



May 24, 2002

GENERAL ASSEMBLY ENACTS LAWS AFFECTING MUNICIPALITIES

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In addition to dealing with the state's budget crisis, the General Assembly has dealt with other less controversial matters in its present session. So far, the state's legislative body has enacted somewhat over 200 pieces of new legislation. Some of these have a direct impact upon municipal operations. This Hot Topic Bulletin summarizes the new Public Acts to date that have the most significant impact. There will be others coming out as the session winds down, and these will be covered in later bulletins. As always, one should consult the act itself or seek competent legal advice before taking action based upon the acts summarized here and not rely on the summary.

Copies of these acts may be obtained using the secretary of state's Web site at www.state.tn.us/sos. When you reach the site, click on "Public and Private Acts." Next, click on the Public Acts down or expansion arrow, then the number range for the chapter number. Finally, choose the PC or chapter number. Or, you may contact your city attorney or your MTAS management consultant.

Workplace Violence – Employer Injunctions.

Chapter No. 541 (SB1035/HB565). Amends *T.C.A.* Title 20.

This act allows employers, including municipalities, to seek temporary restraining orders and injunctions against violence to an employee while the employee is in the workplace or performing work when the employee has suffered previous violence or a credible threat of violence by the subject individual that could reasonably be predicted to occur in the workplace. This act establishes procedures for courts to use in issuing temporary restraining orders (TRO) and injunctions. This act also requires the court to order the petitioner or the petitioner's attorney to deliver a copy of each TRO or injunction and any modifications or terminations to the law enforcement agencies requested by the petitioner. Each law enforcement agency must make this information available to officers responding to the scene of workplace violence.

Effective date: July 1, 2002.

Notice of Water System Noncompliance with Drinking Water Regulations.

Chapter No. 602 (SB2950/HB2903). Amends *T.C.A.* 68-221-708(a), 711(5) and (6).

This act requires public water systems that are not in compliance with current primary drinking water regulations to notify the state's Division of Water Supply within 24 hours, rather than the previous 48 hours. This act also makes it unlawful to contaminate the sources of the public water supply, as well as the intakes and the supply itself, by sewage, other waste, or heavy withdrawal.

Effective date: April 9, 2002.

Water and Wastewater Loans to Intergovernmental Entities.

Chapter No. 603 (SB3093/HB3140). Amends *T.C.A.* 68-221-1003(7)(A)(I), 1005, 1006(a), 1203(6), 1205(k), 1206.

This act includes instrumentalities of government created by one or more cooperating governments in the eligible entities for water and wastewater loans from the state's revolving loan fund. It allows local governments to assign their rights and obligations to another local government under a loan received from the revolving loan fund. The assigning local government is released, but may agree to retain its obligation to make payments if the receiving local government fails to make the payments. The act requires audits of loan recipients to be done in accordance with generally accepted governmental auditing standards and minimum standards of the comptroller. The audit must be filed with the comptroller. If the government fails to have the audit done, the comptroller may cause it to be done.

This act also requires municipalities and other governments with taxing power to agree to be subject to the jurisdiction of the Water and Wastewater Financing Board to obtain a loan from the revolving loan fund.

Effective date: April 11, 2002.

Utility Relocation – Monthly Progress Reports.

Chapter No. 675 (SB2965/HB2917). Amends *T.C.A.* 54-5-854(h)(3).

This act requires utilities that are relocating because of a state highway project to make monthly progress reports to the state Department of Transportation and to other affected utility owners. Reports made at pre-construction meetings between the contractor and the Department will be sufficient to meet this requirement even if the meetings are not held on a monthly basis.

Effective date: April 24, 2002.

Construction Bids – Statement of Drug and Alcohol Testing Program.

Chapter No. 693 (SB2255/HB2511). Amends *T.C.A.* Title 50, Chapter 9, Part 1.

This act requires all local governments to include the following within any bid or procurement specifications for construction services:

- A statement whether the local government has an employee drug and alcohol testing program for workplace use of drugs or alcohol.
- A statement describing the program if the governmental entity has one.
- A statement that any bidder or proposer must have a testing program for its employees at least as stringent as the government's program.

A contractor or proposer has seven days to file suit to contest the award of the contract to another contractor in violation of this law. A contractor or employer who fails to file within seven days waives the right to challenge the contract. Contracts must be contested in the county where the contract was made. Trial is given priority over all but workers' compensation cases.

Effective date: May 1, 2002.

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