7-86-314 by providing that board members removed due to absences may be reappointed at any time by the appointing authority, but board members removed for refusing to carry out the duties and responsibilities set out in the statute or an order of the Board or knowingly or willfully neglecting to perform the duties of the office, are not eligible for reappointment at any time.

Effective April 28, 2017.

Chapter No. 335 (HB0724/SB0527). Requirements for appointment of members to regional solid waste management boards. Amends T.C.A. § 68-211-813 by requiring mayors of local governments who appoint members to regional solid waste management boards to strive to ensure that at least 2 elected officials serve on each regional board.

Effective May 9, 2017.

Codes Enforcement

Chapter No. 3 (HB0295/SB0128). Electrical safety code for supply stations updated. Amends T.C.A. § 68-101-104 by updating the electrical safety code governing electric-supply stations and lines to the August 1, 2016 edition.

Effective January 1, 2018.

Chapter No. 168 (HB0472/SB0509). Residential rental inspections authorized. Amends T.C.A. § 13-21-314 by authorizing the City of East Ridge to conduct residential rental inspections on residential rentals that are either deteriorated or in the process of deteriorating, for compliance with applicable local housing, building, plumbing, electrical, fire, health or related codes and to promote the health, safety and welfare of its citizens.

Effective April 24, 2017.

Chapter No. 281 (HB0539/SB1167). Inspection by the state fire marshal. Amends T.C.A. § 68-120-101(b)(1) by requiring the state fire marshal to conduct an inspection on a building, structure or premises in a municipality that has opted out of the statewide building codes for residential dwellings, when requested by the owner to determine whether the building, structure or premises complies with the statewide building codes for residential dwellings. Provides that when the building, structure or premises complies with the statewide building codes for residential dwellings, the fire marshal is required to issue documentation to the owner stating such.

Effective May 4, 2017.

Crimes and Criminal Procedure

Chapter No. 120(HB0694/SB0385). Definition of marijuana amended. Amends T.C.A. § 39-17-406(16) by adding that marijuana does not include cannabidiol product approved as a prescription medication by the United States Food and Drug Administration.

Effective April 12, 2017.

Chapter No. 121 (HB1051/SB0902). Offense for obstructing an emergency vehicle created. Amends T.C.A. § 39-17-307 by making the intentional, knowing, or reckless obstruction of a highway or street, whether alone or acting with others, a Class B misdemeanor, punishable by a $200 fine when the obstruction includes preventing an emergency vehicle from accessing the highway or street, or highway's or street's right-of-way.

Effective July 1, 2017.

Chapter No. 124 (HB0173/SB0894). Preemption of local regulations related to sanctions for possession of drugs. Amends T.C.A. § 39-17-401 by providing that the State preempts the entire field of determining the appropriate sanction for conduct involving drugs. Also provides that any ordinance or resolution adopted prior to the effective date of this provision that regulates drugs and is inconsistent with State law, is suspended and repealed. Also provides that any policy, guideline or practice that regulates the enforcement of conduct covered by this provision that is inconsistent with State law is void.

Effective April 12, 2017.

Chapter No. 249 (HB0781/SB0605). Provisions related to the offense of sexual exploitation of a child amended. Amends T.C.A. § 39-17-1002(2) by adding any computer image, or computer-generated

image, whether made or produced by electronic, mechanical, or other means to the definition of what constitutes "material" for purposes of the offense of sexual exploitation of a child.

Effective May 2, 2017.

Chapter No. 304 (HB0039/SB0134). Provisions related to administering blood and alcohol test amended. Amends T.C.A. § 55-10-406 by authorizing a law enforcement officer to request that an individual operating a motor vehicle consent to a blood, breath or both tests when the officer has probable cause to believe that the individual operating the vehicle is driving under the influence of any intoxicant, drug, controlled substance or has committed a vehicular offense as a result of being under the influence. Provides that a breath test may be administered when the operator gives implied consent, express consent, pursuant to a search warrant, incident to a lawful arrest for certain offense or when a breath test is required to be administered pursuant to the law. Provides that a blood test may be administered with consent, after a waiver has been executed, pursuant to a search warrant or without the consent of the operator, on a case by case basis, when 1 or more recognized exigent circumstances to the search warrant requirement exists. Prohibits a driver that is unconscious or unable to refuse consent to be administered a blood test, unless the officer has obtained a search warrant or 1 or more of the recognized exigent circumstance exceptions to a search warrant apply.

Effective July 1, 2017.

Chapter No. 310 (HB0393/SB0780). Certain actions of new home construction contractors and home improvement service providers constitute theft. Amends T.C.A. § 39-14-154 by including in the criminal offense of theft, the failure of a new home construction contractor or home improvement service provider to refund amounts paid under a contract within 10 days of the acceptance of a hand delivered or certified request for refund, the refusal to accept the certified request for refund or the certified request being returned indicating that the address is unknown, when no substantial portion of the contracted work is performed at the time the written request for refund is made, more than 90 days has elapsed since the start of the contract and a copy of the written request for a refund has been sent by the owner to the consumer protection division in the Tennessee Attorney General's office and there is an intent to defraud. Also includes in the criminal offense of theft, a new home construction contractor or home improvement service provider deviating from or disregarding plans or specifications contained in a contract in any material respect.

Effective July 1, 2017.

Chapter No. 352 (HB1190/SB1001). Procedure for criminal forfeiture hearings and appeals amended. Amends T.C.A. §§ 40-33-209 and 40-33-210 by requiring administrative law judges (ALJs) from the Tennessee Secretary of State's office to conduct criminal forfeiture hearings. Also provides that the ALJ's order is a final order for purposes of seeking appeal. Also amends T.C.A. § 40-33-213 by requiring a notice of review (appeal) to be filed in the county which corresponds with the location of the hearing. Also requires the agency involved in the case to be represented during the appeal by the attorney or attorneys who represented the agency during the hearing.

Section 1 through 5 effective July 1, 2017 and Section 6 effective January 1, 2019.

Chapter No. 441 (HB0813/SB0644). Appeal of a civil forfeiture warrant. Amends T.C.A. § 40-33-204 by providing that a person in possession of, a secured party, or an owner of property for which a civil asset forfeiture warrant has been issued by a magistrate or judicial commissioner may appeal the warrant within 10 days of issuance to the general sessions court in the county where the seizure occurred. Requires the warrant to be reviewed by the court and a hearing held within 10 days of the appeal being filed. Provides that if a forfeiture warrant was issued by a magistrate or judicial commissioner, the warrant, a copy of the affidavit and the notice of seizure shall not be sent to the applicable agency until 7 days after the time period of appeal has ended and no appeal has been filed or 7 business days after the general sessions judge has affirmed the issuance of the warrant, if an appeal was filed.

Effective May 25, 2017 for purposes of promulgating rules, policies, forms, and procedures and making necessary provisions for the implementation of this act*. Effective July 1, 2017 for all other purposes.*

Chapter No. 472 (HB0055/SB0120). "Organized Retail Crime Prevention Act" enacted. Amends Tennessee Code Annotated, Title 39, Chapter 14, Part 1 by enacting the "Organized Retail Crime Prevention Act" which makes it a criminal offense to work with 1 or more individuals to commit theft of merchandise that has a value of over $1000 aggregated over a 90 day period with the intent to sell the property or to fraudulently return the merchandise to a retail merchant or to receive, possess or purchase any merchandise or stored value cards obtained from a fraudulent return with the knowledge that the property was obtained through theft.

Effective July 1, 2017.

Economic and Community Development

Chapter No. 17 (HB0386/SB0314). Tax increment agency filing provisions amended. Amends T.C.A. § 9-23-106 by requiring each tax increment agency to file a copy of the description of all property within the area subject to the plan (including parcel numbers with respect to real property), a copy of each resolution of each taxing agency approving the plan and the base tax amount with respect to all property subject to the plan, with the Comptroller; and by October 1, to file with the Comptroller an annual statement of all tax increment revenues allocated to the tax increment agency with respect to each plan that is currently producing tax increment revenues.

Effective March 24, 2017.

Chapter No. 228 (HB0529/SB1215). "Tennessee Broadband Accessibility Act" enacted. Amends Tennessee Code Annotated, Title 4, Chapter 3, Part 7 by enacting the "Tennessee Broadband Accessibility Act" which authorizes the Tennessee Department of Economic and Community Development to administer a grant program that promotes the deployment and adoption of broadband services with specified minimum upload fees. Provides that grants are to be awarded to a number of

entities, including local governments. Also provides that local governments may also apply to the Department for designation as a "broadband ready community."

Effective April 24, 2017.

Education

Chapter No. 18 (HB0720/SB0341). Referral for mental health assessment. Amends T.C.A. § 49-6-303 by authorizing a school counselor to refer or help facilitate a referral of a parent or legal guardian's student to a counselor or therapist for mental health assessments or services. Provides that if a referral is made, neither the LEA nor the school counselor is to bear the cost of services provided to the student.

Effective July 1, 2017.

Chapter No. 21 (HB0565/SB0490). Requirement to submit financial report removed. Amends T.C.A. § 49-3-316 by removing the language that required the treasurer or fiscal agent for each LEA to submit a complete certified copy of the financial report for the LEA to the Commissioner of Education on or before July 15 of each school year.

Effective March 24, 2017.

Chapter No. 22 (HB0388/SB0598). Providing information about influenza disease and the effectiveness of vaccination against influenza. Amends T.C.A. § 49-6-5005 by requiring each LEA to provide parents and guardians with information about influenza and the effectiveness of vaccination against influenza at the beginning of every school year. The information must include the causes, symptoms and means by which influenza is spread and the places where parents and guardians may obtain additional information and vaccinations for their children. Requires the Department of Education, in consultation with the Department of Health, to provide information to LEAs to assist in the implementation of this provision.

Effective July 1, 2017.

Chapter No. 84 (HB0121/SB0117). Administration of medication during adrenal crisis. Amends Tennessee Code Annotated, Title 49, Chapter 50, Part 16 by requiring each LEA to adopt policies and procedures that provide for the administration of medications that treat adrenal insufficiency. Requires the policies and procedures adopted by the LEA to be consistent with the rules adopted by the State Board of Education. Prohibits an LEA from requiring school staff that have not been properly trained to administer the medication. Requires educational training on the administration of the medication to be done under the supervision of a licensed physician or a nurse practitioner. Provides that a staff member who is properly trained, may administer the medication to a student to whom it has been prescribed by a licensed physician, when the student is suffering from an adrenal crisis in an emergency situation and a licensed healthcare professional is not immediately available. Excludes from liability, any staff member that has been properly trained and administers the medication or performs a healthcare procedure related to adrenal insufficiency and any LEA that allows for the administration of the medication or the performance of any healthcare procedure related to adrenal insufficiency.

Effective July 1, 2017.

Chapter No. 99 (HB0045/SB0662). New physical activity requirements for students. Amends T.C.A. § 49-6-1021 by requiring each LEA to integrate a minimum of 130 minutes of physical activity per full school week into the schedules of elementary school students and a minimum of 90 minutes of physical activity per full school week into the schedules of middle school and high school students. Requires an LEA to offer elementary school students at least one 15 minute period of physical activity per school day. Provides that walking to and from class is not to be considered physical activity for purposes of meeting the requirements in this provision. Permits an LEA to integrate more physical activity for students during the school week than what is required per this provision and provides that these physical activity requirements may be satisfied in conjunction with a school's physical education program, but it cannot replace the program.

Effective April 4, 2017.

Chapter No. 177 (HB0308/SB1198). Comprehensive support and improvement plan required. Amends T.C.A. § 49-1-602 by requiring an LEA or authorizing authority, upon receiving notice that a school has been designated as a priority school, to develop and implement a comprehensive support and improvement plan for the school to improve student outcome.

Effective April 24, 2017.

Chapter No. 189 (HB0147/SB0217). School security officers authorized to patrol within certain areas. Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 42 by authorizing an LEA to develop and adopt a policy, in consultation with the appropriate local law enforcement agency, that allows a school security officer who is employed by the LEA to patrol within a one mile radius of the officer's assigned school, but not beyond the boundaries of the assigned school's LEA. Requires any LEA that adopts a policy to file a copy of the policy with the appropriate local chief law enforcement officer. Provides that the school security officer is only permitted to patrol for violations of the law that involve minors, including truancy and requires the officer to immediately report any violation of the law that the officer reasonably believes a minor to be committing to the appropriate law enforcement agency.

Effective April 27, 2017.

Chapter No. 204 (HB0872/SB1394). LEAs required to adopt a policy related to exclusionary discipline practices for certain students. Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 30 by requiring each LEA, prior to the 2018-2019 school year, to adopt either its own policy or the model policy to be developed by the Tennessee Department of Education related to exclusionary discipline practices for students in pre-K and kindergarten.

Effective April 27, 2017.

Chapter No. 205 (HB1043/SB0002). SAT scores included as one of the assessments for student proficiency. Amends T.C.A. § 49-1-613 by adding students' SAT scores to the list of assessments that an LEA can include in its annual school improvement plan for purposes of measuring student proficiency.

Effective April 19, 2017.

Chapter No. 207 (HB1161/SB0998). Tennessee Tri-Star Scholar designation and required recognition. Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 60 by designating students with a composite score of 19 on the ACT or an equivalent score on the SAT who earn a capstone industry

certification as promoted by the Tennessee Department of Education, as Tennessee Tri-Star Scholars. Requires the public high schools from which these students graduate to recognize this achievement at the graduation ceremony by placing the appropriate designation on the students' diplomas or other credentials or providing ribbons or cords to be worn during the graduation ceremony. Such students are to be recognized as Tennessee Tri-Star Scholars in the school's graduation program.

Effective April 27, 2017.

Chapter No. 256 (HB0448/SB0458). Schools authorized to maintain opioid antagonist. Amends Title 49, Chapter 50, Part 16 by requiring the State Board of Education, in consultation with the Department of Health, to develop guidelines for the management of students presenting with a drug overdose for which administration of an opioid antagonist is appropriate. Authorizes each LEA to develop a plan for the management of students presenting with a drug overdose. Authorizes each school within an LEA to maintain an opioid antagonist at the school in at least 2 unlocked and secure locations. Allows an LEA to obtain a prescription from a physician or a statewide collaborative pharmacy practice. Provides that a school nurse, resource officer or other trained personnel may utilize a school's supply of opioid antagonists to respond to a drug overdose. Provides immunity for the trained individual administering the antagonist, as long as the dose was not administered with an intentional disregard for safety.

Effective July 1, 2017.

Chapter No. 260 (HB1063/SB1012). Student attendance at school athletic events not required on holidays and days of worship. Amends T.C.A. § 49-6-1002 by prohibiting an LEA, school or employee of a school from requiring a student to attend a school athletic event or event related to participation on a school athletic team, if the event is on an official school holiday, observed day of worship or religious holiday. The parent may provide notice that the student will not be in attendance at the athletic event at least 3 full days prior to the event. Provides that written notice is not required if the absence is due to an unforeseen emergency.

Effective May 2, 2017.

Chapter No. 279 (HB0287/SB1152). "Celebrate Freedom Week" to be observed in K-12 schools. Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 10 by requiring that all students in grade K-12, during Celebrate Freedom Week, receive instruction on Celebrate Freedom Week topics. Provides a list of suggested topics to be included in the curriculum for the week.

Effective July 1, 2018.

Chapter No. 289 (HB0322/SB1210). Transportation supervisor and policy required. Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 10 by requiring each LEA or charter school that provides or contracts for transportation services to appoint a transportation supervisor who is responsible for monitoring and overseeing transportation services of the district or school. Requires the transportation supervisor to complete a student transportation management training program developed by the Tennessee Department of Safety and Tennessee Department of Education and complete a minimum of 4 hours of annual training approved by the departments. Requires each LEA or charter school to submit the name of the transportation supervisor to the Tennessee Department of Education by February 15, 2018 and by August 15th every year, submit the name of the transportation supervisor and verification that the individual received the required training. Requires every LEA to adopt a transportation policy

relative to the safe transport of students. Includes the required components of the policy. Also requires a new school bus driver, prior to transporting students to complete a new school bus driver program based upon standards developed by the Departments of Safety and Education. Places additional limitations on the individuals to whom the Department of Safety will issue an initial school bus endorsement.

Effective January 1, 2018.

Chapter No. 307 (HB00310/SB1197). "**Tennessee High Quality Charter Schools Act" enacted.** Amends several sections in Title 49, Chapter 13, Part 1 of the Tennessee Code by enacting the "Tennessee High Quality Charter Schools Act" which makes various changes to the provisions that govern the operations of public charter schools.

Effective July 1, 2017.

Chapter No. 313 (HB0439/SB0733). Intruder drill required annually. Amends T.C.A. § 49-6-807 by requiring that each school safety team conduct at least 1 intruder drill annually, in coordination with the appropriate law enforcement agency. Requires the result of the drill to be maintained for at least 3 years and to be made available to the Tennessee Department of Education upon request.

Effective July 1, 2017.

Chapter No. 346 (HB0230/SB1262). Distribution of mixed drink tax proceeds. Amends T.C.A. § 57-4-306 by extending the current formula for distribution of mixed drink tax proceeds.

Effective July 1, 2017.

Chapter No. 361 (HB0267/SB0263). Permitted application fee for charter schools increased. Amends T.C.A. § 49-13-108 by authorizing a chartering authority to require a charter school sponsor to pay the authority an application fee of up to $2500 for each charter school application the sponsor files.

Effective July 1, 2017.

Chapter No. 387 (HB0368/SB0379). Retired teachers working as substitutes. Amends T.C.A. § 49-3-312 by providing that a retired teacher working as a substitute is not required to renew his/her teaching license in order to work as a substitute. Provides that the rate of pay for a retired teacher without a valid teaching license must not be less than the rate of pay for a retired teacher with a valid teaching license. States that this provision only applies to retired teachers who retired after July 1, 2011 and up until July 1, 2016.

Effective July 1, 2017.

Chapter No. 389 (HB0457/SB0401). Provision related to BEP money used for instructional supplies amended. Amends T.C.A. § 49-3-359 by providing that each teacher in grades K-12 is to be provided $200 from the BEP funding received by each LEA, to be used for instructional supplies, by October 31 of each school year.

Effective July 1, 2017.

Chapter No. 407 (HB1196/SB0729). "Tennessee Educators Protection Act" enacted. Amends Tennessee Code Annotated, Title 49, Chapter 1, by providing that an employee is not civilly liable for taking action related to controlling, grading, suspending, expelling or disciplining of a student unless the action violates the law, a rule or clearly articulated school policy and occurs while the student is on the property of the educational entity or under the supervision of the entity or its employees. Burden is on plaintiff and standard is by a preponderance of the evidence that the employee violated a law, rule or clearly articulated policy. Provides that an employee is not liable for making a report consistent with federal or state law to law enforcement or to a school official that a student is under the influence, or involved in illegal activity. Provides that an employee is not liable for punitive or exemplary damages. Also allows an employee or educational institution to file a civil lawsuit against anyone 18 years old or older for making false allegations of criminal activity to law enforcement or a school official intended to cause harm to an employee. Permits the same type of lawsuit to be filed against a student's parent or guardian.

Effective July 1, 2017.

Chapter No. 450 (HB022/SB0248). Early Postsecondary opportunities to be provided to students in high school. Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 4 by requiring each LEA, beginning with the 2018-2019 school year to make available to students in high school at least 4 early postsecondary opportunities. Provides that the opportunities may be provided by traditional classroom instruction, online or virtual instruction, blended learning or other educationally appropriate methods.

Effective May 25, 2017.

Chapter No. 482 (HB1169/SB0864). "Senator Douglas Henry Tennessee History Act" enacted. Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 10 by enacting the "Senator Douglas Henry Tennessee History Act" which provides that beginning with the 2018-2019 school year, the State Board of Education shall require a course in Tennessee history for students.

Effective June 6, 2017.

Environment

Chapter No. 284 (HB1405/SB1371). Criteria for granting a certificate of exemption to the Tennessee Air Quality Act (Act) provisions. Amends T.C.A. § 68-201-115(b)(3) by requiring a certificate of exemption to be granted by the Air Pollution Control Board when the local government has enacted provisions for the control of air pollution not less stringent than the requirements in the Act, the provisions enacted are being or will be adequately enforced and the granting of the certificate will not interfere with the State's goals of maintaining purity of the State's air resources. Prohibits local governments from including land use and zoning requirements in its air pollution control regulations or certificate of exemption.

Effective May 4, 2017.

Chapter No. 368 (HB1021/SB1336). Wind energy facilities regulated. Amends Tennessee Code Annotated, Title 65 by prohibiting the construction, operation, or redevelopment of a wind energy

facility or the initiation of a facility expansion until July 1, 2018, except where a local government has adopted regulations related to a wind energy facility within its jurisdiction on or before July 1, 2017.

Effective May 11, 2017.

Finance

Chapter No. 383 (HB0136/SB0315). Corrective action plans required. Amends Tennessee Code Annotated, Title 9, Chapter 3, Part 4 by requiring each local government with 1 or more audit findings in its annual audit to submit a corrective action plan to the Comptroller or his/her designee in a manner prescribed by the Comptroller that addresses the actions taken or to be taken in response to each audit finding. Requires the plan to include the name or names of the contact person or persons responsible for the plan, the corrective action taken or to be taken and the anticipated completion date. Requires the local government to note in the plan any disagreement with an audit finding or if the local government believes that the corrective action plan is not required.

Effective May 18, 2017.

Firearms

Chapter No. 202 (HB0688/SB1339). Firearms, loaded firearms and firearm ammunition permitted in motor vehicles and boats. Amends T.C.A. § 39-17-1307(e) by making carrying or possessing a firearm, loaded firearm or firearm ammunition by an individual in a motor vehicle or a boat an exception to unlawful carrying or possession of a firearm or firearm ammunition, when the individual is not prohibited from possessing, receiving or purchasing a firearm and the individual is in lawful possession of the motor vehicle or the boat. Provides that the exception is not applicable when the motor vehicle or boat is owned or leased by a governmental or private entity that has adopted a written policy prohibiting firearms, loaded firearms or firearm ammunition when they are not required for employment within the motor vehicle or boat and the motor vehicle or boat is provided by such entity to an employee for use during the course of employment.

Effective July 1, 2017.

Chapter No. 339 (HB0011/SB0921). "Tennessee Hearing Protection Act" enacted. Amends T.C.A. §§ 39-17-1301 and 1302 by enacting the "Tennessee Hearing Protection Act" which deletes the language that made it an offense to possess, manufacture, transport, repair and sell firearm silencers.

Effective July 1, 2017.

Chapter No. 341 (HB0995/SB1077). "Guns in Parks" legislation amended. Amends T.C.A. § 39-17-1311 by providing that a handgun carry permit holder is generally prohibited from carrying a handgun in a park or similar public place owned by a local government within the immediate vicinity of property where 1 or more students are physically present on the property for an activity a reasonable person knows or should know is an athletic event or other school event or school-related activity. Provides that

the prohibition is not applicable solely because equipment or supplies or other property owned or used by the school is on the property.

Effective May 9, 2017.

Chapter No. 467 (HB0508/SB0445). New provisions related to local governments regulating firearms. Amends T.C.A. § 39-17-1314 by providing that any party who is adversely affected by an ordinance, resolution, policy, rule, or other enactment related to firearms and firearms ammunition that is adopted or enforced by a local government after July 1, 2017 may file an action in a court of competent jurisdiction against the local government for declaratory or injunctive relief and damages. Provides that if the party filing the action prevails, he/she is entitled to:

(1) The greater of:

(A) Actual damages, including consequential damages, attributable to the ordinance, resolution, policy, rule, or other enactment; or

(B) Three (3) times the plaintiff's attorney's fees;

(2) Court costs, including fees; and

(3) Reasonable attorney's fees; provided, that attorney's fees shall not be awarded under this language and the language that allows for 3 times the party's attorney's fees to be awarded.

Also amends § 39-17-1359(g) by prohibiting a local government from restricting or prohibiting the possession of a handgun by a handgun carry permit holder on property owned or administered by the local government unless there are, at each public entrance, metal detection devices, at least 1 law enforcement officer or private security guard who has been adequately trained on inspecting individuals with metal detection devices and each person who enters through a public entrance when the property is open to the public is inspected along with any bag or item that the individual is carrying by the law enforcement officer, private security officer or someone else authorized to deny entrance onto the property. Provides that the following are exempt from the language in subsection (g):

(A) Facilities that are licensed under Titles 33, 37, or 68 (mental health, intellectual disability, substance abuse, juvenile, medical and other safety and environmental facilities);

(B) School grounds or within the immediate vicinity of a school sponsored athletic event or other school-related activity on an athletic field in a park or other similar public place;

(C) Buildings in which judicial proceedings take place, regardless of whether a judicial proceeding is in progress;

(D) Buildings that contain a law enforcement agency;

(E) Libraries; and

(F) Facilities that are licensed by the Tennessee Department of Human Services, under Title 71, Chapter 3, Part 5 and administer a Head Start program.

Effective July 1, 2017.

Chapter No. 468 (HB0752/SB0983). Carrying a handgun after being granted an order of protection. Amends Tennessee Code Annotated, Title 39, Chapter 3, Part 6 by authorizing an individual who has petitioned for and been granted an order of protection, ex-parte or otherwise, to carry a handgun that the individual owns or possessed for 21 calendar days after the order is granted. Requires the individual to have the order of protection in his/her possession at all times the handgun is carried. Also authorizes such individuals to extend the authority to carry beyond the 21 day period, if the person applies for a temporary handgun carry permit. Provides that the temporary handgun carry permit is valid for 60 days from the date of issuance.

Effective 30 days after the date upon which the Commissioner of Safety provides written notification to the Secretary of State and the Executive Secretary of the Tennessee Code Commission that the Department of Safety's "A-List" driver license program is capable of implementing the new requirements or on January 1, 2018, whichever is earlier.

General Government

Chapter No. 35 (HB0278/SB0337). Beehives permitted in community gardens. Amends T.C.A. § 43-24-102 by adding to the definition of community garden, the provision of honey and honey byproducts, through the placement and use of beehives. Requires any person who provides honey or honey byproducts through the placement and use of beehives pursuant to this provision to first be registered as a beekeeper.

Effective March 30, 2017.

Chapter No. 91 (HB0545/SB0547). Notification after the breach of a security system. Amends T.C.A. § 47-18-2107 by requiring an information holder to disclose the breach of a security system to any resident of the state whose personal information was or is reasonably believed to have been acquired by an unauthorized person no later than 45 days from discovery of the breach, unless a longer time is needed for law enforcement purposes. Includes the means through which notification can be provided. Requires consumer reporting agencies to be notified if the breach includes more than 1,000 people at one time.

Effective April 4, 2017.

Chapter No. 92 (HB0981/SB0681). Bonds for public works projects. Amends T.C.A. § 12-4-201 by requiring the bonds given on all public works projects over $100,000 to be at least 25% of the contract price.

Effective April 4, 2017.

Chapter No. 174 (HB1170/SB0999). Restrictions on the issuance of building and demolition permits and certificates of occupancy. Amends T.C.A. § 68-221-607 by prohibiting municipalities within the

service area of a sewer authority created under title 68, from issuing a building or demolition permit prior to a sewer permit being issued by the sewer authority. Also prohibits a certificate of occupancy from being issued prior to a sewer permit being finalized by the sewer authority.

Effective April 24, 2017.

Chapter No. 201 (HB0644/SB0927). The Tennessee Historical Preservation Act amended. Amends T.C.A. § 4-1-412(b)(2) by authorizing public entities and non-profits responsible for maintaining historical memorials to renovate them. Also amends T.C.A. § 4-1-412(e) by excluding from the requirements of the Act, a memorial that has reached the end of its useful life and is approved for demolition by the State Building Commission. Provides that prior to a memorial designated as a national historic landmark or listed on the register of historic places being torn down, the Historical Commission is to make comments to the State Building Commission in accordance with T.C.A. § 4-11-111.

Effective April 27, 2017.

Chapter No. 219 (HB0978/SB0707). Transfer of remediation site to the local IDB authorized in Oak Ridge. Amends Tennessee Code Annotated, Title 7, Chapter 53, Part 3 by permitting parcels of property located in a remediation site in the City of Oak Ridge to be transferred to the Oak Ridge IDB on or after July 1, 2017, when certain conditions are met. The IDB is authorized to sell, lease, dispose of or contract for the operation of the property for purposes of promoting economic development in the area. Provides that upon transfer of the parcels to the IDB, a lawful management agreement is to be entered into between the IDB and the Community Reuse Organization of East Tennessee that allows the nonprofit to manage the remediation site and market the parcels to potential buyers.

Effective April 28, 2017.

Chapter No. 275 (HB1166/SB0964). Assistance for natural disasters. Amends T.C.A. § 7-51-1601 by requiring municipalities to adopt a plan, by resolution or ordinance, for providing assistance for natural disasters relief to private residential property.

Effective May 4, 2017.

Chapter No. 294 (HB1199/SB1089). "Tennessee Freedom of Speech Act" enacted. Amends Tennessee Code Annotated, Title 2, Chapter 7 by prohibiting local governments, during the period beginning sixty (60) days before a general election until the day after the next subsequent general election, from regulating the shape or quantity of political or campaign posters or signs on private property that are located more than 100 ft. from a polling place, when the signs or posters are placed on the property by the owner or any lawful residence; except reasonable restrictions limiting the number of campaign signs or posters are authorized as long as the property owner is permitted to place at least one poster or sign on the property per candidate, issue or subject. Permits local governments to prohibit political or campaign signs and posters from exceeding 32 sq. ft. in size on commercial property and 16 sq. ft. in size on residential property.

Effective July 1, 2017.

Chapter No. 385 (HB1299/SB0338). Secretary of State authorized to hear annexation questions. Amends Tennessee Code Annotated, Title 8, Chapter 3, Part 1 by authorizing a property owner or a municipality to file a complaint with the Tennessee Secretary of State's (SOS) office when there is a

dispute over whether property was annexed by the municipality, requesting the SOS to determine whether the individual's property was properly annexed. Places the burden on the municipality to show that the property was annexed. Provides that the burden of proof is by a preponderance of the evidence. Requires the SOS to appoint an administrative law judge (ALJ) who will set the case for hearing within 10 days of the complaint being filed and hear the case within 90 days. Permits SOS or his/her designee to issue a final order after the ALJ issues an initial order, for purposes of appeal. Requires a municipality to file with the SOS's Administrative Procedures Division, all annexation ordinances of the municipality and the results of referendums on annexation held within the municipality that are specific to the subject annexation, within 20 days of the complaint being filed. Requires the municipality to reimburse any property taxes paid, with interest, if the final order includes a finding that the property was not annexed.

Effective May 18, 2017.

Chapter No. 399 (HB0552/SB00568). Limitation on location of non-contiguous annexation removed. Amends T.C.A. § 6-51-104(d)(5) by deleting the provision that only allowed non-contiguous annexation in municipalities in Williamson County.

Effective May 18, 2017.

Chapter No. 406 (HB0535/SB0726). Public officials authorized to challenge UCC filings. Amends T.C.A. § 47-9-513 by authorizing public officials who are identified as debtors in filed financing statements to file a notarized affidavit on a form prescribed by the Secretary of State attesting to the fact that the official believes that the financing statements were filed without any reasonable basis or legal cause. Provides that once the financing statement is filed, the filing office shall mark the financing statement as "Contested-Under Review." Requires the filing office to send the affidavit, by registered or certified mail, return receipt requested, to the secured party of record for the financing statement to which the affidavit relates, within 3 business days of receiving the affidavit. Provides that once the return receipt is returned to the filing office, the secured creditor has 20 business days to file a petition for review with the Secretary of State's office, if the creditor believes the financing statement was filed based upon a reasonable basis or legal cause. Requires the hearing to be set within 10 business days of the petition being forwarded to the Administrative Procedures Division of the Secretary of State's office. Provides that if no petition is filed or the ALJ finds that the filing was made without a reasonable basis or legal cause, the filing official is required to void and remove from the public record, the financing statement. Also provides that the prevailing party may recover costs and expenses, including attorney's fees that are incurred in the review action.

Effective May 18, 2017 for administrative and rulemaking purposes and October 1, 2017 for all other purposes.

Chapter No. 422 (HB1167/SB1184). Provisions related to the use of eminent domain amended. Amends T.C.A. § 29-17-102 by removing the language that made the acquisition of property for an industrial park as authorized by the Industrial Park Act, a public use for purposes of being able to utilize eminent domain. Also amends T.C.A. § 13-16-203 by inserting language making it clear that acquiring land for an industrial park may only be done for a public use, as defined in T.C.A. § 29-17-102. Also amends T.C.A. §§ 29-17-106 and 29-17-912 by changing how fees and expenses are disbursed to

property owners in eminent domain cases based on the purpose for which eminent domain is being exercised.

Effective May 18, 2017.

Chapter No. 457 (HB0420/SB0371). The "Uniform Unclaimed Property Act" enacted. Amends Tennessee Code Annotated, Title 66, Chapter 29, Part 1 by deleting the Uniform Disposition of (Personal) Unclaimed Property Act and replacing it with the Uniform Unclaimed Property Act.

Effective July 1, 2017.

Chapter No. 478 (HB0910/SB0230). Fuel tax allocation provision amended. Amends T.C.A. § 67-3-901(b) by increasing the allocation provided to municipalities from the fuel tax from 14.3% of the total taxes collected to 14.38% of the total taxes collected, on the basis set out in T.C.A. § 54-4-203.

Effective July 1, 2017.

Chapter No. 489 (HB1322/SB1136). Office of Administrative Hearing Officer expanded. Amends T.C.A. § 6-54-1001 by making the Administrative Hearing Officer (AHO) statutes applicable to metropolitan forms of government. Also amends T.C.A. § 6-54-1002(a) by expanding the areas in which the AHO had jurisdiction in to include locally adopted zoning codes.

Effective June 6, 2017.

Chapter No. 491 (HB1381/SB1079). Stairs in public buildings. Amends Tennessee Code Annotated, Title 68, Chapter 120, Part 1 by requiring the stairs in any (1) public building constructed after July 1, 2017; (2) public building for which the state building commission approves renovations to public areas on or after July 1, 2017; or (3) public building purchased by the state on or after July 1, 2017, that lead into a public entrance to have detectable nosings of a contrasting color that is between 1 and 2 inches for the entire length of the edge of each step. Requires the stairs in a public building subject to these requirements to be modified no later than 90 days after the public building is constructed, renovated, or purchased. Defines "public building" and "public entrance" for purposes of this provision. Excludes public buildings on the register of historic places or the Tennessee register of historic places from this requirement and permits a public entity exercising control over a public building of historical significance to apply for and receive a waiver from these requirements from the state building commission.

Effective July 1, 2017.

Labor

Chapter No. 107 (HB0180/SB0262). Prohibition on requirements related to employee scheduling. Amends T.C.A. § 7-51-1802 by prohibiting a local government, except where provided by federal or state law, from adopting or enforcing any ordinance, resolution, regulation or policy that regulates or imposes a requirement on an employer pertaining to employee scheduling, except when necessary to avoid creating a public or private nuisance.

Effective April 7, 2017.

Chapter No. 332 (HB0979/SB473). "Freedom to Prosper Act" enacted. Amends Tennessee Code Annotated, Title 62, Chapter 76, Part 1 by prohibiting any local government, after July 1, 2017, from imposing a licensing requirement on an individual's profession, trade or occupation if the profession, trade or occupation is subject to state licensing requirements, unless the local government had the requirements in place prior to July 1, 2017. Also prohibits a local government from expanding or increasing requirements on an individual's profession, trade or occupation if the licensing requirement existed prior to July 1, 2017 and the profession, trade or occupation is subject to state licensing requirements. Provides that the requirements of this provision do not apply to licensing requirements or regulation of law enforcement officers, firefighters and other first responders.

Effective July 1, 2017.

Law Enforcement

Chapter No. 151 (HB0303/SB1191). Authority of the POST Commission expanded. Amends T.C.A. § 38-8-104(a) by expanding the powers and duties of the POST Commission. Also authorizes the Commission to obtain a set of classifiable fingerprints from any person hired as a police officer or enrolled as a police recruit in an approved recruit training program and submit the set of fingerprints to the TBI for a search of its criminal history records to determine whether the person has a criminal history and meets the minimal qualifications for a law enforcement officer. Requires the TBI to send the fingerprints to the FBI for a national criminal records search.

Effective July 1, 2017.

Chapter No. 252 (HB0903/SB1082). Advisory guidelines related to best behaviors during traffic stops to be established. Amends Tennessee Code Annotated, Title 55, Chapter 8, Part 2 by requiring the Tennessee Department of Safety, in consultation with state and local law enforcement, to develop advisory guidelines concerning best behaviors for drivers to exercise when stopped by law enforcement officers. Requires the advisory guidelines to be promoted to the public. Also requires law enforcement officers to be trained that citizens may, but are not required to follow the guidelines and are not liable for civil damages or subject to other liability or action for failure to comply with the guidelines.

Effective May 2, 2017.

Chapter No. 301 (HB1049/SB0459). Law enforcement officers required to notify the Post Commission of arrests. Amends Tennessee Code Annotated, Title 38, Chapter 8, Part 1 by requiring a law enforcement officer who is arrested to notify the executive secretary of the POST Commission and the chief law enforcement officer or his/her designee in the agency where the officer is employed within 24 hours of an arrest, as contained in the arrest report. Also requires the chief law enforcement officer or his/her designee to notify the executive secretary within 24 hours of receiving notification of an officer's arrest. Also amends T.C.A. § 38-8-111 by authorizing the POST Commission to withhold an officer's salary supplement for failure to notify the Commission of an arrest.

Effective July 1, 2017.

Chapter No. 345 (HB1283/SB1223). Testing permitted upon possible exposure to Hepatitis. Amends T.C.A. § 68-10-116 by authorizing law enforcement officers to request that arrestees be tested for Hepatitis when the officer is exposed to blood or other bodily fluid of the arrestee, in a manner that presents significant risk of transmission, during an arrest, transport or while processing an individual charged with a crime. Defines law enforcement officer to include fire fighters and other first responders.

Effective May 6, 2017.

Motor Vehicles and Traffic

Chapter No. 34 (HB1116/SB1304). Yellow Dot Program expanded. Amends T.C.A. § 55-20-301 by requiring the Tennessee Department of Transportation and the Governor's Highway Safety Office to take reasonable efforts to publicize the Yellow Dot Program, including working with local law enforcement agencies and first responders. Provides that if a law enforcement officer stops a motor vehicle with a yellow dot decal affixed to the vehicle and if during the encounter with the driver or passenger, the officer reasonably believes the driver or passenger has a medical condition that is impacting the encounter, the law enforcement officer, upon receiving consent from the driver or passenger, is authorized to review any yellow dot folder or folders present in the vehicle.

Effective March 29, 2017.

Chapter No. 95 (HB1378/SB0996). Due caution required when approaching a stationary motor vehicle using flashing lights. Amends T.C.A. § 55-8-132 by requiring the driver of a vehicle who is approaching a stationary vehicle using flashing lights that is located on the shoulder, in an emergency lane or in the median, to proceed with caution and yield to the right-of-way by making a lane change into a lane not adjacent to that of the motor vehicle, if possible or reduce the speed of the vehicle, if changing lanes is not possible or is unsafe. Also provides that the driver of a stationary motor vehicle, authorized emergency vehicle, recovery vehicle, solid waste vehicle or highway maintenance vehicle also has a duty to operate the vehicle with due regard for the safety of everyone using the highways.

Effective July 1, 2017.

Personnel-Benefits

Chapter No. 238 (HB0922/SB1283). Response time for requests for claims data from an LEA. Amends T.C.A. § 8-27-302 by requiring the Local Education Insurance Committee to provide claims data for purposes of underwriting and premium rating, as described in the statute, to an LEA within 30 days of a written request being made, under certain circumstances. Provides that the 30 day response time frame does not apply if there are more than 10 requests for claims data pending. Permits the LEAs to obtain information related to the number of requests pending and the anticipated response time, upon written request.

Effective April 28, 2017.

Chapter No. 287 (HB0166/SB0156). Retired public employees serving as substitute teachers. Amends T.C.A. § 8-36-805 by providing that a retired member of the state's retirement system is permitted to work beyond the 120 days limitation, if working in a public school system as a substitute teacher, provided that the director of schools certifies to the Division of Retirement that no other qualified personnel are available to substitute teach during such period, and that the compensation payable to the retired member for such work does not exceed the rate of compensation set by the public school system for substitute teachers filling similar vacant positions; and provided further, that the total salary paid to any such retired member for teaching during the twelve-month period shall not exceed the pertinent pro-rata share of average salary being paid at the institution in the academic discipline concerned.

Effective July 1, 2017.

Chapter No. 408 (HB0604/SB0763). Rights and benefits of first responders from local emergency management agencies established. Amends Tennessee Code Annotated, Title 58, Chapter 2, Part 1 by providing that local emergency management agency personnel are considered first responders from local emergency management agencies with all the rights, benefits, privileges and protections available to them pursuant to state and local laws. Provides that the estate of any first responder from a local emergency management agency is entitled to $25,000 if the responder is killed in the line of duty.

Effective July 1, 2017.

Chapter No. 445 (HB1368/SB1059). Death benefit increased for families of emergency responders killed in the line of duty. Amends Title 7, Chapter 51, Part 2 of the Tennessee Code by providing the estate of firefighters, volunteer rescue squad workers and law enforcement officers who are killed in the line of duty, an annual installment of $50,000 for 5 years. Requires the emergency responder to have been current in any required training and physical exams at the time of death.

Effective July 1, 2017.

Chapter No. 476 (HB0466/SB0822). Health insurance benefits authorized for families of first responders killed in the line of duty. Amends Title 8, Chapter 27, Part 4 of the Tennessee Code by allowing municipalities that offer health insurance benefits to first responders, to offer or continue to provide the benefits to the surviving spouse and children, including unborn children, of a first responder killed in the line of duty for a period not to exceed 2 years after the death of the first responder. Requires the municipality to provide notification to the commissioner of Finance and Administration if these benefits are being provided so that the State can reimburse the local government for the portion of the premiums that the local government pays.

Effective July 1, 2017.

Planning

Chapter No. 254 (HB1384/SB0783). Housing authorities authorized to engage in mass transit planning. Amends Title 13, Chapter 20 of the Tennessee Code by allowing housing authorities established under Title 13 to carry out any transit-oriented redevelopment project. Provides that prior to an authority

initiating a redevelopment plan, the governing body of the municipality in the area to be covered by the project or the agency designated by the governing body must approve the plan. Includes criteria for what must be included in the plan. Prohibits a governing body from approving a plan until a public hearing is held. Enumerates the specific manner in which notice of the public hearing must be provided. Permits land in a transit-oriented redevelopment project to be used by private entities and public agencies as long as the use is consistent with the plan and the entity or agency pays for the use value of the land. Also authorizes the authority to adopt a plan that contains a tax increment financing provision. Allows the authority to borrow money and accept contributions from the federal government to assist with the project and to issue bonds.

Effective May 2, 2017.

Purchasing

Chapter No. 415 (HB1379/SB0897). Bid threshold for entities with centralized purchasing authority and a full-time purchasing agent. Amends T.C.A. § 12-3-1212 by authorizing local governments and LEAs that have centralized purchasing authority with a full-time purchasing agent to increase the threshold over which public advertising and competitive sealed bids or proposals are required to an amount not to exceed $25,000 for nonemergency, nonproprietary purchases, through ordinance or resolution. Requires at least 3 written quotations whenever possible for purchases costing less than the threshold amount, but more than 40% of the threshold amount, unless a lower amount is set by the governing body in the resolution or ordinance. Requires purchases for like items to be aggregated for purposes of the bid threshold.

Effective May 18, 2017.

Records

Chapter No. 113 (HB0516/SB0842). Addresses removed from personal identifying information provision. Amends T.C.A. § 10-7-504(a)(29)(C)(vi) by removing "addresses" from the provision that makes personally identifying information related to Tennessee citizens confidential.

Effective April 7, 2017.

Chapter No. 114 (HB0313/SB1201). Identity of certain vendors confidential. Amends T.C.A. § 10-7-504(i) by making the identity of vendors that provide goods and services to the State that protect electronic information processing systems, telecommunications and other communication systems, data storage systems, government employee and citizen information, confidential. Provides that the same information is only confidential for local governments, if the local government votes in the affirmative to make the information confidential.

Effective April 7, 2017.

Chapter No. 233 (HB0058/SB0464). Amendments to the Tennessee Public Records Act. Amends T.C.A. § 10-7-503 by providing that requests to inspect records may be submitted in person, by telephone, fax, mail or email, if the governmental entity conducts official business using such means or via an Internet portal, if the entity maintains a portal that is used for accepting public records requests. Provides that requests for copies can be required to be made in writing, on a form developed by the Office of Open Records Counsel (OORC), or on a form that complies with T.C.A. § 10-7-503(c). Also provides that if a request for copies is not required to be made in writing, it can be made in any of the ways that a request to inspect can be made. Requires any form that is required to be used to make a request for copies to be made readily available to a requestor. Also provides that when at least 2 requests to inspect are made within a 6 month period and for each request, the requestor does not inspect the records within 15 days of being made aware that records are available for inspection, the governmental entity is not required to comply with any additional records request from the requestor for 6 months from the date the second request was made, unless the entity determines there was good cause for failure to review the records. Provides that when a request for copies is made, an estimate provided, the requestor agrees to pay the estimate, the copies are made and then the requestor does not pay the estimate, the governmental entity is not required to comply with another request from the requestor until the requestor pays for such copies.

Effective July 1, 2017.

Chapter No. 255 (HB0732/SB0442). Certain body worn camera (BWC) footage made confidential. Amends T.C.A. § 10-7-504 by making BWC footage taken of a minor taken within a school that serves grades k-12, the interior of a facility licensed as a healthcare, rehabilitation or mental health facility, or the interior of a private residence that is not being investigated as a crime, confidential. Provides that this provision will be deleted on July 1, 2022.

Effective May 2, 2017.

Chapter No. 277 (HB0277/SB1039). Accessibility of officer-involved shooting death records. Amends Tennessee Code Annotated, Title 38, Chapter 8, Part 3 by requiring the investigative records from an officer-involved shooting death to be made accessible to the public after the completion of the TBI investigation and the prosecutorial function by the DA. Also permits the DA to make all or part of the investigatory records accessible to the public prior to the completion of the investigation or prosecutorial function.

Effective May 4, 2017.

Chapter No. 296 (HB0560/SB0467). Criminal offense created for disclosure of law enforcement officers' residential street address. Amends T.C.A. § 10-7-504 by making the disclosure of a law enforcement officer's residential street address either a Class A or a Class B misdemeanor, when the person releasing the information acts with criminal negligence in releasing the information or the person knows the information is to be treated as confidential and intentionally releases the records. Provides that this language is not applicable when the officer expressly authorizes the release of the records or the information is released pursuant to a court order.

Effective July 1, 2017.

Chapter No. 308 (HB0344/SB0550). The identities of minors who are victims of crimes made confidential. Amends T.C.A. § 10-7-504 by making certain information, including the name, unless waived by the parent or legal guardian, the home, work and electronic mail address, the telephone numbers, social security numbers, any photographic or video depiction of the minor victim and whether the defendant is related to the victim, unless the relationship is an essential element to the crime, confidential for a minor who is the victim of a crime.

Effective July 1, 2017.

Chapter No. 421 (HB0947/SB1179). Accessibility of records and information related to economic and community development. Amends Tennessee Code Annotated, Title 6, Chapter 54, Part 1 by making any contract or agreement that obligates public funds as part of a municipality's economic and community development program to assist new and existing businesses and industries, together with all supporting documentation, public record as of the date the contract or agreement is made available to the members of the governing body. Requires the governing body to publically disclose the proposed contract or agreement in a manner that will fairly inform the public of the proposed contract or agreement before the vote. Requires trade secrets received to be maintained as confidential. Also requires marketing information and capital plans that are provided with the understanding that they are confidential to be maintained as such until the provider of the information no longer requires the information to be maintained as confidential.

Effective May 18, 2017.

Taxes-Hall

Chapter No. 453 (HB0331/SB0193). Exception for payment of the Hall Income tax. Amends T.C.A. § 67-2-104 by exempting from the payment of the Hall Income tax, individuals who are 100 years of age or older or any individuals who file jointly when either spouse is 100 years of age or older.

Effective May 25, 2017.

Taxes-Hotel/Motel

Chapter No. 14 (HB0090/SB0148). Occupancy tax levy authorized for the City of Millersville. Amends T.C.A. § 67-4-1425 by authorizing the City of Millersville to levy an occupancy tax not to exceed 2.5% of the cost of a hotel/motel room upon approval of a 2/3 vote of the governing body. The proceeds are to be used solely for tourism development purposes and the manner of collection and administration is to be set out in an ordinance.

Effective March 24, 2017.

Chapter No. 165 (HB0459/SB0389). Occupancy tax levy authorized for McMinnville. Amends T.C.A. § 67-4-1425 by authorizing the City of McMinnville to levy an occupancy tax not to exceed 2.5% of the cost of a hotel/motel room upon approval of a 2/3 vote of the governing body. The proceeds are to be

used solely for tourism development purposes and the manner of collection and administration is to be set out in an ordinance.

Effective April 24, 2017.

Chapter No. 250 (HB0782/SB0853). Occupancy tax levy authorized for Kingston Springs. Amends T.C.A. § 67-4-1425 by authorizing the Town of Kingston Springs to levy an occupancy tax not to exceed 2.5% of the cost of a hotel/motel room upon approval of a 2/3 vote of the governing body. The proceeds are to be used solely to promote tourism and economic development and the manner of collection and administration is to be set out in an ordinance.

Effective May 2, 2017.

Chapter No. 291 (HB0589/SB0875). Occupancy tax levy through multiple ordinances authorized for Memphis. Amends T.C.A. § 67-4-1402 by authorizing the City of Memphis to levy an occupancy tax in an amount not to exceed 5.0% of the cost of a hotel/motel room, through one or more ordinances.

Effective May 4, 2017.

Chapter No. 436 (HB1438/SB1448). Occupancy tax levy authorized for Portland. Amends T.C.A. § 67-4-1425 by authorizing the City of Portland to levy an occupancy tax not to exceed 2.5% of the cost of a hotel/motel room upon approval of a 2/3 vote of the governing body. The proceeds are to be used solely for tourism development and the manner of collection and administration is to be set out in an ordinance.

Effective May 17, 2017.

Taxes-Property

Chapter No. 11 (HB0052/SB0114). Tax relief for victims of certain natural disasters. Amends T.C.A. § 67-5-603 by requiring the property tax assessment for a building or improvement that was demolished or destroyed, or 50% or more damaged by fire, wind, or any other disaster certified by the federal emergency management agency (FEMA), on or after September 1, 2016 and before December 31, 2016, to be prorated for tax year 2016 for the actual time the building or improvement is destroyed and not replaced, or the actual time the building or improvement is 50% or more damaged, regardless of whether the building or improvement is returned or replaced by December 31, 2016, as long as the total time the building or improvement is destroyed or damaged and not replaced or restored, exceeds 30 days. Requires the owner of the property to apply for this relief to the assessor by June 30, 2017, using a form approved by the director of the State Division of Property Assessment. Provides that if the tax is paid prior to the proration, the municipality must refund the owner any portion of the tax paid that exceeds the revised assessment. Makes this provision retroactive to January 1, 2016 but provides that it will not take effect as to any particular municipality unless approved by 2/3 vote of the municipality's governing body. Also amends T.C.A. § 67-5-606 to allow for the same proration using the same process for commercial and industrial tangible personal property that was demolished or destroyed, or 50% or

more damaged by fire, wind, or any other disaster certified by the federal emergency management agency (FEMA), on or after September 1, 2016 and before December 31, 2016.

Effective March 24, 2017.

Chapter No. 198 (HB0579/SB0257). Grounds for default judgment in delinquent property tax cases. Amends T.C.A. § 67-5-2415(g) by providing that the return of a certified or registered mail receipt signed by the defendant, spouse or other individual deemed appropriate to receive a summons per the Rules of Civil Procedure or the return of the receipt marked "refused" or "unclaimed" or some other similar notation and the filing of such receipt as a part of the record by the clerk constitutes evidence of actual notice and is grounds for a default judgment in a delinquent property tax case.

Effective July 1, 2017.

Chapter No. 299 (HB0934/SB0745). Delinquent property tax provisions amended. Amends Tennessee Code Annotated, Title 28, Chapter 2 by providing that a person and those claiming through such person, who received title to a parcel conveyed pursuant to a tax proceeding is vested with an absolute and indefensible title in fee in the parcel, unless a judicial action challenging the title of the parcel is filed in an appropriate court, within 3 years of the recording of the tax deed or order confirming the sale of the parcel in the office of the register of deeds. Also amends T.C.A. § 67-5-2010 by deleting the language that made the payment of a penalty for any delinquent amount owed for property taxes and instead makes the interest to be paid on the delinquent amount 1.5%. Amends T.C.A. § 67-5-2501 by allowing a court to order the sale of property in a delinquent tax sale for cash, certified funds, cashier's check, money order or automated clearing house transfer. Provides that all sales are subject to the equity of redemption and may be conducted electronically. Amends T.C.A. § 67-5-2502 by providing that in a delinquent tax sale suit, service on or notice to a nominee or agent of an owner, where the nominee or agent is identifiable from information provided in the deed or deed of trust, constitutes service on or notice to the owner and service on or notice to a nominee or agent of an owner, where the nominee or agent is identifiable from information provided in the deed or deed of trust, constitutes service on or notice to all assignees of the owner if evidence of the assignment has not been recorded in the office of the register of deeds in the county where the parcel is located. Authorizes the clerk or special master to withdraw any parcel from the sale, when suggested by the delinquent tax attorney. Also amends T.C.A. § 67-5-2504 by permitting an interested person to file an action to challenge a tax title or the instrument conveying such title if the delinquent tax attorney fails to make a diligent effort to give actual notice of the proceeding to the interested person in accordance with T.C.A. § 67-5-2502(c)(3). Amends T.C.A. § 67-5-2701 by providing that a taxing authority which has purchased a parcel at a delinquent property tax sale has no obligation to preserve the value of the property during the period of redemption or thereafter.

Effective July 1, 2017.

Chapter No. 312 (HB0425/SB1370). Collection of de minimus property tax payments. Amends Tennessee Code Annotated, Title 67, Chapter 5, Part 20 by authorizing the property tax collecting official to decline to bill the tax, decline to refer the tax for further collection or abate any penalty or interest otherwise due for late payment of the tax, when the amount due is less than $5.00 and the action is authorized by private act, the resolution or ordinance levying the tax. Requires the collecting official to

keep a list of the de minimus taxes by parcel and year and permits the tax to be collected when the taxes are collected for a subsequent year, if the collection is not barred by the statute of limitation.

Effective May 5, 2017.

Chapter No. 409 (HB1369/SB0786). Property tax exemption extended. Amends T.C.A. § 67-5-212 by extending the exemption from payment of property taxes to exempt institutions that are occupied and actually used by another exempt institution for one or more of the exempt purposes for which it was created or exists under an arrangement which is solely between exempt institutions that originated as part of a single institution and that continues to use the property for the same religious, charitable, scientific, or nonprofit educational purpose, whether by charter, contract, or other agreement or arrangement.

Effective May 18, 2017.

Chapter No. 490 (HB1367/SB1363). Taxation of modern market telecommunication providers. Amends T.C.A. § 67-5-501 by defining "modern market telecommunication provider" (MMTP) to include (A) an incumbent local exchange telephone company that elects market regulation pursuant to T.C.A. § 65-5-109; (B) a telephone cooperative organized pursuant to T.C.A. § 65-29-102; or (C) a nongovernmental entity or separate operating division within the entity if the business activity of the entity or division is limited to providing: (i) competitive local exchange telephone services; or (ii) interconnected voice over internet protocol services. Amends T.C.A. § 67-5-502 by providing that all real, tangible personal property and intangible personal property of a MMTP is to be assessed at the rate applicable to commercial and industrial property of the same type, instead of at the 55% rate for public utility property. Requires the revenue from the interstate telecommunications services tax to be distributed to local governments to mitigate the impact on local governments resulting from assessing the operating property of MMTPs as commercial and industrial property rather than as public utility property. Requires every MMTP to pay an annual privilege tax for the privilege of competing with public utilities to provide telecommunication services beginning January 1, 2018. Also amends T.C.A. § 67-6-222 by discontinuing the telecommunications ad valorem tax reduction fund in June effective June 2, 2017.

Section 12 effective June 1, 2017 and all other sections effective June 6, 2017.

Taxes-Sales

Chapter No. 449 (HB0006/SB0003). Sales tax allocation for major league soccer franchise. Amends T.C.A. § 67-6-103(d)(1)(A)(i) by providing that when a sports authority organized pursuant to Title 7, Chapter 67 of the Tennessee Code by a municipality secures a major league soccer franchise an amount equal to the State sales tax revenue from the sale of tickets, food, drink, parking, related charges and merchandise, is to be allocated to the municipality, if the municipality reimburses the State for any costs to reallocate apportionments of the tax revenue pursuant to this provision.

Effective July 1, 2017.

Chapter No. 452 (HB0261/SB0053). Collection of sales or use tax from out-of-state dealers. Amends Tennessee Code Annotated, Title 4, Chapter 5 by prohibiting the Tennessee Department of Revenue from collecting any internet sales or use taxes authorized under the Department's rule 1320-05-01-.129(2) and permitted under a ruling of any court, until such court's ruling has been fully reviewed and rule 1320-05-01-.129(2) has been approved by the general assembly pursuant to T.C.A. § 4-5-226.

Effective May 25, 2017.

Tobacco

Chapter No. 188 (HB0113/SB1369). Prohibition on smoking. Amends T.C.A. § 39-17-1551 by authorizing the City of Cookeville to prohibit smoking in Dogwood Park, through an ordinance.

Effective July 1, 2017.

Transportation

Chapter No. 23 (HB0036/SB0036). Tourist oriented directional signs in Sevier County. Amends T.C.A. § 54-5-1302(b) by exempting all of the tourist oriented directional signs in Sevier County from the requirement that non-TDOT installed signs be removed.

Effective March 29, 2017.

Chapter No. 181 (HB0534/SB1221). "IMPROVE Act" enacted. Amends T.C.A. § 67-2-102 by reducing the amount of the Hall Income Tax levied to 4% for the tax year that begins after January 1, 2017 and reducing it by 1% every year until tax year 2021 when the assessment will be 0%. Amends T.C.A. § 67-3-201(a) by increasing the gasoline tax to 24 cents per gallon from July 1, 2017 until June 30, 2018 and increases the tax and additional 1 cent on July 1, 2018 and July 1, 2019. Also amends T.C.A. § 67-3-202(a) by increasing the diesel tax to 21 cents per gallon from July 1, 2017 until June 30, 2018 and increases the tax an additional 3 cents on July 1, 2018 and July 1, 2019. Amends Title 67, Chapter 3, Part 9 by adding a list of road projects that are to be funded by the increases in the gasoline and diesel taxes. Amends T.C.A. § 67-4-3202 by authorizing any municipality in the state with a population in excess of 165,000 according to the 2010 federal census or any subsequent federal census, to levy a surcharge on the same privileges that the local option sales and use tax, business tax, motor vehicle tax, local rental car tax, tourist accommodation tax, hotel occupancy tax and residential development tax are levied on, if the taxes are currently being collected. Establishes maximum rates for such surcharges. Provides that no such surcharge shall become effective unless a local government develops and adopts a transit improvement program, and unless it is approved by a majority of the number of registered voters of the local government. Requires the surcharge to be levied, collected, and administered in the same manner as the applicable underlying local tax, and authorizes the Department of Revenue to keep an administrative fee of 1.125 percent of proceeds of any such surcharge that the Department will administer and collect. Requires revenue from the surcharge be used for costs associated with the planning, engineering, development, construction, implementation,

administration, management, operation, and maintenance of public transit system projects that are part of a transit improvement plan. Also amends T.C.A. §§ 67-5-702, 67-5-703 and 67-5-704 by increasing the property value threshold for determining the extent of any property tax relief payments to low-income elderly homeowners and low-income disabled homeowners from $23,500 of the full market value of the property to $27,000 of the full market value of the property. Increases the property value threshold for determining the extent of any property tax relief payments to disabled veteran and surviving spouse homeowners from $100,000 of the full market value of the property to $175,000 of the full market value of the property. Requires such thresholds to be increased annually for inflation, but limits any such increases to the zero to three percent range. Also amends T.C.A. § 67-6-228 by decreasing the sales tax on the retail sale of food and food ingredients from 5% to 4%.

Effective April 26, 2017 for Sections 1, 27, 35 and 36. Effective April 26, 2017 for Sections 13, 14, 15, 28 and 29 and applicable to tax years beginning on or after January 1, 2017. All other Sections effective July 1, 2017.

Chapter No. 218 (HB0809/SB0680). Nighttime operation of off-highway vehicles authorized in the Town of Huntsville. Amends T.C.A. § 55-8-185(c)(1)(C) by permitting the operation of off-highway vehicles in the Town of Huntsville on State Route 63 from 30 minutes before dawn until midnight during one day of each of the 2 weekends when the off-highway vehicles are authorized to operate on the highway.

Effective April 28, 2017.

Chapter No. 378 (HB0332/SB0194). Certain color lights prohibited for use in motor vehicles. Amends T.C.A. § 55-9-402 by prohibiting vehicles operating in the state from being equipped with any steady-burning lights that display to the front of the vehicle any color or combination of colors other than white or amber, except in certain enumerated vehicles. Also prohibits any vehicles operating in the state from being equipped with any flashing lights in any color or color combination that displays to the front of the vehicle, other than factory installed emergency flashers, except in certain enumerated vehicles.

Effective January 1, 2018.

Chapter No. 416 (HB0868/SB0954). Additional criminal offenses established for using mobile devices while driving. Amends Tennessee Code Annotated, Title 55, Chapter 8, Part 2 by making it a Class C misdemeanor, punishable by fine only, to knowingly operate a motor vehicle in a marked school zone while the warning flashers are on and talk on a hand-held mobile telephone while the vehicle is in motion, subject to certain exceptions. Makes it a delinquent act for a person under 18 years of age to do the same. Permits a person 18 years of age or older to talk on a hands-free device in these same areas. Provides that a citation issued based solely upon violation of this section is a nonmoving traffic violation and points will not be added to a driver's record based upon this violation. Also amends T.C.A. § 55-8-199 by making it a delinquent offense for an individual under the age of 18 to knowingly operate a

motor vehicle and use a mobile telephone or personal digital assistant that is equipped with a hands-free device to read or send a written message, subject to certain exceptions.

Effective January 1, 2018.

Chapter No. 425 (HB0533/SB1220). Maintenance and replacement of roads and bridges. Amends T.C.A. § 54-1-126 by proving that the Tennessee Department of Transportation (TDOT) is responsible for the maintenance of public roads and bridges within state parks, but may contract with local governments in the areas where the parks are located to perform the maintenance. Permits the cost of the maintenance to be reimbursed to the local government through use of the State Highway Fund. Also amends Tennessee Code Annotated, Title 54, Chapter 4 by establishing the High Priority Bridge Replacement Program for the purpose of funding the replacement of bridges throughout the state. Requires local governments to maintain the bridges once they are replaced.

Effective July 1, 2017.

Chapter No. 474 (HB0381/SB0151). Operation and regulation of autonomous vehicles. Amends various provisions in Tennessee Code Annotated, Title 55, related to liability for reporting crashes and having children in child safety seats or buckled into automobiles equipped with an automated driving system. Also amends T.C.A. § 55-54-101 by enacting the "Automated Vehicles Act." The act authorizes ADS-operated vehicles to drive or operate on streets and highways in this State with the DS engaged without a human driver physically present in the vehicle, if the vehicle meets certain enumerated conditions. Prohibits local governments from regulating or prohibiting the operation of an ADS-operated vehicle if the vehicle is operating in compliance with these provisions and is otherwise in compliance with the local government's regulations or a motor vehicle operated at any level of autonomous technology as defined by T.C.A. § 55-9-105(c)(6)(B).

Effective June 6, 2017.

Utilities

Chapter No. 118 (HB0088/SB0138). New training requirements. Amends T.C.A. § 7-34-115 by requiring the governing body of a municipal utility system subject to this section that supervises, controls or operates a public water or public sewer system, including those systems using a separate utility board pursuant to any public or private act, to obtain 12 hours of training and continuing education within 1 year of initial appointment or election or reappointment or reelection. The required training and continuing education must be obtained every 3 years from the date of the initial training. Allows for an extension of up to 6 months to be obtained from Comptroller of the Treasury or his designee under certain circumstances. Provides that if a member of the board fails to meet the training and continuing education requirements within the required timeframe or before the end of any extension, the Water and Wastewater Financing Board has full discretion to order reasonable sanctions against the municipality, which includes the municipality being ineligible to receive assistance from the Tennessee Local Development Authority (TLDA).

Effective April 12, 2017.

Chapter No. 129 (HB00119/SB0159). Jurisdiction of the Water and Wastewater Financing Board (WWFB) clarified. Amends T.C.A. § 68-211-1008 by expanding the definition of "water systems and wastewater facilities" to include any local government empowered to provide water or wastewater services and provides that the local government entities empowered to provide these services are subject to the jurisdiction of the WWFB.

Effective April 17, 2017.

Chapter No. 132 (HB0152/SB0231). Audited financial report of a water system or wastewater facility filed with the Wastewater Financing Board in certain situations. Amends T.C.A. § 68-211-1010 by providing that within 60 days from the time an audit of a water system or wastewater facility is filed with the Comptroller, the Comptroller is required to file with the Wastewater Financing Board, the audited financial report of any water system or wastewater facility that has a deficit total net position in any 1 year, has a negative change in net position for 2 consecutive years, or is currently in default in any of its debt instruments. Adds that for purposes of this provision, "change in net position" means total revenues less all grants, capital contributions, and expenses.

Effective April 17, 2017.

Chapter No. 404 (HB0158/SB0683). Fluoride level triggers requirement to notify water customers. Amends Tennessee Code Annotated, Title 68, Chapter 221, Part 7 by requiring a public water system to notify customers and obtain laboratory analysis of water samples monthly for fluoride levels, when the quarterly analysis of a water sample analysis by a certified laboratory confirms that the level of fluoride in the sample exceeds 1.5 mg/L.

Effective May 18, 2017.

Chapter No. 446 (HB1290/SB1087). Provisions related to municipal energy authorities amended. Amends Tennessee Code Annotated, Title 7 by expanding the number of municipalities that can create municipal energy authorities to include any municipality having a population of 335,000 or less, according to the 2010 federal census or any subsequent census, when the municipality, as of the date the authority is formed, operates an electric system under the authority of Title 7, Chapter 52, the municipality's charter or other applicable law. Amends various powers and duties of the authorities. Also amends T.C.A. § 7-36-107 by conferring upon the board of the authority all the powers, authorities, duties, obligations requirements and oversight as imposed upon municipalities and a municipality's water or wastewater system. Amends T.C.A. § 7-36-108 by providing that each system of the authority must operate independently of the others and be self-sustaining, except insofar as the board of the authority may, by resolution, combine any of the systems, if advisable and economical and not otherwise prohibited. Requires the telecommunications system to operate separately. Amends T.C.A. § 7-36-112(b) by prohibiting the authority from disposing of all or substantially all of the electric, water or wastewater system of the authority, except with the concurrence and consent of the governing body of the associated municipality, except in the case of the electric plant, which requires approval in a referendum. Amends T.C.A. § 7-36-113(d) by authorizing the authority to issue revenue-anticipation notes with the approval of the Comptroller and subject to certain requirements being met. Amends T.C.A. § 7-36-122 by authorizing the authority to pay or cause to be paid payments in lieu of taxes to the associated municipality or any other municipality due the payments, from the revenues of each system for each fiscal year. Amends T.C.A. § 7-36-132 by permitting the associated municipality to transfer to

the authority all of the associated municipality's rights, title, interest in and all assets of the municipal electric , water, wastewater and telecommunication systems. Also grants an exclusive franchise to the authority to provide within the corporate limits of the associated municipality any and all services that it is authorized to provide, subject to payment in lieu of taxes.

Effective May 25, 2017.

Workers' Compensation

Chapter No. 380 (HB0666/SB0297). Requirements for list of independent reputable practitioners and death benefits for deceased employees amended. Amends T.C.A. § 50-6-204 by requiring employers covered by the workers' compensation provisions to provide injured employees a list of three (3) independent reputable physicians, surgeons, chiropractors, or specialty practice groups not associated in practice together that are within a 125 mile radius of the employee's community, when three (3) or more independent reputable physicians, surgeons, chiropractors, or specialty practice groups not associated in practice together are not available in the employee's community. Also requires employers subject to the workers' compensations provisions to pay burial expenses of up to $10,000 for deceased employees who succumb due to occupational injuries or disease.

Effective May 18, 2017.