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Tennessee Public Acts 2014: Summaries of Interest to Municipal Officials

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Tennessee Public Acts 2014

*Summaries of Interest
to Municipal Officials*

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.



TENNESSEE PUBLIC ACTS 2014

Summaries of Interest to Municipal Officials

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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.

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SUMMARY OF PUBLIC ACTS 2014

2014 Session of the 108th Tennessee General Assembly

ALCOHOLIC BEVERAGES

Public Chapter No. 554 (HB0610/SB0837).

Wine in Grocery Stores. Amends Tennessee Code Annotated, Title 57, by enacting what has commonly been referred to as the Wine in Grocery Stores bill. Authorizes a city that has approved liquor-by-the-drink or retail package stores to hold a referendum on whether to allow the sale of wine in retail food stores. Referendum must be preceded by a petition signed by no less than 10 percent of the voters in the previous gubernatorial election. Such a referendum may be held no earlier than November 4, 2014. However, the ABC will not begin issuing retail food store wine licenses until July 1, 2016. A city that passes such a referendum cannot limit the number of licenses issued in its jurisdiction. A grocery store located within 500 feet of a liquor store cannot obtain a retail wine license until July 1, 2017, without written permission from the owner of the liquor store. Requires at least one grocery store employee to obtain a manager's permit from ABC. No wine, at any establishment, may be sold at less than cost.

Also, the bill permits a liquor store, on or after July 1, 2014, to sell beer and malt beverages at retail as well as other previously prohibited items such as food, cigarettes, lottery tickets, mixers, wine and beer making equipment, etc. Nonalcoholic items may be sold to a person less than 21 years of age. A liquor store may sell beer in kegs or growlers. However, growler is not defined by the bill or in another section of the Code. Authorizes a liquor store to provide check-cashing services. Removes numerous restrictions on retail and wholesale liquor licenses. Allows a package store permit holder to also hold a permit for on premises sales at a different location. Allows a liquor wholesale permit holder to also obtain

a beer wholesale permit. Allows the owner of a retail liquor store to own multiple stores. A city ordinance may still limit the number of retail liquor stores within its jurisdiction.

Effective March 3, 2014 for purposes of wine in grocery stores, except for the aforementioned date sensitive provisions. Effective July 1, 2016 for purposes of prohibiting below-cost wine sales. Effective July 1, 2014 for all other purposes.

Public Chapter No. 661 (HB2405/SB2486).

On-premises sales authorized at minor league park in Metro Nashville. Amends Tennessee Code Annotated, Title 57, by authorizing the on-premises sales of alcoholic beverages at a minor league sports park in Metropolitan Nashville/Davidson County.

Effective April 10, 2014

Public Chapter No. 754 (HB2339/SB2489).

Beer permit may be issued to governmental entity. Amends T.C.A. § 57-5-103(a)(2) by authorizing a local beer board to issue a beer permit to a governmental entity within its jurisdictional limits.

Effective April 21, 2014

Public Chapter No. 861 (HB0047/SB0289).

Beer and high alcohol content beer redefined. Amends Tennessee Code Annotated, Title 57, by redefining beer as having an alcoholic content of not more than 8 percent by weight. Redefines high alcohol content beer as having an alcoholic content greater than 8 percent by weight. Currently, an entity holding a license to manufacture high alcohol content beer is authorized to also obtain a license as a restaurant or a limited service restaurant located on the premises of the manufacturer. This bill removes this provision



and specifies that any entity that holds a license to manufacture high alcohol content beer is authorized to sell beer or high alcohol content beer which has been brewed on such premises, for consumption on premises without the requirement of an additional license.

Effective July 1, 2017

Public Chapter No. 901 (HB1403/SB1464).

Mixed drink tax provisions amended.

Amends Tennessee Code Annotated, Titles 9, 49, and 57, by amending the provisions related to distribution of mixed drink taxes as follows:

DISTRIBUTIONS

Beginning July 1, 2014 revenues derived from a mixed drink tax levied pursuant to T.C.A. § 57-4-301 will be distributed under a new statutory scheme. Under the new provisions, codified at T.C.A. § 57-4-306, the first 50 percent will still go to the state general fund and be earmarked for education purpose, pursuant to subdivision (a)(1). The remaining 50 percent will be distributed to the city recorder, if collected in an incorporated municipality, or to the county trustee, if collected in an unincorporated area, pursuant to subdivision (a)(2).

During the period beginning July 1, 2014 and ending June 30, 2015, one half of the proceeds received by the city recorder or county trustee, pursuant to subdivision (a)(2), shall be distributed as follows:

1. If the county school system is the only local education agency (LEA) in the county, then the proceeds, city or county, go to the county trustee for use by the county school system.
2. If the city where revenues are collected operates K-12 schools, the city recorder retains these revenues for use by the city school system.
3. If the city where the revenues are collected operates a city school system offering less than K-12, then to each jurisdiction according to average daily attendance (ADA) of students.
4. If the city where the revenues are collected does not operate a school system, then to the county trustee for use by the county school system.

5. If a special school district (SSD) is located within a city that does not operate its own schools, the revenues collected in the city are divided between the county school system(s) and the SSD according to ADA.
6. If revenues are collected in the unincorporated areas of a county that has levied the tax and one or more city school systems operate within the county, then to the county trustee for use by the county school system.
7. If the city where the revenues are collected lies in two or more counties and does not operate its own schools, then to the county trustees based upon situs collection for use by the respective county school systems.

The other half of the proceeds received by the city recorder or county trustee, pursuant to subdivision (a)(2) shall be distributed to the city within which the revenue was collected, or, in an unincorporated area, to the county general fund.

After July 1, 2015 the provisions governing distributions revert back to, essentially, the current language, less the exception for Bedford County. Seemingly, this will be revisited next legislative session and the decision to make the amended distribution language permanent will depend upon the actual fiscal impact of the new formula and the outcome of related lawsuits.

NOTICE

By August 10, 2014 every city or county levying a mixed-drink tax must provide written notice to each school system operating within its jurisdiction. The notice must contain a statement that the political subdivision is exercising the privilege authorized by T.C.A. § 57-4-301(c), a statement that students within its jurisdiction attend a school or schools operated by the school system, a statement that the school system is authorized to receive a portion of the revenues collected, and a reference to Tennessee Code Annotated, Title 57, Chapter 4, Part 3. A jurisdiction



that levies the tax subsequent to July 1, 2014 has 30 days to comply with these notice requirements.

COMPLIANCE

An aggrieved local school board must notify the comptroller of a political subdivision that fails to appropriately remit proceeds received by the commissioner. This will be followed by a notice of failure from the comptroller within five days. If, after 30 days from receipt of the comptroller's notice, a political subdivision has yet to remit the proceeds, the comptroller will direct the commissioner of revenue to withhold future distributions until a final determination in chancery court. If the state is a named party, the suit must be brought in Davidson County. T.C.A. § 57-4-306(g)-(h).

EXEMPTIONS

Hamilton and Bradley Counties are exempt from the aforementioned provisions. Instead these counties shall be governed by the statute's current language with an additional provision authorizing the commissioner to distribute the local proceeds to either the city recorder or the county trustee, depending on the situs of collection, and having them distribute the proceeds locally. T.C.A. § 57-4-306(i). Apparently, these exemptions were included due to suits already filed by these jurisdictions.

Agreements regarding disposition of revenues distributed prior to July 1, 2014.

Local boards of education, municipal legislative bodies, and county legislative bodies are authorized to negotiate and enter into binding agreements addressing a local government's responsibility to remit distributions made prior to July 1, 2014. The option to enter into an agreement is only available where the failure to distribute was in good faith. Such an agreement may, in determining the amount owed by a local government, offset its liability with past, present, or future appropriations, expenditures, allocations of revenue, gifts, capital projects or other

similar payments, grants or consideration directly benefiting the school system. Such an agreement must be entered into by August 31, 2014 and filed with the comptroller and the department of revenue.

If a party to an agreement defaults, the other party must notify the comptroller, who is then required to deliver notice to the offending party within five business days. Upon receipt of the comptroller's notice, the defaulting party has 60 days to cure the default, or else future revenue distributions are withheld. Upon a withholding, an aggrieved party may pursue equitable relief in Davidson County chancery court.

Where parties fail to enter into an agreement by September 1, 2014, either party may seek equitable relief in Davidson County chancery court or request the comptroller to undertake binding arbitration. This equitable relief will be limited to revenues received and not remitted between July 1, 1999 and June 30, 2014.

A party that fails to either file suit in Davidson County chancery court or seek binding arbitration via the comptroller by December 31, 2014 is barred from any other relief for distributions prior to July 1, 2014.

Effective July 1, 2014; provided, however, provisions related to agreements are effective May 13, 2014

Public Chapter No. 1001 (HB2240/SB2265).

Infused alcoholic beverage provisions revised.

Amends Tennessee Code Annotated, Title 57, Chapter 4, by defining an infused product as any product created from the combining of an alcoholic beverage with nonalcoholic products over a sustained period of time, and at the time of the combination, the mixture is not intended for immediate consumption. Authorizes an establishment licensed to sell alcoholic beverages for on-premises consumption to produce, store and sell infusions. Any retail licensee intending to produce, store or sell infusions must provide written notification to the ABC. Expands provisions allowing



licensed hotels to keep locked bars in rooms to apply statewide. Makes other various revisions to provisions governing infusions and other alcoholic beverages.

Effective May 22, 2014

ANIMALS

Public Chapter No. 562 (HB1522/SB1689).

Jurisdiction for destruction of dog transferred to general sessions court. Amends T.C.A. § 44-17-120(a) by transferring jurisdiction for orders to destroy dangerous dogs from circuit to general sessions court. Removes requirement that owner of dog be notified via certified mail.

Effective July 1, 2014

AUTHORITIES, BOARDS AND COMMISSIONS

Public Chapter No. 634 (HB1801/SB2259).

Public building authority authorized to set and collect fees at its parking facilities. Amends Tennessee Code Annotated, Titles 12 and 55, by authorizing a public building authority to establish and collect fees at its parking facilities. Also states that the powers granted to a public building authority, including setting parking fees, may be exercised regardless of any law or charter provision to the contrary.

Effective April 4, 2014

Public Chapter No. 698 (HB1754/SB1906).

Initial resolution requirement for airport authority board bond issuance abolished. Amends T.C.A. § 42-3-111 by removing the requirement that an airport authority adopt an initial resolution prior to issuing bonds. Ratifies any previous bond issuance not in compliance.

Effective April 15, 2014

CODES ENFORCEMENT

Public Chapter No. 679 (HB2163/SB2282).

Governmental authority to enforce IRC § 501.3 curtailed. Amends T.C.A. § 68-120-101 by requiring a state or local government entity to disregard exception 2 when enforcing Section 501.3 of the 2012 International Residential Code prior to

January 1, 2016. Section 501.3 of the 2012 IRC requires certain floor assemblies, when used to house mechanical or plumbing fixtures and equipment, to be provided with a one-half inch gypsum wallboard membrane, five-eighth inch wood structural panel membrane, or equivalent on the underside of the floor framing member. Exception deals with fuel-fired appliances.

Effective April 14, 2016

Public Chapter No. 835 (HB1930/SB2010).

Neighborhood Preservation Act applicable in Madison County. Amends Tennessee Code Annotated, Title 13, Chapter 6, Part 1, by extending the applicability of the Neighborhood Preservation Act to Madison County. Makes other various changes to the act.

Effective April 29, 2014

Public Chapter No. 840 (HB2006/SB2200).

Personal service or publication allowed when providing notice of overgrown and dirty lot hearing. Amends T.C.A. § 6-54-113 by authorizing a municipality to notify a property owner of right to a hearing concerning overgrown or dirty lot cleanup via personal delivery or publication when delivery by U.S. Mail is unsuccessful.

Effective April 29, 2014

CONTRACTS

Public Chapter No. 644 (HB1370/SB1713).

Invitation to bid must require bidder to submit proof of licensure. Amends T.C.A. § 62-6-119 by mandating that an invitation to bid, for a contract over \$25,000, require a bidder to submit proof of licensure. Requires the following information on the outside of a bid envelope or contained within the submission: 1) name and license information for prime contractor; 2) name and license information for masonry contractor where masonry portion is greater than \$100,000; 3) name and license information of electrical, plumbing, heating, ventilation, or air conditioning, except where the portion in question is under \$25,000; 4) name



and license information for vertical closed loop geothermal heating and cooling contractor, except where this portion is under \$25,000; 5) where applicable, statement that the prime contractor is performing the masonry, electrical, plumbing, heating, ventilation or air conditioning, or the geothermal heating and cooling portion of the contract and such portion is over \$100,000; only one contractor in each of the listed classifications may be written on or contained within the bid submission. Failure to comply shall result in bid being voided. Except in design/bid/build projects, no invitation may require a subcontractor to be listed or identified until final bid submission.

Effective July 1, 2014

Public Chapter No. 645 (HB1670/SB1714).

Electronic bid documents authorized.

Adds a new Section to Tennessee Code Annotated, Title 12, Chapter 4, that authorizes, notwithstanding any law to the contrary, a local government to satisfy any mailing requirement for bid invitations or request for proposals electronically. Also authorizes a local government to receive bids and proposals via electronic means, regardless of any law to the contrary. No minority-owned business can be required to submit documents electronically.

Effective April 8, 2014

COURTS

Public Chapter No. 789 (HB2035/SB2488).

Davidson County environmental court granted jurisdiction over nuisance suits.

Amends T.C.A. § 29-3-102 by conferring jurisdiction over nuisance claims to environmental courts in Davidson County. Does not remove jurisdiction from any other court.

Effective April 24, 2014

CRIMES AND CRIMINAL PROCEDURE

Public Chapter No. 531 (HB1370/SB1434).

Requirements for issuance of summons or warrant.

Amends Tennessee Code Annotated, Title 40, Chapter 6, by establishing standards for the issuance of a summons or warrant. If a single or multiple affiants to a felony or misdemeanor are seeking a warrant and at least one is a law enforcement officer then a warrant will be issued. Where none of the affiants to a misdemeanor are a law enforcement officer, a presumption that a summons will be issued arises. Where none of the affiants to a felony are a law enforcement officer, a presumption that neither a warrant nor summons will be issued. Judge has discretion to overcome either such presumption where such is necessary to present immediate danger.

Effective July 1, 2014

Public Chapter No. 629 (HB1952/SB1777).

Use of drone to conduct surveillance on lawful hunting or fishing criminalized.

Amends Tennessee Code Annotated, Title 70, Chapter 4, Part 3 by making it a Class C misdemeanor to, without consent, use a drone with the intent to conduct video surveillance of a private citizen lawfully engaged in hunting or fishing. Prohibition extends to use by public entities.

Effective July 1, 2014

Public Chapter No. 631 (HB2422/SB1922).

Location where welfare fraud is committed may be declared nuisance.

Amends T.C.A. § 29-3-101(a)(2) by making any place where a person knowingly commits or conspires to commit public assistance fraud subject to being declared a nuisance.

Effective July 1, 2014

Public Chapter No. 640 (HB1397/SB1503).

Owner of property where methamphetamine is produced has duty to contact law enforcement.

Amends T.C.A. § 68-212-503 by requiring the owner, landlord, manager, caretaker or agent of such person to notify law enforcement if he or she knows, or reasonably should know, that methamphetamine



is being produced on the property. Failure to comply is a Class B misdemeanor.

Effective July 1, 2014

Public Chapter No. 646 (HB2241/SB1748).

Defenses to offense of promotion of prostitution prohibited. Amends T.C.A. § 39-13-515 by clarifying that neither the fact that the subject of the offense is a law enforcement officer nor that the victim is a consenting minor are a defense to the offense of promotion of prostitution.

Effective July 1, 2014

Public Chapter No. 647 (HB1883/SB1771).

Switchblades and blades over four inches decriminalized. Amends Tennessee Code Annotated, Title 39, Chapter 17, Part 13 by decriminalizing the ownership, transfer, possession or transportation of switchblade knives and knives with blades over four inches. Increases fine for employment of a switchblade knife in the commission of a felony.

Effective July 1, 2014

Public Chapter No. 669 (HB1701/SB1959).

Use of re-encoder or scanning device without permission made an offense.

Amends T.C.A. § 39-14-150 by making it a criminal offense to use a re-encoder or scanning device without the cardholder's permission and with intent to commit, aid, or abet any criminal offense.

Effective July 1, 2014

Public Chapter No. 732 (HB1257/SB1312).

Drug offender registry created.

Amends T.C.A. § 39-17-436 by renaming the methamphetamine offender registry to the drug offender registry. Adds all felony drug convictions to list requiring registration. Increases time offender must be registered to 10 years.

Effective July 1, 2014

Public Chapter No. 769 (HB1488/SB1685).

Warrant based upon electronically-transmitted information permitted. Adds a new T.C.A. § 40-6-109 authorizing a judge to issue a warrant based upon electronically-transmitted information.

Effective July 1, 2014; sunsets July 1, 2015

Public Chapter No. 785 (HB1869/SB1757).

Law enforcement search of cell phone data prohibited. Adds a new T.C.A. § 40-6-109 by prohibiting a law enforcement search of cellular telephone data, even if incident to a lawful arrest. Exception for pursuant to a search warrant; owner consent; or exigent circumstances.

Effective July 1, 2014

Public Chapter No. 802 (HB2356/SB2130).

Pyramid schemes made illegal. Amends Tennessee Code Annotated, Title 47, Chapter 18, by adding a new Part 56 making it illegal to knowingly establish, promote, or operate any type of pyramid promotional scheme. Violation is a Class A misdemeanor and civil penalties up to \$10,000 are authorized.

Effective July 1, 2014

Public Chapter No. 820 (HB1295/SB1391).

Narcotic use during pregnancy made a prosecutable offense. Amends T.C.A. § 39-17-107 by removing the prohibition on prosecution of a woman for assault for using a narcotic during pregnancy that resulted in addiction or harm to the child. Affirmative defense for a woman who enters treatment program prior to birth.

Effective July 1, 2016

Public Chapter No. 865 (HB1430/SB1634).

Enacts the Community Safety Act. Amends Tennessee Code Annotated, Title 29, Chapter 3, by authorizing a petition of abatement of a gang-related nuisance to be brought against an individual gang member or the gang to which members belong.

Effective July 1, 2014



Public Chapter No. 876 (HB1779/SB1892).
Additional drone offenses created.

Amends Tennessee Code Annotated, Title 39, by making it an offense to use an unmanned aircraft to capture an image of an individual or private property with the intent to conduct surveillance. Contains exceptions for utilities, law enforcement, and other governmental purposes.

Effective July 1, 2014

Public Chapter No. 906 (HB1574/SB1751).
Sales of ephedrine and pseudoephedrine limited.

Amends T.C.A. § 39-17-431 by limiting pharmacy sales of ephedrine and pseudoephedrine to an individual without a prescription to 5.76 grams in any 30-day period or 28.8 grams in any one-year period.

Effective July 1, 2014

Public Chapter No. 956 (HB2030/SB1811).
Employer no trespass list established.

Amends T.C.A. § 39-14-405 by requiring the secretary of state to establish a no trespass list that identifies employers who have requested private property rights to be recognized and recorded against a trespasser. List to be distributed to law enforcement agencies for use in responding to complaints of criminal trespass. If a property is on the list, a responding officer need not further establish property rights and may take appropriate action against trespasser to have such person leave the property.

Effective July 1, 2014

Public Chapter No. 982 (HB1687/SB1662).
Influence on behalf of union no defense to bribery.

Amends Tennessee Code Annotated, Title 39, by clarifying that it is no defense to bribery that the person charged sought to influence a public servant on behalf of a public or private entity or a campaign. Expands offense of extortion to include impairing an entity from exercising any right or privilege in an effort to obtain something of value, including the objective of a corporate campaign.

Effective July 1, 2014

Public Chapter No. 987 (HB2270/SB1929).
New money laundering offenses created.

Amends T.C.A. § 39-14-903 by creating new money laundering offenses for an entity knowingly using property, funds, assets, or accounts with intent to obtain, purchase, display, sell, conceal, comingle, or transport criminal proceeds. Exceptions where device is reported stolen; to respond to emergency services; to prevent imminent danger; owner gives consent; owner posts location within previous 24 hours on a social media site; or exigent circumstances. Does not apply to smart meter gateway device used for utility purposes.

Effective July 1, 2014

Public Chapter No. 991 (HB2087/SB2087).
Governmental entity prohibited from obtaining location information of an electronic device without warrant.

Amends Tennessee Code Annotated, Title 39, Chapter 13, Part 6, by prohibiting a governmental entity from obtaining the location information of an electronic device without a search warrant. Exceptions for exigent circumstances.

Effective July 1, 2014

ECONOMIC DEVELOPMENT

Public Chapter No. 748 (HB2025/SB2275).
Goodlettsville IDC authorized to construct hotels.

Amends T.C.A. § 7-53-101 by authorizing the industrial development corporation in Goodlettsville to purchase, lease, construct, and equip hotels within its borders.

Effective July 1, 2014

Public Chapter No. 806 (HB2404/SB2484).
Metropolitan event and marketing fund committee membership amended.

Amends T.C.A. § 7-4-202 by increasing, from five to six, the number of members on the Metropolitan Nashville event and marketing fund committee by adding an appointee who owns or operates a business within the central business improvement district.

Effective April 25, 2014



Public Chapter No. 812 (HB2489/SB2578).
Small business incubator pilot project established.
Amends Tennessee Code Annotated, Title 64, Chapter 10, Part 2, by establishing a small business incubator pilot project by the Cumberland regional business and agribusiness marketing authority. Sunsets in 2017.

Effective April 25, 2014

Public Chapter No. 889 (HB1912/SB2335).
County legislative body resolution required for approval of certain tourism development zone.
Amends T.C.A. § 7-88-108 by requiring a municipality or authority to include a resolution adopted by the county legislative body with any application for approval of a tourism development zone that would utilize any portion of the local option sales tax designated for schools.

Effective May 1, 2014

Public Chapter No. 932 (HB1865/SB2333).
Tourism development authority authorized in Shelby County. Amends T.C.A. §§ 7-69-102 and 103 by authorizing tourism development authorities in Shelby County. The county and municipalities therein may participate. Includes additional powers for a tourism development authority.

Effective May 16, 2014

Public Chapter No. 962 (HB2211/SB1858).
Minimum investment for tourism projects lowered.
Amends Tennessee Code Annotated, Title 7, Chapters 53 and 58, by lowering from \$200 million to \$75 million, the minimum aggregate investment required for a tourism project undertaken by an industrial development corporation or a convention center authority.

Effective May 19, 2014

EDUCATION

Public Chapter No. 614 (HB1383/SB1445).
LEA employee may volunteer to administer insulin.
Amends Tennessee Code Annotated, Title 49, Chapter 5, by authorizing a properly trained LEA employee to volunteer to administer insulin to a student.

Effective April 4, 2014 for the purpose of promulgation of rules; effective January 1, 2015 for all other purposes

Public Chapter No. 626 (HB2252/SB1724).
High performing school districts flexibility act standards revised. Amends T.C.A. § 49-2-702 by allowing a school to prove eligibility based upon an average SAT score of 980 or higher in addition to the current average ACT score of 21 or higher.

Effective July 1, 2014

Public Chapter No. 654 (HB1547/SB1793).
Public school authorized to create a limited public forum for student religious expression. Adds a new Part 18 to Tennessee Code Annotated, Title 49, Chapter 6, which enacts the Religious Viewpoints Antidiscrimination Act. Permits, but does not require, an LEA to create a limited public forum to allow a student speaker to express religious viewpoint. Prohibits an LEA from treating a student's voluntary expression of a religious viewpoint in a different manner than a secular viewpoint on an otherwise permissible subject. States that a student may express religious beliefs in academic assignments free from discrimination based upon the religious content. Also allows students to organize religious groups before, during, and after school to the same extent that any other group is authorized.

Effective April 10, 2014 and applicable to the 2014-2015 and all subsequent school years

Public Chapter No. 672 (HB1799/SB2392).
Waiver of state rules process amended.
Amends T.C.A. § 49-1-201 by stating that an LEA can petition the commissioner of education to waive any rule that inhibits or hinders its ability to meet its goals or comply with its mission. Adds rules related to educators' due process rights; reductions



in teachers' salaries; employee rights, salaries and benefits; and employee licensure to list of rules that cannot be waived.

Effective April 14, 2014

Public Chapter No. 692 (HB1654/SB1786).

School to remit records of transferring student.

Amends T.C.A. § 49-6-3001 to require an LEA to remit student records to a student's new school upon the student transferring to another school. All records must be remitted in accordance with FERPA.

Effective July 1, 2014

Public Chapter No. 703 (HB2049/SB2246).

Schools encouraged to take measures to limit exposure to harmful substances.

Amends T.C.A. § 49-2-121 by encouraging a school or LEA to schedule maintenance, cleaning, and repair projects that trigger air pollutions or other environmental concerns at times when students and teachers are not present.

Effective April 15, 2014

Public Chapter No. 704 (HB1894/SB2277).

Date of disbursement for BEP funds for instructional supplies established.

Amends T.C.A. § 49-3-359 by requiring an LEA to disperse the first \$100 of BEP funds for instructional supplies prior to October 31. An LEA that fails to do so must submit a detailed explanation in writing to the education committees of the house and senate.

Effective July 1, 2014

Public Chapter No. 716 (HB1942/SB2063).

Municipality authorized to extend terms of school board members to transition election date.

Amends T.C.A. § 49-2-201 by authorizing a municipal school board that, pursuant to a private act, implemented a transition plan to comply with state law on board composition, to move election date of school board to August. Requires a private act passed by the General Assembly and ratified by municipal governing body.

Effective April 16, 2014

Public Chapter No. 717 (HB2217/SB2073).

School security plans made confidential.

Amends T.C.A. §§ 10-7-504 and 49-6-804 by making all information, records, and plans related to school safety confidential and not open to public inspection. Likewise, meetings related to such are not subject to open meetings laws.

Effective April 16, 2014

Public Chapter No. 723 (HB1179/SB1112).

State to develop uniform grading system.

Amends T.C.A. § 49-6-407 by requiring the state board of education to develop a uniform system of grading kindergarten through eighth grade that an LEA may adopt.

Effective July 1, 2014

Public Chapter No. 740 (HB1758/SB1813).

Certain teachers exempt from licensure renewal.

Adds a new T.C.A. § 49-5-113 allowing a teacher scoring "significantly above expectations" on each of the teacher's last three evaluations to petition the state department of education for a waiver of license renewal requirements.

Effective April 21, 2014

Public Chapter No. 742 (HB1381/SB1856).

LEA authorized to adopt salary schedule.

Amends T.C.A. § 49-3-306 by authorizing a LEA to adopt a salary schedule identical in structure or salary levels, or both, to the schedule in place during the 2012-2013 school year. Schedule must also contain steps for each year of service up to 20 years and for the attainment of graduate degrees.

Effective April 21, 2014

Public Chapter No. 743 (HB1507/SB1966).

School bus may be used for eighteen years.

Amends T.C.A. § 49-6-2109 by stating that an LEA can use a school bus until its 18th year following the in-service date of the bus. Neither the state board of education nor the commissioner of safety can limit the use of a bus due to mileage driven. Commissioner



of safety may, however, approve additional years beyond the 18th until the bus reaches 200,000 miles.

Effective April 22, 2014

Public Chapter No. 746 (HB1375/SB2240).

License revocation based on student growth data prohibited. Amends T.C.A. §§ 49-1-302 and 49-5-108 by prohibiting the state department of education from revoking or failing to renew a supervisor, principal, or teacher license based upon student growth data as reported by the Tennessee Value-Added System (TVAAS).

Effective April 22, 2014 for purpose of promulgating rules; effective July 1, 2015 for all other purposes

Public Chapter No. 781 (HB1697/SB1881).

Cursive writing included in curriculum.

Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 10, to require the state board of education to include cursive writing in the curriculum standards.

Effective April 24, 2014

Public Chapter No. 796 (HB2264/SB2342). No observation results to be aligned with TVAAS data.

Amends T.C.A. § 49-1-302 by prohibiting any rule or policy that requires classroom or observation results to be aligned with TVAAS data.

Effective April 25, 2014

Public Chapter No. 844 (HB2079/SB2356).

List of offenses prohibiting contact with school children expanded. Amends T.C.A. § 49-5-413

by significantly expanding the list of offenses, which if convicted of, prohibits a person from having any direct contact with school children or children at a daycare.

Effective April 29, 2014

Public Chapter No. 848 (HB2346/SB2519).

LEA must survey students on Internet access.

Amends Tennessee Code Annotated, Title 49, Chapter 1, Part 2, by requiring an LEA, within one

month of the commencement of the 2014-2015 school year, to conduct a survey of its students regarding Internet access in their homes.

Effective April 29, 2014

Public Chapter No. 873 (HB2082/SB1863).

Student must be present for 150 days if test scores are to be used. Amends T.C.A. § 49-1-606 by requiring a student to be present for 150 days of classroom instruction prior to the student's test scores being attributed to a specific teacher.

Effective July 1, 2014

Public Chapter No. 882 (HB1978/SB2101).

State board of education must prepare fiscal analysis where rule will financially impact an LEA.

Adds a new T.C.A. § 49-1-212 that requires the state board of education to develop guidelines for preparing a fiscal analysis where its proposed rule will impact an LEA.

Effective July 1, 2014

Public Chapter No. 885 (HB2108/SB2250).

Teacher or principal may choose evaluation method.

Amends T.C.A. § 49-1-302 by allowing, where parties cannot agree, a teacher or principal to choose evaluation method. Must be approved by department of education.

Effective July 1, 2014

Public Chapter No. 888 (HB2133/SB2311).

Non-teacher employee may participate in sick leave bank. Adds a new T.C.A. § 49-5-811 allowing

an LEA to permit non-teacher staff to participate in sick leave bank program.

Effective May 1, 2014

Public Chapter No. 905 (HB1549/SB1835).

Educational standards may be adopted only by state board of education. Amends Tennessee Code

Annotated, Title 49, by prohibiting the imposition of any federal education standards. Instead all education standards must be adopted by the state



board of education. Charges state board of education with promulgating such standards and explicitly limits common core standards to math and English.

Effective July 1, 2014

Public Chapter No. 968 (HB1846/SB1924).

Community schools encouraged. Amends Tennessee Code Annotated, Title 49, by enacting the Tennessee Community Schools Act. Encourages LEAs to create community schools that are defined as public-private partnerships to coordinate programs during school and non-school hours with an integrated focus on academics, health and social services, youth and community development and community engagement that will lead to improved student learning, stronger families and healthier communities.

Effective May 19, 2014

Public Chapter No. 986 (HB1658/SB1760).

Walking to class not considered physical activity.

Amends T.C.A. § 49-6-1021 by stating that time spent walking to and from class cannot be considered physical activity for purposes of meeting student activity requirements.

Effective July 1, 2014

Public Chapter No. 1013 (HB2453/SB2559).

Parents authorized to review all teaching materials and tests.

Amends Tennessee Code Annotated, Title 49, by requiring LEA policies to allow a parent or legal guardian to review all teaching materials or tests upon request. Also allows access to surveys, analyses, or evaluations being administered to students.

Effective July 1, 2014

ELECTIONS

Public Chapter No. 488 (HB1208/SB1320).

Consolidation of municipal polling places.

Amends T.C.A. § 2-3-101 by limiting the authority of a county election commission to consolidate polling places to only instances where the municipality makes such request for consolidation. These consolidations

are only authorized at municipal elections not held in conjunction with a primary election; a regular August or November general election; a special primary or special general election for state or federal office; or a presidential preference primary. County election commission is charged with publishing notice of consolidation and to notify each affected voter by mail.

Effective February 13, 2014

Public Chapter No. 697 (HB1916/SB1901).

Additional polling place consolidation authorized.

Amends Tennessee Code Annotated, Title 2, by authorizing the two respective county election commissions to, in writing, consolidate polling places of a municipality that lies within both of those counties to a single location. Location must be in the municipality and within 500 feet of the county boundary line.

Effective April 15, 2014

Public Chapter No. 724 (HB1523/SB1715).

Resident owner of a property located partially in a municipality and partially in an unincorporated area may vote in municipal election if taxes are assessed; Filing deadline for submission of referendum questions altered.

Amends Tennessee Code Annotated, Title 2, by amending various election provisions. Authorizes the resident owner of a parcel of property located partially within a municipality and partially within an unincorporated area of the county to vote in the municipality's elections if taxes are assessed on the portion of the property within the municipality.

Further amends Tennessee Code Annotated § 2-3-204 by changing the number of days prior to a regular August, November or municipal election date by which a city must submit a referendum question to the election commission from 60 to 75 days. Now, any question a municipality submits to the voters must be filed with the election commission at least 75 days prior to the regular election date. Submission of questions for special elections may still be subject



to the shorter 60-day deadline, depending on the language of the general law under which the question is submitted.

Effective April 16, 2014

Public Chapter No. 920 (HB2552/SB2646).

Nonresident property owners authorized to vote in Doyle municipal elections. Amends T.C.A. § 6-53-102 by authorizing a nonresident owner of property in the city of Doyle, who is otherwise eligible to vote in an election in this state, to vote in the city's elections. Requires local approval.

Effective May 13, 2014

ENVIRONMENT

Public Chapter No. 507 (HB1435/SB1640).

Third-party appeals to permitting decisions process amended. Amends Tennessee Code Annotated, Title 68, Chapters 201, 211, and 212 by amending the process for a third party seeking to appeal a decision under the Tennessee Air Quality Act, Tennessee Solid Waste Disposal Act, or the Tennessee Hazardous Waste Management Act. Limits third-party appeals to an aggrieved person who actually participated in the public comment process or gave testimony at a public hearing.

Effective July 1, 2014

Public Chapter No. 563 (HB1562/SB1467).

Solid waste disposal act amended.

Amends T.C.A. 68-211-103 by redefining "solid waste" for purposes of the solid waste disposal act. New definition exempts solid or dissolved materials in sewage or irrigation return flows; industrial discharges that are point sources subject to permits under the federal water pollution control act. Also excludes steel slag and mill slag, provided that such slag is sold and distributed into the stream of commerce.

Effective March 21, 2014

Public Chapter No. 849 (HB2425/SB2560).

Shredded tires allowed in landfill clarified.

Amends T.C.A. § 68-211-802 by defining "shredded" for purposes of determining what used tires a landfill may accept. "Shredded" means shredded, chipped, chopped, quartered, sliced at least circumferentially, or otherwise processed and rendered not whole in a manner to effectively prevent a tire from floating, as determined by the board.

Effective July 1, 2014

FINANCE

Public Chapter No. 529 (HB0552/SB0529).

Standards for balloon indebtedness established.

Amends Tennessee Code Annotated, Title 9, Chapter 21, Part 1 by enacting the Anti-Kicking the Can Act. The act requires a local government, prior to the issuance of balloon indebtedness, to submit a plan for approval to the comptroller. The state funding board is authorized to promulgate rules for comptroller approval.

Defines balloon indebtedness as a debt that has a maturity date of 31 years or more; delays principal repayment for more than three years; capitalizes interest beyond the later of the construction period or three years from date of issuance; or does not have substantially level or declining debt service. Balloon indebtedness does not include indebtedness where 75 percent of total principal amortized within 10 years from issuance; has a debt service schedule in which each annual principal installment is not more than 50 percent in excess of the smallest prior installment; is issued by a local government with debt issued at AAA or first tier AA+; situation where state or federal law requires participation; is a conduit transaction for a non-governmental entity; is evidenced by a loan with USDA or HUD; or has a final maturity date of less than 61 months from date of issuance.

Effective July 1, 2014



Public Chapter No. 766 (HB1446/SB1512).
Debt issuance provisions further revised.

Amends Tennessee Code Annotated, Title 9, by stating that if no meeting of the local governing body is scheduled within the 45-day period following the issuance of debt, then the required information shall be given to the members of the governing body individually during the 45-day period and subsequently presented to the entire board at its next meeting.

Also expands applicability of Local Government Public Obligations Act general provisions, including those concerning balloon indebtedness, to include all local government debt issued under the act.

Also, adds a new section that seemingly replaces the balloon indebtedness provisions of Public Chapter No. 529. Defines balloon indebtedness as a debt that has a maturity date of 31 years or more; delays principal repayment for more than three years; capitalizes interest beyond the later of the construction period or three years from date of issuance; or does not have substantially level or declining debt service. Balloon indebtedness does not include indebtedness where 75 percent of total principal amortized within 10 years from issuance with no more than 25 percent of principal subject to payment within any one year; has a debt service schedule in which each annual principal installment is not more than 50 percent in excess of the smallest prior installment; is issued by a local government with debt issued at AAA/Aaa or first tier AA+/Aa1 of the second highest rating category for long-term debt instruments by a nationally recognized rating agency; is secured solely by a revenue pledge and is being issued by a local government or local government instrumentality that has some amount of long-term revenue indebtedness outstanding or proposed in the highest rated category for long-term debt instruments (AAA/Aaa) or the first tier (AA+/Aa1) of the second highest; situation where state or federal law requires participation; is a conduit transaction for a

non-governmental entity; is evidenced by a loan with USDA or HUD; or is a note the issuance of which is otherwise subject to comptroller approval.

Any local government entity issuing balloon indebtedness must first submit a plan for approval to the comptroller of the treasury. Comptroller can only approve if determination is made that such is in the public interest. State funding board is authorized to establish rules for comptroller approval process.

Effective July 1, 2014

Public Chapter No. 853 (HB1398/SB1836).
State prohibited from paying public indebtedness of any municipality.

Amends Tennessee Code Annotated, Title 9, Chapter 4, Part 51, by expressly prohibiting any state funds from being expended to pay the public indebtedness of any municipality. Does not prohibit a municipality from using its state shared sales tax revenue for such.

Effective April 30, 2014

FIRE

Public Chapter No. 682 (HB2444/SB2541).
Study on governmental fire department costs.

Without amending any particular section of the Tennessee Code Annotated, mandates a study by the commissioner of commerce and insurance to determine costs to governmental fire departments that were caused by reckless action of property owner, resident, lessee, etc. Study must also provide an estimate of reasonable costs that could be recouped if governmental fire departments were authorized to seek reimbursement from property owners. Study due January 10, 2015.

Effective April 14, 2014



FIREARMS

Public Chapter No. 498 (HB1404/SB0498).

Guns-in-Parking Lots provisions amended.

Amends T.C.A. § 39-17-1313 by clarifying that it is not an offense to the guns-in-parking lots bill where the firearm or ammunition is observed by another person or by a security device while the carry permit holder is securing the firearm from observation in or on a vehicle.

Effective May 1, 2014

Public Chapter No. 505 (HB1405/SB1701).

Guns-in-Parking Lots protections broadened.

Amends T.C.A. § 39-17-1313 by removing the requirement that a permit holder store the firearm in his or her privately owned vehicle. Instead, this bill would allow the guns-in-parking lots protections to apply in any vehicle in the lawful possession of the permit holder. Exempts any motor vehicle owned or leased by a governmental or business entity provided to an employee where the employer has a written policy prohibiting firearms within the entity's vehicles.

Effective May 1, 2014

Public Chapter No. 663 (HB1520/SB1955).

Judge not required to complete POST training.

Amends T.C.A. § 39-17-1306 by removing the requirement that a judge complete POST training in order to carry a firearm in the actual discharge of duties. Now only a handgun carry permit and concealment is required.

Effective April 14, 2014

Public Chapter No. 768 (HB1483/SB0768).

Carry permit holder authorized to transport and store a firearm in a parking lot regardless of local legislation.

Amends T.C.A. § 39-17-1313 by broadening the right of a carry permit holder to transport and store a firearm in any public or private parking lot, regardless of local regulation. Contains exception for lot where expressly prohibited by federal law.

Effective May 1, 2014

Public Chapter No. 822 (HB1399/SB1612).

General Assembly preempts the entire field of firearm regulation.

Amends T.C.A. § 39-17-1314 by declaring that the General Assembly preempts the entire field of firearms regulation. A local government may regulate the carrying of firearms by employees or contractors, discharge of firearms within its borders, location of a shooting range, and the enforcement of state and federal law.

Effective April 29, 2014

Public Chapter No. 870 (HB1480/SB1774).

Right to carry a firearm in a motor vehicle expanded.

Amends T.C.A. § 39-17-1307 by allowing any person who is not prohibited from possessing a firearm and who is lawfully in possession of a motor vehicle to carry or transport a firearm in that vehicle. Not applicable to a public or private entity that has adopted a policy against prohibiting firearms in its vehicles.

Effective July 1, 2014

GENERAL GOVERNMENT

Public Chapter No. 556 (HB0394/SB0300).

Community garden provisions amended.

Amends Tennessee Code Annotated, Titles 43, 49, 67, and 71 by making a number of amendments to community gardening provisions. Authorizes a local government to, via ordinance, establish terms and conditions for community garden programs. Ordinance may require a permit, fee, deposit, proof of liability insurance, and indemnification. Makes other various amendments to community gardening provisions.

Effective March 21, 2014



Public Chapter No. 576 (HB2463/SB2513).

General assembly members authorized to administer oaths.

Amends T.C.A. § 3-1-105 by authorizing members of the general assembly to administer oaths of office for any appointed or elected local government official.

Effective March 28, 2014

LAND USE, PLANNING AND ZONING

Public Chapter No. 581 (HB1410/SB1614).

Entertainment activities considered agriculture.

Amends T.C.A. § 1-3-105(2)(A) by expanding the definition of agriculture to include entertainment activities in conjunction with, but secondary to, commercial production of farm products and nursery stock, when they occur on land primarily used for agricultural purposes. This is the definition in Title 1, so it amends the term agriculture wherever it appears in the code unless the context requires otherwise. Also states that the Tennessee Right to Farm Act is to be broadly construed.

Effective March 28, 2014

Public Chapter No. 686 (HB0964/SB0915).

Vested property rights provisions enacted.

Amends T.C.A. §§ 13-4-310 and 13-3-413 by enacting the Vested Property Rights Act of 2014. Establishes statutory, vested property rights for developers and property owners upon approval of a development plan or permit. The vesting period is three years from approval of a preliminary plan. If, within those three years, the applicant secures approval of a final development plan, secures all necessary permits, and commences site preparation, then the applicant receives two additional years to commence construction. If construction commences and the applicant maintains all necessary permits within the five-year period immediately following approval of the preliminary development plan, the applicant is granted an additional five years to complete construction in a single-phase project and

an additional 10 years to complete construction in a multi-phase project.

Only locally-adopted or enforced standards vest under the bill. These standards include, but are not limited to, planning regulations; storm water requirements; layout, design and local construction standards for buildings, streets, alleys, curbs, sidewalks and, to some extent, zoning. The law explicitly exempts standards required by federal or state law and statewide building construction safety standards mandated by 68-120-101. The law also contains exemptions for health, safety and welfare threats.

Effective April 15, 2014 for purposes of ordinance adoption;

Effective January 1, 2015 for all other purposes.

Public Chapter No. 707 (HB2371/SB2464).

Annexation by ordinance abolished.

Amends Tennessee Code Annotated, Title 6, by extending the current moratorium on annexation under slightly different terms. As of April 15, 2014, no city, without written consent of the property owners, may extend its corporate boundaries, by ordinance or resolution, and no annexation may become operative during that time period. This moratorium is in effect until May 15, 2015 unless rescinded by action of the General Assembly. During this period TACIR is charged with studying the remaining annexation issues such as who votes in an annexation referendum.

As of May 16, 2015 all language referencing annexation by ordinance, regardless of owner consent, will be deleted from the Tennessee Code Annotated and the moratorium will become permanent. The only remaining method of annexation will be via resolution and referendum. A referendum can be initiated by property owners or, via resolution, by the city. However, a referendum for annexation of land being used primarily as agricultural may only be initiated by the property owners. Where the city obtains consent, no referendum will be necessary and the annexation can be effectuated via the resolution.



The bill also amends provisions related to expansion of urban services districts. In a municipality with a metropolitan government, this expansion can still rely on the annexation by ordinance provisions if referenced in its charter.

Finally, in a provision seemingly aimed at a particular parcel of land, the bill allows a city to expand its urban growth boundary to annex property without reconvening the coordinating committee or approval from the county or any other city if the following conditions are met: 1) The tract is contiguous to a tract with the same owner that has previously been annexed; 2) The tract is being provided water and sewer services by the city; and 3) The owner consents to being included in the urban growth boundary.

Effective May 16, 2015 for purposes of deleting references to annexation by ordinances; effective April 15, 2014 for all other purposes.

Public Chapter No. 793 (HB2142/SB2315).
Authorization to participate in land bank program broadened. Amends Tennessee Code Annotated, Title 13, Chapter 30, Part 1, by expanding authorization to participate in the land bank program to include any home rule municipality, any metropolitan government, Blount County, and Sevier County.

Effective April 25, 2014

Public Chapter No. 823 (HB1710/SB1669).
Changeable message sign foot candle and distance measurement procedure amended. Amends T.C.A. § 54-21-122 by amending the measurement procedure for determining foot candle and distance compliance. Requires measurements to be taken from a point within the right-of-way at a safe distance from the edge of the traveled way, at a height above the roadway that approximates line of sight, and as close to perpendicular to the face of the changeable message sign as practical.

Effective July 1, 2014

Public Chapter No. 851 (HB1199/SB0959).
Right of first refusal established for eminent domain. Amends Tennessee Code Annotated, Title 29, Chapter 17, Part 10 by establishing a right of first refusal for the owner of property taken by eminent domain. If condemning entity determines property is not used for purpose for which it was condemned or other public use or is offered for sale within 10 years, the former owner must be given opportunity to purchase property for fair market value. Former owner has 30 days to sign purchase agreement.

Effective July 1, 2014

Public Chapter No. 914 (HB2380/SB2108).
Bond required when street correspondence with subdivision plat is used as criteria for building permit issuance. Amends T.C.A. §§ 13-3-408 and 13-3-411 by stating that when a street corresponds with a street shown on a subdivision plat approved by the regional or municipal planning commission and recorded in the register of deeds is utilized as the criteria for issuance of a building permit, an adequate, valid, and enforceable bond must be in place. This requirement must not be construed to require duplicate bonds or require a bond of a contractor who is not the developer of the subdivision.

Effective May 13, 2014

Public Chapter No. 927 (HB1830/SB2028).
Eminent domain provisions reorganized. Amends numerous Titles of the Tennessee Code Annotated by consolidating all of the eminent domain provisions in a new Title 29, Chapter 16, Part 2.

Effective May 16, 2014



LANDLORD/TENANT

Public Chapter No. 534 (HB1409/SB1732).

Forcible entry and detainer provisions revised.

Amends T.C.A. § 29-18-127 by placing requirements on a plaintiff in a forcible entry and detainer suit who removes a defendant from the property. Plaintiff must place the defendant's property on the premises from which removed; in an appropriate area clear of the entrance; and at a reasonable distance from any roadway. Property must be left for at least 48 hours. Local government actions relative to the disposition of personal property are suspended during this 48 hour period.

Effective July 1, 2014

Public Chapter No. 845 (HB2276/SB2413).

Landlord must provide physical address.

Amends T.C.A. § 68-28-107 by requiring a landlord in Davidson County to provide a physical address to department of codes and building safety.

Effective April 29, 2014

LAW ENFORCEMENT

Public Chapter No. 535 (HB1708/SB1670).

Local correctional facility requirements enacted.

Amends T.C.A. § 41-4-140 by requiring any local correctional facility to comply with the square footage requirements for single and multi-occupancy cells contained in the minimum requirements for state correctional facilities or elect to conform to more recent standards required by the American Correctional Association. Exempts a facility constructed prior to this effective date.

Effective March 12, 2014

Public Chapter No. 578 (HB0578/SB1485).

Law enforcement prohibited from participating in private checkpoints.

Adds a new T.C.A. § 38-8-125 that prohibits any public law enforcement officer from participating in, assisting, or being present at any motor vehicle stop or checkpoint conducted by a private company or research group to collect human samples from consenting motorists.

Effective March 28, 2014

Public Chapter No. 588 (HB1995/SB1654).

TBI charged with updating missing children webpage upon recovery of child.

Amends T.C.A. § 38-6-117 by requiring the Tennessee Bureau of Investigation to update its missing children webpage to reflect that a missing child has been recovered.

Effective July 1, 2014

Public Chapter No. 625 (HB2101/SB1664).

Electronically captured license plate data must be destroyed after 90 days.

Amends Tennessee Code Annotated, Title 55, Chapter 10, Part 3, by requiring all electronically-captured license plate data retained by a governmental entity to be destroyed after 90 days unless part of an ongoing investigation.

Effective July 1, 2014

Public Chapter No. 733 (HB1373/SB1426).

Sexual assault collection kit inventories required.

Adds a new T.C.A. § 38-6-123 that requires all law enforcement agencies and departments to conduct an inventory of sexual assault collection kits. Report detailing number of unused kits must be submitted to TBI by July 1, 2014. TBI to submit a combined report to house and senate by September 1, 2014.

Effective April 21, 2014

Public Chapter No. 741 (HB2212/SB1843).

SRO electronic control device policy required.

Adds a new T.C.A. § 49-6-4219 requiring a law enforcement agency providing school resource officer or school security services to adopt a policy regulating the use of electronic control devices. Policy must address training and be approved by chief of police or sheriff.

Effective July 1, 2014

Public Chapter No. 751 (HB1860/SB2398).

Community notification systems authorized.

Adds a new T.C.A. § 40-39-217 authorizing a city, county, or metropolitan government to create a community notification system. Such a system would notify residences, schools, and childcare centers when a registered sex offender establishes residency within



a specified distance of their address. Notification can be via personal contact by law enforcement, regular mail, public posting, newspaper, or other reasonable method. Requires a two-thirds vote of the governing body. The governing body may also establish a fee of up to \$50 per year for each offender within its jurisdiction for purposes of defraying costs of the system.

Effective April 21, 2014

Public Chapter No. 759 (HB0714/SB0899).
Bounty hunter may not indicate affiliation with any law enforcement agency.

Amends T.C.A. § 40-11-318 by prohibiting a bounty hunter from wearing, carrying, or displaying any uniform, badge, shield, emblem, card, or other item that purports to indicate affiliation with any local, state, or federal governmental entity.

Effective April 24, 2014

MOTOR VEHICLES AND TRAFFIC

Public Chapter No. 548 (HB1739/SB1693).
Failure to notify law enforcement prior to towing is a misdemeanor.

Amends T.C.A. § 55-16-105 by making the failure to notify local law enforcement prior to towing a vehicle whose owner is not present a Class A misdemeanor.

Effective July 1, 2014

Public Chapter No. 674 (HB1863/SB1947).
Authorization for municipal enforcement of traffic laws on interstate highways amended.

Amends T.C.A. 55-10-308 by revising authorization for a municipality with a population under 10,000 to enforce traffic law on interstate highways. To enforce traffic on the interstate a city must have a population of at least 2,500 and no more than 10,000 with at least one entrance ramp and at least one exit ramp; or a population under 2,500 and at least two entrance ramps and at least two exit ramps. Any city under 10,000 must also authorize enforcement via action of its governing body; submit its ordinance

to the department of safety; and stay in compliance with the department of safety. No municipality having a population of 10,000 or less and with at least two entrance ramps and at least two exit ramps shall be authorized to enforce traffic laws on an interstate highway when the contiguous stretch of interstate between ramps does not lie solely within the municipality.

Any city enforcing traffic laws on an interstate must use only marked law enforcement vehicles.

Effective July 1, 2014

Public Chapter No. 750 (HB2368/SB2350).

Electronic traffic citations authorized.

Amends T.C.A. § 55-10-207 by authorizing electronic traffic citations. Any person issued an electronic citation must also be provided with a paper copy. Also requires a court clerk to collect a \$5 electronic citation fee, assessed as court costs, on each traffic citation resulting in a conviction (plea of guilt, nolo contendere, or conviction). Fee must be authorized by ordinance, and terminates five years from the date of adoption. One dollar of the fee is retained by the court clerk, the remaining \$4 is transmitted monthly to the law enforcement agency issuing the citation. All monies transmitted to law enforcement agency must be accounted for in a special revenue fund and may only be used for an electronic citation system or related expenditures including technology, equipment, repairs, replacement, and training to maintain an electronic citation program. The monies retained by the court clerk must be used for hardware purchases, usual and necessary computer related expenses or replacement.

Effective July 1, 2014

Public Chapter No. 871 (HB1648/SB1781).

Medium speed vehicle provisions amended.

Amends Tennessee Code Annotated, Title 55, Chapter 4, Part 1 by allowing a vehicle not equipped with a windshield and that otherwise qualifies as a medium speed vehicle to be registered as such. Operator must



wear a helmet. Makes other various amendments to provisions governing medium speed vehicles.

Effective July 1, 2014

PERSONNEL

Public Chapter No. 659 (HB1957/SB2324).

Public employee retirement provisions amended.

Amends Tennessee Code Annotated, Title 8, by amending various provisions related to public employee retirement programs. States that a local government participating in TCRS that does not extend social security coverage to its employees must establish a different accrual rate, adopt different retirement eligibility service and age requirements, or otherwise alter the pension plan benefit structure for all or for certain classes of its employees. Also removes requirement that a local government conduct an actuarial study prior to opting into TCRS. Also states that a political subdivision's election to participate in one of the deferred compensation plans does not constitute an election to participate in the hybrid retirement plan for state employees and teachers, and that participation in the hybrid plan may only be effected by passage of resolution and giving the required notice.

Effective April 10, 2014 as to the aforementioned provisions; other provisions of the bill take effect July 1, 2014

Public Chapter No. 826 (HB1852/SB1808). Employee Online Privacy Act of 2014 enacted.

Amends Tennessee Code Annotated, Title 50, Chapter 1, by enacting the Employee Online Privacy Act of 2014 that prohibits an employer from: requiring an employee or applicant to disclose an internet account password; compelling an employee or applicant to add the employer to any contact list; compelling an employee or applicant to grant the employer access to a personal internet account; or taking an adverse action against an employee or applicant for not doing such. Does not prohibit employer from: requesting username or password

for account paid for wholly or in part by employer or obtained by virtue of employment. Likewise, does not prohibit an employer from disciplining employee for transferring employer's proprietary or financial information to a personal account; conducting an investigation; restricting access to certain websites while on employer's time or using employer's resources; monitoring employee activity on employer's computer or device; complying with a duty to screen applicants or monitor employees; or viewing information on a profile that can be obtained without a password or that is available to the public.

Effective July 1, 2014

Public Chapter No.928 (HB2200/SB2144).

Voice-stress analysis prohibited in certain employment procedures.

Amends Tennessee Code Annotated, Title 50, Chapter 1, Part 3, by prohibiting an employer from using voice stress analysis at any hearing or procedure where the employee is entitled to due process.

Effective July 1, 2014

Public Chapter No. 997 (HB1981/SB2226).

Healthy Workplace Act enacted. Adds a new Tennessee Code Annotated, Title 50, Chapter 1, Part 5, by enacting the Healthy Workplace Act. Requires TACIR to create a model policy for employers to prevent abusive conduct in the workplace. Employer who adopts model policy or substantially similar policy is immune from suit for any employee's abusive conduct that results in negligent or intentional infliction of mental anguish.

Effective May 22, 2014



RECORDS

Public Chapter No. 569 (HB1944/SB2326).
Public employee information possessed by department of treasury declared confidential.

Amends T.C.A. § 10-7-504(f) by clarifying that the bank account information of any state, county, municipal, or other public employee or applicant that is received or maintained by the department of treasury is confidential, regardless of whether the individual is an employee or applicant of the treasury department.

Effective March 21, 2014

STATE GOVERNMENT

Public Chapter No. 782 (HB1732/SB1831).
UAPA procedures amended. Amends Tennessee Code Annotated, Title 4, Chapter 5, Part 2, by amending the procedure for proposed rules of a state agency. Proposed rule must be posted on the secretary of state's website within seven days of receipt. Agency can adopt rule without hearing if appropriate petitions are not filed within 90 days. Makes other minor amendments.

Effective July 1, 2014

TAXATION

Public Chapter No. 589 (HB1448/SB1677).
Greenbelt tax capitalization rate amended. Amends T.C.A. § 67-5-1008 to set the capitalization rate used in determining greenbelt property value as the maximum allowable rate on loans for terms in excess of five years guaranteed by the federal Farm Service Agency or its successor, as of the assessment date for the year in which the use value schedule is being developed.

Effective January 1, 2015

Public Chapter No. 599 (HB0455/SB0625).
Remainder of tax sale proceeds distribution clarified. Amends T.C.A. § 67-5-2502(a)(3) to clarify that any remainder after proceeds of property tax sale have been distributed shall go to owner of the property as on record in the office of the assessor of property.

Effective July 1, 2014

Public Chapter No. 764 (HB1433/SB1637).
Department of revenue must disclose confidential information to local governments to determine whether a party is paying local business taxes.

Amends Tennessee Code Annotated, Title 67, by clarifying that, upon written request, the department of revenue must disclose confidential tax information to a local government for purposes of determining whether an entity is paying the correct amount of local business taxes.

Effective April 24, 2014

Public Chapter No. 883 (HB2165/SB2128).
Liens of local government given priority in contested or non-matured estate claim. Amends Tennessee Code Annotated, Titles 30 and 67, by including local government taxes as a third-tier priority in claims against a contested or non-matured estate claim. Makes other various changes to delinquent tax procedures.

Effective July 1, 2014

Public Chapter No. 887 (HB1938/SB2283).
Property tax exemption for certain nonprofit entities extended for life of federal loan. Amends T.C.A. § 67-5-207 by extending the current property tax exemption afforded to nonprofits providing housing for the elderly or disabled for the life of the federal loan financing such program.

Also provides that the owners of projects exceeding 12 units must agree to make payments in lieu of taxes to the jurisdictions in which they are located, in an amount negotiated to cover the cost of improvements, facilities or services rendered by the tax jurisdiction, but if no amount is agreed the payments must be not less than 25 percent of the amount of tax that would be due if the project were not exempt.

Effective May 1, 2014

Public Chapter No. 933 (HB1913/SB2337).
Real property conveyed by governmental entity to private entity must be approved by county under certain circumstances. Amends T.C.A. § 67-5-203



by requiring county approval of any lease, conveyance or other transfer of real property from a governmental entity to a private entity for a period of over 30 years and which reduces the property appraisal and tax collection of the county, unless the agreement requires lessee to pay all real and personal property taxes to the county for any year after the initial 30 years.

Also states that real property owned by a local government leased to a private entity shall be assessed as if lessee is owner if the agreement is for a period of 50 years or longer or the lease permits the lessee to acquire the real property for a nominal sum at or before the completion of the term.

Effective May 16, 2014

Public Chapter No. 985 (HB1679/SB1708).

Sales tax allocation created for certain commercial development districts. Adds a new T.C.A. § 67-6-104, which allocates sales tax revenues for a commercial development district to an eligible city or county, or industrial development corporation created by such city or county. Only available in a rural, distressed county. Requires application to commissioner of finance and administration. Must show a plan including at least \$5 million in proposed capital improvements and that the improvements are not feasible without the allocation.

Effective May 22, 2014

TORT LIABILITY

Public Chapter No. 574 (HB1918/SB2004).

Governmental immunity from USERRA suits removed. Adds a new T.C.A. § 29-20-208 to the Tennessee Governmental Tort Liability Act. Removes governmental immunity from claims filed under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 §§ 4301-4334.

Effective July 1, 2014 and applicable to all claims filed on or after that date.

TRANSPORTATION

Public Chapter No. 546 (HB1439/SB0546).

State Industrial Highway Act. Amends Tennessee Code Annotated, Title 54, Chapter 5, Part 4, by revising provisions of the State Industrial Access Act which authorizes the Department of Transportation to develop and construct an industrial highway to secure the development of an industrial site or park upon a joint finding by TDOT and TDEC that the highway is an appropriate and cost-effective means to secure such site or park. Currently, a municipality may participate and is responsible for the local share of maintenance of any such highway within its area of ownership or control. This bill expands the definition of municipality to include a port or transportation authority and makes the municipality solely responsible for portions of highway in its control. Also removes requirement that governor approve any industrial highway project.

Effective March 17, 2014

Public Chapter No. 998 (HB2156/SB2243).

Bus rapid transit system using a separate lane requires local approval. Amends T.C.A. § 7-56-102 by requiring approval of the local governing body and the commissioner of transportation for any bus rapid transit system using a separate lane and maintained or operated by a local government or its transit authority.

Effective July 1, 2014

UTILITIES

Public Chapter No. 628 (HB1650/SB1742).

Water and wastewater facilities must utilize an enterprise fund. Amends Tennessee Code Annotated, Titles 7, 9, and 68 by requiring all water and wastewater systems to utilize an enterprise fund for accounting and reporting by July 1, 2016. Removes language stating that nothing in T.C.A. §§ 7-34-115 or 9-2-308 prohibits a local government from subsidizing a utility with tax revenues. Revises definition of financially distressed utility district.

Effective April 4, 2014



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