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Tennessee Public Acts 2013: Summaries of Interest to Municipal Officials

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TENNESSEE PUBLIC ACTS 2013

Summaries of Interest to Municipal Officials

Josh Jones, Legal Consultant

THE UNIVERSITY of TENNESSEE
MUNICIPAL TECHNICAL ADVISORY SERVICE

In cooperation with the Tennessee Municipal League

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.



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The Municipal Technical Advisory Service (MTAS) was created in 1949 by the state legislature to enhance the quality of government in Tennessee municipalities. An agency of the University of Tennessee Institute for Public Service, MTAS works in cooperation with the Tennessee Municipal League and affiliated organizations to assist municipal officials.

By sharing information, responding to client requests, and anticipating the ever-changing municipal government environment, MTAS promotes better local government and helps cities develop and sustain effective management and leadership.

MTAS offers assistance in areas such as accounting and finance, administration and personnel, fire, public works, law, ordinance codification, and wastewater management. MTAS houses a comprehensive library and publishes scores of documents annually.

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TENNESSEE PUBLIC ACTS 2013

Summaries of Interest to Municipal Officials

ALCOHOLIC BEVERAGES

Public Chapter No. 189 (SB0422/HB0999). Wholesale beer tax provisions revised. Amends Tennessee Code Annotated, Title 57, Chapter 6 by repealing current wholesale beer tax provisions and instituting a flat tax of $35.60 per barrel of beer sold. Reallocates tax collected as follows: $0.17 to the state, $0.92 retained by manufacturer, remainder to municipality.

Effective July 1, 2013

Public Chapter No. 316 (SB0091/HB0294). Beer permit suspension upon ABC suspension or revocation. Amends Tennessee Code Annotated, Title 57, Chapter 1, Part 2 by authorizing a beer board to temporarily suspend a beer permit of an establishment found in violation by the alcoholic beverage commission. Local beer board must schedule a hearing within 14 days following notice of ABC violation and notify establishment. Upon finding a violation at hearing board may suspend or revoke beer permit.

Effective April 29, 2013

Public Chapter No. 341 (SB1195/HB1084). Requirements for product labeled as Tennessee Whiskey established. Amends Tennessee Code Annotated, Title 57, Chapter 2, by setting standards for products labeled as Tennessee Whiskey. Makes other revisions to provisions governing manufacture of alcohol.

Effective July 1, 2013

Public Chapter No. 386 (SB0747/HB0903). Beer manufacturer may hold license as a restaurant. Amends Tennessee Code Annotated, Title 57, Chapters 4 and 5 by clarifying that a beer manufacturer can hold its license as a restaurant or limited service restaurant. Restaurant or limited service restaurant may sell beer manufactured on premises or at another location it owns for off-premises consumption.

Effective May 14, 2013

Public Chapter No. 394 (SB0590/HB0070). Wholesaler license provisions amended. Amends T.C.A. § 57-3-203(i)(2) by authorizing a wholesale liquor license, limited to the sale of wine and not to exceed 6,000 cases annually, in a city that has authorized consumption on premises, has a bond rating of AAA, and is in a county with a bond rating of AAA.

Effective May 14, 2013

Public Chapter No. 445 (SB0129/HB0102). Manufacture of alcohol lawful in certain jurisdictions. Amends T.C.A., §§ 57-2-103 and 57-3-202 to make the manufacture of intoxicating liquors, intoxicating drinks (including high-alcohol content beer), or both, lawful in the following jurisdictions:

1. A city or county that has approved the manufacture of intoxicating liquors or intoxicating

drinks, or both, via a public referendum;

2. A city or county that has approved both retail package sales and consumption of alcoholic beverages on the premises through a referendum;

3. A city or county with a premier tourist resort district in which it is lawful to sell alcoholic beverages for on premises consumption;

4. A city with a population of less than 1,000 that is located in a county in which any jurisdiction within the county has approved retail package sales through referendum and any jurisdiction within the county has approved consumption of alcoholic beverages on the premises through referendum;

5. A city with a population of less than 1,000 that is located in a county that is included in a Tennessee River Resort District and has approved retail package sales through referendum; or

6. A city or county where it is lawful to have manufacturing of intoxicating liquors or intoxicating drinks, or both, prior to the effective date of the act.

Pursuant to the bill, distilleries and the manufacture of alcoholic beverages will become lawful upon its effective date. However, a city that wishes to continue to prohibit the manufacture of alcohol can do so via a resolution that removes application of this law. Such a resolution must be passed before a person files an official notice with the city of his intent to pursue all lawful avenues to manufacture alcohol within the city limits. No notice may be filed prior to 45 days after the effective date of the bill.

Effective July 1, 2013

ANIMALS

Public Chapter No. 58 (SB0561/HB0440). Only rabid or suspected rabid, dog or cat must be confined or leashed during transport. Amends T.C.A. § 68-8-108 by clarifying that only rabid, suspected rabid, cats or dogs must be securely confined or leashed during transport.

Effective March 26, 2013

Public Chapter No. 157 (SB0581/HB0462). Animal victims of cruelty offenses to be placed with governmental animal control agency or law enforcement agency. Amends T.C.A. § 39-14-210 by requiring any victim of an animal cruelty offense be placed with a governmental animal control agency, law enforcement agency or their designee. Entity may petition court to require owner or person the animal was seized from to post a security for costs incurred in boarding the animal. If person the animal was seized from is owner and such person fails to post security within 10 business days of court order then the animal is deemed abandoned, and is to be forfeited to the governmental agency or its designee. If person whose animal was seized from is not owner and such person fails to post security within 15 business days of court order the governmental agency must make reasonable efforts to determine owner. If owner cannot be located or if owner is located and fails to post security within 10 days of notification then animal is deemed abandoned and is to be forfeited to governmental entity or designee.

Effective July 1, 2013

ANNEXATION

Public Chapter No. 441 (SB0279/HB0475). Annexation moratorium imposed. Amends Tennessee Code Annotated, Title 6, Chapter 51, Part 1 by imposing a moratorium from April 15, 2013 to May 15, 2014 on annexation by ordinance upon the municipality's own initiative

in order to annex territory being used primarily for residential or agricultural purposes. Also prohibits any such annexation from becoming operative during this period. Exception for an annexation where the city can show it will suffer substantial and demonstrable injury. This requires approval of county legislative body. Calls for a TACIR study on annexation laws.

Effective May 16, 2013

AUTHORITIES, BOARDS AND COMMISSIONS

Public Chapter No. 405 (SB0122/HB0001). Exemptions to THDA conflicts of interest policy removed. Amends T.C.A. § 13-23-128 by removing the exemptions to the Tennessee Housing Development Agency conflict of interest policy. Previously local government employees and officials were exempt from these rules.

Effective May 14, 2013

BUSINESS REGULATION

Public Chapter No. 194 (SB0544/HB0216). Smoking paraphernalia must be sold from behind retail counter or in locked display case. Adds a new section to Tennessee Code Annotated, Title 39, Chapter 17, Part 15 that requires smoking paraphernalia to be sold from behind a retail counter or in a locked display counter. Paraphernalia includes pipe, cigarette holder, water pipe or rose and pen. Does not apply to pipe made of briar, meerschaum, clay or corn cob. Punishable in same manner as sale of tobacco to a minor.

Effective July 1, 2013

CODES ENFORCEMENT

Public Chapter No. 150 (SB1176/HB0953). Deputy electrical inspector fees to be set by commissioner of commerce and insurance. Amends Tennessee Code Annotated, Title 68, Chapter 102 by repealing statutory maximum fees for deputy electrical inspectors and instead allowing commissioner of commerce and insurance to set such maximum fees.

Effective April 12, 2013 for purposes of promulgating rules; effective January 1, 2014 for all other purposes.

CONTRACTS

Public Chapter No. 195 (SB0647/HB0219). Good and solvent bond defined for public works contracts. Amends T.C.A. § 12-4-201 by defining 'good and solvent bond' for provisions governing public works contracts as a bond written by a surety or insurance company on the U.S. Department of Treasury list of approved bonding companies and authorized to do business in Tennessee. Further states that a bond cannot exceed the amount approved for sureties or insurance companies by the U.S. department of treasury. Bond not in accordance with these provisions is null and void.

Effective April 23, 2013

Public Chapter No. 335 (SB0591/HB0841). All projects using state funds must comply with certain provisions. Amends Tennessee Code Annotated, Title 12, Chapter 4, Part 1 by requiring all public contracts using state funds to comply with provisions that prohibit the governmental entity from requiring any union cooperation or participation. Previously this was only required for public works contracts.

Effective May 13, 2013 and applicable to all contracts entered into after that date.

CRIMES AND CRIMINAL PROCEDURE

Public Chapter No. 151 (SB1363/HB1294). Offense of prescription drug fraud created. Amends T.C.A. § 39-14-150 by creating the offense of prescription drug fraud. This continuing offense is defined as knowingly or intentionally acquiring or attempting to acquire a controlled substance by

misrepresentation, fraud, forgery, deception or subbterfuge.

Effective July 1, 2013

Public Chapter No. 154 (SB0186/HB0180). DUI provisions reorganized. Amends numerous sections of Tennessee Code Annotated by reorganizing the DUI provisions. Lowers blood alcohol content threshold at which a first time DUI offender must use an interlock ignition device to 0.08%. Makes numerous other amendments to DUI provisions.

Effective July 1, 2013

Public Chapter No. 161 (SB0048/HB0012). Definition of controlled substance analogue clarified. Amends Tennessee Code Annotated, Title 39, Chapter 17, Part 4 by expanding list of substances deemed synthetic cannabinoids. Also clarifies the definition of controlled substance analogue by clarifying the necessary measure of analogy to a controlled substance at the atomic level.

Effective July 1, 2013

Public Chapter No. 247 (SB0633/HB0225). Place where drug paraphernalia is intentionally sold is a nuisance. Amends T.C.A. § 29-3-101 by expanding the definition of nuisance to include a place where drug paraphernalia is intentionally sold.

Effective July 1, 2013

Public Chapter No. 285 (SB0823/HB0093). Conveyances used in burglary subject to forfeiture. Amends T.C.A. § 40-33-101 by subjecting any conveyance used in a burglary, aggravated burglary, or especially aggravated burglary including vehicle, aircraft or vessel, to forfeiture.

Effective July 1, 2013

Public Chapter No. 337 (SB1031/HB0920). Ignorance or mistake of fact no defense to prostitution offenses with minor victim. Amends Tennessee Code Annotated, Title 39, Chapters 11 and 13 by declaring that ignorance or mistake of fact as to age of victim is no defense to offenses of patronizing prostitution and soliciting sexual exploitation of a minor.

Effective July 1, 2013

Public Chapter No. 350 (SB1030/HB0521). Consent no defense to sexual exploitation of a minor. Amends T.C.A, Title 39 by clarifying that consent of the victim is no defense to offenses of sexual exploitation of a minor, aggravated sexual exploitation of a minor, or especially aggravated exploitation of a minor.

Effective July 1, 2013

Public Chapter No. 382 (SB0891/HB1078). Notice of forfeiture required. Amends Tennessee Code Annotated, Title 10, Chapter 33, Part 2 by requiring, upon the seizure of personal property subject to forfeiture, the law enforcement officer to provide person found in possession of property with a notice of forfeiture warrant hearing. Notice must contain date, time and location of hearing; right to hearing information; and default information. Also states that if no arrest is made at time of seizure, officer must provide the court with the application for a forfeiture warrant, the affidavit in support, the notice of seizure, and the notice of forfeiture warrant hearing. Judge will then determine probable cause.

Effective January 1, 2014

Public Chapter No. 418 (SB1015/HB0581). Knife regulation preempted. Amends T.C.A. § 39-17-1314 by declaring that the state has preempted the field of knife regulation and that all local regulation is prohibited.

Effective July 1, 2013

Public Chapter No. 433 (SB0433/HB0614). Imitation controlled substance defined. Amends

T.C.A. § 39-17-453 by defining an imitation controlled substance as one that is not a controlled substance, is subject to abuse, purports, directly or indirectly, to have an intoxicating effect and that is not commonly used for another lawful purpose.

Effective July 1, 2013

ECONOMIC DEVELOPMENT

Public Chapter No. 71 (SB0155/HB0149). Land owned by local government not considered private for purposes of FastTrack grant. Amends T.C.A. § 4-3-717(b) by clarifying that for purposes of a FastTrack grant, land owned by a local government is not considered private land. Furthermore, any such land that is subject to a purchase option by a private entity shall not be considered land that is expected to become privately owned so long as the option may not be exercised for at least five years following the date of the grant. Current law states that a FastTrack grant cannot be applied to private land.

Effective April 2, 2013

Public Chapter No. 265 (SB0568/HB0838). Term limits for regional megasite authority board members instituted. Amends Tennessee Code Annotated, Title 64, Chapter 6 by instituting term limits for board members of a regional megasite authority and directs that upon the sale of a megasite, the board will cease to exist by operation of law.

Effective April 25, 2013

Public Chapter No. 267 (SB0605/HB0378). FastTrack grant requires agreement to recover for failure to comply. Amends Tennessee Code Annotated Title 4, Chapter 3, Part 7 by requiring the department of economic and community development to enter into a separate agreement with any entity receiving a FastTrack loan or grant that authorizes ECD to recover monies expended if commitments are not met.

Effective July 1, 2013

Public Chapter No. 347 (SB1212/HB1341). Metropolitan government with tourism development zone may impose 0.25% fee. Adds a new T.C.A. § 7-88-117 by authorizing a metropolitan government with a tourism development zone to impose a 0.25% fee on the sale of goods in a central business improvement district located within the tourism development zone. Proceeds must be allocated to convention recruitment, event promotion and security.

Effective January 1, 2014

Public Chapter No. 378 (SB1127/HB0855). Adventure tourism provisions amended. Amends Tennessee Code Annotated, Titles 11 and 67 by defining "best interests of the state" for purposes of the Adventure Tourism provisions. Expands annual job tax credit to a business entity in an adventure tourism district.

Effective May 14, 2013

EDUCATION

Public Chapter No. 18 (SB0268/HB0369). Deadline to complete end-of-course examinations extended. Amends T.C.A. § 49-6-6006 by extending, until January 1, 2014, the deadline for teachers who teach in multiple subject areas to complete end-of-course examinations.

Effective March 14, 2013

Public Chapter No. 85 (SB1022/HB0839). Minimum age to enter Kindergarten amended. Amends Tennessee Code Annotated, Title 49, Chapter 6 by changing the date by which a child must be four years of age to August 31 for the 2013-2014 school year and to August 15 for school years thereafter. Also authorizes a child who participates in a pre-kindergarten program administered by an accredited private school or Head Start program during the 2012-2013 or 2013-2014 school years to enter kindergarten in the 2013-2014 or 2014-2015 school years.

Effective April 8, 2013

Public Chapter No. 105 (SB0156/HB0150). Special education student records to be used in determining value added assessment. Amends T.C.A. §§ 49-1-302(d) and 49-1-606(a) by deleting provision prohibiting the records of a special education student from being used as part of the value added assessment. Makes other various changes to provisions governing student growth data, student achievement data and teacher evaluation scores.

Effective April 11, 2013

Public Chapter No. 148 (SB0882/HB0867). Concussion policies required. Amends Tennessee Code Annotated, Title 68, Chapter, 55 by adding a new Part 5 that requires every school and youth athletic activity sponsor to adopt a concussion policy. Requires coaches to attend annual training.

Effective January 1, 2014

Public Chapter No. 155 (SB1161/HB0746). Additional excused absences for student with parent on military deployment granted. Amends T.C.A. § 49-6-3019(a) by providing a student with a parent on military deployment up to 10 days excused absences annually. The cumulative leave for military-related visitation shall not exceed 10 days.

Effective July 1, 2013

Public Chapter No. 177 (SB0016/HB0237). List of offenses prohibiting direct contact with students expanded. Amends T.C.A. § 49-5-413 by expanding the list of offenses that if convicted of prohibit a person from direct contact with students and from entering the grounds of a school or child care center when children are present.

Effective April 23, 2013

Public Chapter No. 188 (SB0267/HB0137). Fire and intruder drill timeline established. Amends T.C.A. 49-5-201(a)(6) by requiring every school to perform the first fire drill within the first 15 days of operation. Also institutes a new requirement for an intruder drill to be performed within the first 30 days of operation.

Effective July 1, 2013

Public Chapter No. 214 (SB1291/HB1270). Career ladder provisions repealed. Amends Tennessee Code Annotated, Title 49 by repealing current provisions governing career ladder supplements. Instead requires the state board of education to develop guidelines for career ladder supplements.

Also requires that all appropriations intended to fund any function or expense of an LEA be appropriated to the dedicated education fund. Requires a majority vote of the board to disburse any funds from this account.

Also expands immunity of school officials in prosecuting charges against a teacher to include a suspension of three days or less. Makes other minor amendments to education provisions.

Effective April 23, 2013

Public Chapter No. 222 (SB0113/HB0860). Student acting in self-defense may not face discipline. Amends T.C.A. § 49-6-3401 by granting a principal discretion to not discipline a student for a physical altercation if principal determines that student acted in self-defense.

Effective July 1, 2013

Public Chapter No. 225 (SB0240/HB0222). Home school student may participate in extracurricular activities. Amends T.C.A. § 49-6-3050 by authorizing a home school student to participate in any extracurricular activity offered by an LEA in the district where student resides. Student must meet eligibility requirements set by organization or association sponsoring the activity.

Effective July 1, 2013

Public Chapter No. 256 (SB1353/HB1288). Ban lifted on creation of municipal schools. Amends Tennessee Code Annotated Titles 6 and 49 by lifting the prohibition on the creation of a new municipal school system. A new city school system can commence student instruction no earlier than August 1 following a decision by the commissioner of education that rights of teachers will not be impaired, timely compliance with state rules is possible, and that the system has demonstrated a general readiness.

Effective April 24, 2013

Public Chapter No. 262 (SB0158/HB0152). LEA must obtain formal written proof that a child who moved out-of-state has enrolled at another school. Amends T.C.A. § 49-6-3020(b) by requiring an LEA to obtain formal written proof that a child who moves out-of-state has re-enrolled in another school in order not to count the student as a dropout.

Effective April 25, 2013

Public Chapter No. 275 (SB0866/HB0408). Unpaid leave to serve as president of teachers' union requires board approval. Amends T.C.A. § 49-5-715 by requiring unpaid leave for a teacher to serve as president of a teachers' union to be approved by local school board. Cost of benefits must be paid by teacher receiving unpaid leave or the teachers' union.

Effective April 25, 2013

Public Chapter No. 281 (SB1270/HB1193). Contract for energy-related services must be based upon recognized competence. Amends T.C.A. § 49-2-203(a)(3) by requiring an LEA contract for energy-related services for the purpose of reducing energy costs and that includes both engineering services and equipment must be awarded on the basis of recognized competence and integrity. Such a contract may not be competitively bid.

Effective April 25, 2013

Public Chapter No. 292 (SB1354/HB1291). Limitation on number of school systems within a county removed. Amends T.C.A. § 49-2-501(b) by removing the limitation on the number of school systems allowed in a single county.

Effective April 29, 2013

Public Chapter No. 294 (SB1146/HB0866). School must be prepared to treat all allergic reactions. Amends T.C.A. § 49-5-415(f) by requiring every school to treat every student allergic reaction regardless of whether it is a first-time reaction or whether the student has an ephedrine auto-injector. School may keep an auto-injector for use on a student.

Effective April 29, 2013

Public Chapter No. 301 (SB0663/HB0449). Local board of education member must disclose familial relationship prior to voting on matter that impacts the employment of a relative. Amends T.C.A. § 49-2-202(a) by requiring a local board of education member who has a relative employed by the board to disclose that relationship prior to voting on any matter effecting the employment of the relative.

Effective July 1, 2013

Public Chapter No. 305 (SB0612/HB1156). Appropriation of non-recurring funds excluded from maintenance requirement. Amends

T.C.A. § 49-3-314(c) by stating that when a local government appropriates funds for non-recurring expenditures, such funds are excluded from the maintenance of local funding requirement.

Effective April 29, 2013

Public Chapter No. 375 (SB1215/HB1158). Mandatory discipline for transmission of credible threat by electronic means. Amends Tennessee Code Annotated, Title 49, Chapter 6 by requiring mandatory discipline for any student found to have transmitted a credible threat by electronic means to another student or school employee where the transmission creates a disruptive activity requiring intervention. Also requires a student or employee to report such activity.

Effective July 1, 2013

Public Chapter No. 381 (SB0922/HB1064). LEA cannot hire individual convicted of certain offenses. Amends T.C.A. § 49-10-608 by prohibiting a local board of education or LEA from hiring a person convicted of child abuse, severe child abuse, child sexual abuse or child neglect. A current employee found to have committed such an offense shall be provided due process rights and are subject to termination.

Effective May 14, 2013

Public Chapter No. 383 (SB0867/HB0847). LEA may grant leave to an employee to hold office in an employee organization. Amends Tennessee Code Annotated, Title 49, Chapter 5, Part 4 by authorizing, but not requiring, an LEA to grant release-time to a teacher to hold office as a representative of a teachers' union. Release time up to a year may be granted. The time can be granted pursuant to a request or a MOU with the teachers' union.

Effective July 1, 2013

Public Chapter No. 393 (SB0592/HB0210). High Performing School Districts Flexibility Act enacted. Adds a new Part to Tennessee Code Annotated, Title 49, Chapter 2 that enacts the High Performing School Districts Flexibility Act. Defines a high-performing school and authorizes such a school to appropriate additional funds from the fund balance, utilize a different teacher evaluation system, or add educational instruction days without state or local permission. Such a school may also request the state for a waiver from certain state rules.

Effective May 6, 2013

Public Chapter No. 395 (SB0547/HB0334). Opposition or support of a referendum prohibited on school property. Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 20 by prohibiting a message of opposition or support of a referendum on a sign owned by an LEA or its schools or attached to an LEA-owned building. Also prohibits an audio or video message in opposition or support of a referendum dispersed through LEA equipment or accounts.

Effective July 1, 2013

Public Chapter No. 411 (SB1175/HB0941). LEA must provide open enrollment period. Adds a new T.C.A. § 49-2-128 that requires every LEA to provide for an open enrollment period during which parents can request a transfer.

Effective July 1, 2013

Public Chapter No. 439 (SB0302/HB0362). LEA must pay full benefits of teacher absent due to assault during the course of employment. Amends T.C.A. § 49-5-714 by requiring an LEA to continue to pay full benefits of a teacher absent for injuries sustained during an assault in the course of employment duties. LEA must pay until teacher returns to work or is declared permanently disabled.

Effective May 16, 2013

ELECTIONS

Public Chapter No. 178 (SB0125/HB0229). Permissible identification for voting limited. Amends Tennessee Code Annotated, Title 2, Chapter 7, Part 1 by removing authorization to use an identification card issued by a local government or by any state other than Tennessee for voting purposes.

Effective April 23, 2013

Public Chapter No. 179 (SB0127/HB0889). County election commission must publish sample ballot on its website. Amends Tennessee Code Annotated, Title 2 by requiring a county election commission to publish a sample ballot on its website at least five days prior to the beginning of an early voting period. If a county commission does not maintain its own website the sample ballot must be posted on a website maintained by the Secretary of State. Makes other minor revisions to provisions concerning county election commissions.

Effective July 1, 2013

Public Chapter No. 231 (SB0906/HB0704). Election provisions amended. Amends T.C.A., Title 2 by making various procedural changes to the provisions governing elections.

Effective July 1, 2013

ENVIRONMENT

Public Chapter No. 156 (SB0943/HB0550). Local government with air pollution certificate of exemption must offer open burning waiver. Amends T.C.A. § 68-201-115 by requiring a municipality that has obtained a certificate of exemption to enforce its own air pollution control regulations to offer a process to grant waivers from its open burning regulations.

Effective April 16, 2013

Public Chapter No. 342 (SB1160/HB0952). Local government approval required for new classification of solid waste acceptance. Amends T.C.A. § 68-211-701 by requiring a landfill, prior to accepting a new classification of waste, to submit the proposal to the governing body of the county, and of any city within one mile of the site. Governing body must hold a public hearing prior to approval or disapproval. Only applicable after a 2/3 vote of the governing body in a local government that has adopted the solid waste disposal act.

Effective May 13, 2013

Public Chapter No. 362 (SB1232/HB1066). Water Environmental Health Act amended. Amends Tennessee Code Annotated, Titles 62 and 68 by retitling the Water Environmental Health Act to the Water and Wastewater Certification Act. Authorizes commissioner to hold show cause hearings with persons penalized. Transfers responsibility for revoking an operator certificate from commissioner to the board. Board must hold a hearing prior to revocation. Commissioner can suspend a certificate for 90 days pending board's decision. Amends board make-up.

Effective July 1, 2013

Public Chapter No. 421 (SB0941/HB0945). Multiplier for determining solid waste amounts authorized. Amends T.C.A. § 68-211-861 by authorizing a region to multiply by three the gross weight of aluminum cans and plastic bottles diverted from a Class I municipal solid waste disposal facility within the geographic area encompassed by the region for purposes of calculating the total percentage waste reduction and diversion achieved.

Effective May 16, 2013

FINANCE

Public Chapter No. 64 (SB0138/HB0651). Audit committee required to report waste and fraud to comptroller. Amends T.C.A. §§ 4-35-107 and 9-3-406 by requiring a state or local audit committee to report illegal, improper, wasteful or fraudulent information to the comptroller if the chair of the audit committee believes such a report to be factual. Reports are confidential and not open to public inspection.

Effective March 14, 2013

Public Chapter No. 153 (SB0136/HB0101). Certified Municipal Finance Officer provisions amended. Amends Tennessee Code Annotated, Title 6, Chapter 56, Part 4 by increasing the maximum allowable gross revenue and debt limits from $100,000 to $500,000 for a city to contract with a CMFO or qualified individual instead of employing a CMFO. Requires a CMFO applicant to have never been convicted of a felony or other lesser crime involving theft, fraud, or other crime of dishonesty. Prohibits a CMFO applicant from engaging in any conduct reflecting adversely on his fitness to perform. Authorizes revocation of a CMFO certification for failure to obtain or maintain the required continuing education or failure to comply with aforementioned criminal and ethical standards. Makes other minor amendments to the CMFO provisions.

Effective July 1, 2013

Public Chapter No. 208 (SB0920/HB0956). State pooled investment fund provisions amended. Amends Tennessee Code Annotated, Title 9, Chapter 4 by making various amendments to provisions governing the state pooled investment funds. Authorizes a local government to invest in the intermediate-term investment fund by having the legislative body or authorized individual demonstrate the entity's ability to participate. Suggests that a resolution is necessary. Also authorizes local government investment pool funds to be comingled with state investment pool monies so long as individual funds can be accurately accounted for. State funding board to decide whether specific funds are to be comingled.

Effective April 23, 2013

FIRE

Public Chapter No. 310 (SB0453/HB0711). Dickson County exemption from firefighter training requirements removed. Amends T.C.A. § 4-24-112 by removing Dickson County and the municipalities therein from the exemption from minimum training requirements for firefighters.

Effective April 29, 2013

FIREARMS

Public Chapter No. 16 (SB0142/HB0118). Carry permit holders may store firearm in vehicle on public or private parking lot. Amends Tennessee Code Annotated, Title 39, Chapter 17, Part 13 by allowing a handgun carry permit holder to transport and store a firearm or ammunition in the permit holder's privately-owned vehicle while on any public or private parking lot. The vehicle must be in a location where it is authorized to be and the firearm or ammunition must be kept out of visibility while permit holder is in the vehicle and locked away when permit holder is not in the vehicle.

Provides immunity to public or private employer for injury or death arising out of a firearm being stored in the employer's parking lot. No employer can be held responsible for the theft of a firearm in a vehicle on employer's parking lot.

*The sponsors of the legislation submitted a letter of intent for inclusion in the Senate Journal stating that the bill does not create any additional liability for an employer. Furthermore, the letter states that an employee discharged solely for storing a firearm in a private vehicle may have a claim for retaliatory

or wrongful discharge. The sponsors claim this does not affect the state's employment-at-will doctrine.

Effective July 1, 2013

Public Chapter No. 270 (SB0714/HB1282). Drug addict is eligible for handgun carry permit three years after voluntarily entering rehab. Amends T.C.A. § 39-17-1351(c) by decreasing, from 10 years to three years, the amount of time a voluntary patient in drug or alcohol rehabilitation must wait to be eligible for a handgun carry permit. Patient in rehab pursuant to a court order must wait 10 years.

Effective July 1, 2013

GENERAL GOVERNMENT

Public Chapter No. 75 (SB0836/HB0553). Governmental authority to rename certain monuments eliminated. Adds a new T.C.A. § 4-1-412 by enacting the Tennessee Heritage Protection Act of 2013. Prohibits a governmental entity, including a municipality, from relocating, removing, altering, renaming, rededicating or otherwise disturbing a statute, monument, memorial, nameplate, or plaque on public property erected for, or named or dedicated in honor of a U.S. military engagement, figure, event, organization or unit. Exception may be granted by the Tennessee historical commission.

Effective April 1, 2013

Public Chapter No. 91 (SB0035/HB0501). Local government authority to mandate wages or benefits offered by a contractor eliminated. Amends Tennessee Code Annotated, Titles 7, 12 and 50 by eliminating the authority of a local government to require, as a condition of doing business within the jurisdictional limits of the local government or of contracting with the local government, that the employer pay its employees in excess of minimum wage. For purpose of construction contracts, a local government may not require a prevailing wage in excess of that set by the commission for state highway construction projects or the Tennessee occupational wages as determined by the department of labor and workforce development for state building projects. Exception created where compliance would result in loss of federal funds.

Prohibits a local government from mandating, as a condition of doing business within the jurisdictional limits or contracting with the local government, that an employer establish a leave policy other than those statutorily required by T.C.A. Exception created where compliance would result in loss of federal funds. Not applicable with respect to employees of a local government.

Prohibits a local government from mandating, as a condition of doing business within the jurisdictional limits or contracting with the local government, that an employer provide health insurance benefits to its employees. Not applicable with respect to employees of a local government.

Also enacts the Tennessee Wage Protection Act that paradoxically prohibits a local government from adopting any law, rule or regulation that addresses wage theft. Further states that the state and federal law preempts any local regulation of wage theft.

Effective April 11, 2013 and is applicable to all contracts entered into after that date.

Public Chapter No. 115 (SB0074/HB0300). Certain property may be disposed of by private negotiation and sale. Adds a new Tennessee Code Annotated, Title 12, Chapter 2, Part 5 that authorizes a local government to sell real or personal property by private negotiation and sale where the property is architecturally, archaeologically, artistically, culturally or historically significant; is sold to a nonprofit

corporation; and includes a preservation or conservation agreement that continues to preserve the significance of the property. Apparently aimed at a particular parcel in Knox County.

Effective April 12, 2013

Public Chapter No. 124 (SB0461/HB001). Notices must be posted online. Adds a new T.C.A. § 1-3-120 that requires any public notice or legal notice required to be published in a newspaper of general circulation to contemporaneously be posted on the newspaper's website and on a website established and maintained by the newspaper industry. Online posting must remain on the websites for at least as long as required to be published in print. Contemporaneous online posting must be at no additional charge.

Effective April 12, 2013

Public Chapter No. 182 (SB0172/HB0166). Non-elected body prohibited from regulation of food safety or nutritional information. Amends Tennessee Code Annotated, Title 53, Chapter 8 and Title 68, Chapter 14 by enacting the Tennessee Retail Food Safety Act that, among other things, prohibits a non-elected body of any local government from passing any rule or regulation related to food safety or nutritional information at food service establishments.

Effective April 23, 2013 for rulemaking purposes; effective July 1, 2015 for all other purposes.

Public Chapter No. 193 (SB0527/HB0423). Private foundations protected from certain intrusions by a governmental entity. Adds a new T.C.A. § 35-9-108 that prohibits a governmental entity, including a municipality, from requiring a private foundation to: 1) disclose demographic information of a member, owner, trustee, contributor, employee or director without that person's consent; 2) hire, appoint or elect a person of a particular demographic; 3) disqualify, remove or prohibit a person based upon the individual's relationship to the foundation; 4) hire, appoint or elect a person who does not share a familial relationship with other officers, directors or trustees of the foundation; 5) accept a condition on expenditure of funds or contract with an individual based upon a member, officer or employee's demographics.

Effective April 23, 2013

Public Chapter No. 249 (SB0062/HB0348). Local government authorized to prohibit children from solicitation on roadway or at intersection. Adds a new T.C.A. § 68-106-101 that authorizes a city, by ordinance, or a county, by resolution, to prohibit or restrict a child from being present in a roadway or at an intersection for the purposes of soliciting or collecting money.

Effective July 1, 2013

IMMIGRATION

Public Chapter No. 120 (SB0597/HB0323). Qualified alien defined. Amends Tennessee Code Annotated, Title 4, Chapter 58, Part 1, by defining, for purposes of the Eligibility Verification for Entitlements Act, a qualified alien as how such is defined in 8 U.S.C. § 1641(b) or as an alien or nonimmigrant eligible to receive state or local public benefits under 8 U.S.C. § 1621(a). Also allows a state entity to verify an applicant using SEVIS in addition to currently authorized SAVE system.

Effective July 1, 2013

LABOR

Public Chapter No. 277 (SB1017/HB0915). Governmental entity prohibited from requiring an employer to waive its rights under NLRA. Adds a new T.C.A. § 50-1-207 that prohibits any governmental entity, including a municipality, from requiring any employee or employer to waive

its rights under the National Labor Relations Act. Prohibits a governmental entity, including a municipality, from requiring an employer or multi-employer association to agree to any provisions that are mandatory or non-mandatory subjects of collective bargaining.

Effective April 25, 2013

LAW ENFORCEMENT

Public Chapter No. 319 (SB1250/HB0088). Juvenile court not required to approve use of minor in law enforcement action. Amends T.C.A. §§ 39-15-413 and 39-17-1504 by removing the requirement that a juvenile court approve the use of a minor in a law enforcement operation.

Effective May 13, 2013

Public Chapter No. 368 (SB1382/HB1331). Authorization for university police department expanded. Amends T.C.A. § 49-7-118 by authorizing a private college that is accredited by SACS and which has an enrollment of 30 percent or more of the municipality where its main campus is located to commission a campus police force. Chief of police must appoint offers as special deputy/officer. Chief must also define geographic limits of the special officer's jurisdiction.

Effective May 13, 2013

MOTOR VEHICLES AND TRAFFIC

Public Chapter No. 90 (SB0638/HB0505). Department of Safety may deny authorization to enforce rules of the road on an interstate highway. Amends T.C.A. § 55-10-308 by authorizing the commissioner of safety to refuse to issue or suspend authorization for a municipality with a population of 10,000 or less to enforce the rules of the road on an interstate highway. Refusal or suspension of authority requires a determination that the city lacks proper authority or is not complying with rules promulgated by the department.

Effective July 1, 2013

Public Chapter No. 219 (SB1337/HB1271). Golf cart pilot project provisions revised. Amends Tennessee Code Annotated, Title 55, Chapter 8, Part 2 by limiting participation in the pilot project to allow golf carts on certain public roads to the cities of Niota, Gainesboro, Jamestown, Livingston, and Morristown. Authorization extended to January 1, 2014. Requires each participating city to submit a cumulative annual report on the program to the senate transportation and safety committee and the house transportation committee. Failure to comply may result in revocation of authorization. Prohibits a participating city from requiring a permit, registration or sticker to operate a golf cart.

Effective April 23, 2013

Public Chapter No. 223 (SB0131/HB0266). Registration plate must be illuminated. Amends T.C.A. § 55-4-110 by requiring, for a motor vehicle that is factory-equipped to do so, a registration plate to be illuminated at all times headlights are required to be displayed. Not applicable to an antique vehicle. Violation is a Class C misdemeanor. No litigation tax or court fee may be assessed.

Effective July 1, 2013

Public Chapter No. 327 (SB0512/HB0478). Electronic proof of insurance authorized. Amends T.C.A. § 55-12-139 by declaring that proof of insurance in an electronic format is permissible.

Effective May 13, 2013

PERSONNEL

Public Chapter No. 140 (SB0134/HB0061). Post-employment benefit trusts are irrevocable. Amends T.C.A. §8-50-1204(a) by requiring any post-employment benefit trust established to provide non-pension benefits to former public employees to be irrevocable.

Effective April 12, 2013

Public Chapter No. 170 (SB0742/HB1035). Employer to make contributions for federal old-age and survivors benefits. Amends Tennessee Code Annotated Title 4, Chapter 3, Part 24 and Title 8, Chapter 38 by requiring a local government employer with an approved plan, as opposed to the state, to pay contributions to Social Security. Contributions are equal to applicable taxes imposed by rate of tax sections of federal insurance contributions act (FICA). Removes authorization for state contribution fund.

Effective April 16, 2013

Public Chapter No. 259 (SB1005/HB0948). Hybrid retirement plan instituted. Amends Tennessee Code Annotated, Title 8, Chapters 25, 35, 36, and 37 by creating a new hybrid retirement plan for state employees and teachers. Participation is mandatory for such persons who enter service on or after July 1, 2014. A local government participating in TCRS may opt to change to new hybrid plan for employees hired after effective date. A local government not currently participating in TCRS may extend retirement coverage to employees under new hybrid plan.

Effective April 24, 2013 for rulemaking purposes; effective July 1, 2013 for all other purposes.

Public Chapter No. 296 (SB1003/HB0950). Retirement provisions amended. Amends Tennessee Code Annotated, Titles 8 and 49 by authorizing a new automatic deferred or tax-sheltered compensation plan. A local board of education may elect to participate in the deferred compensation plan or in TCRS separately from the associated local government. Likewise, a local government may elect to participate in the deferred compensation plan or in TCRS without extending coverage to the employees of the local board of education. Authorizes the chair of TCRS to deny an entity participation in TCRS if the chair determines that the entity's participation would have a potentially adverse effect on the system as a whole. Makes other various changes to retirement provisions.

Effective April 29, 2013

PLANNING AND ZONING

Public Chapter No. 456 (SB1380/HB1259). Regional planning commissioner continuing education must include rights of private property owners. Amends Tennessee Code Annotated, Title 13 by requiring at least one hour of the required continuing education requirements for regional planning commissioners to concentrate on the rights of private property owners and the relationship of those rights to the public planning process. Also revises local contributions to Memphis area association of governments.

Effective May 20, 2013

PUBLIC SAFETY

Public Chapter No. 116 (HB0503/SB0033). Offense of contacting 911 for non-emergency purposes broadened. Amends T.C.A. § 7-86-316 by broadening the offense of contacting 911 for non-emergency purposes to include all non-emergency contact with 911. Removes authorization for a public safety answering point (PSAP) or an emergency communications district (ECD) to authorize a provider of non-wireline service (such as wireless / cell providers) to divert harassing non-initialized 911 phone calls to an entity designated by the emergency communications board to receive such calls. Extends immunity for diverting harassing non-initialized calls to include situations where calls are not diverted.

Effective July 1, 2013

Public Chapter No. 191 (SB0436/HB0263). Maximum false alarm response fee increased. Amends T.C.A. § 62-32-321 by increasing, from $25 to $50 per occurrence, the maximum fee a

municipality may impose upon an alarm system contractor for a false alarm.

Effective April 23, 2013

Public Chapter No. 257 (SB0179/HB0173). Hazardous chemical right to know provisions amended. Amends Tennessee Code Annotated, Title 50, Chapter 3, Part 20 by making state provisions match federal OSHA requirements. Retains provisions requiring employer to provide hazardous chemical list to fire chief and firefighter protections.

Effective April 23, 2013

PURCHASING

Public Chapter No. 329 (SB0458/HB0739). Cooperative purchasing provisions revised. Amends Tennessee Code Annotated Title 12, Chapter 3 by removing $10,000 limitation on a municipality purchasing off of another local government's contract. Motor vehicles, unless manufactured for a specific purpose, or purchases related to transportation infrastructure project are not authorized to be purchased under these provisions.

Also amends out-of-state cooperative purchasing provisions by stating it is sufficient if one local government competitively bids and advertises. No longer will this count only as one of the former bids. Also does not apply to purchase of cars or purchases related to construction, engineering or architectural services or materials.

Also authorizes a local government to enter into a master agreement by adopting a resolution accepting its terms. If a party to the agreement is required to advertise and receive bids then it will be deemed sufficient that the purchasing entity complied with its own requirements. Not applicable to vehicles unless manufactured for a special purpose. Makes other various changes to purchasing provisions.

Effective May 13, 2013

Public Chapter No. 403 (SB0170/HB0164). Purchasing and procurement provisions revised. Amends T.C.A., Titles 4 and 12 by reorganizing all of the provisions related to purchasing and procurement. Keeps changes made in Public Chapter No. 329.

Effective July 1, 2013

RECORDS

Public Chapter No. 15 (SB0083/HB0056). Fraud, waste and abuse hotline records made confidential. Amends T.C.A. § 10-7-504(a)(22) by declaring the records of the comptroller of the treasury containing allegations of fraud, waste, abuse confidential and not open to public inspection.

Effective March 14, 2013

Public Chapter No. 63 (HB0650/SB0137). Property tax freeze and relief information made confidential. Amends T.C.A. §§ 67-5-701-705 by declaring the records submitted by taxpayers for property tax relief and property tax freeze programs are confidential and not open to public inspection.

Effective April 1, 2013

Public Chapter No. 229 (SB0834/HB0942). Municipal employee information made confidential. Amends T.C.A. § 10-7-504 by making the personal, non-governmental email address of a public employee confidential. Makes the information of an applicant to a governmental position confidential to the same extent as a current employee. Clarifies that the confidentiality afforded to the immediate family member of a public employee applies whether or not the family member resides in the same household as the employee. Also affords a family safety center the same confidentiality as a domestic violence shelter.

Effective April 19, 2013

Public Chapter No. 284 (SB0108/HB0009). Handgun carry permit records deemed confidential. Amends T.C.A. § 10-7-504 by deeming records related to handgun carry permit applications confidential and not open to public inspection. Includes applications, renewals, materials required to be submitted, information provided to governmental entities for investigations, and records related to required criminal history checks. A local government that receives this information shall only disclose it as evidence in a criminal or child support prosecution.

Effective April 25, 2013

Public Chapter No. 400 (SB0405/HB0278). Law enforcement officer must keep property tax information confidential. Amends Tennessee Code Annotated, Title 67, Chapter 1, Part 17 by clarifying that a law enforcement officer must keep any property tax information that comes into his possession confidential. Also states that an officer must be dismissed if convicted of violating this provision.

Effective May 6, 2013

STATE GOVERNMENT

Public Chapter No. 21 (SB0080/HB0053). Functions of office of local governments amended. Amends T.C.A. § 4-16-101 by charging the comptroller's office of local governments with providing geographic information systems (GIS) support, training and maintenance to the division of property assessments and local governments. The office is also charged with providing redistricting and reapportionment support. Clarifies that the comptroller appoints the director of the office.

Effective March 20, 2013

Public Chapter No. 272 (SB0774/HB0663). State and local government advisory committee eliminated. Deletes Tennessee Code Annotated, Title 12, Chapter 3, Part 11 thus eliminating the state and local government advisory committee that was charged with monitoring initiatives related to online purchasing by governmental entities.

Effective April 25, 2013

TAXES

Public Chapter No. 108 (SB0047/HB0023). Municipality in county with two premiere type tourist resort municipalities may impose certain privilege taxes. Adds a new section to Tennessee Code Annotated, Title 67, Chapter 4, Part 5, that authorizes a city in a county with two premiere type tourist resort municipalities to levy a privilege tax not to exceed 2 percent on restaurants and a privilege tax not to exceed 3 percent on amusements. Seventy-five percent of the proceeds of these privilege taxes must be used for tourism promotion or tourism infrastructure. Appears to be aimed at Sevier County.

Effective April 8, 2013

Public Chapter No. 302 (SB0661/HB0558). When an industrial development corporation organized solely by a municipality can enter into a payment in lieu of tax agreement clarified. Amends T.C.A. § 7-53-305 by clarifying that an industrial development corporation (IDC) organized solely by a municipality that does not impose a property tax can only enter into a payment in lieu of taxes (PILOT) agreement if the county has approved the agreement or the IDC or the city agrees to pay the county an amount equal to what tax amount would have been.

Effective April 29, 2013

Public Chapter No. 313 (SB0183/HB0177). Uniformity and Small Business Relief Act enacted. Amends Tennessee Code Annotated, Title 67, Chapter 4, Part 7 by enacting the Uniformity and Small Business Relief Act. Makes all five classes of activities taxable by the state

unless a city is taxing the class. Where a city is taxing a classification upon the effective date of the bill, will continue to tax at that rate. A tax levied or amended by a city after the effective date of the bill must levy at new rates. A business with no physical presence in the state is exempt from municipal business tax. Requires a separate business license for each place of business within a jurisdiction. Authorizes a city or county to enter into an agreement with the department of revenue whereby the department will issue and renew licenses. Makes other various changes to business tax provisions.

Effective January 1, 2014

Public Chapter No. 322 (SB0198/HB0192). Hall income tax exemption expanded. Amends T.C.A. § 67-2-104 by increasing the annual income of a person at least 65 that is exempt from the Hall income tax to $33,000 for single filers and $59,000 for joint filers.

Effective May 13, 2013

Public Chapter No. 340 (SB0707/HB1213). Metropolitan government authority to impose additional hotel occupancy tax extended. Amends T.C.A. § 7-4-202(d) by extending, until May 21, 2014, the authority of a metropolitan government to impose a hotel occupancy tax in excess of $2.00.

Effective July 1, 2013

Public Chapter No. 353 (SB0601/HB0493). Delinquent property tax sale provisions revised. Amends Tennessee Code Annotated, Title 6, Chapter 55, Part 2 and Title 67, Chapter 5 by clarifying that a municipal tax collector has the same duties as a county tax collector for purposes of delinquent property tax sales. Authorizes a charter county or home rule city to establish its own percentage assessment for fees and interest.

Effective May 13, 2013

Public Chapter No. 370 (SB1346/HB1313). Delinquent property taxes on property damaged by coal ash spill subject to reduced penalty and interest. Amends T.C.A. § 67-5-2010 by subjecting properties damaged by the coal ash spill of December 2008 to a reduced penalty and interest on delinquent property taxes. Property owner must apply on form created by state.

Effective May 14, 2013 and applicable to penalties accrued during the 2009 and 2010 tax years.

Public Chapter No. 480 (SB0182/HB0176). Streamlined sales tax provisions delayed. Amends Tennessee Code Annotated, Title 67 by delaying the implementation of the streamlined sales tax provisions until July 1, 2015. Also exempts certain trusts from the Hall income tax.

Effective May 20, 2013

TORT LIABILITY

Public Chapter No. 96 (SB0143/HB0096). Governmental tort limits not applicable to for-profit rail. Amends T.C.A. § 29-20-107(g) by declaring that the governmental tort liability acts limits are not applicable to owners of for-profit rail lines or rights-of-way. Further states that the operation of a regional transportation authority's commuter rail train is a public purpose, a public and governmental function, and a matter of public necessity.

Effective April 11, 2013

TOURISM

Public Chapter No. 226 (SB0395/HB0134). All-Terrain Vehicle defined for purposes of tourism provisions. Amends T.C.A. §§ 11-11-203 and 47-25-1902 by defining, for purposes of tourism statutes, an all-terrain vehicle (ATV) as a motor

vehicle with no less than four, as opposed to three, non-highway tires.

Effective July 1, 2013

UTILITIES

Public Chapter No. 2 (SB0078/HB0051). Municipally-owned electric systems may participate in rural economic development loan and grant program. Amends T.C.A. § 7-52-103 by expanding authority under Municipal Electric Plant Law to allow all municipally-owned electric systems to participate, as a borrower or lender, in the rural economic development loan and grant program administered by the RDA.

Effective March 7, 2013

Public Chapter No. 49 (SB0082/HB0055). Solid waste activities must be accounted for using generally accepted accounting principles. Amends T.C.A. § 68-211-874 by requiring each county, municipality and solid waste authority to account for financial activities, including state funds, related to solid waste management in accordance with generally accepted accounting principles (GAAP). Clarifies these activities must be accounted for in either a special revenue or enterprise fund unless explicitly prohibited by GAAP.

Effective March 26, 2013

Public Chapter No. 373 (SB1319/HB1207). Telephone or email contact constitutes reasonable, good-faith effort under Utilities Cut-Off Procedures Act. Amends Tennessee Code Annotated § 65-32-104(2) by declaring that a telephone call or email by a utility representative constitutes a reasonable, good-faith effort to contact a resident under the Utilities Cut-Off Procedures Act. Act is only applicable in Davidson County.

Effective July 1, 2013

WORKERS COMPENSATION

Public Chapter No. 50 (SB0124/HB0136). Commissioner of Workforce and Development can obtain access to employer insurance information. Adds a new T.C.A. § 50-6-421 that authorizes the Commissioner of Labor and Workforce Development to obtain information regarding employer workers' compensation insurance policies to ensure legal compliance. Such information includes employer name, address, insurance carrier name and address, policy number, effective and expiration date. Information remains confidential except for use by state agency, or vendor designated by the state.

Effective March 26, 2013

Public Chapter No. 210 (SB1174/HB0626). Volunteer firefighter defined for purposes of workers' compensation provisions. Amends T.C.A. § 50-6-401(a)(1) by defining, for purposes of the workers' compensation provisions, a volunteer firefighter as any member or personnel of a fire department, volunteer fire department, rescue squad, or volunteer rescue squad, including a board member or an auxiliary member.

Effective April 23, 2013

Public Chapter No. 289 (SB0200/HB0194). Workers compensation reform act enacted. Amends various Titles of the Tennessee Code Annotated by enacting the Workers Compensation Reform Act of 2013. In a complete overhaul of the state's workers compensation provisions, this bill creates a new state agency to hear workers compensation claims. Removes court jurisdiction to hear cases.

To be actionable injury must arise "primarily out of and in the course and scope of employment" which is defined to mean that by a preponderance of the evidence, the employment has been shown to have contributed more than 50 percent in causing the injury, considering all causes. Maximum total benefit is extended to 450 weeks.

Effective April 29, 2013 for rulemaking purposes; effective July 1, 2014 for all other purposes.



THE UNIVERSITY of TENNESSEE

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